


FILED  
OFFICE OF THE CITY CLERK  
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2009 SEP -3 AM 9:11

APPROVED AS-TO FORM AND LEGALITY:  
  
DEPUTY CITY ATTORNEY

## OAKLAND CITY COUNCIL

RESOLUTION No. 82286 C.M.S.

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RESOLUTION ACCEPTING AND APPROPRIATING REDEVELOPMENT AGENCY FUNDS UNDER THE COOPERATION AGREEMENT IN AN AMOUNT NOT TO EXCEED \$24,000 FOR THE PURCHASE AND INSTALLATION OF TRASH CANS ALONG MANDELA PARKWAY IN THE WEST OAKLAND REDEVELOPMENT PROJECT AREA, AND AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE RELATED AGREEMENTS WITHOUT RETURNING TO CITY COUNCIL

**WHEREAS**, Mandela Parkway is a thoroughfare in West Oakland, and is located primarily in the West Oakland Redevelopment Project Area; and

**WHEREAS**, the Parkway includes a landscaped median with pathways that are enjoyed by pedestrians, joggers and dog walkers; and

**WHEREAS**, the City is responsible for the maintenance and upkeep of the Mandela Parkway pedestrian median; and

**WHEREAS**, litter and dog waste negatively impact the public's enjoyment of the median's open space; and

**WHEREAS**, the West Oakland Project Area Committee (WOPAC) endorsed funding for the purchase and installation of trash cans along Mandela Parkway within the West Oakland Redevelopment Project Area; and

**WHEREAS**, the City and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City public improvements; and

**WHEREAS**, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-

owned facilities, if the legislative body has consented to such funding and has made certain findings; and

**WHEREAS**, the Redevelopment Agency has authorized \$24,000 of West Oakland project funds for the purchase and installation of trash cans along the Parkway, which will be transferred from the West Oakland Operations Fund (9590), Redevelopment Projects Organization (88679), West Oakland Projects (S233510) to the Oakland Redevelopment Agency Projects Fund (7780), Project P233610, Org. 88679; now therefore be it

**RESOLVED:** That the City Council hereby consents to the use of \$24,000 in Redevelopment Agency funding for the purchase and installation of trash cans along Mandela Parkway in the West Oakland Redevelopment Project Area; and be it further

**RESOLVED:** That the City Council hereby accepts the \$24,000 in Redevelopment Agency funds under the Cooperation Agreement for the above project and appropriates such funds to the City repayment account in Oakland Redevelopment Agency Projects Fund (7780), West Oakland Projects Organization (88679), Project P233610; and be it further

**RESOLVED:** That the City Council hereby finds and determines as follows:

1. That the funding of the above project will benefit the West Oakland Redevelopment Project Area, and will assist in the elimination of blighting conditions in the Project Area by addressing needs related to the physical appearance, safety, and enjoyment of public spaces;
2. That due to fiscal constraints in the City's general fund and the high number of capital projects competing for limited City funds, the City's Capital Improvement Program budget is unable to provide financing for these projects, and therefore no other reasonable means of financing the above projects is available to the City other than Redevelopment Agency funding;
3. That the use of tax increment funds from the West Oakland Redevelopment Project Area for the above project is consistent with the implementation plan adopted for the West Oakland Redevelopment Project Area;

and be it further

**RESOLVED:** That the City Administrator or his designee is hereby authorized to award and enter into agreements and make necessary expenditures to implement the above project without returning to the City Council; and be it further

**RESOLVED:** That the City Administrator or his designee is authorized to take any other actions with respect to the above project consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 22 2009, 2009

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, ~~DE LA FUENTE~~, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND  
PRESIDENT BRUNNER - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - De La Fuente - 1

Attest: \_\_\_\_\_



LATONDA SIMMONS

City Clerk and Clerk of the Council of the City of  
Oakland, California