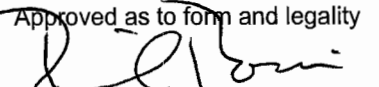


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 MAR 11 PM 1:56

Approved as to form and legality


Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 81882 C.M.S.

A RESOLUTION ACCEPTING AND APPROPRIATING A CONTRIBUTION OF REDEVELOPMENT AGENCY FUNDS UNDER THE COOPERATION AGREEMENT IN AN AMOUNT NOT TO EXCEED \$100,000 FOR IMPROVEMENTS TO FITZGERALD AND UNION PLAZA PARKS IN WEST OAKLAND

WHEREAS, the Redevelopment Agency wishes to fund costs for improvements to Fitzgerald and Union Plaza Parks, now owned by the City, for use as the Fitzgerald Community Market Farm; and

WHEREAS, the Redevelopment Agency has authorized a contribution of \$100,000 to the Fitzgerald Community Market Farm project; and

WHEREAS, the City and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the installation cost of construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

WHEREAS, improvements to public facilities such as parks, open space, and recreational areas are redevelopment purposes under Section 33021 of the California Health and Safety Code; now, therefore, be it

RESOLVED: That the City Council hereby consents to the use of up to \$100,000 in Agency funds for improvements to Fitzgerald and Union Plaza Parks, now owned by the City, for use as the Fitzgerald Community Market Farm to be located at the intersections of Haven, Fitzgerald and Peralta Streets at 34th Street in the West Oakland Redevelopment Project Area; and be it

FURTHER RESOLVED: That the City Council hereby accepts a contribution of \$100,000 from the Agency under the Cooperation Agreement and appropriates such funds to the City's Oakland City's Oakland Redevelopment Agency Projects Fund (7780), Office of Parks

and Recreation's Capital Improvement Projects (Org. 94500), City Project to be established for the Fitzgerald Community Market Farm; and be it

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

1. That the funding of the Fitzgerald Community Market Farm will benefit the West Oakland Redevelopment Project Area by eliminating two blighted and underutilized parks and developing a community farm that will contribute by providing organic food for low income residents, serve as an attractive open space gathering place for community events, provide a place for Project Area residents to learn about gardening, provide open green space in an area that presently lacks this amenity, and improve the physical environment for residents, business and property owners in this Project Area;

2. That due to fiscal constraints on the City's general fund and the high number of capital projects competing for limited City funds, the City's Capital Improvement Program budget is unable to provide financing for the Fitzgerald Community Market Farm, and therefore no other reasonable means of financing the project is available to the City other than Redevelopment Agency funding;

3. That the use of tax increment funds from the West Oakland Project Area for the Fitzgerald Community Market Farm will assist in the elimination of blight in the West Oakland Project Area for the reasons set forth in the staff report accompanying this Resolution; and

4. That the renovation of Fitzgerald and Union Plaza Parks for use as the Fitzgerald Community Market Farm is consistent with the Implementation Plan adopted for the West Oakland Redevelopment Project Area; and be it

FURTHER RESOLVED: That the City Administrator or his designee is hereby authorized to take whatever action is necessary with respect to the Fitzgerald Community Market Farm project consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 31 2009, 2009

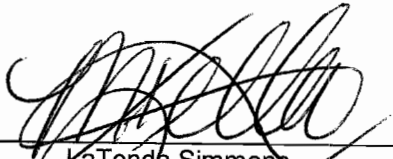
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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