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OFFICE OF THE CITY CLERK
OAKLAND

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**REDEVELOPMENT AGENCY OF
THE CITY OF OAKLAND**

RESOLUTION NO. 2004-64 C.M.S.



RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO (1) CONSENT TO THE ASSIGNMENT OF THE RIGHTS AND OBLIGATIONS OF THE ALAMEDA COUNTY HOMELESS BASE CONVERSION COLLABORATIVE TO THE OAKLAND ARMY BASE WORKFORCE DEVELOPMENT COLLABORATIVE (“WORKFORCE COLLABORATIVE”) UNDER THE 1999 MEMORANDUM OF UNDERSTANDING, AND (2) NEGOTIATE AND ENTER INTO AN AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING WITH THE WORKFORCE COLLABORATIVE, PORT OF OAKLAND, AND OAKLAND BASE REUSE AUTHORITY, FOR AN ALTERNATE HOMELESS ACCOMMODATION FOR THE OAKLAND ARMY BASE IN AN AMOUNT NOT TO EXCEED FIVE MILLION FOUR THOUSAND DOLLARS (\$5,400,000).

WHEREAS, the Redevelopment Agency of the City of Oakland (“Agency”), at its meeting of December 15, 1998, passed Resolution No. 98-73 C.M.S. authorizing the Agency Administrator to negotiate and enter into a Memorandum of Understanding (“MOU”) with the Alameda County Homeless Base Conversion Collaborative (“Homeless Collaborative”) for the provision of a homeless accommodation as required by federal base closure statutes and regulations (“federal base closure law”); and

WHEREAS, the MOU provides, in part, that the Homeless Collaborative would receive long term leases for the use of certain buildings at the former Oakland Army Base at no cost for the purpose of creating a Work Force Development Campus and a Job Linkages program, and funding in the amount of One Million Dollars (\$1,000,000) for building rehabilitation and program activities; and

WHEREAS, the MOU also sets forth a number of contingencies the occurrence of which would require the parties to negotiate an alternative accommodation that provides substantially equivalent buildings and property, or other payment, as set forth in the MOU; and

WHEREAS, the Governing Body of the Oakland Base Reuse Authority (“OBRA”), at its meeting of April 9, 2001, passed Resolution No. 2001-06 amending the Draft Final Reuse Plan for the Oakland Army Base to comply with the requirements of the San Francisco Bay Conservation and Development Commission’s Bay Plan and Seaport Plan (“BCDC Plans”); and

WHEREAS, in 2001, the San Francisco Bay Conservation and Development Commission (“BCDC”) determined the terms of the MOU that allow the Homeless

Collaborative to lease specified buildings at the former Army Base are inconsistent with the requirements of the BCDC Plans and with the Amended Draft Final Reuse Plan, which provides that the land on which the specified buildings intended for use by the Homeless Collaborative will be developed by the Port of Oakland (“Port”) to expand its maritime terminals; and

WHEREAS, BCDC’s determination has triggered a contingency in the MOU requiring the parties to arrive at an alternative agreement to satisfy the homeless assistance component of the redevelopment plan for the Oakland Army Base; and

WHEREAS, the Agency, at its meeting of October 29, 2002, passed Resolution No. 77510 authorizing the Agency Administrator to negotiate and enter into a Memorandum of Agreement with OBRA, City of Oakland and the Port regarding the conveyance and development of the former Army Base (“City-Port MOA”); and

WHEREAS, the City-Port MOA requires the Port to be a party to any agreement that provides for alternate terms and conditions to satisfy the homeless assistance component of the redevelopment plan for the Oakland Army Base, and requires the Port to be responsible for paying a 50% share of all the costs associated with any such alternate terms and conditions, and further shall be responsible for executing and binding itself to said terms and conditions; and

WHEREAS, the Agency Administrator negotiated the City-Port MOA to include the above terms and executed the agreement on July 8, 2003; and

WHEREAS, the members of the Homeless Collaborative have incorporated in the state of California as a nonprofit corporation named the Oakland Army Base Workforce Development Collaborative (“Workforce Collaborative”); and

WHEREAS, it is in the best interests of the Agency and the future provision of a homeless accommodation as required by federal base closure law that the rights and obligations of the Homeless Collaborative under the MOU and any ARMOU be assigned to the Workforce Collaborative; and

WHEREAS, the Agency Administrator has negotiated the terms of an alternative homeless accommodation with representatives of the Workforce Collaborative, the Port and OBRA and such terms are contained in a draft Amended and Restated Memorandum of Understanding (“ARMOU”); and

WHEREAS, the terms of the alternative homeless accommodation include payment to the Workforce Collaborative of Ten Million Eight Hundred Thousand Dollars (\$10,800,000) for the purpose of securing office and warehouse space off of the former Army Base property for the provision of homeless services, subject to certain conditions including the vacating of all OBRA property occupied by Workforce Collaborative members within a specific timeframe; and

WHEREAS, the share of the above payment to the Workforce Collaborative attributable to OBRA is available within OBRA's Local Agency Investment Fund Account (LAIF 40-01-008); and

WHEREAS, the parties to the ARMOU believe that the ARMOU meets the homeless assistance requirements of federal base closure law, that it replaces the MOU in its entirety, and that the MOU will be, as of the effective date of the ARMOU, of no further force or effect; and

WHEREAS, on July 31, 2002, the Oakland Army Base Area Redevelopment Plan Environmental Impact Report (EIR) was certified by the City of Oakland, acting as Lead Agency, and approved by OBRA, acting as a Responsible Agency; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("CEQA"), the CEQA implementing Guidelines, and the City of Oakland's Environmental Review Regulations have been satisfied with the previous certification of the Oakland Army Base Area Redevelopment Plan Environmental Impact Report; now, therefore, be it

RESOLVED: That the Agency Administrator is hereby authorized and directed to consent to assignment of all of the rights and obligations of the Homeless Collaborative under the MOU to the Workforce Collaborative; and be it

FURTHER RESOLVED: That the Agency Administrator is hereby authorized and directed to execute the ARMOU and any agreements directly related thereto with the Workforce Collaborative, the Port and OBRA upon the terms set forth above; and be it

FURTHER RESOLVED: That the City Council finds and determines that this Resolution complies with CEQA, the CEQA Implementing Guidelines and the City of Oakland's Environmental Review Regulations, and the Agency Administrator shall cause to be filed a Notice of Determination.

NOV 16 2004

IN SESSION, OAKLAND, CALIFORNIA, ~~October~~ _____, 2004

PASSED BY THE FOLLOWING VOTE: CHANG, NADEL, GUAN, REID, WAN AND
PRESIDENT DE LA FUENTE - 4

AYES-

NOES- BRUNNER

ABSENT- ~~0~~

ABSTENTION- ~~0~~

EXCUSED - BROOKS - 1

ATTEST:


CEDA FLOYD

Secretary to the Redevelopment Agency
of the City of Oakland