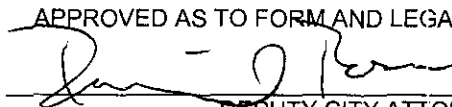


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APPROVED AS TO FORM AND LEGALITY:  
  
DEPUTY CITY ATTORNEY

## OAKLAND CITY COUNCIL

79637

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**A RESOLUTION ACCEPTING AND APPROPRIATING \$150,000 FROM THE REDEVELOPMENT AGENCY UNDER THE COOPERATION AGREEMENT TO FUND IMPROVEMENTS TO THE BROADWAY MEDIAN FROM INTERSTATE 580 TO COLLEGE AVENUE, AND AUTHORIZING THE CITY ADMINISTRATOR TO AWARD THE CONSTRUCTION CONTRACT FOR THIS PROJECT TO THE LOWEST RESPONSIBLE BIDDER WITHOUT RETURNING TO COUNCIL**

**WHEREAS**, the Broadway Median Project is located on Broadway between the Interstate 580 underpass and College Avenue and includes repaving and replanting the existing median strip; and

**WHEREAS**, the portion of the Broadway Median Project from the Interstate 580 underpass to 42<sup>nd</sup> Street is located within the boundaries of the Broadway/MacArthur/San Pablo Redevelopment Project Area; and

**WHEREAS**, the total construction budget for the Broadway Median Project is estimated to be \$280,000; and

**WHEREAS**, the City and the Redevelopment Agency of the City of Oakland 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 cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

**WHEREAS**, the Redevelopment Agency has authorized \$150,000 to fund a portion of the construction costs for the Broadway Median Project, which will be transferred from the Broadway/MacArthur/San Pablo Redevelopment Operations Fund and Project (Fund 9529, Project P187510, Redevelopment Projects Org 88669) to the Oakland Redevelopment Agency Projects Fund 7780 to the Broadway Median Project under a project number to be established; and

**WHEREAS**, returning to Council for authorization to award the construction contract for the Broadway Median Project will result in a significant delay in the construction schedule established for this project; now therefore be it

**RESOLVED:** That the City Council hereby consents to the use of \$150,000 in Redevelopment Agency funds for the Broadway Median Project, accepts such funds under the Cooperation Agreement, and appropriates such funds to the City repayment account in fund 7780; and be it further

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

1. That the Broadway Median Project will benefit the Broadway/MacArthur/San Pablo Project Area by improving the appearance of Broadway; and
2. That no other reasonable means of financing the \$150,000 required for the Broadway Median Project are available to the City other than Redevelopment Agency funding, since the Broadway Median Project is not programmed in the City's Capital Improvement Budget; and
3. That the use of tax increment funds from the Broadway/MacArthur/San Pablo Project Area for the Broadway Median Project will assist in the elimination of blight through streetscape improvements on Broadway between the Interstate 580 underpass and 42nd Street in the Broadway/MacArthur/ San Pablo Project Area, and is consistent with the implementation plan adopted for the Broadway/MacArthur/San Pablo Project Area, which calls for streetscape improvements; and be it further

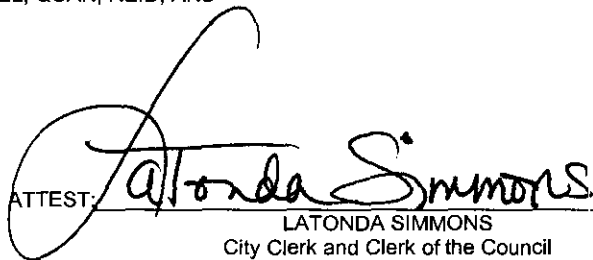
**RESOLVED:** That the City Council hereby authorizes the City Administrator or her designee to appropriate revenue, make expenditures, award the construction contract to the lowest responsible bidder for the Broadway Median Project without returning to Council, and take all other actions with respect to this project in accordance with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 20 2005, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE -8

NOES- 0  
ABSENT- 0  
ABSTENTION- 0

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