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City Attorney

OAKLAND CITY COUNCIL
RESOLUTION No. 80001 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO COMPLETE THE DISSOLUTION OF THE OAKLAND BASE REUSE AUTHORITY (OBRA) INCLUDING:

- (1) CREATION AND BUDGETING OF A REIMBURSEABLE CLEARING FUND;
AND**
- (2) APPROVAL AND EXECUTION OF A LETTER AMENDMENT TO THE MEMORANDUM OF AGREEMENT FOR OAKLAND ARMY BASE DATED JULY 8, 2003 (CITY-PORT MOA) REGARDING THE MITIGATION MONITORING AND REPORTING PROGRAM AT THE ARMY BASE, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED SEVENTY-EIGHT THOUSAND DOLLARS (\$678,000).**

WHEREAS, the Oakland Base Reuse Authority ("OBRA") was created by a joint powers agreement ("JPA") among the City of Oakland ("City"), the Redevelopment Agency of the City of Oakland ("Agency") and the County of Alameda on March 14, 1995, as restated and revised on July 15, 2003 ("JPA") for the purpose of planning for the closure and reuse of closed military bases within the City of Oakland; and

WHEREAS, the JPA provides that upon its termination, OBRA will assign its property, funds, assets, and liabilities to the Redevelopment Agency to support redevelopment of the Army Base property; and

WHEREAS, OBRA is preparing to dissolve on or after August 7, 2006, and it will likely transfer all of its assets and liabilities to the Agency at that time; and

WHEREAS, in order to transfer OBRA's administrative budget and operating budget to the Agency, staff intends to (1) create a new OBRA Clearing Fund (7781) for personnel expenditures, to be reimbursed by Agency funds, for Fiscal Year 2006-07; and (2) transfer OBRA's existing administrative budget in the OBRA Lease Revenues Fund (2192), which accounts for City staff and operating costs directly related to the administration of OBRA, to OBRA Clearing Fund (7781) (Oakland Base Reuse Authority); and

WHEREAS, staff recommends that the City Administrator be authorized to create the new reimburseable Clearing Fund 7781 (Oakland Base Reuse Authority) to allow for these actions to be taken; and

WHEREAS, in July 2002, the City of Oakland Planning Commission certified the Environmental Impact Report for the Oakland Army Base Area Redevelopment Plan (EIR), and adopted the accompanying Mitigation Monitoring and Reporting Program (MMRP). The City-Port MOA assigns joint responsibility to the City and the Agency on one hand, and the Port on the other, for mitigation measures in the EIR, and requires that they negotiate in good faith to reach an agreement as to the cost allocation. Staff has been working with the Port for several years to determine a fair share allocation for MMRP expenses, and the parties have agreed that the cost should be evenly divided.

WHEREAS, staff recommends that the City Administrator be authorized to negotiate and enter into a letter amendment to the City-Port MOA that would split the cost of the cultural mitigations identified in the EIR, with the Agency's share in an amount not to exceed Six Hundred Seventy-Eight Thousand Dollars (\$678,000); and

WHEREAS, the Environmental Impact Report for the Oakland Army Base Area Redevelopment Plan (EIR) was certified in July 2002, and it anticipated and analyzed OBRA's dissolution, the property transfer action, the interim leasing action and related actions called for in this report; and

WHEREAS: The Agency hereby finds and determines on the basis of substantial evidence in the record that the EIR 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 CEQA 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 EIR 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 City Administrator is hereby authorized to create a new reimburseable OBRA Clearing Fund (7781) and transfer OBRA's existing administrative budget in the OBRA Lease Revenues Fund (2192) to OBRA Clearing Fund (7781) in an amount not to exceed \$3.2 million in order to accommodate the transfer of the Oakland Base Reuse Authority's administrative budget and operating budget to the Oakland Redevelopment Agency; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to negotiate and enter into a letter amendment to the Memorandum of Agreement for Oakland Army Base dated July 8, 2003 ("City-Port MOA") that will split the cost of the cultural mitigations identified in the Environmental Impact Report for the Oakland Army Base Area Redevelopment Plan (EIR), with the Agency's share in an amount not to exceed Six Hundred Seventy-Eight Thousand Dollars (\$678,000); 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 otherwise is exempt from CEQA Section 15301 (existing facilities), 15320 (changes in organization of local agencies) of the CEQA Guidelines; and be it

FURTHER RESOLVED: That the City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action.

IN SESSION, OAKLAND, CALIFORNIA, JUN 27 2006, 2006

PASSED BY THE FOLLOWING VOTE:


AYES- ~~BROOKS~~, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, ~~KIM~~, AND
PRESIDENT DE LA FUENTE - 6

NOES- 0

ABSENT- 1 Reid

ABSTENTION- 1 Brooks

ATTEST:


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