

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 JAN 13 PM 6:09

APPROVED AS TO FORM AND LEGALITY


AGENCY COUNSEL

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION NO. 2010-0014 C.M.S.

A RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE GRANT FUNDS FROM THE CALIFORNIA CULTURAL AND HISTORICAL ENDOWMENT PROGRAM UNDER STATE OF CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002, FOR THE HISTORIC FOX THEATER RENOVATION IN AN AMOUNT NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000)

WHEREAS, the people of the State of California have enacted the California Clean Water, Clean Air, Safe Neighborhood Parks, And Coastal Protection Act Of 2002, which provides funds to the State of California for the California Cultural and Historical Endowment (CCHE) Grant Program, and

WHEREAS, the California Cultural and Historical Endowment (CCHE) has been delegated the responsibility for the administration of the Grant Program setting up necessary procedures, and

WHEREAS, these procedures require the Grant Applicant to certify by resolution the approval of an application before submission of the application to the California Cultural and Historical Endowment (CCHE), and

WHEREAS, if the Grant Applicant is awarded a grant, the Grant Applicant will enter into a Grant Agreement with the California Cultural and Historical Endowment (CCHE) for the renovation of the historic Fox Oakland Theater Project (the "Project"), and

WHEREAS, the Agency hereby finds and determines on the basis of substantial evidence in the record that the Initial Study and Mitigated Negative Declaration fully

analyzes the potential environmental effects of the project and incorporates mitigation measures to substantially lessen or avoid any potentially significant impacts in accordance with CEQA. None of the circumstances necessitating preparation of additional environmental review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Section 15162, are present in that (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the Initial Study/Mitigated Negative Declaration due to the involvement of new environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance" as described in CEQA Guidelines Section 15162(a)(3); now, therefore, be it

RESOLVED: That the Oakland Redevelopment Agency approves the filing on its behalf of a CCHE Grant Application for the above Project to be funded from the California Clean Water , Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002; and be it

FURTHER RESOLVED: That the Agency certifies that it, as the Grant Applicant, has or will have sufficient funds to operate and maintain the Project, and where applicable, to complete the Project; and be it

FURTHER RESOLVED: That the Agency certifies that it, as the Grant Applicant, has reviewed, understands, and agrees to the General Provisions of the CCHE Grant Application Agreement; and be it

FURTHER RESOLVED: That the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines that this action complies with CEQA because this action on the part of the Agency does not necessitate preparation of a subsequent or supplemental EIR Section 15162 (subsequent EIRs and negative declarations); and be it

FURTHER RESOLVED: That the Agency Administrator or his designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action; and be it

FURTHER RESOLVED: That the Agency Administrator, or his authorized representative, as agent to conduct all negotiations, execute and submit all documents including, but not limited to, Applications, Agreements, payment requests and other items, which may be necessary for the completion of the Project provided that such agreements shall be reviewed and approved by the Office of the City Attorney and shall be filed with the Office of the City Clerk; and be it

FURTHER RESOLVED: That if the Application is approved, the Agency Administrator is authorized to accept and appropriate funds in the amount of one million dollars (\$1,000,000) to the Central District Grants Fund (9215), Capital Improvement Project – Economic Development Organization (94800), Fox Theater Master Plan Project (P131120) ; and be it

FURTHER RESOLVED: That all documents related to this transaction shall be reviewed and approved by Agency Counsel prior to execution, and copies will be placed on file with the Agency Secretary; and be it

FURTHER RESOLVED: That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the Agency's decision is based are respectively: (a) the Community & Economic Development Agency, Projects Division, 250 Frank H. Ogawa Plaza, 5th Floor, Oakland CA; (b) the Community & Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, 3rd Floor, Oakland CA; and (c) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st Floor, Oakland, CA.

IN AGENCY, OAKLAND, CALIFORNIA, FEB 02 2010, 2010

PASSED BY THE FOLLOWING VOTE:

AYES- ~~BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND CHAIRPERSON BRUNNER~~ - 5

NOES- Chairperson Brunner - 1

ABSENT- ϕ

ABSTENTION- Brooks - 1

Excused- Reid - 1

ATTEST:



LATONDA SIMMONS

Secretary of the Redevelopment
Agency of the City of Oakland