

# OAKLAND CITY COUNCIL

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

Requires two-thirds vote of the Council

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2003 OCT -2 PM 1:49



## RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF OAKLAND AND BERKELEY BUILDERS, INC., DBA BBI CONSTRUCTION (BBI) TO REIMBURSE BBI IN AN AMOUNT NOT TO EXCEED \$95,000 FOR EXPENSES FOR THE COMPLETION OF CONSTRUCTION OF LAFAYETTE SQUARE PARK

WHEREAS, the Oakland Healthy City Fund (OHCF), a California non-profit organization, entered into an agreement with the City on June 3, 1997 authorizing the OHCF to provide design, construction and project management services for Lafayette Square Park in Oakland (Resolution No. 73552 C.M.S.); and

WHEREAS, OHCF subsequently entered into an agreement with BBI in September 1998 for construction improvements at Lafayette Square Park; and

WHEREAS, OHCF does not have sufficient funds to complete payments to BBI; and

WHEREAS, BBI performed the construction work in good faith under its contract with OHCF and the City has the benefit of the improvements at Lafayette Square Park; and

WHEREAS, the City Council finds that the required project work is complete and the performance and payment of these services is in the public interest because of economy; now, therefore, be it

RESOLVED: that the Oakland City Council hereby authorizes an agreement between the City of Oakland and BBI in an amount not to exceed \$95,000 for expenses for the completion of construction of improvements at Lafayette Square Park; and be it

FURTHER RESOLVED: That the City Council hereby appoints the City Manager or her designee as agent to the City to conduct all negotiations, execute and submit all modifications, payment requests and related actions which may be necessary for the completion of this agreement in accordance with its specified purposes; and be it

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ORA/COUNCIL  
OCT 21 2003

FURTHER RESOLVED: That the Office of the City Attorney has approved this resolution as to form and legality; and a copy will be on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20

**PASSED BY THE FOLLOWING VOTE:**

AYES- ERUNNER, CHANG, BROOKS, NADEL, REID, WAN, QUAN AND  
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST:

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

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