

**CITY of OAKLAND**

OFFICE OF THE CITY CLERK

**Agenda Report**

2005 NOV 29 PM 2:00

TO: Office of the City Manager/Agency Administrator  
ATTN: Deborah Edgerly  
FROM: Community and Economic Development Agency  
DATE: December 13, 2005

**SUBJECT: AN AGENCY RESOLUTION ALLOCATING \$150,000 FROM THE BROADWAY/ MACARTHUR/ SAN PABLO REDEVELOPMENT PROJECT TO THE CITY OF OAKLAND UNDER THE COOPERATION AGREEMENT TO FUND IMPROVEMENTS TO THE BROADWAY MEDIAN FROM INTERSTATE 580 TO COLLEGE AVENUE**

**A RESOLUTION ACCEPTING AND APPROPRIATING \$150,000 FROM THE REDEVELOPMENT AGENCY UNDER THE COOPERATION AGREEMENT TO FUND IMPROVEMENTS TO THE BROADWAY MEDIAN FROM INTERSTATE 580 TO COLLEGE AVENUE AND AUTHORIZING THE CITY ADMINISTRATOR TO AWARD THE CONSTRUCTION CONTRACT FOR THIS PROJECT TO THE LOWEST RESPONSIBLE BIDDER WITHOUT RETURNING TO COUNCIL**

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**SUMMARY**

The item is a request for City Council and Redevelopment Agency approval of two resolutions that authorize the allocation of \$150,000 from the Broadway/MacArthur/San Pablo Redevelopment Agency to the City of Oakland to cover the construction costs for median improvements on Broadway from Interstate 580 to College Avenue. In addition, this item requests authorization for the City Administrator to award the construction contract for the Broadway Median Project to the lowest responsible bidder without returning to City Council. Staff recommends that City Council and Redevelopment Agency approve these resolutions.

**FISCAL IMPACTS**

This item will have no impact on the General Fund. The total budget to construct the Broadway Median Project is estimated at \$280,000. Of this total, \$150,000 will be funded by Broadway/MacArthur/San Pablo Redevelopment Operations Fund and Project (Fund 9529, Project P187510, Redevelopment Projects Org 88669). Vice Mayor Brunner has committed District One Council Pay Go funds to cover the remainder of the construction costs. Maintenance for the project will come from the volunteer efforts of adjacent property owners through the City's Adopt a Spot Program and the City of Oakland. The maintenance required by volunteers will be limited to trash removal. On-going plant maintenance will be provided by the Public Works Agency.

Item No. \_\_\_\_\_  
CED Committee  
December 13, 2005

## **BACKGROUND**

The Broadway Median Project will renovate the medians on Broadway from the 580 underpass to College Avenue. The project is intended to beautify and “green” the existing medians using a combination of hardscape and landscape improvements. The existing medians are predominantly narrow strips of hard packed dirt with mature Sycamore trees planted along the entire length of Broadway from West MacArthur Boulevard to College Avenue. At both West MacArthur Boulevard and 51<sup>st</sup> Street the median balloons out into islands that currently contain minimal or no landscaping and would benefit significantly from the installation of green foliage and a decorative concrete treatment. When completed, Oakland’s most prominent thoroughfare will be beautifully landscaped in its entirety complementing the existing median landscaping improvements in the Auto Row area.

The initial design and cost estimates for the project were funded by Council District One Pay Go funds. The estimated cost to construct the project is \$280,000. Approximately half the project length, between Interstate 580 and 42<sup>nd</sup> Street, is located within the boundaries of the Broadway/MacArthur/San Pablo Redevelopment Project Area. The Project Area Committee (PAC) for the redevelopment project area approved the use of \$150,000 of redevelopment funds for this project at their November 3, 2005 meeting to supplement the District One Pay Go funds that have been committed to this project by Vice Mayor Brunner.

## **KEY ISSUES AND IMPACTS**

The initial construction timeline for this project was set prior to the inclusion of redevelopment funds in the project. Since Pay Go funds do not require Council authorization for contract awards, the construction timeline does not include adequate time to return to City Council for approval of the construction contract award. Public Works has already issued the bid documents for this project and anticipates starting construction in December 2005, using the Pay Go funds committed to the project. The determination of the lowest responsible bidder will not be complete until the first week of December. The timing is such that the selection of the contractor will not be completed in time for inclusion in this staff report. As a result, staff is requesting that the City Administrator be authorized to award the construction contract for this project to the lowest responsible bidder without returning to Council.

The plants that will be included in the median project were specifically selected for their minimal maintenance requirements and drought-resistance in order to reduce the need for extensive maintenance and watering after they are established. Maintenance for the project will come from the volunteer efforts of adjacent property owners through the City’s Adopt a Spot Program and the City of Oakland. The maintenance required by volunteers will be limited to trash removal. On going plant maintenance will be provided by the Public Works Agency.

## **SUSTAINABLE OPPORTUNITIES**

### **Environmental**

This project will provide increased greenery on the Broadway median which will improve the physical environment of this major City corridor.

**Economic**

The implementation of the Broadway median project will improve the appearance of Broadway which will potentially catalyze economic development on the corridor.

**Social Equity**

This project will have no impact on social equity.

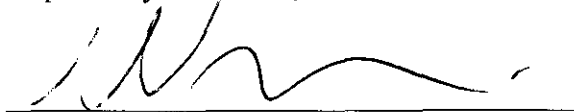
**DISABILITY AND SENIOR CITIZEN ACCESS**

The improvements included in this capital project will have no impact on disability and senior citizen access on Broadway.

**ACTION REQUESTED OF THE COUNCIL**

Staff recommends that the City Council and Redevelopment Agency approve the two attached resolutions that authorize the use of \$150,000 of Redevelopment Agency funds from the Broadway/MacArthur/San Pablo Redevelopment Project for median improvements on Broadway from Interstate 580 to College Avenue and authorize the City Administrator to award the construction contract for this project to the lowest responsible bidder without returning to Council.

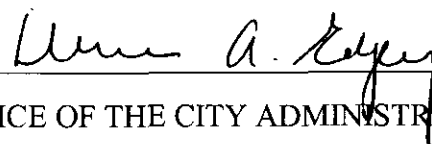
Respectfully submitted,



Dan Vanderprie, Director of Redevelopment,  
Economic Development, and Housing and  
Community Development

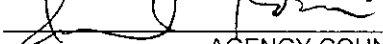
Prepared by:  
Kathy Kleinbaum  
Urban Economic Analyst III

APPROVED FOR FORWARDING TO  
THE COMMUNITY AND ECONOMIC  
DEVELOPMENT COMMITTEE

  
OFFICE OF THE CITY ADMINISTRATOR

2005 NOV 29 PM 2:00

APPROVED AS TO FORM AND LEGALITY:

BY:   
AGENCY COUNSEL

## REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. \_\_\_\_\_ C.M.S.

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**RESOLUTION ALLOCATING \$150,000 FROM THE BROADWAY/MACARTHUR/SAN PABLO REDEVELOPMENT PROJECT TO THE CITY OF OAKLAND UNDER THE COOPERATION AGREEMENT TO FUND IMPROVEMENTS TO THE BROADWAY MEDIAN FROM INTERSTATE 580 TO COLLEGE AVENUE**

**WHEREAS**, the Broadway Median Project (the "Project") is located on Broadway between the Interstate 580 underpass and College Avenue, and includes repaving and replanting the existing median strip; and

**WHEREAS**, the portion of the Broadway Median Project from the Interstate 580 underpass to 42<sup>nd</sup> Street is located within the boundaries of the Broadway/MacArthur/San Pablo Redevelopment Project Area; and

**WHEREAS**, the total construction budget for the Broadway Median Project is estimated to be \$280,000; and

**WHEREAS**, the Project Area Committee for the Broadway/MacArthur/San Pablo Redevelopment Project recommended at their November 2005 meeting that the Redevelopment Agency commit \$150,000 of tax increment funds from the Broadway/MacArthur/San Pablo Redevelopment Project for the Broadway Median Project; and

**WHEREAS**, the Five Year Implementation Plan for the Broadway/MacArthur/San Pablo Redevelopment Project, adopted on December 7, 2004 (Resolution No. 2004-66 C.M.S.), calls for streetscape improvements within the project area; and

**WHEREAS**, the City of Oakland 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 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 City Council is consenting to the use of Agency funds for the Broadway Median Project; now therefore be it

**RESOLVED:** That the Redevelopment Agency hereby allocates \$150,000 of Broadway/MacArthur/San Pablo Redevelopment Project funds (Broadway/MacArthur/San Pablo Redevelopment Operations Fund and Project (Fund 9529, Project P187510, Redevelopment Projects Org 88669) to the City of Oakland (Oakland Redevelopment Agency Projects Fund 7780) under the Cooperation Agreement to fund the Broadway Median Project; and be it further

**RESOLVED:** That the Agency hereby finds and determines as follows:

1. That the funding of the Broadway Median Project will benefit the Broadway/MacArthur/San Pablo Project Area by improving the appearance of Broadway; and
2. That no other reasonable means of financing the \$150,000 required for the Broadway Median Project are available to the City other than Redevelopment Agency funding, since the Broadway Median Project is not programmed in the City's Capital Improvement Budget; and
3. That the use of tax increment funds from the Broadway/MacArthur/San Pablo Project Area for the Broadway Median Project will assist in the elimination of blight through streetscape improvements on Broadway between the 580 underpass and 42nd Street in the Broadway/MacArthur/San Pablo Project Area, and is consistent with the implementation plan adopted for the Broadway/MacArthur/San Pablo Project Area, which calls for streetscape improvements; and be it further

**RESOLVED:** That the Agency hereby authorizes the Agency Administrator, or her designee, to take all actions necessary with respect to the Agency funding in accordance with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
CHAIRPERSON DE LA FUENTE

NOES-

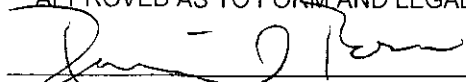
ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
Secretary, Redevelopment Agency  
of the City of Oakland

2005 NOV 29 PM 2:00

APPROVED AS TO FORM AND LEGALITY:

  
DEPUTY CITY ATTORNEY

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**A RESOLUTION ACCEPTING AND APPROPRIATING \$150,000 FROM THE REDEVELOPMENT AGENCY UNDER THE COOPERATION AGREEMENT TO FUND IMPROVEMENTS TO THE BROADWAY MEDIAN FROM INTERSTATE 580 TO COLLEGE AVENUE, AND AUTHORIZING THE CITY ADMINISTRATOR TO AWARD THE CONSTRUCTION CONTRACT FOR THIS PROJECT TO THE LOWEST RESPONSIBLE BIDDER WITHOUT RETURNING TO COUNCIL**

**WHEREAS**, the Broadway Median Project is located on Broadway between the Interstate 580 underpass and College Avenue and includes repaving and replanting the existing median strip; and

**WHEREAS**, the portion of the Broadway Median Project from the Interstate 580 underpass to 42<sup>nd</sup> Street is located within the boundaries of the Broadway/MacArthur/San Pablo Redevelopment Project Area; and

**WHEREAS**, the total construction budget for the Broadway Median Project is estimated to be \$280,000; and

**WHEREAS**, the City and the Redevelopment Agency of the City of Oakland 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 \$150,000 to fund a portion of the construction costs for the Broadway Median Project, which will be transferred from the Broadway/MacArthur/San Pablo Redevelopment Operations Fund and Project (Fund 9529, Project P187510, Redevelopment Projects Org 88669) to the Oakland Redevelopment Agency Projects Fund 7780 to the Broadway Median Project under a project number to be established; and

**WHEREAS**, returning to Council for authorization to award the construction contract for the Broadway Median Project will result in a significant delay in the construction schedule established for this project; now therefore be it

**RESOLVED:** That the City Council hereby consents to the use of \$150,000 in Redevelopment Agency funds for the Broadway Median Project, accepts such funds under the Cooperation Agreement, and appropriates such funds to the City repayment account in fund 7780; and be it further

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

1. That the Broadway Median Project will benefit the Broadway/MacArthur/San Pablo Project Area by improving the appearance of Broadway; and
2. That no other reasonable means of financing the \$150,000 required for the Broadway Median Project are available to the City other than Redevelopment Agency funding, since the Broadway Median Project is not programmed in the City's Capital Improvement Budget; and
3. That the use of tax increment funds from the Broadway/MacArthur/San Pablo Project Area for the Broadway Median Project will assist in the elimination of blight through streetscape improvements on Broadway between the Interstate 580 underpass and 42nd Street in the Broadway/MacArthur/ San Pablo Project Area, and is consistent with the implementation plan adopted for the Broadway/MacArthur/San Pablo Project Area, which calls for streetscape improvements; and be it further

**RESOLVED:** That the City Council hereby authorizes the City Administrator or her designee to appropriate revenue, make expenditures, award the construction contract to the lowest responsible bidder for the Broadway Median Project without returning to Council, and take all other actions with respect to this project in accordance with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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