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OAKLAND

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APPROVED AS TO FORM AND LEGALITY:

Krishna J. [Signature]
Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 85547 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO (1) ACCEPT EXCESS BOND PROCEEDS IN THE AMOUNT OF \$1,357,000 RECEIVED FROM THE OAKLAND REDEVELOPMENT SUCCESSOR AGENCY ("ORSA") UNDER THE BOND EXPENDITURE AGREEMENT ENTERED INTO NOVEMBER 8, 2013, BY AND BETWEEN THE CITY OF OAKLAND (THE "CITY") AND ORSA; (2) AMEND THE BROADWAY/MACARTHUR/SAN PABLO BOND SPENDING PLAN TO (A) APPROPRIATE AND ALLOCATE SUCH BOND PROCEEDS TO PROJECTS AND/OR PROGRAMS AND (B) RE-APPROPRIATE AND REALLOCATE EXCESS BOND PROCEEDS IN THE AMOUNT OF \$100,000 PREVIOUSLY LISTED AND COMMITTED IN THE APPROVED BOND SPENDING PLAN TO OTHER BOND-ELIGIBLE PROJECTS AND/OR PROGRAMS; (3) ENTER INTO A GRANT AGREEMENT WITH MACARTHUR TRANSIT COMMUNITY PARTNERS, LLC ("MTCP"), TO PROVIDE A GRANT IN THE AMOUNT OF \$541,613.26 TO FUND ADDITIONAL STREETSCAPE IMPROVEMENTS AT WEST MACARTHUR BOULEVARD; AND (4) ADOPT APPROPRIATE CEQA FINDINGS

WHEREAS, the Oakland Redevelopment Successor Agency ("ORSA") has succeeded to the authority, rights, powers, duties and obligations of the Redevelopment Agency of the City of Oakland under the Community Redevelopment Law; and

WHEREAS, ORSA received its Finding of Completion under Health and Safety Code Section 34179.7 from the California Department of Finance on May 29, 2013; and

WHEREAS, Health and Safety Code Section 34191.4(c) allows a successor agency that has received a finding of completion to use bond proceeds from bonds issued prior to 2011 for purposes for which the bonds were sold; and

WHEREAS, ORSA has "excess" bond proceeds, i.e., pre-2011 tax allocation bond proceeds, in the amount of \$1,357,000 that are no longer obligated to the MacArthur Transit Village project; and

WHEREAS, the Bond Expenditure Agreement, entered into November 8, 2013, by and between the City of Oakland (the "City") and ORSA, governs the funding by the City of redevelopment projects and programs using excess bond proceeds in a manner consistent with the original bond covenants; and

WHEREAS, pursuant to the Bond Expenditure Agreement, the City Administrator accepted the transfer from ORSA of the \$1,357,000 of excess bond proceeds to fund projects and programs not previously funded or obligated by ORSA or the City; and

WHEREAS, in 2013 the City developed and adopted the original Broadway/MacArthur/San Pablo Bond Spending Plan (the "B/M/SP Bond Spending Plan") for use of excess bond proceeds consistent with the original bond covenants; and

WHEREAS, the City Administrator or his designee is returning to Council to seek authorization to appropriate and allocate excess bond proceeds beyond what is listed in the original B/M/SP Bond Spending Plan and to re-appropriate and reallocate previously listed excess bond proceeds; and

WHEREAS, the City desires to amend the B/M/SP Bond Spending Plan to (A) increase the funds in the B/M/SP Bond Spending Plan by the amount of \$1,357,000 and provide for spending such amount and (B) re-appropriate and reallocate previously listed funds from the Oakland Housing Authority Solar Grant in the amount of \$100,000 to other bond-eligible projects and/or programs; and

WHEREAS, the excess bond proceeds and \$100,000 of re-appropriated and reallocated funds are proposed to be used for the projects and programs set forth in the amended B/M/SP Bond Spending Plan, attached hereto as Attachment A; and

WHEREAS, the City wishes to provide a grant to MTCP in the amount of \$541,613.26, comprised of \$361,000 from the excess bond proceeds and \$180,613.26 of additional funds from the Public Works Agency for streetscape improvements (commonly known as the MacArthur Bikeway Connection Project), outside the original scope of the MacArthur Transit Village project at West MacArthur Boulevard; and

WHEREAS, the City and MTCP desire to enter into a Grant Agreement to provide the additional funding needed for a portion of the costs of the MacArthur Bikeway Connection Project improvements at West MacArthur Boulevard now, therefore be it

RESOLVED: That the City Administrator or his designee is authorized to accept excess bond proceeds in the amount of \$1,357,000 received from ORSA under the Bond Expenditure Agreement; and be it further

RESOLVED: That the excess bond proceeds are proceeds from the 2006 Broadway/MacArthur/San Pablo Tax Allocation Bond Series 2006C-T, Fund 5638; and be it further

RESOLVED: That the City Council hereby approves the amended B/M/SP Bond Spending Plan set forth in Attachment A to this Resolution; and be it further

RESOLVED: That any expenditure of excess bond proceeds under the amended B/M/SP Bond Spending Plan shall be in conformance with applicable bond covenants; and be it further

RESOLVED: That the City Council hereby appropriates and allocates the excess bond proceeds transferred from ORSA under the Bond Expenditure Agreement to projects and programs set forth in the amended B/M/SP Bond Spending Plan; and be it further

RESOLVED: That the City Administrator or his designee is authorized to transfer the \$100,000 from the previously approved Oakland Housing Authority Solar Grant to the Small Business Loan Program specified in the amended B/M/SP Bond Spending Plan; and be it further

RESOLVED: That the City Council authorizes the additional funding in the amount of \$361,000 from the excess bond proceeds and \$180,613.26 of additional funds from the Public Works Agency for MacArthur Bikeway Connection Project improvements outside the original scope of the MacArthur Transit Village project at West MacArthur Boulevard; and be it further

RESOLVED: That the City Administrator or his designee is authorized to enter into and execute a Grant Agreement with MTCP to provide a grant in the amount of \$541,613.26, comprised of \$361,000 of excess bond proceeds and \$180,613.26 of additional funds from the Public Works Agency, to fund a portion of the costs of the MacArthur Bikeway Connection Project improvements at the MacArthur Transit Village Project; and be it further

RESOLVED: That the City Administrator or his designee is authorized to appropriate \$1,357,000 of funds received from the Oakland Redevelopment Successor Agency, re-allocate \$100,000 in funds from the Oakland Housing Authority Solar Grant, re-allocate \$180,613.26 of funds from the Oakland Public Works for streetscape improvements (commonly known as the MacArthur Bikeway Connection Project) for a total of \$1,637,613.26, of which \$541,613.26 will be granted by the City to MTCP pursuant to the terms of a Grant Agreement. The funding sources are as follows in the table below:

USES	AMOUNT	SOURCES
Façade & Tenant Improvement Program	\$350,000.00	B/M/SP Tax Allocation Bonds Series 2006C-T Fund (5638), ORSA General Operations Organization (95911), Operating Transfers: Other Account (49212)
Small Business Loan Program	\$230,000.00	B/M/SP Tax Allocation Bonds Series 2006C-T Fund (5638), ORSA General Operations Organization (95911), Operating Transfers: Other Account (49212)

	\$100,000.00	B/M/SP Tax Allocation Bonds Series 2006C-T Fund (5638), CIP Broadway/MacArthur/San Pablo Organization (94869), Budget Only: Prior Year Allocation Offset Project Total Account (78811), OAHPI Solar Grant (Project Q436610)
Public Facility & Infrastructure Improvements	\$416,000.00	B/M/SP Tax Allocation Bonds Series 2006C-T Fund (5638), ORSA General Operations Organization (95911), Operating Transfers: Other Account (49212)
Grant to MTCP for Streetscape Improvements	\$361,000.00	B/M/SP Tax Allocation Bonds Series 2006C-T Fund (5638), ORSA General Operations Organization (95911), Operating Transfers: Other Account (49212)
	\$100,000.00	Measure B: Bicycle/Pedestrian Pass-Thru Fund (2212), Engineer Design: IPPD Capital Improvement Projects Organization (92260), Street Construction Account (57411), Bicycle Facilities Design and Implementation Project (C428410)
	\$58,613.26	Measure B: Bicycle/Pedestrian Pass-Thru Fund (2212), Engineer Design: Traffic/Parking Organization (92246), Signal and Safety Devices Account (57412), Ped Crossing Improvement @ High Accident Location Project (C371810)
	\$22,000.00	Measure B: ACTIA Fund (2211), Engineer Design: Traffic/Parking Organization (92246), Signal and Safety Devices Account (57412), Traffic Signal Management Project (C427910)
TOTAL	\$1,637,613.26	

RESOLVED: The City Council finds and determines, after its independent review and consideration, that the following projects to be funded from the transfer of \$1,357,000 from ORSA to the City under the Bond Expenditure Agreement are exempt from the California Environmental Quality Act ("CEQA"), as detailed in the City Council Agenda Report, hereby incorporated by reference as if fully set forth herein:

- Façade and Tenant Improvement Program
- Small Business Loan Program
- Public Facility & Infrastructure Improvements; and be it further

RESOLVED: The City Council further finds and determines, after its independent review and consideration, that the MacArthur Bikeway Connection Project improvements to be constructed with moneys granted by the City to MTCP are consistent with the Oakland Bicycle Master Plan Final EIR and that no additional environmental review is required, and as a separate and independent basis is also exempt from CEQA, as detailed in the City Council Agenda Report, hereby incorporated by reference as if fully set forth herein; and be it further

RESOLVED: That the City's Environmental Review Officer shall cause a Notice of Determination/Exemption to be filed with the appropriate agencies; and be it further

RESOLVED: That the City Administrator or his designee is authorized to take other action with respect to the projects and the amended B/M/SP Bond Spending Plan consistent with this Resolution and its basic purposes; and be it further

RESOLVED: All documents related to this transaction shall be reviewed and approved by the City Attorney's Office prior to execution and copies will be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 11 2015, 2015

PASSED BY THE FOLLOWING VOTE:

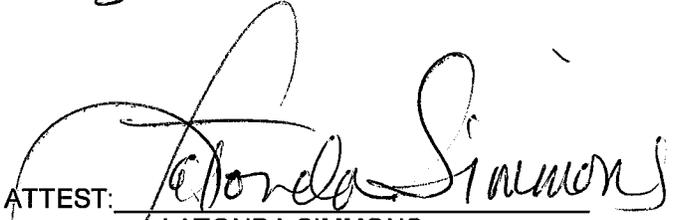
AYES- ~~BRUNO~~, CAMPBELL-WASHINGTON, GALLO, ~~CHAZAN~~, KALB, KAPLAN, ~~REID~~,
and PRESIDENT GIBSON-McELHANEY -5

NOES- 0

ABSENT- 0

ABSTENTION- Guillen-1

Excused- Brooks, Reid-2

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council,
City of Oakland

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ATTACHMENT A

**AMENDED BROADWAY/MACARTHUR/SAN PABLO
EXCESS BOND SPENDING PLAN**

(attached)

ATTACHMENT A

**AMENDED BROADWAY MACARTHUR SAN PABLO REDEVELOPMENT PROJECT AREA
EXCESS BOND SPENDING PLAN**

Dated as of: May 5, 2015

Source and Use Summary

Sources:

BMSP - Series 2006 and 2010 Unencumbered Bonds	\$3,123,570
TOTAL	\$3,123,570

Uses

Façade & Tenant Improvement Program	647,760
Small Business Loan Program	530,000
Public Facility & Infrastructure Improvements	416,000
Grant to MTCP for Streetscape Improvements	361,000

Funding Agreement Projects

Tenant Improvement Program	67,610
Façade Improvement Program	62,500
Mosswood Teen Center	12,000
Golden Gate Recreation Center Improvements	930,800
Broadway Specific Plan	95,900
TOTAL	\$3,123,570

Net Available \$0