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

**REDEVELOPMENT AGENCY
AND THE CITY OF OAKLAND**
AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: September 15, 2009

RE: **Agency Resolution Contributing West Oakland Redevelopment Funds To The City Under The Cooperation Agreement In An Amount Not To Exceed \$24,000 For The Purchase and Installation Of Trash Cans Along Mandela Parkway**

City 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 Any Related Agreements Without Returning To City Council

SUMMARY

Approval is requested for an Agency resolution authorizing a contribution of up to \$24,000 to the City's Public Works department for the purchase and installation of Renaissance trash cans along Mandela Parkway in the West Oakland redevelopment project area. A second resolution authorizes the City to accept Agency funds under the Cooperation Agreement, and allows the City Administrator to negotiate and execute any related agreements without further Council approval.

FISCAL IMPACT

Funds for the purchase of the trash cans will be allocated from the West Oakland Redevelopment Operations Fund and Project (Fund 9590, Project S233510, Org. 88679) for projects and programs in the West Oakland redevelopment project area. Funding will be transferred to City accounts under the terms of the Cooperation Agreement (Fund 7780, Project P233610, Org. 88679) for the purchase and installation of the cans.

Waste Management will empty the trash cans on a regular schedule several times a week, under the terms of its current contract with the City. The proposed action will have no negative impact on the General Fund.

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CED Committee
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BACKGROUND

Members of the West Oakland community have been an integral part of the planning and implementation of the Mandela Parkway project since before its inception. They have taken the step to formalize the community stewardship of the Parkway by creating the "Friends of Mandela Parkway" (FOMP) to raise funds and awareness to help maintain the Parkway. FOMP members meet the first Saturday of the month at 10:00 a.m. at Mandela and 8th Street for their monthly walk through of the Parkway. The "punch list" they developed of landscaping and hardscape issues is routed to the appropriate departments to resolve any identified issues.

In addition to FOMP, the Parkway is actively supported by numerous users, especially dog walkers. "Mutt mitt" dispensers for dog waste have been added in two locations along the Parkway and four litter containers have been added adjacent to the Parkway for dog waste and litter. FOMP members have noted that Parkway users do not go out of their way to deposit litter into trashcans that are off the pedestrian path, and litter and dog waste hinder public enjoyment of the Parkway.

KEY ISSUES AND IMPACTS

FOMP submitted an application to the West Oakland Project Area Committee (WOPAC) for Neighborhood Project Initiative (NPI) grant funding during its 2009 project cycle for the purchase of additional trash cans to be placed along the pedestrian path of the Parkway, and for volunteer outreach/support. The project application was declined on a technicality, but the WOPAC voted to fund the project outside of the NPI program.

FOMP's \$26,455.24 grant request was as follows:

10 trash cans = \$24,000

Outreach/Volunteer Support = \$2,455.24

The Office of the City Attorney advised that volunteer outreach/support is not eligible for redevelopment funding, so staff is recommending an allocation of redevelopment funds to cover the cost of the trash cans only (\$24,000).

EVALUATION OF PAST PERFORMANCE

The City formally commended FOMP in a November 16, 2004 City Resolution No. 78931 CMS "for their leadership and community spirit in undertaking this important effort" (i.e., maintaining and monitoring the streetscape along Mandela Parkway).

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SUSTAINABLE OPPORTUNITIES

Economic: Mandela Parkway provides landscaped open space which is attractive to businesses locating in the area.

Environmental: The Mandela Parkway project was designed and constructed using energy-saving lighting and native plant materials. Maintaining the project will ensure that the project's sustainable environmental opportunities are sustained.

Social Equity: Mandela Parkway provides major social benefits to the generally disadvantaged West Oakland community including fresh air and recreation space, as well as areas to congregate, sit and walk.

DISABILITY AND SENIOR CITIZEN ACCESS

Mandela Parkway was designed and constructed with provision for disability and senior citizen access. Maintaining the parkway will continue to provide optimum access.

RECOMMENDATION AND RATIONALE

Staff recommends approval of a resolution allocating \$24,000 from the West Oakland Redevelopment Fund for the purchase and installation of trash cans along Mandela Parkway within the West Oakland redevelopment project area. Ready access to trash cans will mitigate the amount of litter and pet droppings that impede the full enjoyment of the Parkway.

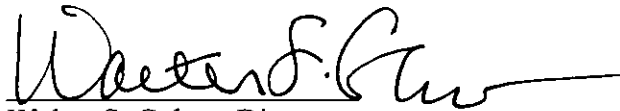
ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends approval of an Agency resolution contributing West Oakland redevelopment funds to the City under the Cooperation Agreement in an amount not to exceed \$24,000 for the purchase and installation of trash cans along Mandela Parkway.


Staff further recommends approval of a City 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 any related agreements without returning to City Council for approval

Respectfully submitted,

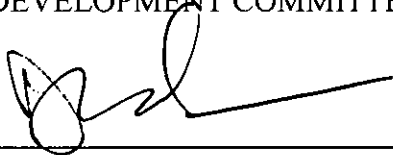


Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by: 
Gregory Hunter, Deputy Director
Economic Development and Redevelopment

Prepared by:
Janice Lang, Temporary Contract Employee
Redevelopment Division

APPROVED AND FORWARDED TO
THE COMMUNITY AND ECONOMIC
DEVELOPMENT COMMITTEE:

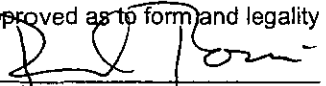


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Approved as to form and legality

Agency Counsel

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

Resolution No. _____ C.M.S.

**AGENCY RESOLUTION CONTRIBUTING WEST OAKLAND
REDEVELOPMENT FUNDS TO THE CITY UNDER THE
COOPERATION AGREEMENT IN AN AMOUNT NOT TO EXCEED
\$24,000 FOR THE PURCHASE AND INSTALLATION OF TRASH CANS
ALONG MANDELA PARKWAY**

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, Friends Of Mandela Parkway (FOMP) is a community-based volunteer organization that conducts monthly walk-throughs of the Parkway to pick up litter and note problems and maintenance issues along the landscaped pathways, which are then reported to the appropriate City departments; and

WHEREAS, FOMP has noted that litter and dog waste collect among the Parkway's landscaping and along the paths, creating a blight that dampens visitors' enjoyment of the open space; and

WHEREAS, the installation of regularly placed trash cans along the Parkway's pedestrian median offers a reasonable mitigation to the blighting effects of litter and dog waste; and

WHEREAS, the West Oakland Project Area Committee (WOPAC) has endorsed a request from FOMP for redevelopment funding for the purchase and installation of trash cans along Mandela Parkway within the West Oakland redevelopment 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 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 installation cost 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 funding for the improvements to City-owned property pursuant to Section 33445 of the California Health and Safety Code; and

WHEREAS, the funding for the improvements to City property will be transferred from the West Oakland Operations Fund (9590), Redevelopment Projects Organization (88679), West Oakland Project (S233510) to the Oakland Redevelopment Agency Projects Fund (7780), Org. 88679, Project P233610; now, therefore, be it

RESOLVED: That the Agency hereby allocates \$24,000 in Redevelopment Agency funding from the West Oakland Operations Fund (9590), Redevelopment Projects Organization (88679), West Oakland Project (P233610) under the Cooperation Agreement for the purchase and installation of trash cans along Mandela Parkway; and be it further

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

1. That the funding of trash cans along the City-owned Mandela Parkway 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 this project, and therefore no other reasonable means of financing the above project 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 Agency hereby authorizes the Agency Administrator or his designee to take any necessary actions with respect to this funding and project consistent with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

LATONDA SIMMONS
Secretary of the Redevelopment Agency
of the City of Oakland, California

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APPROVED AS-TO FORM AND LEGALITY:


DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

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

