

CITY OF OAKLAND
AGENDA REPORT

2009 NOV -5 PM 5:46

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Office of the City Clerk
DATE: November 17, 2009

RE: **Resolution Ratifying Action Taken by the Mayor during the Oakland City Council 2009 Annual Recess in Conformance with Council's Rules of Procedure, Resolution 79006 C.M.S., Dated January 4, 2005**

SUMMARY

The City Council's Annual Recess began August 1, 2009 and ended August 31, 2009. During the Annual Recess the Mayor was authorized to take such actions that would normally be taken by the City Council during the period of the Annual Recess except for duties reserved to the City Council by the City Charter, pursuant to Rule 21 of the Council's Rules of Procedure, Resolution 79006 C.M.S., dated January 4, 2005.

KEY ISSUES AND IMPACTS

The Oakland Municipal Code, Chapter 2, Section 2.04.020 I grants authorization to the City Administrator to take action on procurement of certain supplies and services not to exceed \$500,000 and certain professional services contracts not to exceed \$150,000. During the 2009 Annual Recess, none of the actions taken by the City Administrator exceeded his authorized annual recess expenditure levels.

Pursuant to City Council Resolution No. 79006 C.M.S., the following reports and resolutions were approved by the Mayor during this period:

August 11, 2009 – Mayor's Annual Recess Agenda

Oakland City Council Resolution No. 82253 C.M.S.

August 25, 2009 – Mayor's Annual Recess Agenda

Oakland City Council Resolution No. 82254 C.M.S.

Oakland City Council Resolution No. 82255 C.M.S.

Oakland City Council Resolution No. 82256 C.M.S.

Oakland City Council Resolution No. 82257 C.M.S.

Oakland City Council Resolution No. 82258 C.M.S.

Item: _____
City Council
November 17, 2009

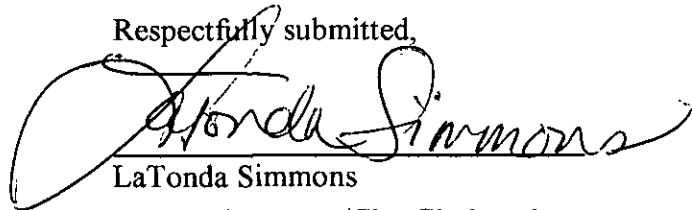
Oakland City Council Resolution No. 82259 C.M.S.

Oakland Redevelopment Agency Resolution No. 2009-0082 C.M.S.

ACTION REQUESTED OF THE CITY COUNCIL

Council is requested to adopt the proposed resolution specifying the actions taken by the Mayor during the 2009 Annual Recess of the City Council.

Respectfully submitted,

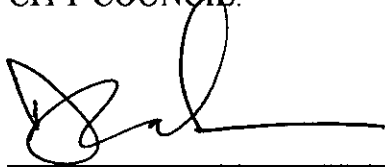


LaTonda Simmons

Agency Secretary/City Clerk and
Clerk of the Council

Attachments

APPROVED AND FORWARDED TO THE
CITY COUNCIL:



Office of the City Administrator

Item: _____
City Council
November 17, 2009



City of Oakland Meeting Agenda

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

Office of the Mayor Annual Recess Agenda

August 1, 2009 - August 31, 2009

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612

City of Oakland Website: <http://www.oaklandnet.com>

Tuesday, August 11, 2009

8:30 AM

Oakland City Hall - 3rd Floor

**Pursuant to the Council's Rules of Procedures Resolution No. 79006 C.M.S., Rule 21, Actions During Council Recess, the Mayor is authorized to take such action as would normally be taken by the City Council during the period of the Annual Recess, including to convene emergency meeting(s) of the Council to take such emergency actions, as may be necessary, for the immediate preservation of the public peace, health or safety. The Mayor's actions must conform with and be limited to the requirements of the City's purchasing requirements as set forth in Chapter 2 of the Oakland Municipal Code.*

1 Subject: Peer Conflict Resolution Program
 From: Department of Human Services
 Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute An Agreement Not To Exceed \$30,000 Between The City Of Oakland And The Oakland Unified School District To Implement The Peer Conflict Resolution Program In Accordance With Measure Y, The Violence Prevention And Public Safety Act Of 2004, For The Period Of July 1, 2009 Through June 30, 2010 (09-0720)

**LATONDA SIMMONS
Agency Secretary/City Clerk
and Clerk of the Council**

ORA - Oakland Redevelopment Agency
S - Supplemental Item

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2009 JUL 30 PM 3:40

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Department of Human Services
DATE: August 11, 2009

RE: Resolution Authorizing The City Administrator To Execute An Agreement Not To Exceed \$30,000 Between The City Of Oakland And The Oakland Unified School District To Implement The Peer Conflict Resolution Program In Accordance With Measure Y, The Violence Prevention And Public Safety Act Of 2004, For The Period Of July 1, 2009 Through June 30, 2010

SUMMARY

The Department of Human Services seeks City Council approval to enter into a grant agreement with the Oakland Unified School District in an amount not to exceed \$30,000 in funding during fiscal year 2009-2010 to provide Peer Conflict Mediation services to six (6) Oakland middle schools.

FISCAL IMPACT

This grant agreement shall be funded by restricted funds collected for violence prevention programs as authorized by the voter-approved Measure Y, enacted as the Violence Prevention and Public Safety Act of 2004. Funding will come from existing FY 2008-09 appropriations from the Measure Y: Public Safety Fund (2251), DHS Administration Organization (78111), and DHS Measure Y Reserve Project (G261273).

There is no impact on the General Fund. These funds are fully cost covering.

BACKGROUND

On February 3, 2009, City Council approved recommendations from the Mayor's Office and Department of Human Services on prioritizing Measure Y funding strategies and the process for allocating funds for the next three year funding cycle, beginning FY 2009-2010. These recommendations addressed a reduction of 21% in projected funding as a result of \$1.8 million in carry-forward funds no longer available for FY 2009-2010 and beyond. Recommended funding strategies focused on four broad areas: Family Violence Intervention, Youth and Adult Reentry, Incident/Crisis Response, and Youth Outreach and Comprehensive Services. City Council approved these broad areas, along with allocations for specific program strategies within these four areas.

Item: _____
Mayor's Summer Recess
August 11, 2009

Measure Y program strategies were developed based on principles affirmed by City Council, including: focusing on the highest risk individuals most likely to be victims or perpetrators of violence, supporting intensive interventions, and prioritizing resources for neighborhoods where violence is most prevalent. Best practice models in the field of violence prevention, current grantee program deliverables, available program evaluation data, and information from key public partners were key determinants in developing the program strategies.

City Council approved releasing the majority of Measure Y 2009-2010 Violence Prevention Program funds through a competitive Request for Proposals (RFP) process, and directly contracting with agencies for a few specialized strategies.

On June 2, 2009 City Council approved Resolution No. 82059 C.M.S. authorizing the Department of Human Services to enter into grant agreements with twenty (20) non-profit and public agencies for a total of \$5,362,127 in funding during fiscal year 2009-2010 to provide violence prevention services to children, youth, and young adults living in Oakland and at high risk for involvement in violence. This resolution includes those agencies selected through the competitive Measure Y Request for Proposals (RFP) process, as well as those previously approved by City Council to directly receive contracts. Due to an 11% projected reduction in Measure Y revenues for FY 2009-2010, the recommended funding is a combination of baseline revenues (\$5,316,740) and funds from the Measure Y reserve (\$45,387).

Due to the reduction in Measure Y revenue, the above recommendations did not include funding for the Oakland Unified School District Peer Conflict Resolution program. On June 2, 2009, the City Council requested the Department of Human Services return to City Council with a report and resolution dedicating \$30,000 out of the Measure Y reserve fund to fund a portion of this program in Fiscal Year 2009-10.

KEY ISSUES AND IMPACTS

Overview of the Peer Conflict Resolution Program

The Middle School Peer Conflict Resolution Program works to reduce out-of-school suspensions by providing students with behavioral skills to minimize fighting and other campus disruptions. This program trains student "peer leaders" to mediate arguments between their fellow students. The OUSD Peer Conflict Resolution program will focus on six (6) Oakland middle schools. The proposed schools are:

- Alliance
- Elmhurst Community Prep
- Explore
- Montera
- Westlake
- West Oakland Middle School (WOMS)

Item: _____
Mayor's Summer Recess
August 11, 2009

Measure Y funding will support six (6) part-time school site coordinators to establish and maintain mediation groups. The activities of the school site coordinators include:

- Recruit and train a cadre of student peer mediators using the San Francisco Community Boards training process.
- Organize and oversee the school-wide program using peer mediators to resolve non-physical conflicts.
- Meet regularly with the peer mediators for further training and support.
- Work with school administrators, staff, and students to create program awareness and increase the use of peer mediators.
- Maintain records and providing data as needed to the District program coordinator.
- Meet regularly with the district conflict resolution trainer/consultant for support and guidance.

OUSD Peer Conflict Resolution Results for 2008-09

By the third quarter of the 2008-2009 school year, 311 conflict mediators in 18 middle schools received a total of 899 referrals, with 673 cases resulting in written agreements. Follow up interviews were conducted in 421 cases to see whether the agreements reached were being adhered to, and whether the conflict remained resolved. Fifty-four (54) cases involving students suspended for fighting were successfully handled by either the adult coordinator, or by the adult coordinator working with student mediators.

Required Measure Y Program Activity	Benchmark as of 3/31/2009	Actual as of 3/31/2009
Number of Conflict Mediators trained	275	311
Number of Mediation Sessions held	1000	1469

Reported success by the Peer Conflict Resolution Site Coordinators:

- More students are referring themselves when they have a conflict rather than allowing it to escalate and being sent to mediation or suspended.
- The conflict mediation program at Elmhurst and Alliance Middle Schools has provided services to over 75% of the student population through classroom presentations and mediations.
- Certain student disputants who used mediation frequently at the beginning of the year have become better at managing their own conflicts. They are applying the problem-solving process learned in mediation to other conflicts as they arise.

Case Study from Middle School Conflict Resolution Program

Two 7th grade students, both social leaders, got into a major verbal altercation one Friday (not their first), and then called their friends and relatives to come to the school the following Monday to continue the dispute. Luckily no one showed up on Monday, and instead both students agreed to try mediation so they wouldn't get into further trouble and do something they would regret. The conflict was successfully resolved, and included the standard provisions that

Item: _____
Mayor's Summer Recess
August 11, 2009

the disputants agreed to tell their friends and others that their conflict had been resolved. This was a huge success story because prior to the mediation, these same two students would have been fighting each other without a second thought. Now they realize what the Conflict Mediation Program can offer them, and they have not resorted to further altercations.

EVALUATION OF PAST PERFORMANCE

The Berkeley Policy Associates/RAND Measure Y Evaluation Report for 2006-07 reveals that out of 141 OUSD students who received mediation:

- The majority (61.7 percent) of mediation recipients were suspended at least once more during the 2006-07 school year after receiving mediation. However, of these students, nearly half (46 percent) were re-suspended for a lesser (i.e., non-violent) offense.
- Mediation recipients were suspended an average of three times during the 2006-07 school year, while overall suspension data from OUSD showed an average of only 1.84 suspensions per student for the 2006-07 school year. However, this difference is not statistically significant, and is likely due to the fact that Second Step tends to serve repeatedly suspended students.

SUSTAINABLE OPPORTUNITIES

Economic: Providing programs for Oakland families affected by violence will increase their economic stability by linking them to organizations that can provide support services to increase school success of young people and access to resources for struggling families.

Environmental: There are no environmental opportunities at this time.

Social Equity: Measure Y programs assist youth and families in Oakland in achieving a greater degree of social equity. Supporting programs that decrease the trauma associated with violence increases the likelihood that families will not be debilitated in the long-term due to experiencing violence.

DISABILITY AND SENIOR CITIZEN ACCESS

All programs funded by Measure Y are accessible to persons with disabilities.

RECOMMENDATION(S) AND RATIONALE

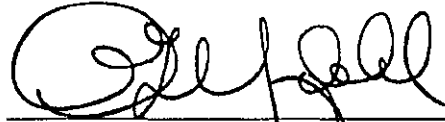
Staff recommends that City Council approve a resolution authorizing the City Administrator to negotiate and execute a grant agreement between the City of Oakland and the Oakland Unified School District to provide peer conflict resolution programs at six (6) Oakland Middle Schools for the period July 1, 2009 to June 30, 2010, in accordance with the Measure Y Violence Prevention and Public Safety Act in November 2004 in an amount not to exceed \$30,000.

Item: _____
Mayor's Summer Recess
August 11, 2009

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests City Council approve a resolution authorizing the City Administrator to negotiate and execute a grant agreement between the City of Oakland and the Oakland Unified School District to provide peer conflict resolution programs at six (6) Oakland Middle Schools for the period July 1, 2009 to June 30, 2010, in accordance with the Measure Y Violence Prevention and Public Safety Act in November 2004 in an amount not to exceed \$30,000.

Respectfully submitted,

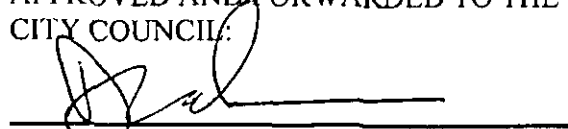


ANDREA YOUNGDAHL, Director
Department of Human Services

Reviewed by: Estelle Clemons
Acting Policy and Planning Manager

Prepared by: Page Tomblin
DHS Planner

APPROVED AND FORWARDED TO THE
CITY COUNCIL:

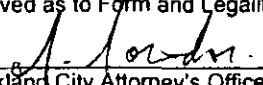

Office of the City Administrator

Item: _____
Mayor's Summer Recess
August 11, 2009

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 JUL 30 PM 3:41

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 82253 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT NOT TO EXCEED \$30,000 BETWEEN THE CITY OF OAKLAND AND THE OAKLAND UNIFIED SCHOOL DISTRICT TO IMPLEMENT THE PEER CONFLICT RESOLUTION PROGRAM IN ACCORDANCE WITH MEASURE Y, THE VIOLENCE PREVENTION AND PUBLIC SAFETY ACT OF 2004, FOR THE PERIOD OF JULY 1, 2009 THROUGH JUNE 30, 2010

WHEREAS, City of Oakland voters passed Measure Y, the Violence Prevention and Public Safety Act in November 2004, approving a series of taxes to support violence prevention objectives, programs and services to reduce violence among children, youth and young adults in Oakland; and

WHEREAS, on June 2, 2009 the City Council approved \$4,330,000 of the fiscal year 2009-10 total Measure Y revenue to be awarded through a Request for Proposals process to qualified organizations providing violence prevention services as outlined in the Measure Y program strategy areas of Restorative Justice, Juvenile Justice/Oakland Unified School District (OUSD) Wraparound Services, Afterschool Employment, Outreach to Sexually Exploited Minors, Mental Health Services for 0 to 5, Project Choice, Reentry Employment, Mayor's Street Outreach, Crisis Response and Support Network, and Oakland Comprehensive Gang Model; and

WHEREAS, the Peer Conflict Resolution Program at middle schools with high rates of truancy, recruited and trained 450 mediators who mediated an estimated 1,200 conflicts during the 2008-09 school year; and

WHEREAS, City Council agreed to appropriate an additional \$30,000 of Measure Y reserve funds to assist the Oakland Unified School District in maintaining the Peer Conflict Resolution program at Oakland middle schools for the 2009-10 school year; and

WHEREAS, Oakland Unified School District has leveraged a \$30,000 match in addition to the Measure Y funds for the Peer Conflict Resolution program that will be dedicated to hiring part time program coordinators at six (6) Oakland middle schools for the Peer Conflict Resolution; and

WHEREAS, the Oakland Unified School District has operated the Peer Conflict Resolution program supported by Measure Y funding for four fiscal years and is the most qualified and competent entity to implement said programs; and

WHEREAS, the funding for these contracts is available in Measure Y: Public Safety Fund (2251), DHS Administration Organization (78111), DHS Measure Y Reserve Project G261273; and

WHEREAS, the City Council finds that this agreement shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

RESOLVED: That the City Administrator is hereby authorized to execute an agreement with the Oakland Unified School District in the amount not to exceed \$30,000 in Fiscal Year 2009-10 for the purpose of funding the Peer Conflict Resolution program at the Oakland Middle Schools funded by the Measure Y Violence Prevention and Public Safety Act of 2004 Reserve Funds; and be it

FURTHER RESOLVED: These funds will be allocated from Public Safety Act / 2004 Measure Y Fund (2251), DHS Administration Organization (78111), DHS Measure Y Reserve Project (G261273); and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, modifications, payment requests and related actions which may be necessary in accordance with its basic purpose; and be it

FURTHER RESOLVED: That said agreement shall be approved as to form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk.


IN COUNCIL, OAKLAND, CALIFORNIA, AUG 11 2009, 2009

PASSED BY THE FOLLOWING VOTE:

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

NOES- APPROVED DURING CITY COUNCIL RECESS
PURSUANT TO RESOLUTION NO. 79006 C.M.S
ABSENT- C.M.S., DATED 01-04-05

ABSTENTION-

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



City of Oakland Meeting Agenda

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

Office of the Mayor Annual Recess Agenda

August 1, 2009 - August 31, 2009

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612

City of Oakland Website: <http://www.oaklandnet.com>

Tuesday, August 25, 2009

8:30 AM

Oakland City Hall - 3rd Floor

**Pursuant to the Council's Rules of Procedures Resolution No. 79006 C.M.S., Rule 21, Actions During Council Recess, the Mayor is authorized to take such action as would normally be taken by the City Council during the period of the Annual Recess, including to convene emergency meeting(s) of the Council to take such emergency actions, as may be necessary, for the immediate preservation of the public peace, health or safety. The Mayor's actions must conform with and be limited to the requirements of the City's purchasing requirements as set forth in Chapter 2 of the Oakland Municipal Code.*

- 1 Subject: Citywide Resilient Safety Surfaces
 From: Community and Economic Development Agency
 Recommendation: Adopt A Resolution For Award Of An On-Call Construction Contract To The Lowest Responsive, Responsible Bidder For Citywide Resilient Safety Surfaces Under The Americans With Disabilities Act Play Surfacing Project (No. C274251) In Accord With Plans And Specifications For The Project And Contractor's Bid, In An Amount Not-To-Exceed Six Hundred Thousand Dollars (\$600,000.00), Previously Authorized In Resolution No. 82201 C.M.S., Adopted July 21, 2009 (09-0721)

- 2 Subject: 2009-2010 Real And Personal Property Tax
 From: Finance and Management Agency
 Recommendation: Adopt A Resolution Fixing The Rate Of Property Tax And Levying A Tax On Real And Personal Property In The City Of Oakland For Fiscal Year 2009-2010 For Voter-Approved Indebtedness (09-0722)

- 3 Subject: 2009-2010 Volunteers Of America Contract
 From: Community and Economic Development Agency
 Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Contract For Professional Services With Volunteers Of America, Bay Area, Inc., To Operate The Oakland Day Labor Program From July 1, 2009, Through June 30, 2010, In An Amount Not To Exceed \$175,000 (09-0723)

4 Subject: Brownfield Revolving Loan Fund Disbursement
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing A Subgrant Not To Exceed \$800,000 And A Loan Not To Exceed \$200,000 To Aspire Public Schools/Pacific Charter Schools Development From the City's Brownfield Cleanup Revolving Loan Fund For Environmental Cleanup Of A Site At 1009 66th Avenue For Development Of A 420-Student Public High School; And (09-0724)

2) A Resolution Authorizing The City Administrator To Negotiate And Execute A Loan Agreement With Debra Esposito For An Amount Not To Exceed \$400,000 From The City's Brownfield Cleanup Revolving Loan Fund For Environmental Remediation At 2906 Chapman Street, Related To The Development Of 12 Units of Housing (09-0724-1)

5 Subject: Unused Funds Tenant Assistance Program
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Amending Resolution 82252 C.M.S. To Return To The Redevelopment Agency \$535,950.68 Of Unused Funds Contributed To The City By The Redevelopment Agency Under The Cooperation Agreement For A Tenant Assistance Program For Residents At Oakland Community Housing, Inc. Properties, And to Reallocate \$50,000 In Community Block Grant Funds Previously Allocated To The Tenant Assistance Program To A Contribution To The Redevelopment Agency Under The Cooperation Agreement For Emergency Operating Assistance At The Oaks Hotel; And (09-0725)

2) An Agency Resolution Amending Resolution 2008-55 C.M.S. To (1) Accept The Return Of \$535,950.68 Of Unused Funds Contributed To The City Of Oakland Under The Cooperation Agreement For A Tenant Assistance Program For Residents At Oakland Community Housing, Inc. Properties; (2) Reallocate Up To \$150,000 From Said Funds To The John Stewart Company For Emergency Operating Assistance At The Oaks Hotel; And (3) Accept A Contribution Of \$50,000 In Community Block Grant Funds From The City Of Oakland Under The Cooperation Agreement For Said Assistance (09-0725-1)

LATONDA SIMMONS
Agency Secretary/City Clerk
and Clerk of the Council

ORA - Oakland Redevelopment Agency
S - Supplemental Item

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2009 AUG 12 AM 10:20

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: August 25, 2009

RE: **Resolution For Award Of An On-Call Construction Contract To The Lowest Responsive, Responsible Bidder, For Citywide Resilient Safety Surfaces Under The Americans With Disabilities Act Play Surfacing Project (No. C274251) In Accord With Plans And Specifications For The Project And Contractor's Bid, In An Amount Not-To-Exceed Six Hundred Thousand Dollars (\$600,000.00), Previously Authorized In Resolution No. 82201 C.M.S., Adopted July 21, 2009**

SUMMARY

Resolution No. 82201 C.M.S., adopted July 21, 2009, authorized the City Administrator to award an on-call construction contract to the lowest responsive and responsible bidder for Citywide Resilient Safety Surface Project in an amount not-to-exceed \$600,000.00, and required that the award be published on the Summer Recess agenda prior to execution of the contract. This resolution is intended to carry out the latter requirement.

Approval of the proposed contract will enable the City to address deficient safety surfaces and non-compliant ADA accessible playgrounds. The City Administrator's Office of ADA Program has established funds under ADA Transition Plan approved by the Commission on Persons with Disabilities, for park and recreation improvements. The City of Oakland evaluated and developed a Tot Lot safety surface replacement priority project list in 2005. Safety surface projects have been implemented as funds become available. The award of the on-call safety surfaces contract will expedite implementation of the priority sites. Awarding the contract during Council recess allows the City to complete the first priority projects prior to the on-set of inclement weather.

FISCAL IMPACT

Approval of this resolution will carry out the authorization in Resolution No. 82201 C.M.S for award of a construction contract to the lowest responsive and responsible bidder for the On-Call Poured-in-Place Resilient Safety Surface Contract for an amount not-to-exceed \$600,000.00. Funding for initial priority projects from the ADA Transition Plan for construction and contingency totaling \$222,472 is available as follows:

- JFPA Capital Projects, Series 2005 Fund (No. 5200), Capital Projects – Project Management Organization (92270), Landscaping Improvement Account (57112), Project No. C274251.

Item: _____
Mayor's Summer Recess Agenda
August 25, 2009

This project replaces existing non-compliant playground surfaces (such as sand or bark) or existing surfaces that have reached the end of its useful life with new resilient, ADA compliant safety materials which will significantly minimize maintenance obligations for the Public Works Agency. Replacement of these ADA non-compliant or deficient surfaces will also reduce City's liabilities.

As additional funding becomes available, future projects will be implemented and could include collaborative efforts, thereby stretching the use of the City's dollar to include volunteer labor, or privately raised funds.

BACKGROUND

In November 2005, City Council reviewed and established the attached list of priority Tot Lot sites for safety surface replacement. See *Attachment A*. Of the 18 projects on the list, 6 tot lots have had the safety surfaces replaced.

Since the establishment of the Tot Lot Safety-Surface Priority Project List, staff has completed projects as funds are available. At times, community interest, volunteer opportunities such as Kaboom Organization, and private fund-raising efforts were available for tot lots on the priority list. However, *design efforts and contract approval process required to implement projects have at times resulted in delays or missed opportunities*. The City can readily respond to community and collaborative efforts by having an on-call resilient safety-surfaces contract available to implement the safety-surfaces projects. In addition, City can effectively and efficiently complete the Tot Lot Safety-Surface Priority Project List using the on-call contract.

KEY ISSUES AND IMPACTS

The project will provide accessible and safer recreational facilities for children using City's tot lots. The resilient safety-surface projects will provide code-compliant surfaces meeting fall impact absorption rate, minimize the City's liabilities for deficient safety materials at tot lots, and minimize maintenance resources.

City of Oakland City Administrator's ADA Program has authorized initial project funds of \$222,472 in City Project No. C274251. The funds are identified to allow completion of tot lots deemed highest priority on the remaining project list, such as Mosswood Park Tot Lot and Montclair Park Tot Lot. On July 30, 2009, the City Clerk's Office received bids for the On-Call Resilient Safety Surface Contract. The contract will be awarded to the lowest responsive, responsible bidder based on analysis by the Department of Contracting & Purchasing. The analysis is in progress at the time of the report preparation and will be completed by the date of the report. The contract will be in effect for two years from the date of the Notice to Proceed, with the City's option to extend for an additional calendar year for a maximum of three-year contract.

Because the scope of work for the contract entails replacement of resilient safety surfacing which is a unique product not manufactured locally, the City's Local/Small Local Business Enterprise (L/SLBE) programs have been waived by the Department of Contracts & Purchasing, Contract Compliance & Employment Services Division. This memo is included as *Attachment B*.

Upon approval of the resolution, a contract will be executed and construction for the initial priority projects is estimated to begin in October 2009.

PROJECT DESCRIPTION

This contract addresses non-compliant and deficient play surfaces in Oakland playgrounds. The individual project involves the removal of existing play surface materials and installation of new resilient safety surface around existing tot lot play equipment and other related work.

SUSTAINABLE OPPORTUNITIES

Economic: The project will generate associated jobs for Oakland residents, and potential business tax, sales tax and other revenues for the City by those who work on the projects and require associated supplies and materials.

Environmental: The resilient safety surfaces base material is 100% made from recycled tire materials. The contractor will also be required to use recyclable construction materials to the extent feasible and is required to recycle construction debris in accordance with City standards.

Social Equity: The improvements to the park will benefit the neighborhood and the community at large by providing added and improved recreational amenities.

DISABILITY AND SENIOR CITIZEN ACCESS

The improvement project will improve accessibility to persons with disabilities and senior citizens. All construction will meet the requirements of the Americans with Disabilities Act.

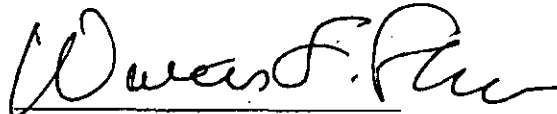
RECOMMENDATION AND RATIONALE

It is recommended that Council award an On-Call Construction Contract to the lowest responsive and responsible contractor for Citywide Resilient Safety Surfaces Under ADA (Americans With Disabilities Act) Play Surfacing Project in an amount not-to-exceed Six Hundred Thousand Dollars (\$600,000.00).

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the proposed resolution.

Respectfully submitted,

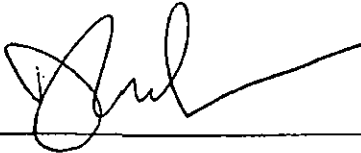


Walter S. Cohen
Director
Community and Economic Development Agency

Reviewed by:
Michael Neary, P.E.
Deputy Director
Department of Engineering & Construction

Prepared by:
Denise Louie
C. I. P. Coordinator
Project Delivery Division

APPROVED AND FORWARDED
TO THE CITY COUNCIL :



Office of the City Administrator

Attachments:

- A. Citywide Tot Lot Priority List updated July 2009
- B. Contract Compliance & Employment Services Waiver Memorandum, dated August 28, 2008

Item: _____
Mayor's Summer Recess Agenda
August 25, 2009

**ATTACHMENT A
TOT LOT RESURFACING PROGRAM - PRIORITY LIST**

DIST.	Park Name	Criteria					Square Footage	OPR: * New Eqpt. Request	Existing Conditions	Comments (Updated July 2009)
		ADA Rating	Safety Rating	Use	Cost Rank	Total Rating				
4	Diamond Fire Engine	4	5	4	3	16	800		Tile is worn out	Completed in November 2007.
4	Montclair (Western Town)	4	5	4	3	16	816		Ground only	Completed in November 2007.
3	Mosswood (Old Tot Lot)	4	5	4	2	16	4,992		Sand over concrete	Collaborative project between City & private developer to renovate the tot lot in 2010.
7	Tassafaronga	4	1	3	3	11	703		Sand	Completed in November 2007.
5	Foothill Meadow Annex/Cesar Chavez Annex	4	1	3	3	11	1,760		Sand	Completed in November 2007.
4	Montclair (Tot Lot)	4	1	3	1	9	6,980		Sand	
3	Lakeside (Saturn)	2	1	4	1	8	7,581		Sand	
3	McClymonds Mini-Park	4	1	1	3	9	1,998		Sand. Park may be renovated in future.	
7	Brookfield Rec Center	2	1	3	2	8	3,476		Sand.	
5	Foothill Meadow /Cesar Chavez	2	1	2	3	8	2,536		Sand	In design: Park Improvement Plan to be completed August 2009. Funding for construction is TBD. \$20,000 separate funding from ADA funds is allocated to this project.
4	Avenue Terrace	2	1	4	2	9	4,841		Sand. Parents like the sand surface.	
1	Linden Park	3	1	1	2	7	3,480		Sand. Redone about 14 years ago.	Completed in February 2007.
7	Verde Carter	2	1	3	3	9	2,202		Sand & Poured in Place Rubber	
* Tot lots below not recommend for resurfacing unless funds are available for new equipment:										
2	Madison Square *	4	5	3	3	15	1,848		Sand	Part of Measure WW project list; however, BART in discussion with City to swap property.
6	Rainbow Rec Center *	6	1	3	3	13	2,438	*	Sand	Completed in April 2007.

Item: _____

Mayor's Summer Recess Agenda
August 25, 2009

**ATTACHMENT A
TOT LOT RESURFACING PROGRAM - PRIORITY LIST**

DIST.	Park Name	Criteria					Square Footage	OPR: * New Eqpt. Request	Existing Conditions	Comments (Updated July 2009)
		ADA Rating	Safety Rating	Use	Cost Rank	Total Rating				
3	Lowell Park *	3	1	2	3	9	2,214	*	Sand	
3	Poplar Rec Center *	3	1	3	2	9	4,966	*	Sand	
6	Arroyo Viejo (Rear Tot Lot)	3	1	1	1	6	4,500		Bark	Equipment by Kaboom project. Bark needs replacement.
7	Willie Wilkins (Elmhurst) *	1	1	2	2	6	2,536			Project funded and in construction.
6	Maxwell *	2	1	2	2	7	4,000	*	Sand & Poured in Place Rubber	

CRITERIA:

ADA (Based on Modern Standards)

- 3 pts. Very High Priority - Modern ADA compliant equipment and non-compliant surfaces
- 1 pt. Medium Priority - Minimumly compliant equipment and surfaces
- 0 pt. Low Priority - Non-compliant ADA equipment and no ADA Access

Safety

- 5 pts. High Priority - Special surface lacking or not in accordance with contemporary standards
- 3 pt. Medium Priority - Surfaces acceptable
- 1 pt. Low Priority - Below current safety standards

Use

- 4 pts. Extremely high use
- 3 pt. High use
- 2 pt. Moderate use

Cost

- 3 pts. Low cost (under \$80,000)
- 2 pt. Moderate cost (\$80,000 - \$160,000)
- 1 pt. High Cost (>\$160,000)

Item: _____

Mayor's Summer Recess Agenda
August 25, 2009

ATTACHMENT B

Memo



Department of Contracting and Purchasing (DC&P)
Division of Social Equity

TO: Denise Louie, CEDA
FROM: Shelley Darensburg, Senior Contract Compliance Officer *S. Darensburg*
CC: Gwen McCormick, Supervisor Contract Administration
DATE: August 28, 2008
RE: Availability Analysis—On Call Poured-in-Place Rubber Safety
Surface and Playground Contractors

Pursuant to your request the Department of Contracting and Purchasing (DC&P), Division of Social Equity conducted an availability analysis of our database of certified local and small local firms.

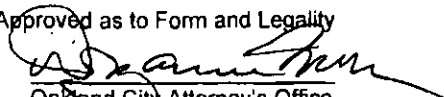
Under current council policy, the awarding authority may request an availability analysis if there is reason to believe that the availability of certified firms will not be sufficient to satisfy the 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement. Based on your request, DC&P review our database of certified firms, the findings are as follows:

1. The City's database of certified found one (1) firm that indicates it performs poured in place rubber safety surface and playground structure specialty.
2. The scope of the project does not include opportunities to subcontract.

Based upon the above, the minimum 20% L/SLBE requirement for the above referenced project is hereby waived. However, Beliveau Engineering, an SLBE has indicated that they can and have performed the scope of services requested in the RFP. Therefore, Beliveau Engineering must be included in solicitations for this opportunity. Attached is Beliveau's contact information.

If you have any questions or need additional information, please contact me at Ext. 7325.

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2009 AUG 12 AM 10:48

Approved as to Form and Legality

Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 82254 C.M.S.

Introduced by Councilmember _____

RESOLUTION FOR AWARD OF AN ON-CALL CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER FOR CITYWIDE RESILIENT SAFETY SURFACES UNDER THE AMERICANS WITH DISABILITIES ACT PLAY SURFACING PROJECT (NO. C274251) IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID, IN AN AMOUNT NOT-TO-EXCEED SIX HUNDRED THOUSAND DOLLARS (\$600,000.00), PREVIOUSLY AUTHORIZED IN RESOLUTION NO. 82201 C.M.S., ADOPTED JULY 21, 2009

WHEREAS, the City of Oakland wishes to update and improve safety at Tot Lots with aged and/or deteriorated safety surface throughout the City; and

WHEREAS, in October 2005, the City of Oakland developed a Tot Lot Resurfacing Program Priority List to replace existing Tot Lot play surfaces with resilient poured-in-place safety material; and

WHEREAS, the City Administrator has been authorized to award an on-call contract for the construction of Citywide Resilient Safety Surfaces Under ADA Play Surfaces (Project No.C274251) in an amount not-to-exceed Six Hundred Thousand Dollars (\$600,000.00) by Resolution No. 82201 C.M.S., adopted July 21, 2009; and

WHEREAS, on July 30, 2009, bids were received by the Office of the City Clerk of the City of Oakland for the On-call Poured-in-place Resilient Safety Surface Contract (No.C274251); and

WHEREAS, there are initial funds available for the project under the ADA Transition Plan JFPA Capital Projects, Series 2005 Fund No. 5200; Project C274251; Capital Program Organization 92270; Landscape Improvement Account 57112, Program IN06; and

WHEREAS, other funds may become available through future grants, donations or collaborative projects; and

WHEREAS, on-call contracts allow the City to promptly implement replacement of non-compliant or deficient playground surfaces; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, and the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

WHEREAS, poured-in-place resilient safety surfaces materials is a unique product manufactured non-locally and requires certified installation training; and

WHEREAS, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

RESOLVED: That award of an on-call contract for the construction of Citywide Resilient Safety Surfaces Under the Americans With Disabilities Act Play Surfaces (Project No.C274251) to the lowest responsive and responsible bidder in accordance with the project specifications and plans and terms of the contractor's bid therefore, dated July 30, 2009, in an amount not-to-exceed Six Hundred Thousand Dollars (\$600,000.00) was previously authorized in Resolution No. 82201 C.M.S, adopted July 21, 2009; and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specification for this project; and be it

FURTHER RESOLVED: That the faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act submitted with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to enter into a contract with the lowest responsive and responsible bidder on behalf of the City of Oakland and to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That all other bids are hereby rejected; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk; and be it

FURTHER RESOLVED: That the City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, AUG 25 2009, 2009

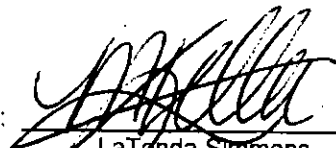
PASSED BY THE FOLLOWING VOTE:

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

NOES-
ABSENT-
ABSTENTION-

APPROVED DURING CITY COUNCIL RECESS
PURSUANT TO RESOLUTION NO. 79006 CM
C.M.S., DATED 01-04-05

ATTEST:



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

CITY OF OAKLAND FILED
AGENDA REPORT OFFICE OF THE CITY CLERK
OAKLAND

2009 AUG 12 AM 10: 20

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Finance & Management Agency
DATE: August 25, 2009

RE: **A Resolution Fixing the Rate of Property Tax and Levying a Tax on Real and Personal Property in the City of Oakland For Fiscal Year 2009-2010 for Voter-Approved Indebtedness**

SUMMARY

A resolution has been prepared to set the property tax rates for fiscal year (FY) 2009-2010 for voter-approved indebtedness, including the City's general obligation bonds and pension obligation bonds. The proceeds generated from these property tax rates will be used towards paying debt service on the City's voter-approved indebtedness.

The resolution is submitted during summer recess in order to meet the schedule for property tax rate submittal established by the County of Alameda (County). All tax rates must be submitted to the County by August 31, 2009 for inclusion in FY 2009-2010 property tax bill.

FISCAL IMPACT

Passage of this resolution will permit the City to collect the FY 2009-2010 revenues included in the FY 2009-11 Adopted Policy Budget for the payment of debt service for the outstanding general obligation and pension obligation bonds.

BACKGROUND

In order to provide for the debt service for the City's general obligation and pension obligation bonds, the City must annually set levy rates based on the assessed valuation subject to taxation, and must inform the County of Alameda of these rates by August 31 for inclusion on that year's property tax bill.

The resolution has been prepared pursuant to California Government Code and Article VIII, Section 802, of the Oakland City Charter, setting the FY 2009-2010 property tax rate for voter-approved indebtedness. Article XIII A of the California Constitution (Proposition 13) precludes the adoption of a City-wide property tax rate. A County-wide one percent (1%) property tax rate is assessed by Alameda County and apportioned to cities and special districts in accordance with state law.

Item: _____
Mayor's Summer Recess Agenda
August 25, 2009

KEY ISSUES AND IMPACTS

For the City's general obligation bonds, the levy rates are calculated each year to yield the necessary debt service amount based on the assessed valuation of property within the City.

The following property tax rates are required to satisfy the City of Oakland's 2009-2010 voter-approved indebtedness for the indicated general obligation bond series, based upon the current assessed valuation as reported by the County of Alameda:

Bond Issue	Property Tax Rate
\$38,000,000 General Obligation Bonds (Measure G) Series 2002A	0.00686%
\$71,450,000 General Obligation Bonds (Measure DD) Series 2003A	0.01195%
\$122,476,014 General Obligation Refunding Bonds Series 2005	0.02948%
\$21,000,000 General Obligation Bonds (Measure G) Series 2006	0.00360%
\$64,545,000 General Obligation Bonds (Measure DD) Series 2009B	0.00946%

For the City's Police and Fire pension liability, the property tax rate required to satisfy the City's 2009-2010 voter-approved indebtedness for the indicated pension obligation bonds is 0.1575%.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report.

Environmental: There are no environmental opportunities associated with this report.

Social Equity: There are no social equity opportunities associated with this report.

DISABILITY AND SENIOR CITIZEN ACCESS

There are no disability or senior citizen access issues contained in this report.

RECOMMENDATION(S) AND RATIONALE


Staff recommends passage of this resolution as it is required to generate the revenues needed to pay debt service on the City's general obligation and pension obligation bonds.

Item: _____
Mayor's Summer Recess Agenda
August 25, 2009

ACTION REQUESTED OF THE CITY COUNCIL

Council is requested to approve the resolution specifying the property tax levy rates for FY 2009-2010. In the event of any changes to the County's assessed valuation data, the proposed resolution allows the City Administrator or his designee to approve any necessary adjustments in the rates for the *General Obligation Bonds, Series 2002A, 2003A, 2005, 2006, and 2009B Bonds* prior to the County's preparation of the tax bills. Council will be notified of any significant changes to the rates estimated above.

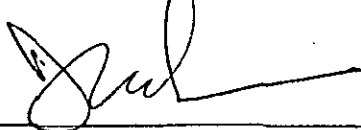
Respectfully submitted,



Joseph T. Yew, Jr.
Finance Director/City Treasurer

Prepared by:
Katano Kasaine, Treasury Manager
Treasury Division

APPROVED AND FORWARDED TO THE
CITY COUNCIL



Office of the City Administrator

Item: _____
Mayor's Summer Recess Agenda
August 25, 2009

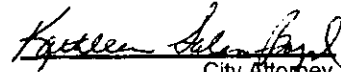
**City of Oakland
General Obligation Bonds**

Levy Calculations for Fiscal Year 2009-2010

Bond Description	Series 2002A (Measure G)	Series 2003A (Measure DD)	Series 2005 (Refunding)	Series 2006 (Measure G)	Series 2009 (Measure DD)	GO TOTAL
Fund Number:	6310	6320	6063 (Baby Bonds)	6311	6321	
Cash Available for DS as of 6/30/09						
Cash Held by Treasury	\$ 336,182	\$ 528,629	\$ 252,031	\$ 180,039	\$ -	\$ 1,296,881
Cash Held by Trustee	-	-	-	26	-	26
Total Cash	336,182	528,629	252,031	180,065	-	1,296,907
Debt Service Payments through 12/31/10						
FY 2009-2010 DS Payments	2,540,750	4,417,568	11,063,588	1,319,363	2,115,439	21,456,707
DS Payment in 07/15/10	839,875	1,421,503	-	452,181	1,776,916	4,490,474
DS Payment in 12/15/10	-	-	2,296,419	-	-	2,296,419
Bank & Bonds	9,500	11,500	6,000	6,000	6,000	39,000
Total DS Payments through 12/31/10	3,390,125	5,850,570	13,366,007	1,777,544	3,898,355	28,282,601
Total Debt Service Shortfall	3,053,943	5,321,941	13,113,976	1,597,479	3,898,355	26,985,694
Add: Reserve (6% of FY 09/10 DS)	152,445	265,054	663,815	79,162	126,926	1,287,402
Less: Unitary Tax Collected FY 2008-2009	286,015	498,849	1,230,658	143,313	-	2,158,835
Balance to be levied on Tax Roll	\$ 2,920,373	\$ 5,088,145	\$ 12,547,134	1,533,328	4,025,281	\$ 26,114,261
Secured Tax Rate*	0.00686%	0.01195%	0.02948%	0.00360%	0.00946%	0.06135%
Assessed Valuation	42,568,089,800	42,568,089,800	42,568,089,800	42,568,089,800	42,568,089,800	42,568,089,800
Last Year's Secured Tax Rate	0.00469%	0.00818%	0.02018%	0.00235%	0.00000%	0.04484%
DIFFERENCE	0.00217%	0.00378%	0.00930%	0.00125%	0.00946%	0.00705%

* Expected Unitary Tax Revenue for FY 2009-2010 not factored into the secured tax rate given the uncertainty of the value of receipt; it will be taken into account for FY 2010-2011 tax roll once the monies from County are received.

FILED
OFFICE OF THE CITY CLERK
OAKLAND


City Attorney

2009 AUG 12 PM 3: 00 **OAKLAND CITY COUNCIL**

RESOLUTION NO. 82255 C.M.S.

**RESOLUTION FIXING THE RATE OF PROPERTY TAX AND
LEVYING A TAX ON REAL AND PERSONAL PROPERTY IN THE
CITY OF OAKLAND FOR FISCAL YEAR 2009-2010 FOR VOTER-
APPROVED INDEBTEDNESS**

WHEREAS, the City of Oakland must annually set property tax levy rates, based on the assessed valuation subject to taxation, and must inform the County of Alameda of these rates by August 31st for inclusion on that year's property tax bill; and

WHEREAS, passage of this resolution will permit the City of Oakland to collect the Fiscal Year 2009-2010 revenues for the payment of debt service for the outstanding voter approved general obligation and pension obligation bonds; and now therefore be it

RESOLVED: that a tax of 0.1575% is hereby fixed and levied for Fiscal Year 2009-2010 on taxable property, real and personal, within the corporate limits of the City of Oakland, and the tax so levied and the money arising therefrom, when collected, shall be and is hereby identified and expended for payments to the Police and Fire retirement systems as approved by the voters of the City of Oakland; and be it

FURTHER RESOLVED: that an estimated tax of 0.00686% is hereby fixed and levied for Fiscal Year 2009-2010 on taxable property, real and personal, within the corporate limits of the City of Oakland, and the tax so levied and the money arising therefrom, when collected, shall be and is hereby identified and expended for debt service payments related to the City of Oakland, General Obligation Bonds, Series 2002A, as approved by the voters of the City of Oakland; and be it

FURTHER RESOLVED: that an estimated tax of 0.01195% is hereby fixed and levied for Fiscal Year 2009-2010 on taxable property, real and personal, within the corporate limits of the City of Oakland, and the tax so levied and the money arising therefrom, when collected, shall be and is hereby identified and expended for debt service payments related to the City of Oakland, General Obligation Bonds, Series 2003A, as approved by the voters of the City of Oakland; and be it

FURTHER RESOLVED: that an estimated tax of 0.02948% is hereby fixed and levied for Fiscal Year 2009-2010 on taxable property, real and personal, within the corporate limits of the City of Oakland, and the tax so levied and the money arising therefrom, when collected, shall be and is hereby identified and expended for debt service payments related to the City of Oakland, General Obligation Refunding Bonds, Series 2005, as approved by the voters of the City of Oakland; and be it

FURTHER RESOLVED: that an estimated tax of 0.00360% is hereby fixed and levied for Fiscal Year 2009-2010 on taxable property, real and personal, within the corporate limits of the City of Oakland, and the tax so levied and the money arising therefrom, when collected, shall be and is hereby identified and expended for debt service payments related to the City of Oakland, General Obligation Bonds, Series 2006, as approved by the voters of the City of Oakland; and be it

FURTHER RESOLVED: that an estimated tax of 0.00946% is hereby fixed and levied for Fiscal Year 2009-2010 on taxable property, real and personal, within the corporate limits of the City of Oakland, and the tax so levied and the money arising therefrom, when collected, shall be and is hereby identified and expended for debt service payments related to the City of Oakland, General Obligation Bonds, Series 2009B, as approved by the voters of the City of Oakland; and be it

FURTHER RESOLVED: that if the estimated General Obligation Bond rates of 0.00686%, 0.01195%, 0.02948%, 0.00360%, and 0.00946% for Series 2002A, 2003A, 2005, 2006, and 2009B respectively, need to be adjusted to reflect the actual figures for the assessed valuations, the City Administrator or his designee is hereby authorized to make the necessary adjustments; and be it

FURTHER RESOLVED: that this Resolution shall take effect immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA, AUG 25 2009, 2009

PASSED BY THE FOLLOWING VOTE:

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

NOES - APPROVED DURING CITY COUNCIL RECESS

ABSENT - PURSUANT TO RESOLUTION NO. 79006 CMS

ABSTENTION - C.M.S., DATED 01-04-05

ATTEST:



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

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 AUG 12 AM 10:20

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: August 25, 2009

RE: **A Report and Resolution Authorizing the City Administrator to Negotiate and Execute a Contract for Professional Services with Volunteers of America Bay Area, Inc. to Operate the Oakland Day Labor Program from July 1, 2009 Through June 30, 2010, In An Amount Not To Exceed \$175,000**

SUMMARY

This report requests the City Council's approval of a resolution authorizing the City Administrator to negotiate and execute a contract with Volunteers of America (VOA) Bay Area, Inc., to operate the Oakland Day Labor Program from July 1, 2009 through June 30, 2010. The contract amount will not exceed \$175,000.

Staff are seeking summer recess approval of this contract to allow for continuous delivery of services in the new fiscal year, and to provide VOA with the contract assurance necessary to enter into a new site lease. Council budget authority for the new fiscal year operations of this program was not secured in sufficient time for staff to prepare and deliver this report prior to the recess.

FISCAL IMPACT

A total of \$175,000 for the FY 09-10 operation of the Oakland Day Labor Program is available in the General Purpose Fund (1010), Workforce Development Organization (88549), Day Laborers Project (A139610).

BACKGROUND

Prior to the July 12, 1999 implementation of the Day Labor Program, several hundred Oakland casual laborers had been congregating daily in several City of Oakland locations. Area vendors complained about the disruption to their businesses and requested that the City of Oakland develop a strategy for addressing the problems resulting from the laborers' congregation. The Community and Economic Development Agency (CEDA) designed a job development and social service model that was intended to address the needs of the casual labor population as well as the concerns of the Fruitvale business community. A subsequent Request for Proposals process resulted in the selection of VOA as the contractor to enact this program model.

Item: _____
Mayor's Summer Recess Agenda
August 25, 2009

KEY ISSUES AND IMPACTS

The Day Labor Program is considered a viable mechanism for controlling the large numbers of men and women who congregate on street corners in the Fruitvale District in the hopes of being hired by local contractors. Local residents complained that the gathering of day laborers presented a nuisance and a public safety issue. Another concern is based on the well-being of the day laborers themselves, who are prone to being exploited by unscrupulous contractors, with little or no legal recourse. The Day Labor Program was created by the City of Oakland as a solution to both sets of concerns.

At the end of June 2009, VOA's lease on its site for the operation of this program expired, and the landlord's proposed rent increase was deemed unaffordable by VOA, particularly in light of the City's 10% reduction in funding for FY 09-11. With the assistance of the office of Vice-Mayor De La Fuente, VOA has identified a new site and is prepared to enter into a new lease agreement upon contract execution. In the interim, VOA continues to operate in conjunction with its other service delivery partners through mobile outreach to its Day Laborer and employer clients.

PROGRAM DESCRIPTION

The VOA Day Labor Program offers services in two major areas: Job placement and related activities, and client support services.

- Job placement:

This is the primary focus of activity at the Oakland Day Labor Program. Job placements help foster both the goals of the City of Oakland and immediate community, to reduce sidewalk congregation, and the goals of the day laborers themselves, to get work and increase their marketable skills.

VOA conducts outreach to both job seekers and employers. As more day laborers realize that their chances of landing good placements are better when participating in the hiring hall program, more pursue work at that venue, rather than on street corners. The day laborer community is reaching a more widespread understanding that the quality of job placements, job safety, and assurance of getting paid are better with jobs generated through the hiring hall. Finally, the inclusion of programs that build specific work skills provides another incentive for job seekers to participate.

Through its partnerships with employers and a wide variety of Oakland service agencies, VOA provides opportunities for day laborers to develop skills for long-term employment, in addition to the short-term job placements which are more traditionally part of the day labor job market. Marketable skills developed by VOA's clients include OSHA-certified

environmental remediation, forklift operation, maritime support operations, packaging and shipping services, and automotive mechanic training.

VOA staff have also expanded efforts to help clients with the process of applying for permanent jobs, by identifying opportunities and helping clients with the job application process. By doing so VOA helps generate client applications that would otherwise never be made. Through these approaches the program has helped hundreds of clients find career-oriented opportunities, with pathways to economic self-sufficiency that extends well beyond the traditional day labor model.

The other key to generating placement success involves working with the employers of casual labor. Such employers are learning that they get better quality employees through the VOA hall, screened for the particular skills needed on a job, which creates a greater incentive for them to hire through the program. VOA's employer clients are made aware of the job matching and certification benefits of participation, as well as the City's commitment to supporting the hiring hall model. Employers who have hired through the VOA hall at least once are solicited for input about their experience with the program, and for specific feedback about the client or clients with whom they worked. VOA staff also provide certifications for certain higher level skills, such as roofing and carpentry, which reassures employers that the clients they hire are qualified to do the work required.

- Client Support Services:

VOA staff provide services that go beyond the primary focus on job placements. Clients are given resources for housing, food, legal and medical services, as well as references to available social services as appropriate. VOA staff takes on something akin to a case management role, where day laborer clients are assisted with immigration and legal issues. VOA staff say that nearly all of the Center's clients and their families actively avail themselves of the broader services offered.

Many community institutions are involved as partners in the service delivery efforts. Among them is the Unity Council, a Fruitvale area non-profit with a strong reputation for providing services to the non-English speaking community. Other partners who have added similar expertise include Mujeres Con Esperanza, the Central American Refugee Center, ECHO Housing (Eden Council for Hope and Opportunity), the Spanish Speaking Citizens' Foundation and Centro Legal. Groups assisting with services in the education and training realm include Asian Neighborhood Design, City Team Ministries, the Alameda County Food Bank, and the Women's Initiative for Self Employment. Other services to clients of the Hiring Hall have been provided by Bananas, St. Vincent de Paul, St. Elizabeth's Church, the East Bay Sanctuary Convent, the Bethel Evangelical Covenant Church, Merritt and Laney Colleges, and the Santa Clara County Office of Education. Finally, medical support services have been made available by partners such

as the Alameda County Public Health Department, San Antonio Clinic, La Clinica de la Raza, and Highland Hospital.

EVALUATION OF PAST PERFORMANCE

The performance of VOA's Day Labor operations has been monitored regularly through the City of Oakland's Job Training Performance Standards reporting system, delivered to the City Council semi-annually. Levels of client services and job placement outcomes have included:

- Traffic and Placement Activity:

The following table summarizes client traffic data at the Hiring Hall in previous program years, followed by data from the current year through May 31, 2009:

Period	Total Client Visits	Total First-Time Clients	Average Daily Client Traffic
2002-03	12,624	1,387	47
2003-04	19,713	2,477	60
2004-05	28,939	1,813	101
2005-06	50,357	2,069	199
2006-07	55,515	2,153	219
2007-08	63,639	3,833	245
2008-09 as of May 31	50,137	4,323	214

This data shows that while the number of clients served remains much higher than in the program's early years, the volume has reached a plateau during FY 2008-09, largely as a reflection the economic slowdown. The recession has manifested both on the demand and supply sides: demand for labor by contractors is down, especially in the home building and remodeling sectors, and the supply of day laborers also appears to have ebbed somewhat. That said, staff believe that the program's traffic volume of well over 200 clients per day shows that the hiring hall continues to be in high demand.

Services and a strong community environment play a role in keeping clients as active participants. Of primary importance, though, is how the clients perceive the likelihood of securing gainful employment on any given day. If a day laborer feels the chances of getting a job are better outside on the street than inside the hiring hall, the street is where

the laborer will seek the work. The following data shows the job placement activity within the VOA hiring hall in previous program years, followed by data from the current year through May 31, 2009:

Program Period	Total Placements	Extended Jobs	Temporary Jobs	Avg. Daily Placements
2002-03	3,961	1,316	2,645	14.5
2003-04	3,668	1,531	2,137	11.4
2004-05	3,966	1,806	2,160	13.8
2005-06	3,958	1,428	2,530	15.6
2006-07	6,018	2,542	3,476	23.8
2007-08	11,549	5,379	6,170	44.4
2008-09 as of May 31	11,669	5,187	6,482	49.9

Extended jobs are defined as full-time work lasting more than three days, until the completion of the assignment. Temporary jobs are defined as those lasting three days or fewer.

In the current fiscal year data available through May, the VOA program continues to show strong job placement numbers in both temporary and extended job placement outcomes. Extended jobs are the most highly valued by clients, since they can offer up to several weeks of guaranteed work; in many cases in vocational fields that subsequently afford entry into permanent positions. The traditional model for day labor programs has not placed emphasis on the development of such ladders to self-sufficiency. Not captured in the data, but clearly relevant to the workers, is the aggregate number of "worker-days" created by the combination of extended and temporary jobs. Staff estimate that in the 2008-09 program year the Hiring Hall accounted for up to 60,000 days of employment for its clients.

- Job Safety and Pay Issues:

Concerns about day laborers being asked to perform duties with a high safety risk have always been characteristic of the street corner labor market. This historically has led to high rates of on-the-job injuries, almost always without employer-provided medical resources. Additionally, there is a risk that unscrupulous employers will reap the rewards of an employee's daily work, and then make off without paying. The VOA program has made substantial inroads in both of these areas of concern, not only for participants, but for the larger day laborer community.

VOA staff describe a strong record on safety and pay issues for their clients. No day laborers have reported pay problems from placements garnered within the hiring hall over the past year, and VOA staff reported no serious on-the-job injuries during 2008-09. Much of this record is attributed to VOA's informal certification program, whereby employers are assured that selected workers are qualified for higher-risk activities, such as roofing. Coupled with instruction on tool use and general worksite safety practices, the clients participating in the VOA program are better equipped to avoid injuries than the general day laborer population.

Program staff also seek to assist laborers from outside the program who report unscrupulous employers skipping out on promised pay. VOA reports that, during the first year of operation, they received an average of three no-pay complaints per day from laborers who accepted street corner placements. VOA staff's practice has been to work with both its direct clients and non-participants in the program to report wage fraud. This has helped reduce the incidence of such occurrences among the entire day laborer community. Such "pay skips" among VOA program clients are now mostly non-existent. This is in large part a function of the program's commitment to working with employers and cultivating repeat employer participation.

SUSTAINABLE OPPORTUNITIES

Economic: This project improves the economic well-being of hundreds of day laborers and their families by facilitating employment opportunities. It also supports the companies that hire the day laborers, thus promoting economic development.

Environmental: The project has no direct environmental impact.

Social Equity: The project provides support and advocacy to protect day laborers from a few unscrupulous employers who may take advantage of immigrant workers.

DISABILITY AND SENIOR CITIZEN ACCESS

Volunteers of America Bay Area, Inc. indicates that its program will continue to be accessible to senior citizens and disabled persons.

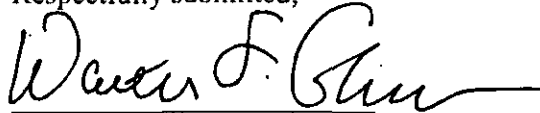
RECOMMENDATION AND RATIONALE

Staff recommends the City Council approve the resolution authorizing the City Administrator to negotiate and execute a contract for professional services with Volunteers of America Bay Area, Inc., to operate the Oakland Day Labor Program from July 1, 2009 through June 30, 2010, in an amount not to exceed \$175,000.

ACTION REQUESTED OF THE COUNCIL

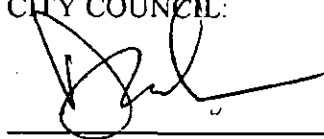
Staff requests that the City Council approve the resolution authorizing the City Administrator to negotiate and execute a contract with Volunteers of America Bay Area, Inc., to operate the Oakland Day Labor Program from July 1, 2009 through June 30, 2010.

Respectfully submitted,



Walter S. Cohen, Director
Community and Economic Development Agency

APPROVED AND FORWARDED TO THE
CITY COUNCIL:

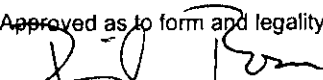


Office of the City Administrator

Item: _____
Mayor's Summer Recess Agenda
August 25, 2009

2009 AUG 12 PM 3: 32

Approved as to form and legality:


Deputy City Attorney

OAKLAND CITY COUNCIL

Resolution No. 8 2 2 5 6 C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A CONTRACT FOR PROFESSIONAL SERVICES WITH VOLUNTEERS OF AMERICA, BAY AREA, INC., TO OPERATE THE OAKLAND DAY LABOR PROGRAM FROM JULY 1, 2009, THROUGH JUNE 30, 2010, IN AN AMOUNT NOT TO EXCEED \$175,000

WHEREAS, the Oakland Day Labor Program administered by the Volunteers of America, Bay Area, Inc., provides employment and social services to the Oakland casual laborer population and their families; and

WHEREAS, the City entered into a series of professional services contracts and amendments with the Volunteers of America, Bay Area, Inc., to operate the Oakland Day Labor Program, from July 19, 1999 through June 30, 2009; and

WHEREAS, the City wishes to continue operation of this program, in accordance with stated public safety goals; and

WHEREAS, the City has identified \$175,000 of the General Fund allocation (Fund: 1010) for the Day Labor Program (Project: A139610), for the continued operation of the Oakland Day Labor Program in its budget for Fiscal Year 2009-10; and

WHEREAS, the City finds that this contract is of a professional nature; and

WHEREAS, the City finds that this contract will not result in a loss of employment or salary by any person having a permanent status in the competitive service; now therefore be it

RESOLVED: That the City Administrator is hereby authorized to negotiate and execute a contract for professional services with Volunteers of America, Bay Area, Inc., to operate the Oakland Day Labor Program, from July 1, 2009 through June 30, 2010, in an amount not to exceed \$175,000; and be it

FURTHER RESOLVED: That a total of \$175,000 will be allocated in FY 2009-10 from General Purpose Fund (1010), Workforce Development Organization (88549), Day Laborers Project (A139610) for professional services from Volunteers of America, Bay Area, Inc., to operate the Day Labor Program; and be it


FURTHER RESOLVED: That the City Administrator or his designee are hereby authorized to take whatever action is necessary with respect to the Oakland Day Labor Program and the contract with Volunteers of America, Bay Area, Inc., consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, AUG 25 2009

PASSED BY THE FOLLOWING VOTE:

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

NOES - APPROVED DURING CITY COUNCIL RECESS
PURSUANT TO RESOLUTION NO. 79006 C.M.S
ABSENT - C.M.S., DATED 01-04-05
ABSTENTION -

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

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 AUG 12 PM 4:52

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: August 25, 2009

RE: **Resolutions Authorizing the City Administrator, On Behalf of the City of Oakland, To Approve Two Brownfield Cleanup Revolving Loan Fund Grants/ Loans From the City's Existing Environmental Protection Agency/ American Reinvestment and Recovery Act-Funded Loan Program To: 1) Debra Esposito For Environmental Remediation At 2906 Chapman Street Related to the Development of 12 Units of Housing, For An Amount Not To Exceed \$400,000; And 2) Aspire Public School/Pacific Charter School Development, For Environmental Remediation At 1009- 66th Avenue Related to the Development of a 420-Student Public High School, For An Amount Not-To-Exceed \$1,000.000.**

SUMMARY

This report requests that City Council adopt resolutions authorizing the City Administrator to approve the following grants and loans from the City's EPA-funded Brownfield Cleanup Revolving Loan Fund (BCRLF) as follows:

- 1) Debra Esposito for environmental remediation at 2906 Chapman Street related to the development of 12 units of housing, for a loan amount not to exceed \$400,000; and
- 2) Aspire Public School/Pacific Charter School Development, for environmental remediation at 1009- 66th Avenue related to the development of a 420-student public high school, for a grant not to exceed \$800,000 and a loan amount not to exceed \$200,000, with total funding not-to-exceed \$1,000,000.

These two items have been requested during the Summer Recess due to the need to begin and complete remediation prior to the winter rainy season, when grading permits are not processed. The Aspire School needs to have the new high school constructed by September 1, 2010 to meet its State funding obligations as well as student needs. In the case of the Esposito loan, the sale of the site and its development into the 12 units of housing is contingent upon completion of clean up. This site has already received its approved planning entitlements, and the immediate continuity of the RLF financing subsequent to completion of assessment through financing provided by the City (State CALReUSE program) will enable the developer to move forward, even in these difficult times. The lack of cleanup and development of this site hinders

Item: _____
Mayor's Summer Recess Agenda
August 25, 2009

improvements in the immediate neighborhood, which is part of the greater Central Estuary Specific Plan. These two actions were approved for summer enactment at the July 21, 2009 City Council meeting in Resolution No. 82201 C.M.S.

FISCAL IMPACT

The City has an existing balance of approximately \$569,000 in its BCRLF loan and grant fund. The City recently requested an additional \$4.75 million in funding through the EPA- American Reinvestment and Recovery Act (ARRA) funding. The City is authorized to review and approve eligible applications and make loans, with approval of such grants and loans by the EPA, Region 9 Office. Under the ARRA guidelines, the City may also provide a portion or the entire amount of ARRA-funded RLF funds grants to nonprofits for the remediation of brownfields sites, or in some combination with low-interest loans to eligible applicants.

The existing RLF pool of funds (non-ARRA supplemental funds) requires a 20% cost share match, according to the EPA BCRLF program rules. The cost share may be in the form of a contribution of cash (private investment in the remediation project), labor, materials or services from non-Federal sources (including Redevelopment dollars or other state grants or loans). If a request for exemption is made for this requirement, the EPA may make the determination that the cost share would place an undue hardship on the eligible entity and grant an exemption to the cost share requirement.

The proposed grant not to exceed \$800,000 and the not to exceed \$200,000 loan to the non-profit Aspire Public Schools/Pacific Charter Schools Development will be used for environmental remediation of a 2.4-acre, former industrial site (APN 041-405600300), for development of a public high school. Aspire currently owns the site. The total remediation cost at 1009-66th Avenue is estimated at \$2.2 million. Aspire has already spent over \$900,000 for remediation of petroleum-based contaminants at the 66th Avenue project site, with some assistance provided by the Regional Water Quality Control Board through their underground storage tank (UST) program. The site is a vacant industrial property near the Coliseum Transit Village. Funding for the construction of the school has been secured. All planning and building permits for this project are obtained through the State as a public school Local Education Agency (LEA). If funds for the Aspire project were to be drawn from existing RLF non-ARRA funding, then the required 20% cost share would be met through the project's investment and State grants toward the remediation already completed, which has cost over \$900,000, with no additional City funding required.

The proposed \$400,000 loan to Debra Esposito Petro will be used for remediation of hazardous materials at a 10,000 sf site at 2906 Chapman Street (APN 25-671-1; 25-671-28), and will be drawn from the Environmental Protection Agency Fund (2125) or from the incoming ARRA-related BCRLF supplemental funding. The Esposito City match funds required for the applicant's CALReUSE loan for this site, as well as staff time (in-kind) provided for the BCRLF loan

Item: _____
Mayors Summer Recess Agenda
August 25, 2009

administration from the above referenced fund, per City Resolution No. 76843 C.M.S, will be applied toward the 20% match. No further City funding should be required for the match.

Earlier Council Action authorized the City Administrator to accept supplemental grant funds from the EPA for its BCRLF program (Resolution No.80329 C.M.S.). In-coming supplemental ARRA-related BCRLF funds will be deposited in a fund to be determined, Business Development Org: (88559), and in a project to be determined. Staff expects the ARRA supplemental funding announcement to be made in August 2009. Funds will not be drawn beyond the existing loan funds until said announcement is received and issued in a public press release.

BCRLF Table of Sources

	FUND	ORG	PROJECT	ACCT	AMOUNT
RLF existing estimate (8/5/09)	2125	88559	G183830	54912	\$569,000
ARRA- Requested Supplemental	TBD	88559	TBD	54912	\$4,750,000

BCRLF Table of Uses

	FUND	ORG	PROJECT	ACCT	AMOUNT
Aspire/Pacific Charter ARRA-BCRLF Grant	TBD	88559	TBD	54912	(\$800,000)
Aspire/Pacific Charter ARRA-BCRLF Loan	TBD	88559	TBD	54912	(\$200,000)
Debra Esposito EXISTING BCRLF Loan	2125	88559	G183830	54912	(\$400,000)

BACKGROUND

The City signed a Cooperative Agreement with the EPA as a partner for their BCRLF program in 2001 and received initial loan pool funding in the amount of \$500,000. The City is authorized to review and approve eligible applications and make loans, with oversight of the terms of such loans by the EPA Region 9 office. Underwriting of the loans and fiscal review of grantees is

Item: _____
 Mayors Summer Recess Agenda
 August 25, 2009

provided at a 1% fee by the Oakland Business Development Corporation through its existing contract with the City. Underwriting fees are an eligible expense of the administrative portion of the City's Cooperative Agreement.

In January of 2005, the City approved a BCRLF loan to the Redevelopment Agency in the amount of \$200,000 for the remediation of Willow Park in West Oakland. In 2006 the City approved a BCRLF grant in the amount of \$120,000 to Habitat for Humanity for the development of 26- affordable homes and a BCRLF loan in the amount of \$150,000 to Brush Street Partners for the remediation of that site for commercial development. The City has received two allocations of supplemental funding since 2001: one in the amount of \$385,000 in 2006 and another allocation in the amount of \$165,000 in 2007. In February 2009 staff applied for an additional \$1,000,000 in supplemental funding, and upon release of the ARRA-related EPA funds, applied for another \$3.75 million for Oakland's BCRLF program.

KEY ISSUES AND IMPACTS

ARRA BCRLF Requirements

The ARRA- EPA sub grant and loan guidelines require that projects contribute to the creation of jobs, and the program requires the ongoing documentation of job creation through environmental jobs (cleanup activities); construction jobs and or permanent jobs. The EPA requires borrowers or grantees to adhere to federally-designated living wage rates (Davis Bacon Act) and documentation of this is a reporting requirement. The EPA encourages fund recipients to partner with job training programs, particularly those already engaged in EPA-supported job training programs and others working toward goals of the Recovery Act in general. The two loan/grant recipients have agreed to work with staff to consider employment from the job training programs, including the Cypress Mandela Environmental Remediation Training Program. They have also agreed to ask their general contractor(s) to consider hiring from one of the many green construction training programs within the City, including Cypress Mandela, Allen Temple Green Build program, and Men of Valor Academy among others. All temporary (remediation and construction) and permanent jobs created as part of these developments will be tracked by the borrowers/grantees for a period consistent with ARRA program rules. Records on the numbers of such jobs will be retained by BCRLF program staff for annual reporting to the U.S. EPA.

ARRA-BCRLF Flexibility

The BCRLF supplemental funding awarded from Recovery Act funds has more flexibility than those awarded through the existing program:

- Recovery Act BCRLF funds are not subject to the 20 percent cost share required by the existing BCRLF program;
- Recovery Act BCRLF funds do not require that RLF grantees use at least 60 percent of the supplemental funding award for loans;

- Recovery Act BCRLF funds are not limited to \$200,000 per site, as per the current requirements.

Sustainability Principles

The ARRA encourages the maximization of sustainability principles in remediation and construction techniques. Staff will work with the grantees/borrowers to encourage this and provide resource and referral information to accomplish this. In addition, the EPA and accompanying ARRA guidelines both encourage and require public notification and information distribution relative to the conduct of remediation activities. Staff will work with the grantees/borrowers to ensure that community information and public notification of project schedules, techniques and contact information is provided throughout the remediation project implementation, consistent with EPA and NEPA guidelines.

PROGRAM DESCRIPTION

The BCRLF program was introduced by the EPA in the year 2000 to provide financing for environmental cleanup of contaminated sites. Land redevelopment is often deterred by the lack of available financing for this activity. The EPA introduced this program to allow cities to steer funding to appropriate and worthy sites which otherwise may be left undeveloped or contaminated. The BCRLF funding allows the City to act as a partner to the EPA to provide low-interest loans and or grants to eligible parties for the cleanup of contaminated properties. The loan applicants must have completed an environmental assessment process and must be able to complete clean-up activities funded by the BCRLF program within three years of the award.

The City's BCRLF program allows both loans and/or sub grants to nonprofits, and loans to the private sector. The City's BCRLF funds will not provide all the financing needed for any single applicant but it will provide substantial means by which applicants can obtain enough funding to clean up and develop their site. The completion of environmental assessment, including the acceptance from the appropriate regulatory agency of a Remediation Action Plan (RAP) or its equivalent, is a requirement and the applicant/owner of the property must have "innocent landowner status". The site cannot be a Section 107 Comprehensive Environmental Response Compensation and Liability Act site. Staff has confirmed that both projects in this report are qualified. The City's BCRLF program is being marketed through the new City of Oakland Brownfield Resource Guide as well as through marketing flyers and announcements at community meetings. The City of Oakland will continue working with nonprofits and eligible developers and property owners on approvals for its existing funds.

SUSTAINABLE OPPORTUNITIES

Economic: The BCRLF funds provide an opportunity for the reuse of existing sites that have not been easily redeveloped due to the actual presence of contamination. The cleanup of these sites provides opportunities for new housing, employment, community education and commercial revitalization. The Aspire site will provide 25-30 new permanent jobs. The Esposito site will result in the creation of at least one full-time job, and will also encourage self employment through the provision of live-work or home office compatible housing units. All jobs created (temporary and permanent) will be tracked by the borrowers/grantees and the City according to ARRA requirements.

Environmental: The proposed grant funds will clean up two heavily contaminated, former industrial sites that are close to or within residential areas. Both sites would be challenged in their redevelopment if grants and affordable loan funds were not available. The Aspire site is proximate to the Coliseum Transit Village area and close to Lions Creek Park; it will add to the environmental restoration of that area. The Esposito site is within the Central Estuary Plan area, and is within a waterfront adjacent community. Remediation of this site will increase the environmental quality of that community. The use of green building materials and construction and remediation techniques is being encouraged for both projects and such information will be documented in the City's BCRLF grant reports.

Social Equity: The BCRLF sub grant will assist Aspire to develop additional public school opportunities in the Coliseum Transit Village for local residents and adjoining neighborhoods, which are primarily low-income. The Esposito loan will remediate currently toxic conditions within a mixed-income neighborhood, and the resulting development will bring revitalization to that immediate area.

DISABILITY AND SENIOR CITIZEN ACCESS

There are no immediate issues pertaining to the benefits and impacts for the disability and senior citizen communities and compliance with the Americans with Disabilities Act (ADA), and the Older Americans Act, and other applicable laws.

RECOMMENDATION AND RATIONALE

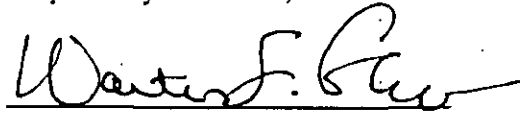
Staff requests that Council approve the recommended grants and loans from the City's BCRLF program, pending receipt of sufficient supplemental funding from the U.S. EPA in ARRA funding.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that Council approve the resolutions to authorize the City Administrator, on behalf of the City of Oakland, to approve two Brownfield Cleanup Revolving-Loan Fund Grants/Loans from the City's BCRLF Program to:

- 1) Debra Esposito for environmental remediation at 2906 Chapman Street related to the development of 12 units of housing, for an amount not to exceed \$400,000; and
- 2) Aspire Public School/Pacific Charter School Development, for environmental remediation at 1009- 66th Avenue related to the development of a 420-student public high school; for a grant amount not to exceed \$800,000 and a loan amount not to exceed \$200,000 with total funding not-to-exceed \$1,000,000.

Respectfully submitted,

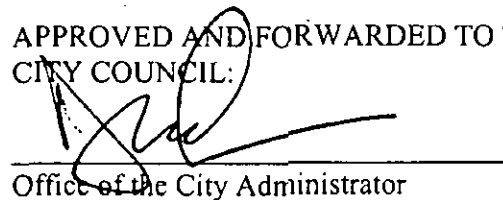


Walter S. Cohen, Director
Community and Economic Development Agency

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

Prepared by:
Margot Lederer Prado, AICP
Economic Development Division

APPROVED AND FORWARDED TO THE
CITY COUNCIL:


Office of the City Administrator

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 AUG 12 PM 1:52

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 82257 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING A SUBGRANT NOT TO EXCEED \$800,000 AND A LOAN NOT TO EXCEED \$200,000 TO ASPIRE PUBLIC SCHOOLS/PACIFIC CHARTER SCHOOLS DEVELOPMENT FROM THE CITY'S BROWNFIELD CLEANUP REVOLVING LOAN FUND FOR ENVIRONMENTAL CLEANUP OF A SITE AT 1009 66TH AVENUE FOR DEVELOPMENT OF A 420-STUDENT PUBLIC HIGH SCHOOL

WHEREAS, the City of Oakland ("City") has entered a Cooperative Agreement with and received funds from the United States Environmental Protection Agency (the "EPA") for the Brownfields Cleanup Revolving Loan Fund ("BCRLF") program, which provides funds for loans and subgrants to business entities to undertake remediation and mitigation of hazardous substances on brownfields; and

WHEREAS, The City has applied for \$4.75 million of American Reinvestment and Recovery Act supplemental funds from EPA, which would be additional to the existing BCRLF funds; and

WHEREAS, Aspire Public Schools/Pacific Charter Schools Development (aka Aspire Charter School) (the "Borrower" or "Grantee") is the owner of a brownfields site at 1009 66th Avenue in Oakland (APN 041-405600300), depicted on the Map and described in the Legal Description attached hereto as Exhibit A and Exhibit B, respectively, and incorporated herein by this reference (the "Property"), on which it plans to develop and operate a 420-student school ; and

WHEREAS, Grantee has submitted to the State of California Department of Toxic Substances Control ("DTSC"), a Corrective Action Plan ("CAP") for remediation of hazardous materials on the Property, for the protection of public health and safety and the environment, and the CAP must be approved prior to disbursement of any BCRLF funds for this Property; and

WHEREAS, the Grantee/Borrower has conducted an All Appropriate Inquiry pursuant to EPA Standards and is not legally identified as the Responsible Party; and the Property is not listed, nor proposed to be listed, on EPA's National Priorities List, as required for BCRLF loan eligibility; and

WHEREAS, the Grantee/Borrower has committed to conduct the remediation consistent with the Davis Bacon Prevailing Wage Federal Act; and

WHEREAS, the Grantee/Borrower has created a Community Profile and Participation Plan in accord with the BCRLF requirements; and

WHEREAS, the Grantee/Borrower is eligible to receive subgrants under the BCRLF Transition program because it is a nonprofit entity and the Property to be remediated is not listed, nor proposed to be listed, on the EPA's National Priorities List; and

WHEREAS, the City Administrator will delegate to the Community & Economic Development Agency authority to act on behalf of the City to implement the loan program and to satisfy the requirements of the EPA Cooperative Agreement; and

WHEREAS, by Resolution No. 82201 C.M.S., the City Council authorized adoption of a resolution and execution of an Agreement during the Council recess for a subgrant of up to Eight Hundred Thousand dollars (\$800,000) in BCRLF Funds and a loan of up to Two-hundred Thousand dollars (\$200,000) to Grantee/Borrower for mitigation and remediation of hazardous materials on the Property; and

WHEREAS, the City of Oakland, as a Responsible Agency, in accordance with CEQA Guidelines Section 15096, has independently reviewed and considered the Negative Declaration prepared by the Lead Agency, Aspire Public Schools, and the Notice of Determination filed with the County of Alameda, and has determined that (1) the Negative Declaration is adequate for use by the City, as a Responsible Agency, and (2) that no further environmental review is required, pursuant to CEQA Guidelines Sections 15162 or 15163; and relying on the Negative Declaration, Notice of Determination, and the California Department of Fish and Game Certificate filed with the County, the City has determined that the Project is exempt from payment of the California Department of Fish and Game fee; and

WHEREAS, the requirements of the National Environmental Protection Act ("NEPA") must be satisfied prior to disbursement of any loan or grant funds to the Borrower; now therefore be it

RESOLVED: That the City Administrator is hereby authorized to negotiate and execute a subgrant in the amount of up to \$800,000, and a loan of up to \$200,000 to Aspire School/Pacific Charter Schools Development for mitigation and remediation of hazardous substances at its Property, so long as Grantee/Borrower has carried out the Mitigation Project in accordance with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 104(k)g; Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments (40 CFR Part 31), and all other applicable provisions of federal, state or local laws; and be it

FURTHER RESOLVED: That the subgrant and loan funds will be allocated

from Environmental Protection Agency Fund (2125), Business Development Org: (88559), and EPA-Brownfield Cleanup Project (G183830), Third Party Contracts (54912); and be it

FURTHER RESOLVED: That both the subgrant and the loan must be drawn down within a period of one (1) year from the date the Agreement is executed; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or his designee to negotiate terms, execute, modify, amend and extend agreements, make expenditures, and take all other actions necessary to carry out the basic purposes of this resolution; and be it

FURTHER RESOLVED: That this action complies with CEQA, and the City Administrator or his designee shall cause to be filed with the County of Alameda a Notice of Determination in the same manner as the Lead Agency, pursuant to CEQA Guidelines; and be it

FURTHER RESOLVED: That the execution of any documents legally committing the City to fund these projects shall be expressly conditioned upon compliance with the requirements of NEPA; and be it

FURTHER RESOLVED: That all documents shall be reviewed and approved as to form and legality by the City Attorney's Office prior to execution, and copies will be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, AUG 25 2009


PASSED BY THE FOLLOWING VOTE:

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

NOES - APPROVED DURING CITY COUNCIL RECESS
PURSUANT TO RESOLUTION NO. 79006 C.M.S

ABSENT - C.M.S. DATED 01-04-05

ABSTENTION -

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

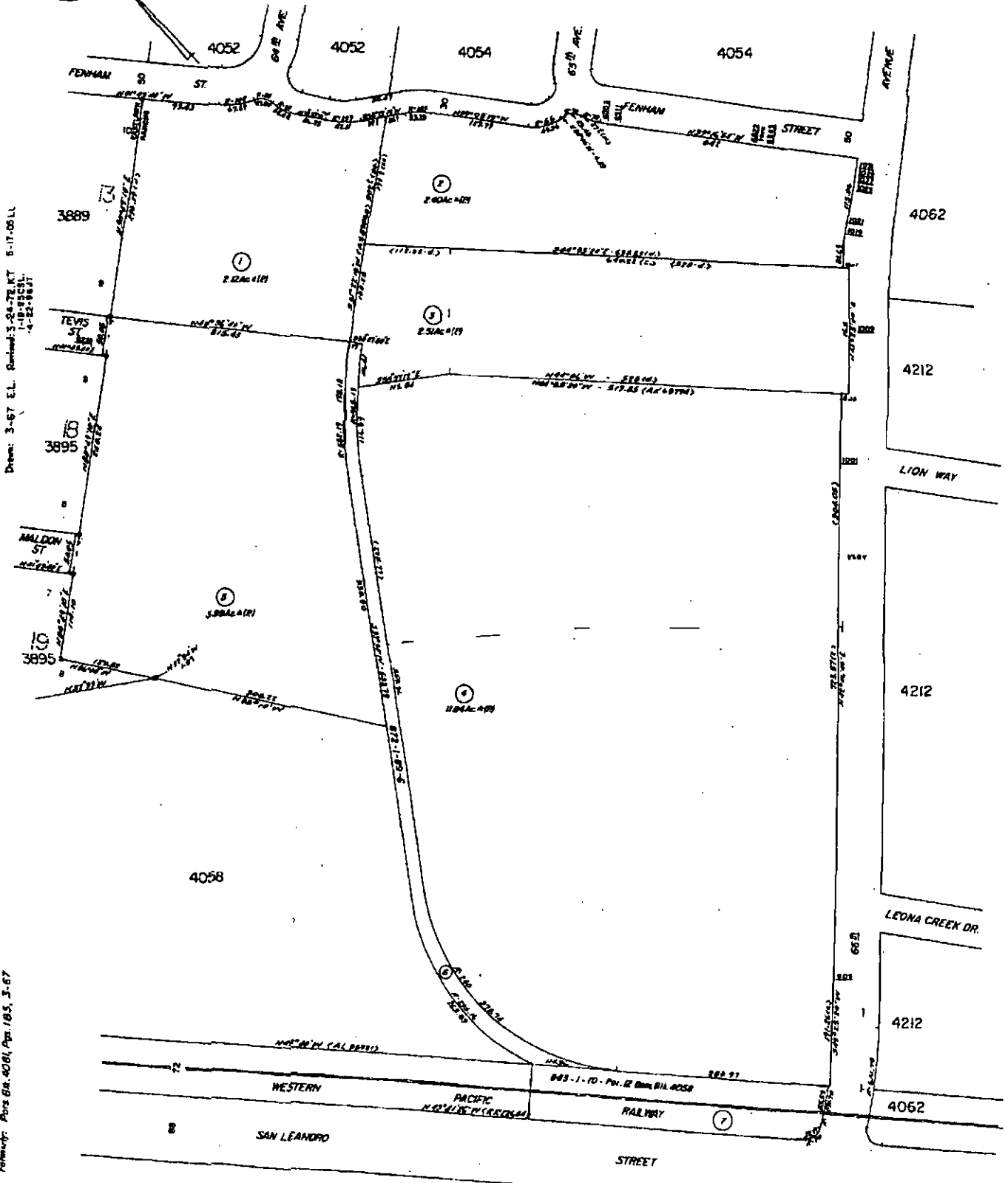
ASSESSOR'S MAP 41

Code Area No. 17-032

W4

RANCHO SAN ANTONIO (AMPeralta et al) (Bk X Pgs. Pg. 669)
EASTLAWN (Bk. 25 Pg. 35)

4056 Scale: 1" = 100'



Drawn: 3-67 E.L. Ramirez: 3-24-72 MKT 8-17-06 LL
1-18-08 CSL
1-18-08 SJT

Formwork: Pars Bk. 4081, Pgs. 165, 3-67

3916

Exhibit A

PROPERTY INFORMATION

1) Property: 1009 66TH AVE, OAKLAND CA 94621-3535 C005
APN: 041-4056-003 Card#: Use: HEAVY INDUSTRIAL
County: ALAMEDA, CA Prop Tax: \$21,342.72 Total Value: \$1,376,603
MapPg/Grid: 670-E4 Old Map: 12-D6 Tax Year: 2007 Delinq: Land Value: \$361,358
Census: 4088.00 Tract #: Tax Area: 17032 Imprv Value: \$1,015,245
High School: OAKLAND BA UNIF Elem School: Taxable Val: \$1,376,603
Comm Coll: Exemptions: Assd Year: 2008
Subdivision: % Improved: 74%
Owner: ASPIRE PUBLIC SCHOOLS Phone:
Owner Vest: / / CO
Mail: 1001 22ND AVE; OAKLAND CA 94606-5200 C003
Owner Transfer = Rec Dt: Price: Doc#: Type:
Sale Dt:

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 AUG 12 PM 1:52

Approved as to form and legality

Dennis
Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 82258 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A LOAN AGREEMENT WITH DEBRA ESPOSITO FOR AN AMOUNT NOT TO EXCEED \$400,000 FROM THE CITY'S BROWNFIELD CLEANUP REVOLVING LOAN FUND FOR ENVIRONMENTAL REMEDIATION AT 2906 CHAPMAN STREET, RELATED TO THE DEVELOPMENT OF 12 UNITS OF HOUSING

WHEREAS, the City of Oakland ("City") has entered a Cooperative Agreement with and received funds from the United States Environmental Protection Agency (the "EPA") that have been used to establish and administer the Brownfields Cleanup Revolving Loan Fund ("BCRLF") from which the City is authorized to make loans to entities willing to undertake remediation and mitigation of hazardous substances on brownfields; and

WHEREAS, The City of Oakland (the "City") applied for American Revitalization and Recovery Act ("ARRA") supplemental funds from the United States Environmental Protection Agency ("EPA") in the amount of \$4.75 million which would be additional to the existing Brownfields Cleanup Revolving Loan Fund ("BCRLF"); and

WHEREAS, the City made a loan to Debra Esposito ("Borrower") from the State-funded CALReUSE Environmental Site Assessment Loan Program for identification and testing of environmental hazards at her property at 2904-2906 Chapman Street (Assessor's Parcel Numbers 25-671-1 and 25-671-28) in the City of Oakland, California (the "Property"), which is depicted on the Map in Exhibit A and described in the Legal Description in Exhibit B, respectively attached hereto and incorporated herein by this reference; and

WHEREAS, the BCRLF requires matching funds for its loans/grants, and recognizes the CalReUSE funds loaned to Borrower as the match for the new BCRLF loan; and

WHEREAS, testing at the Property identified certain hazardous substances in the soil that required a remediation plan, which was prepared and submitted to the State Department of Toxic Substances Control ("DTSC"), which is reviewing the plan and the removal actions proposed therein (the "Remediation Plan"); and

WHEREAS, the Borrower has conducted an All Appropriate Inquiry based upon EPA Standards, the Borrower is not legally identified as the Responsible Party, and the Property is not listed, nor proposed to be listed, on the EPA's National Priorities List, as required for BCRLF loan eligibility; and

WHEREAS, the Borrower has committed to conduct the remediation consistent with the Davis Bacon Prevailing Wage Federal Act; and

WHEREAS, the Borrower will meet EPA's public participation requirements after public notification through meetings with the Jingletown neighborhood and the Coliseum Commerce Center Advisory Committee; and

WHEREAS, the Borrower will address all ARRA-related employment requirements through the tracking of all a) remediation b) construction and c) permanent full-time jobs funded through the proposed BCRLF loan, for a period of five years; and

WHEREAS, the City Administrator will delegate authority to the Community & Economic Development Agency to act on behalf of the City to implement the BCRLF loan program and to satisfy the requirements of the EPA Cooperative Agreement; and

WHEREAS, by Resolution No. 82201 C.M.S., the City Council authorized adoption of a resolution and execution of an Agreement by the City Administrator during Council recess for a BCRLF loan to the Borrower in an amount not to exceed Four Hundred Thousand Dollars (\$400,000) to be used to implement the Remediation Plan on the Property; and

WHEREAS, the requirements of the California Environmental Quality Act ("CEQA"), the CEQA guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied, and the requirements of the National Environmental Protection Act ("NEPA") must be addressed prior to funding of the BCRLF loans and grants; now therefore be it

RESOLVED: That the City Administrator is authorized to negotiate and execute a loan agreement with Borrower for an amount not to exceed \$400,000 for remediation of the Property; and be it

FURTHER RESOLVED: That the loan funds will be allocated from Environmental Protection Agency Fund (2125), Business Development Org: (88559), and EPA-Brownfield Cleanup Project (G183830) Third Party Contracts (54912); and be it

FURTHER RESOLVED: That the term of the loan shall be a period of three (3) years from the date the agreement is executed, and said agreement shall include incentives for early repayment to encourage repayment and the "revolving" of the funds; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or his designee to negotiate terms, execute, modify, amend and extend agreements, make expenditures and take all other actions necessary to carry out the basic purposes of this resolution; and be it

FURTHER RESOLVED: That the City Council has independently reviewed and considered this environmental determination and the City Council finds and determines, based on the information in the staff report accompanying this resolution, that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Sections 15301 (existing facilities), 15304 (minor alterations to land), and 15332 (in-fill development projects) of the CEQA guidelines; and be it

FURTHER RESOLVED: That the City Administrator or his designee shall cause to be filed with the County of Alameda a Notice of Exemption and an Environmental Declaration (CA Fish and Game Code Sec. 711.4) for these projects; and be it

FURTHER RESOLVED: That the execution of any documents legally committing the City to fund this BCRLF loan shall be expressly conditioned upon compliance with the requirements of NEPA, and funding is also conditioned upon DTSC approval of the Remediation Plan; and be it

FURTHER RESOLVED: That all documents related to the loan shall be reviewed and approved as to form and legality by the City Attorney's Office prior to execution, and copies will be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, AUG 25 2009

PASSED BY THE FOLLOWING VOTE:


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

NOES - APPROVED DURING CITY COUNCIL RECESS

ABSENT - PURSUANT TO RESOLUTION NO. 79006 C.M.S

ABSTENTION - C.M.S., DATED 01-04-05

ATTEST:


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

Breed & Bancroft's Resubdivision of a Portion of the North Alameda Tract (BK 22 P. 35)
 Map of the North Alameda Tract. (BK 19 P. 37)

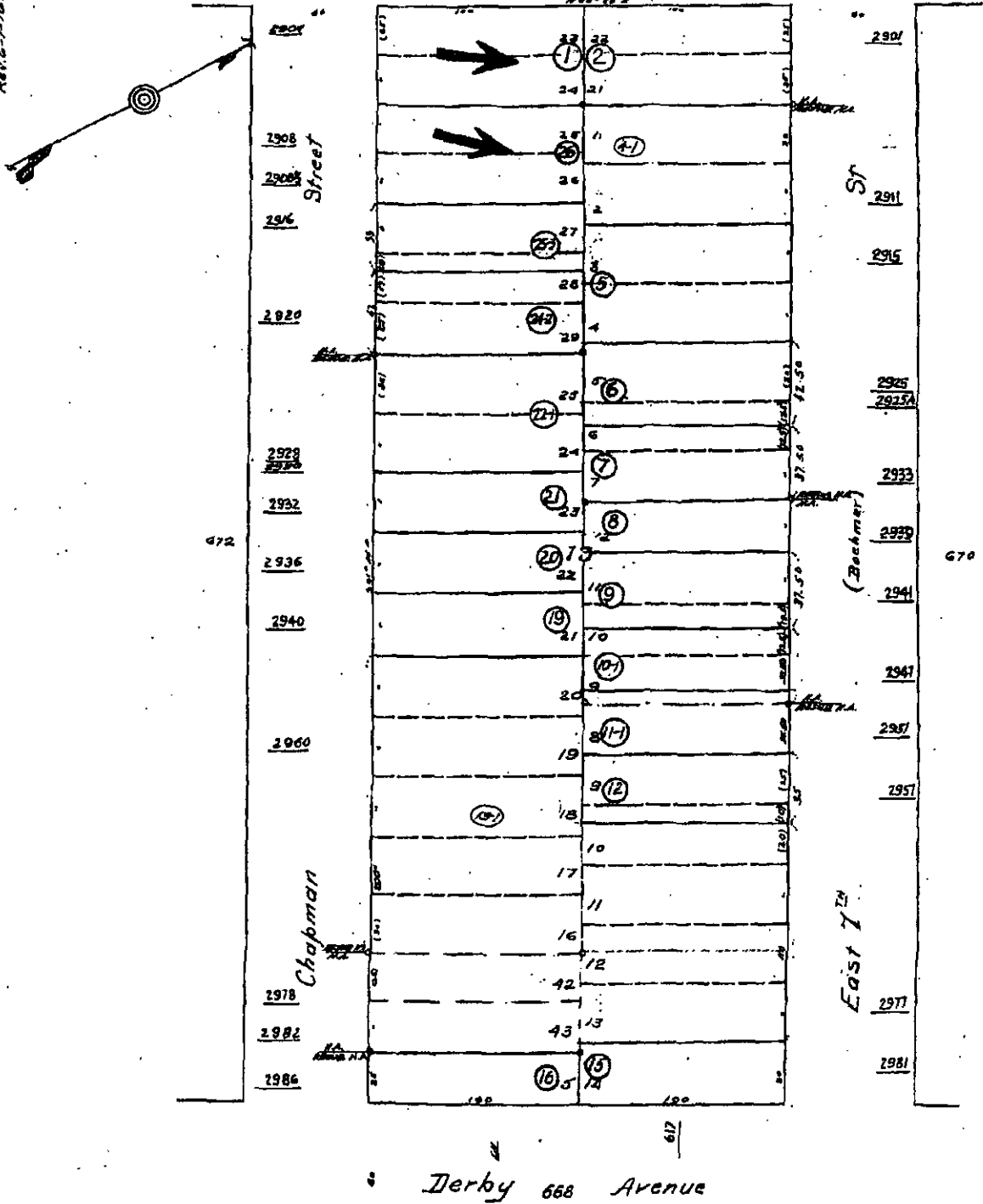
Code Area No. 17-001

671

ASSESSOR'S MAP 25

Scale 1" = 40 ft.

REVISION 7-6-84



**OLD REPUBLIC TITLE COMPANY
ORDER NO. 1117002088-JM**

The form of policy of title insurance contemplated by this report is:

A CLTA Standard Coverage (1990) Owner's Policy; AND An ALTA Loan Policy. A specific request should be made if another form or additional coverage is desired.

The estate or interest in the land hereinafter described or referred or covered by this Report is:

a Fee.

Title to said estate or interest at the date hereof is vested in:

ESPOSITO PLATING AND POLISHING CO., a corporation

The land referred to in this Report is situated in the County of Alameda, City of Oakland, State of California, and is described as follows:

Parcel 1:

Lots 23 and 24, Block 13, North Alameda Tract, subdivided, formerly known as the Valdez & Glascock Tract, filed December 8, 1887, Map Book 19, Page 65, Alameda County Records.

Parcel 2:

Lots 25 and 26, Block 13, North Alameda Tract, subdivided, formerly known as the Valdez & Glascock Tract, filed December 8, 1887, Map Book 19, Page 65, Alameda County Records.

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, general and special, for the fiscal year 2005 - 2006, a lien, but not yet due or payable.
2. Taxes and assessments, general and special, for the fiscal year 2004 - 2005, as follows:

Assessor's Parcel No	:	025-0671-001	
Bill No.	:	049653-00	
Code No.	:	17-037	
1st Installment	:	\$1,381.15	Marked Paid
2nd Installment	:	\$1,381.15	NOT Marked Paid
Land	:	\$17,525.00	
Imp. Value	:	\$56,717.00	
P.P Value	:	\$73,178.00	
Exemption	:	\$0.00	

Exhibit B

FILED
OFFICE OF THE CITY CLERK
OAKLAND

**REDEVELOPMENT AGENCY
AND THE CITY OF OAKLAND**

2009 AUG 12 PM 4:44

AGENDA REPORT

To: Office of the City/Agency Administrator
Attn: Dan Lindheim
From: Community and Economic Development Agency
Date: August 25, 2009

RE: A Report and Resolution Amending City Resolution No. 82252 C.M.S. and an Agency Resolution Amending Resolution No. 2008-0055 C.M.S. to Reallocate Up to \$200,000 from the Tenant Assistance Program for Residents at OCHI Properties to the John Stewart Company for Emergency Operating Assistance at the Oaks Hotel

SUMMARY

The main purpose of this report is to seek Council action related to an emergency situation at the Oaks Hotel, one of 14 properties in the Oakland Community Housing, Inc. (OCHI)'s troubled Oakland affordable rental portfolio.

Over the past few years, staff has presented numerous reports (May 22, 2007, January 22, 2008, April 22, 2008, August 26, 2008 and March 17, 2009) to the City Council regarding the decline of OCHI and the affect the decline has had on its Oakland properties. Staff's ultimate goal has been to keep as many properties open as possible (given the limited funds available) while the transfer of ownership and reconfiguration or re-syndication of the properties is being worked out.

In the last month, the situation at the Oaks Hotel has reached a critical point, where emergency action is needed immediately to keep the on-site property management in the building until a transfer of property ownership and full-scale rehabilitation of the building can begin. The transfer and rehabilitation is anticipated to occur in Fall 2010.

Staff recommends that the Council/Agency reallocate up to \$200,000 in unused funds from the Tenant Assistance Program for OCHI tenants to the John Stewart Company (JSCo) for emergency operating assistance at the Oaks Hotel. This action will prevent the property management company from exiting the property, which would result in the displacement of over 70 vulnerable, extremely-low income tenants—or create a situation in which tenants are left in a deteriorating building with no basic property management services, including security, maintenance and repairs. Furthermore, stabilizing the physical condition of the property will assist in the transfer of the Oaks Hotel to a stable ownership entity in Fall 2010. The effective date of JSCo's letter of resignation is September 30, 2009 unless additional funding can be secured, staff is seeking emergency action during the Council's Summer Recess, since this matter cannot wait to be addressed until their return.

Item: _____
Mayor's Summer Recess Agenda
August 25, 2009

FISCAL IMPACT

Funds in the amount of \$535,950.68 are being returned to the City/Agency from the unused portion of the 2008 tenant assistance program for displaced OCHI residents. Staff proposes to re-deposit those funds into the Low and Moderate Income Housing Fund (9850), Housing Development Organization (88929), Housing Development Project (P209310), and allocate \$150,000 of these funds to provide emergency operating/capital needs assistance to the Oaks Hotel over the next one to two years. It is recommended that this funding be provided as a grant, since these funds were not anticipated to be repaid, and the building's current capacity for servicing debt is effectively non-existent at this point in time.

Funds in the amount of \$50,000 are available from the City's Community Development Block Grant program Fund (2108), Housing Development Organization (88929), Project (G06520), which were allocated to provide motel vouchers to displaced OCHI tenants. These funds are available for reallocation since they were not utilized; none of the OCHI buildings have closed. These funds will be contributed to the Redevelopment Agency under the Oakland Redevelopment Agency Grant Fund (2185), Housing Development Organization (88929), project to be determined.

Providing this additional funding for the Oaks Hotel re-allocates unused funds from the now-expired tenant assistance and motel voucher programs. The funds would otherwise be re-allocated to the 2009-10 Notice of Funding Availability for Affordable Housing Development (NOFA). If these funds were used for the NOFA, they could assist in the construction or rehabilitation of approximately one to two units of affordable housing (In last year's NOFA, the City/Agency awarded between \$91,000 and \$316,000 per unit to funded projects.). Since the Oaks Hotel has 85 Single Room Occupancy (SRO) units, 72 of which are currently occupied, re-allocating the funds to this project will have a much greater impact and assist more tenants than if used for the NOFA.

BACKGROUND

During the past few years, numerous measures have been undertaken by the City and Agency to protect more than \$24,000,000 in investments made over the last 20 years in OCHI's 638 units of affordable housing and prevent the displacement of households living in these units. On June 5, 2007 the Agency approved Resolution No. 2007-0044 C.M.S., which provided \$1,000,000 in secured loans to OCHI affiliates to cover operating deficits and substantial outstanding payables at 11 rental properties that had cash flow problems. The Oaks Hotel received just under \$39,000 from this source to cover operating deficits.

At its February 5, 2008 meeting, the Agency approved Resolution No. 2008-0004 C.M.S. providing an additional \$500,000 in operating grants. It was anticipated that a portion of the \$500,000 grant would help cover operating deficits and legal expenses related to the transfer of the portfolio's property interests from OCHI-controlled entities to more stable parties. Also on February 5, 2008, the Agency approved Resolution 2008-0005 C.M.S, which allocated \$300,000

Item: _____
City Council
August 25, 2009

in funds previously approved during the FY 2007-09 budget process for capital needs costs related to transforming the California Hotel into permanent supportive housing. Pending an amendment currently routing for signature, the Oaks Hotel will receive \$101,000 from this source to cover operating deficits and unpaid bills.

In addition, via Agency Resolutions 2008-0051 and 2009-0016 C.M.S., which were approved on June 17, 2008 and March 3, 2009, the Agency awarded \$83,000 in Agency grant funds for capital needs improvements at the Oaks Hotel, primarily for fire panel modernization work.

When OCHI first informed the City that the organization was facing severe organizational and financial difficulties, City staff worked intensively with OCHI, Community Housing Development Corporation of North Richmond (CHDC), and JSCo to develop workout plans for the OCHI properties. Staff also worked closely with CHDC as they considered merging with OCHI. In December 2007, CHDC determined that OCHI's liabilities were too risky to assume and ended its merger discussions.

Staff then began working with a larger group of local non-profit housing developers last spring on plans to transfer the properties to these interested and capable non-profits. Various organizations have expressed interest in the individual OCHI properties and have worked together to resolve issues when multiple organizations have been interested in the same property. The non-profit developers are moving ahead on acquisition, rehabilitation and financing plans for the properties and each are at different stages of progress. For example, Marin Way Court, Nueva Vista and Drasnin Manor are in predevelopment and applied for National Stabilization Program (NSP 2) funds in July; while Slim Jenkins Court, Bishop Roy Nichols Senior and Sylvester Rutledge Manor are currently in process or have already transitioned to more stable management and ownership entities.

Last fall, staff issued a special Notice of Funding Availability (NOFA) for the rehabilitation and preservation of existing affordable rental housing to provide funds to rehabilitate the aging OCHI portfolio, in addition to other non-OCHI affordable housing projects that needed funds to improve and maintain the properties. Through the 2008-09 NOFA referenced above, nearly \$6 million in funds were provided to three developers to rehabilitate four of the OCHI properties. This included an award to Affordable Housing Associates (AHA), which is committed to acquiring and rehabilitation of the Oaks Hotel, and received a \$1,100,000 in Agency funds per Agency Resolution 2009-0033 C.M.S on March 17, 2009.

KEY ISSUES AND IMPACTS

John Stewart Company (JSCo), the current property management company for the Oaks Hotel, sent notice to the City on July 14, 2009 that they will terminate property management services at the property effective September 30, 2009 due to past and current operating deficits, insurance premiums payments, bed bug infestation and immediate repairs needed. Unless these issues can be addressed with an emergency infusion of funds, JSCo cannot continue to service the property.

Item: _____
City Council
August 25, 2009

JSCo took over property management in October 2007 at the request of the City and other lenders (including the California Department of Housing and Community Development) after OCHI became an insolvent organization. If JSCo ceases property management, no entity will be responsible for paying utilities, performing repairs, preventing unauthorized visitors or addressing tenants' basic safety needs. Considering a large portion of tenants are formerly homeless individuals with extremely low incomes and a wide range of service needs, the tenants are extremely dependent on the services of the property management company and this loss could be disastrous for the tenant's well-being and welfare.

Three critical issues are currently affecting the short term viability for property management services to remain at the Oaks Hotel. These include: (i) operation deficit; (ii) liability insurance; (iii) capital needs:

i. Operating Deficit

Due to the deferred maintenance by OCHI at the property for many years, the operating revenues generated by rents and Section 8 Mod-Rehab payments from the Oakland Housing Authority (OHA) do not cover the costs associated with running the property. This has resulted in a significant operating deficit that cannot be covered by JSCo. The deficit in 2008 was approximately \$30,500.

A few months ago, OHA reduced the Section 8 Mod-Rehab payments to the property because it determined that it had been overpaying (this impacted other non-OCHI properties too). This reduction in payment is the predominant component contributing to the 2009 operating deficit of approximately \$76,000.

In addition, significant immediate capital improvements are needed in the common areas and to address an existing bedbug issue (the capital needs are further described below). Due to these needs, the property did not pass a recent OHA inspection and, as a result, a number of units are not receiving the full Housing Assistance Payment (HAP) from OHA each month, which is exacerbating the operating deficit described above.

Until significant rehabilitation work begins at the property, the operating deficit will continue. The estimated deficit for 2010 is estimated at \$65,000, for a total operating deficit of \$171,500 for the period from 2008 through Fall 2010.

ii. Liability Insurance

The property insurance for the property is set to expire in September 2009. Without this insurance, JSCo is unable to remain at the property since the liability risks for the company are too great. Due to the operating deficits discussed above, JSCo is unable to cover the cost for the 2009-10 insurance term, which is \$12,000 to \$15,000. The City recently asked the State of California's

Item: _____
City Council
August 25, 2009

Housing and Community Development Department (CA HCD) to provide the insurance costs for the upcoming year and is awaiting a reply. CA HCD is a fellow lender to the Oaks Hotel—if they do provide the funds for the insurance premium, they will add that amount to the existing loan balance for the property.

iii. Capital Needs

Due to deferred maintenance over the years by OCHI, the Oaks Hotel needs a significant amount of work. The property is currently struggling with a bed bug infestation, which will cost approximately \$32,000 (\$2,150 per impacted unit) to address. Also, immediate improvements are needed in the common areas to the floors, railings and ventilation. Until these improvements are made, the units will not pass OHA inspections and HAP operating support will continue to be withheld from the property (thus exacerbating the existing operating deficit). The estimated cost to address the building's capital needs, including bed bug remediation and common area repairs equals \$137,500.

Completing this work will also allow the fire panel improvements, for which \$83,000 in agency funds were previously set aside as described above, to continue. Due to the risk of having bed bugs spread through the walls, the fire panel work cannot begin until the bed bug problem is remediated. The City is currently working with the OHA to address the emergency needs at the Oaks Hotel. OHA may be able to contribute funds for the capital needs improvements and will request short term financial assistance from its Board on August 24, 2009.

Long-Term Plan for the Property

The goal of this short-term emergency operating assistance is to stabilize the property and keep tenants in their homes until an ownership transfer and full rehabilitation can occur. Affordable Housing Associates (AHA), a local non-profit developer with extensive experience in Oakland, is committed to acquiring and rehabilitating the property. Their involvement in the property is also at the request of the City. The City has already awarded \$2 million in funding commitments to the rehabilitation of the Oaks and AHA will pursue tax credits in Spring 2010 for significant additional financing (since there is no fall round in 2009 due to the State's budget crisis). It is anticipated that tax credit financing will be secured in Spring 2010, in which case AHA intends to begin construction in Fall 2010. If tax credit financing is not secured next spring, AHA will apply for the next round of funds and construction would then begin in 2011.

Other Potential Funding Sources

- Oakland Housing Authority (OHA) – During meetings on July 11 and July 28, 2009, OHA indicated that they may be able to contribute short-term operating assistance to the property. JSCo and AHA, assisted by the City, are currently working with OHA to submit a proposal for funds. OHA is scheduled to consider the request at its August 24, 2009

Item: _____
City Council
August 25, 2009

Board Meeting. The amount of funds needed from the City may be reduced depending on OHA Board actions.

- California Department of Housing and Community Development (CA HCD) – During a phone conversation on July 14, 2009, CA HCD staff mentioned the possibility of covering the cost of insurance (policy renewal is currently estimated to be between \$35,000 - \$50,000 for next year) for the property and attaching it to the existing CA HCD loan. It is not clear if they will be able to cover all or only a portion of the insurance costs.

Operating Assistance vs. Tenant Assistance

Staff recommends the provision of operating assistance to JSCo, instead of tenant assistance since operating assistance will enable the tenants and property management to remain at the property until AHA can begin its acquisition and rehabilitation. From September 2008 through March 2009, the City offered tenant assistance, consisting of housing counseling and referrals from Eden Information & Referral (Eden I&R) and first month's rent and security deposit, to tenants moving from the OCHI properties that did not have property management, including the California Hotel, Marin Way Court, Nueva Vista and Drasnin Manor. Although a number of tenants took advantage of the tenant assistance, it was very difficult to find affordable housing units suitable for the tenants, and many tenants opted to stay at the properties even without property management, in part because once property management exited, they no longer had to pay rent.

In the absence of active property management services, several of these properties have had on-going problems with trash accumulation, illegal dumping, prostitution, drug-dealing and other issues, which have required intervention from the Police Department and Code Compliance. Furthermore, the physical condition of these properties has deteriorated, which will result in higher rehabilitation costs in the future. As a result, short term emergency operating assistance is the most cost efficient way to keep the tenants in stable and safe housing until AHA can begin its acquisition and rehabilitation of the property. Even though the tenant assistance program was effective for the tenants who participated, the cost of contracting with Eden I&R to provide the assistance was substantial. If the City decided to provide tenant assistance rather than operating assistance, it would likely be more expensive than providing the funds needed to keep property management at the Oaks Hotel.

Impacts

Loss of property management at the Oaks Hotel would result in the displacement of over 70 extremely low-income tenants, or create a situation in which the tenants are left in a deteriorating building with no basic property management services including security, maintenance and repairs. Given that other OCHI properties without property management have had on-going issues with trash accumulation, dumping and drug-dealing, the neighborhood would likely be negatively impacted as well. The ground floor commercial space of the building houses a small but popular café, and if the building were closed, the owners would face loss of income, and the employees would lose their jobs.

Item: _____
City Council
August 25, 2009

The actions described above will help keep tenants in their homes until the transfer of the Oaks Hotel to Affordable Housing Associates (AHA). AHA applied for and was awarded City funds earlier this year, and is pursuing an application in the next 9% State Tax Credit Allocation Committee round (TCAC) to secure the remaining funding necessary to complete the rehabilitation of the property.

SUSTAINABLE OPPORTUNITIES

The housing development projects under discussion in this report address the “3 E’s” of sustainability in the following ways:

Economic: These projects maintain the affordable housing inventory in Oakland.

Environmental: Each of the buildings in the OCHI portfolio met standards in existence at the time they were built. It is anticipated that when the Oaks Hotel is transferred to AHA and rehabilitated, it will again meet these environmental standards, albeit in a historically appropriate context. Preserving this building near mass transit and numerous social services enables residents to reduce dependency on automobiles and further reduce adverse environmental impacts.

Social Equity: Affordable housing is a means of achieving greater social equity. Oakland’s neighborhood-level environment will be improved by renovating underused and sometimes blighted buildings. The anticipated rehabilitation of the Oaks Hotel will preserve and improve affordable rental housing units for extremely vulnerable low and very low-income senior citizens and individuals. Social services, when provided to residents, further build social equity.

DISABILITY AND SENIOR CITIZEN ACCESS

All housing development projects receiving federal funds are required to construct and set aside units to be occupied by persons with disabilities (Federal Section 504 regulation). In the last 20 years, OCHI has developed 638 residential units using local and federal funds. They have been in compliance with local state and federal regulations. The State’s Title 24 and the Americans with Disabilities Act require consideration of persons with disabilities in design and construction of housing. These requirements include accessible units and facilities. Furthermore, all developers receiving City or Agency funds are required to effectively market housing units to the disabled community. OCHI has presented this strategy in their Affirmative Fair Housing Marketing Plans. The new owners will also need to comply. City funds have long supported housing development for seniors.

RECOMMENDATION(S) AND RATIONALE

In order to protect and assist the extremely low-income tenants and the City/Agency investments to date, staff recommends action to keep the Oaks Hotel operational by reallocating up to

Item: _____
City Council
August 25, 2009

\$200,000 in unused funds from the Tenant Assistance Program for Residents at OCHI Properties to the John Stewart Company for Emergency Operating Assistance at the Oaks Hotel.


If Council/Agency decides not to approve the recommendation above, 72 Oaks Hotel residents may be displaced in a very tight market without assistance or left in a deteriorating building without any security, maintenance or repair services.

ACTION REQUESTED OF THE CITY COUNCIL/REDEVELOPMENT AGENCY

The following actions are requested of the City Council/Redevelopment Agency:

1. Adopt a resolution authorizing reallocating \$150,000 from the now-expired tenant assistance program's remaining balance to the Oaks Hotel for operating deficits and capital improvement needs over the next two years.
2. Adopt a resolution authorizing a reallocation of up to \$50,000 in City Community Development Block Grant (CDBG) funds for motel voucher assistance to tenants displaced from OCHI properties to the Oaks Hotel.

Respectfully submitted,



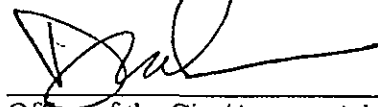
Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by: *MB*
Michele Byrd, Acting Director of Housing and
Community Development

Prepared by:
Meghan Horl, Acting Housing Development Manager
Housing & Community Development Division

Christia Mulvey, Housing Development Coordinator
Housing & Community Development Division

APPROVED AND FORWARDED TO THE
CITY COUNCIL/AGENCY:



Office of the City/Agency Administrator

Item: _____
City Council
August 25, 2009

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 AUG 12 PM 4:44

APPROVED AS TO FORM AND LEGALITY:


DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. 82259 C. M. S.

RESOLUTION AMENDING RESOLUTION 82252 C.M.S. TO RETURN TO THE REDEVELOPMENT AGENCY \$535,950.68 OF UNUSED FUNDS CONTRIBUTED TO THE CITY BY THE REDEVELOPMENT AGENCY UNDER THE COOPERATION AGREEMENT FOR A TENANT ASSISTANCE PROGRAM FOR RESIDENTS AT OAKLAND COMMUNITY HOUSING, INC. PROPERTIES, AND TO REALLOCATE \$50,000 IN COMMUNITY BLOCK GRANT FUNDS PREVIOUSLY ALLOCATED TO THE TENANT ASSISTANCE PROGRAM TO A CONTRIBUTION TO THE REDEVELOPMENT AGENCY UNDER THE COOPERATION AGREEMENT FOR EMERGENCY OPERATING ASSISTANCE AT THE OAKS HOTEL

WHEREAS, in 2008, per City Resolution 82252 C.M.S., the City amended its contract with Eden Information and Referral (Eden I & R) to provide various housing services to residents of Oakland in order to provide an additional \$893,650 to administer and fund a tenant assistance program to assist low income households expected to be displaced from seven affordable rental properties in Oakland owned by affiliates of Oakland Community Housing, Inc. (OCHI), and accepted a contribution of \$843,650 from the Redevelopment Agency for this purpose; and

WHEREAS, fewer households were assisted than originally projected since the buildings did not actually close operations, leaving an unused balance of \$535,950.68; and

WHEREAS, the Oaks Hotel is projected to change ownership and undergo rehabilitation in 2010, but in the short term is in desperate need of additional operating funds to prevent the loss of property management services and prevent the displacement of current residents and further deterioration of the buildings 85 single-room occupancy units, 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 Agency contribution of funds to the City and vice versa to carry out activities in furtherance of the Agency's low and moderate income housing activities; and

WHEREAS, the Redevelopment Agency has authorized a the reallocation of \$150,000 in remaining funding assistance to the City under the Cooperation Agreement

from the tenant assistance program for OCHI residents to emergency operating assistance for the Oaks Hotel; and

WHEREAS, \$50,000 in funds are available from the Community Development Block Grant Fund (2108), Housing Development Organization (88929), Project (G06520) for motel vouchers that can be re-allocated for emergency operating assistance for the Oaks Hotel; now, therefore, be it

RESOLVED: That the City Council hereby amends Resolution No. 82252 to authorize the return of \$535,950.68 in funding assistance to the Redevelopment Agency for this purpose; and be it further

RESOLVED: That the City Council hereby reallocates \$50,000 from the Community Development Block Grant Fund (2108), Housing Development Organization (88929), Project (G06520) from motel vouchers under the tenant assistance program, and contributes those funds to the Redevelopment Agency under the Cooperation Agreement, Oakland Redevelopment Agency Grant Fund (2185), Housing Development Organization (88929), for emergency operating assistance to the Oaks Hotel; and be it further

RESOLVED: That the City Council hereby authorizes the City Administrator or his or her designee to take any other action with respect to this funding consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, AUG 25 2009 , 2009

PASSED BY THE FOLLOWING VOTE:


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

NOES- APPROVED DURING CITY COUNCIL RECESS

ABSENT- PURSUANT TO RESOLUTION NO. 79006 CMS

ABSTENTION- C.M.S., DATED 01-04-05

ATTEST:



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

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2009 AUG 12 PM 4:45

APPROVED AS TO FORM AND LEGALITY:

Agency Counsel

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

2009 - 0082
RESOLUTION No. _____ C.M.S.

AN AGENCY RESOLUTION AMENDING RESOLUTION 2008-55 C.M.S. TO (1) ACCEPT THE RETURN OF \$535,950.68 OF UNUSED FUNDS CONTRIBUTED TO THE CITY OF OAKLAND UNDER THE COOPERATION AGREEMENT FOR A TENANT ASSISTANCE PROGRAM FOR RESIDENTS AT OAKLAND COMMUNITY HOUSING, INC. PROPERTIES; (2) REALLOCATE UP TO \$150,000 FROM SAID FUNDS TO THE JOHN STEWART COMPANY FOR EMERGENCY OPERATING ASSISTANCE AT THE OAKS HOTEL; AND (3) ACCEPT A CONTRIBUTION OF \$50,000 IN COMMUNITY BLOCK GRANT FUNDS FROM THE CITY OF OAKLAND UNDER THE COOPERATION AGREEMENT FOR SAID ASSISTANCE

WHEREAS, the Redevelopment Agency operates programs to provide housing to low and moderate income households through its Low and Moderate Income Housing Fund; 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 Agency contribution of funds to the City to carry out activities in furtherance of the Agency's low and moderate income housing activities, and vice versa; and

WHEREAS, California Health and Safety Code Section 33334.2 authorizes a redevelopment agency to use its low and moderate income housing funds to provided subsidies to or on behalf of extremely low income, very low income, or low income households, to the extent that those households cannot obtain housing at affordable costs on the open market; and

WHEREAS, in 2008, per Agency Resolution 2008-0055 C.M.S., the Agency authorized a contribution of \$843,650 to the City under the Cooperation Agreement to permit the City to amend its contract with Eden Information and Referral (Eden I & R) in order to provide funding to administer and fund a tenant assistance program to assist low income households expected to be displaced from seven affordable rental

properties in Oakland owned by affiliates of Oakland Community Housing, Inc. (OCHI); and

WHEREAS, fewer households were assisted than originally projected since the buildings did not actually shut down, leaving an unused balance of \$535,950.68; and

WHEREAS, the Oaks Hotel is projected to change ownership and undergo rehabilitation in 2010, but in the short term is in desperate need of additional operating funds to prevent the loss of property management services and prevent the displacement of current residents and further deterioration of the buildings 85 single-room occupancy units; and

WHEREAS, \$50,000 in funds are available from the City, Community Development Block Grant Fund (2108), Housing Development Organization (88929), Project (G06520), for motel vouchers that can be re-allocated for emergency operating assistance for the Oaks Hotel; now, therefore, be it

RESOLVED: That the Agency hereby amends Resolution No. 2008-0055 to accept the return of \$535,950.68 of the unused portion of the 2008 contribution to the City of Oakland under the Cooperation Agreement for the tenant assistance program, and re-deposit those funds into the Low and Moderate Income Housing Fund (9850), Housing Development Organization (88929), Housing Development Project (P209310); and be it further

RESOLVED: That the Agency hereby re-allocates funds in the amount of \$150,000 from these returned funds to the Low and Moderate Income Housing Fund (9850), Housing Development Organization (88929), Oaks Emergency Operating Assistance (Project to be determined), for a grant to the John Stewart Company to provide emergency operating assistance to the Oaks Hotel; and be it further

RESOLVED: That the Agency hereby accepts \$50,000 in funds from the City under the Cooperation Agreement available from the Community Development Block Grant Fund (2108), Housing Development Organization (88929), Project (G06520) for motel vouchers, and allocates that funding to the Oakland Redevelopment Agency Grant Fund (2185), Housing Development Organization (88929) for emergency operating assistance to the Oaks Hotel; and be it further

RESOLVED: That the Agency Administrator or her designee is hereby authorized to take actions with respect to this funding consistent with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, AUG 25 2009, 2009

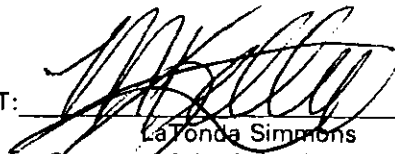
PASSED BY THE FOLLOWING VOTE:

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

NOES- APPROVED DURING CITY COUNCIL RECESS
PURSUANT TO RESOLUTION NO. 79006 CMS

ABSENT- C.M.S., DATED 01-04-05

ABSTENTION-

ATTEST: 
LaFonda Simmons
Secretary of the Redevelopment Agency

2009 NOV -5 RESOLUTION NO. _____ C.M.S.

INTRODUCED BY
COUNCILMEMBER _____

**Resolution Ratifying Action Taken By The Mayor During The
Oakland City Council 2009 Annual Recess In Conformance With
Resolution No. 79006 C.M.S., Dated January 4, 2005**

WHEREAS, the City Council has taken its Annual Recess beginning August 1, 2009 and ending August 31, 2009, pursuant to Resolution No. 79006 C.M.S., dated January 4, 2005 and

WHEREAS, pursuant to City Council Resolution No. 79006 C.M.S., passed January 4, 2005 delegating certain authority to the Mayor during the Annual Recess of the City Council, the following actions were taken:

August 11, 2009

1) Oakland City Council Resolution No. 82253 C.M.S.

A Resolution Authorizing The City Administrator To Execute An Agreement Not To Exceed \$30,000 Between The City Of Oakland And The Oakland Unified School District To Implement The Peer Conflict Resolution Program In Accordance With Measure Y, The Violence Prevention And Public Safety Act Of 2004, For The Period Of July 1, 2009 Through June 30, 2010

August 25, 2009

1) Oakland City Council Resolution No. 82254 C.M.S.

Adopt A Resolution For Award Of An On-Call Construction Contract To The Lowest Responsive, Responsible Bidder For Citywide Resilient Safety Surfaces Under The Americans With Disabilities Act Play Surfacing Project (No. C274251) In Accord With Plans And Specifications For The Project And Contractor's Bid, In An Amount Not-To-Exceed Six Hundred Thousand Dollars (\$600,000.00), Previously Authorized In Resolution No. 82201 C.M.S., Adopted July 21, 2009

2) Oakland City Council Resolution No. 82255 C.M.S.

Adopt A Resolution Fixing The Rate Of Property Tax And Levying A Tax On Real And Personal Property In The City Of Oakland For Fiscal Year 2009-2010 For Voter-Approved Indebtedness

August 25, 2009 (cont'd)

3) Oakland City Council Resolution No. 82256 C.M.S.

Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Contract For Professional Services With Volunteers Of America, Bay Area, Inc., To Operate The Oakland Day Labor Program From July 1, 2009, Through June 30, 2010, In An Amount Not To Exceed \$175,000

4) Oakland City Council Resolution No. 82257 C.M.S.

A Resolution Authorizing A Subgrant Not To Exceed \$800,000 And A Loan Not To Exceed \$200,000 To Aspire Public Schools/Pacific Charter Schools Development From the City's Brownfield Cleanup Revolving Loan Fund For Environmental Cleanup Of A Site At 1009 66th Avenue For Development Of A 420-Student Public High School; And

A Resolution Authorizing The City Administrator To Negotiate And Execute A Loan Agreement With Debra Esposito For An Amount Not To Exceed \$400,000 From The City's Brownfield Cleanup Revolving Loan Fund For Environmental Remediation At 2906 Chapman Street, Related To The Development Of 12 Units of Housing

5) Oakland City Council Resolution No. 82258 C.M.S.

A Resolution Amending Resolution 82252 C.M.S. To Return To The Redevelopment Agency \$535,950.68 Of Unused Funds Contributed To The City By The Redevelopment Agency Under The Cooperation Agreement For A Tenant Assistance Program For Residents At Oakland Community Housing, Inc. Properties, And to Reallocate \$50,000 In Community Block Grant Funds Previously Allocated To The Tenant Assistance Program To A Contribution To The Redevelopment Agency Under The Cooperation Agreement For Emergency Operating Assistance At The Oaks Hotel; And

An Agency Resolution Amending Resolution 2008-55 C.M.S. To (1) Accept The Return Of \$535,950.68 Of Unused Funds Contributed To The City Of Oakland Under The Cooperation Agreement For A Tenant Assistance Program For Residents At Oakland Community Housing, Inc. Properties; (2) Reallocate Up To \$150,000 From Said Funds To The John Stewart Company For Emergency Operating Assistance At The Oaks Hotel; And (3) Accept A Contribution Of \$50,000 In Community Block Grant Funds From The City Of Oakland Under The Cooperation Agreement For Said Assistance

NOW THEREFORE, be it resolved that the Oakland City Council does hereby ratify the above-mentioned actions taken by the Mayor during the Oakland City Council Annual Recess commencing August 1, 2009 and ending August 31, 2009.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2009

PASSED BY THE FOLLOWING VOTE:

**AYES: - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID,
AND PRESIDENT BRUNNER**

NOES: -

ABSENT: -

ABSTENTION: -

ATTEST:

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