

A. Nowdon
Agency Counsel

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

Resolution No. 2009-0101 C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND
10 JAN -6 AM 10:15

AGENCY RESOLUTION AUTHORIZING A GRANT NOT TO EXCEED \$182,000, SUBJECT TO THE CONDITIONS CONTAINED HEREIN, TO OAKLAND METROPOLITAN CHAMBER OF COMMERCE FOUNDATION TO PAY TOWARD THE COST OF INSTALLING THE SCULPTURAL MONUMENT TITLED *REMEMBER THEM: CHAMPIONS FOR HUMANITY* BY MARIO CHIDO IN FOX SQUARE PARK, LOCATED AT 19TH STREET AND RASHIDA MUHAMMAD STREET.

WHEREAS, on September 19, 2006, pursuant to Resolution No. 80123 C.M.S., the City of Oakland (City) accepted a privately funded gift of public art titled *Remember Them: Champions for Humanity* by Mario Chiodo (the "Monument") as a gift to the City for permanent installation in Fox Square Park, located at 19th Street and Rashida Muhammad Street; and

WHEREAS, according to the City of Oakland Public Art Program and Cultural Affairs Commission's Artwork Gift Review Policy, whenever the City accepts any gift of public artwork, it must execute legal agreements with the project sponsors to guarantee funding, installation, and maintenance of the monument prior to the acceptance of the gift and the start of construction; and

WHEREAS, the Oakland Metropolitan Chamber of Commerce Foundation (the "Chamber Foundation") has diligently pursued fundraising for all aspects of the Monument, but has not yet achieved full project funding for the complete fabrication and installation of the complete Monument, educational component, and the City-required maintenance fund; and

WHEREAS, the City Council desires to contribute to the installation of the monument and directed staff of the Redevelopment Agency (Agency) to prepare legislation to provide an Agency grant not to exceed \$182,000, which was to be funded from remediation savings at the Uptown project (Fund 9562) to the Chamber Foundation to pay towards the cost of fabricating and installing the monument; and

WHEREAS, the Agency would like to use all remediation savings from the Uptown project for the Agency's site acquisition efforts in the Valdez triangle, which is part of the Broadway/Valdez District Specific Retail Plan activity area; and

WHEREAS, and the Agency will allocate funding for the grant to the Chamber Foundation from the Central District Tax Allocation Bond Series 2005 Fund (9533), Capital

Improvement Project – Economic Development Organization (94800), Uptown Garage – 21st & Telegraph (P128670) to a project to be determined; and

WHEREAS, the addition of the sculptural monument at Fox Square Park has been determined to be exempt from the California Environmental Quality Act (CEQA) Guidelines under, among other provisions, Section 15061(b)(3) (general rule), because there is no possibility of an adverse effect on the environment; now therefore be it

RESOLVED: That notwithstanding any City of Oakland resolution expressing the intent of the City that the gift be at no cost to the City, the Agency hereby authorizes a grant not to exceed \$182,000 to the Chamber Foundation to pay toward the cost of installing the first phase of the Monument; and be it further

RESOLVED: Execution of a grant agreement between the Agency and the Chamber Foundation is contingent on the execution of all legal agreements governing the City's acceptance of the monument.

RESOLVED: That the Agency's commitment of funding the grant shall be for a period of up to two years from date of Council authorization and that any extension of this period must be approved by Council; and be it further

RESOLVED: That \$182,000 in Agency funding will be allocated from the Central District Tax Allocation Bond Series 2005 Fund (9533), Capital Improvement Project – Economic Development Organization (94800), Uptown Garage – 21st & Telegraph (P128670) to a project entitled “Remember Them”; and be it further

RESOLVED: That all remediation savings in the Agency's Preservation Park Loan Repayment Fund (9562), Capital Improvement Project – Economic Development Organization (94800), Retail/Entertainment Catalyst Development FY01 Project (P132780), be reallocated to a new Project to be determined; 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 the reconfiguration of the sculptural monument is exempt from CEQA, without limitation, pursuant to CEQA Guidelines Sections 15061(b)(3) (general rule); and be it further

RESOLVED: That any and all documents necessary to effectuate the intent of this resolution shall be reviewed and approved as to form by the Agency Counsel prior to execution by the Agency Administrator or his designee; 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, DEC - 8 2009, 2009

PASSED BY THE FOLLOWING VOTE:

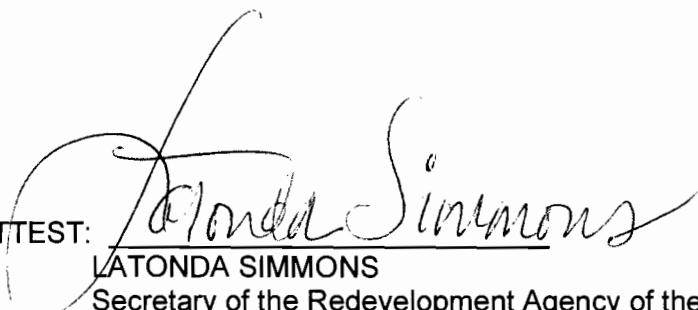
AYES -BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID AND
CHAIRPERSON BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


LATONDA SIMMONS
Secretary of the Redevelopment Agency of the
City of Oakland, California