

REVISED APRIL 5, 2011

Approved as to Form and Legality



City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2011 MAR 29 PM 6:12

OAKLAND CITY COUNCIL

RESOLUTION No. 83296 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE, AND BRING BACK TO THE CITY COUNCIL FOR APPROVAL, A COST SHARING AGREEMENT BETWEEN THE CITY AND THE PORT OF OAKLAND FOR THE DEVELOPMENT OF INFRASTRUCTURE INCLUDING PUBLIC UTILITIES AND PUBLIC STREETS ON THE FORMER OAKLAND ARMY BASE

WHEREAS, the Redevelopment Agency and the Port of Oakland own respective parcels of the former Oakland Army Base; and

WHEREAS, the City may assume ownership of the Agency's portion of the former Oakland Army Base, including the assumption assets and liabilities associated with the environmental remediation and economic redevelopment of the property; and

WHEREAS, the Oakland Army Base Reuse Plan and 2002 Environmental Impact Report document the need to install all new public utilities and streets to serve new development of the former Oakland Army Base; and

WHEREAS, the cost for new rail and street systems, utilities, streets, open space, and safe public access is estimated at \$500,000,000; and

WHEREAS, the Agency Board adopted Resolution No. 2010-0088 C.M.S., authorizing the establishment of an Army Base Joint Infrastructure Development Fund in the initial amount of \$16,300,000; and

WHEREAS, the Agency Board adopted Resolution No. 2010-0049 C.M.S., authorizing the establishment of a Army Base Joint Environmental Remediation Fund with an Agency contribution of \$5,741,477, matched by Port of Oakland contributions of an additional \$5,741,477 to share the costs of required environmental remediation on the former Oakland Army Base; and

WHEREAS, the Agency has been awarded a \$2,000,000 TIGER II grant from the U.S. Department of Transportation, \$1,600,000 of which will go directly towards infrastructure planning and design for the former Army Base, with a match requirement of up to \$3,010,000; and

WHEREAS, the Port of Oakland has been awarded an allocation of more than \$242,000,000 in State Trades Corridor Improvement Funds to be used for the construction of infrastructure improvements within the East and Central Areas of the former Oakland Army Base;

WHEREAS, the Agency Board adopted Resolution No. 2010-0089 C.M.S., authorizing the Agency Administrator to negotiate a Cost Sharing Agreement with the Port of Oakland to improve rail and surface transportation systems and public utilities that are essential to attract private investment for the development of the former Army Base to its best and highest use; now, therefore be it

RESOLVED: That the City Administrator is authorized to negotiate a Cost Sharing Agreement with the Port of Oakland for the development of infrastructure and other improvements on the former Oakland Army Base committing an initial total Sixteen Million Three Hundred Thousand dollars (\$16,300,000) of Agency Fund 9572 to the development, in addition to the \$5,700,000 already approved for the Joint Environmental Remediation Fund 9579, and on the terms and conditions set forth in the Draft Term Sheet labeled Attachment A to the Supplemental Agenda Report for this item; and be it

FURTHER RESOLVED: That the City shall appropriate and allocate up to an additional \$10,000,000 in Army Base Redevelopment Area Tax funds (9570) over the course of FY 2011-2012 through FY 2018-2019 through its role as the successor to the Oakland Redevelopment Agency for specific infrastructure planning, design and construction projects within the East and Central Gateway Areas of the former Army Base; and be it

FURTHER RESOLVED: That up to \$3,010,000 of the \$10,000,000 will be used to Match the Federal TIGER II grant award for infrastructure development master planning; and be it

FURTHER RESOLVED: That the City is authorized by way of the Cost Sharing Agreement to accept up to \$62,000,000 in Port of Oakland Trades Corridor Improvement Funds over the course of the Agreement for the construction of infrastructure and other site preparation projects within East and Central Gateway Areas; and be it

FURTHER RESOLVED: That this action complies with the California Environmental Quality Act (CEQA) for the following reasons, each of which provides a separate and independent basis for CEQA compliance: (1) some activities covered under proposed Cost Sharing Agreement have already been evaluated by the previously certified 2002 EIR, such as hazardous materials remediation; (2) certain activities covered under the proposed Cost Sharing Agreement are statutorily exempt from CEQA, such as Planning and Feasibility Studies, including detailed design and engineering efforts, pursuant to CEQA Guidelines section 15262; (3) the proposed Cost Sharing Agreement includes funding mechanisms that are not subject to CEQA, pursuant to CEQA Guidelines section 15378(b)(4); and (4) this action is exempt from CEQA pursuant CEQA Guidelines section 15061(b)(3), where it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment; and be it

FURTHER RESOLVED: That the Environmental Review Officer shall cause to be filed appropriate Notices of Exemption/Determination; and be it

FURTHER RESOLVED: That the City Administrator and his or her designee is authorized to take whatever action is necessary with respect to negotiating a Cost Sharing Agreement with the Port of Oakland in support of the development of public improvements on the former Oakland Army Base consistent with this Resolution and its basic purposes; and be it

FURTHER RESOLVED: That the City Administrator and his or her designee shall bring the proposed final form of the Cost Sharing Agreement back to the CED Committee and the City Council for approval and to request authority to execute the final agreement.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 5 2011, 2011

PASSED BY THE FOLLOWING VOTE:

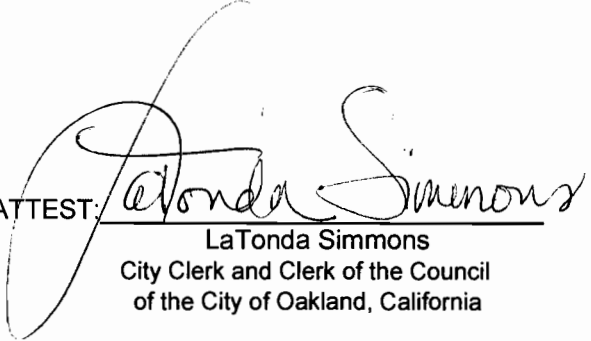
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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