


OFFICE OF THE CLERK
2006 DEC 29 PM 4: 25

Approved as to form and legality:


Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 80360 C.M.S.

RESOLUTION AUTHORIZING AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH THE CITY OF SAN LEANDRO AND THE PORT OF OAKLAND FOR THE AIRPORT GATEWAY-DOOLITTLE DRIVE STREETSCAPE CONSTRUCTION PROJECT TO INCREASE THE CITY OF OAKLAND CONTRIBUTION TO THE PROJECT FROM \$700,210 TO \$1,263,167, AND ACCEPTING AN ADDITIONAL REDEVELOPMENT AGENCY CONTRIBUTION OF \$650,000 FOR THIS PURPOSE

WHEREAS, the Port of Oakland and the Cities of San Leandro and Oakland ("Parties") entered into a Memorandum of Understanding ("MOU") on March 22, 2004, governing construction of the Airport Gateway – Doolittle Drive Streetscape Construction Project on Doolittle Drive between Adams Avenue and Hegenberger Road (the "Project") in the Coliseum Redevelopment Project Area; and

WHEREAS, the MOU specifies a construction contract maximum of \$1,667,167; and

WHEREAS, an updated construction budget, prepared September 25, 2006, estimates Project costs at \$2,685,305; and

WHEREAS, the construction contract maximum of \$1,667,167 is insufficient to cover the higher Project costs; and

WHEREAS, the Parties wish to amend the MOU and increase the construction contract maximum to \$3,007,542 to cover construction costs and a 12 percent contract contingency; and

WHEREAS, the Parties wish to expand the Project to include streetscape improvements on the west side of Doolittle Drive from 50 feet south of Adams Avenue to Eden Road; and

WHEREAS, the MOU stipulates that Project costs are to be distributed as follows:

- San Leandro 42%
- Oakland 42%

- Port 16%

and

WHEREAS, there are sufficient funds for Oakland's share of the increased Project costs in the Redevelopment Agency's Coliseum Tax Allocation Bond Series 2003 Fund (9453), Coliseum ORA TAB Series 2003 Project (P233410); and

WHEREAS, Section 33445 of the California Health and Safety Code requires the consent of the legislative body when the cost of installation or construction of publicly-owned facilities is paid for with redevelopment agency funds, upon certain findings by the legislative body; and

WHEREAS, the Redevelopment Agency has authorized a contribution of \$650,000 to the City to cover the City's share of increased Project construction costs under the amendment to the MOU; now, therefore, be it

RESOLVED: That the City Council hereby authorizes an amendment to the Memorandum of Understanding with the City of San Leandro and the Port for the construction of the Airport Gateway – Doolittle Drive Streetscape Improvement Project to increase the construction contract maximum to \$3,007,542, increase the City of Oakland share of these costs to \$1,263,167, and expand the Project to include streetscape improvements on the west side of Doolittle Drive from 50 feet south of Adams Avenue to Eden Road; and be it

FURTHER RESOLVED: That the City Council hereby accepts and consents to the use of \$650,000 in Redevelopment Agency funds to cover the City's share of increased Project construction costs under the MOU; and be it

FURTHER RESOLVED: That the Council hereby finds and determines as follows:

1. That the Project will benefit the Coliseum Project Area by eliminating blight in public areas of the Project Area, improving pedestrian and vehicular safety in the Project Area, improving traffic conditions in the Project Area, and enhancing the aesthetic and functional appeal of the Project Area for property owners, residents, visitors, and developers;
2. That no other reasonable means of financing the Project is available to the City;
3. That the use of tax increment funds from the Coliseum Project Area for the Project will assist in the elimination of blight and is consistent with the implementation plan adopted for the Coliseum Redevelopment Project;

and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate and execute an amendment to the MOU, and take any and all actions necessary with respect to the Project consistent with this Resolution and its basic purposes; and be it

FURTHER RESOLVED: That a copy of the amendment to the MOU shall be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 16 2007, 2007

PASSED BY THE FOLLOWING VOTE:

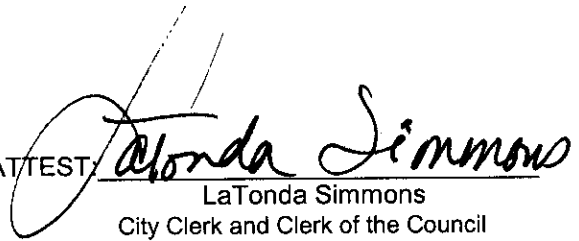
AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST


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