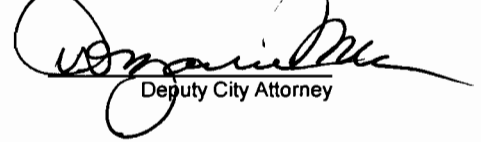


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality

  
Deputy City Attorney

2009 DEC -3 PM 6:19

## OAKLAND CITY COUNCIL

Resolution No. 82467 C.M.S.

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**RESOLUTION ACCEPTING AND APPROPRIATING FUNDS FROM THE REDEVELOPMENT AGENCY UP TO THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) UNDER THE COOPERATION AGREEMENT FROM THE FOOTHILL BOULEVARD AND SEMINARY AVENUE STREETScape IMPROVEMENT PROJECT FOR THE RESURFACING OF MACARTHUR BOULEVARD FROM 90<sup>TH</sup> AVENUE TO FOOTHILL BOULEVARD**

**WHEREAS**, MacArthur Boulevard between 90<sup>th</sup> Avenue and Foothill Boulevard is public infrastructure owned and maintained by the City of Oakland (“City”), and located within the Central City East Redevelopment Project Area; and

**WHEREAS**, this portion of MacArthur Boulevard is substandard, blighted and in need of resurfacing improvements; and

**WHEREAS**, the City is planning resurfacing improvements to this facility (the “Project”), and has requested Redevelopment Agency (“Agency”) funding of the Project; and

**WHEREAS**, the proposed resurfacing improvements funded by the Redevelopment Agency is consistent with and will further the purposes of the Central City East Redevelopment Plan and its Five-Year Implementation Plan, including but not limited to the elimination of blight; and

**WHEREAS**, the City and Agency agree that improving public infrastructure is one of the goals of the Central City East Redevelopment Project and that the proposed Project will improve the quality of life for residents and businesses throughout the Project Area and will complement and enhance other economic development and redevelopment efforts along the MacArthur corridor; and

**WHEREAS**, the City and the Redevelopment Agency 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**, California Government Code 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**, sufficient funds are available to fund the resurfacing project in the amount of \$300,000.00 in the Oakland Redevelopment Agency Project Fund (7780), Capital Improvement Project – Economic Development Organization (94800), Central City East Foothill Boulevard and Seminary Avenue Streetscape Improvement Project (S233373); and

**WHEREAS**, the City and the Agency agree that the City is the Lead Agency for the Project for purposes of environmental review under the California Environmental Quality Act of 1970 (“CEQA”); and

**WHEREAS**, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City have been satisfied; now therefore be it

**RESOLVED**: That the City hereby accepts and allocates \$300,000.00 in Redevelopment Agency funds from Oakland Redevelopment Agency under the Cooperation Agreement and appropriates them into Oakland Redevelopment Agency Projects Fund (7780), Capital Improvement Project – Economic Development Organization (94800), (Projects to be determined) for the resurfacing of MacArthur Boulevard from 90<sup>th</sup> Avenue to Foothill Boulevard, as part of the Citywide Street Resurfacing FY 2007-2008 Project, (G339610); and be it

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

- That the funding of the MacArthur Resurfacing Improvement Project will benefit the Central City East Redevelopment Project Area by helping to eliminate blight within in the Project Area by improving public infrastructure that is a blighting influence in the Project Area, improving serious deteriorated physical conditions, improving conditions of public infrastructure that prevent or substantially hinder viable use, and complementing and enhancing other economic development and redevelopment efforts along the MacArthur corridor within the Project Area, and
- That due to fiscal constraints on the City's general fund and the high number of capital projects competing for limited City funds, the City's Capital Improvement Program budget is unable to provide financing for the MacArthur Resurfacing Improvement Project and therefore no other reasonable means of financing are available to the City other than Redevelopment Agency funding, and
- That the use of tax increment funds from the Central City East Project Area for the MacArthur Resurfacing Improvements Project is consistent with the implementation plan adopted for the Central City East Project Area; and be it

**FURTHER RESOLVED**: That the City Council hereby appoints the City Administrator, or his designee, as agent of the City to conduct all negotiations and to execute and submit all documents including, but not limited to appropriating funds in the appropriate projects, applications, agreements, amendments, payment requests and related actions which may be necessary for completion of the resurfacing of MacArthur Boulevard from 90<sup>th</sup> Avenue to Foothill Boulevard; and be it

**FURTHER RESOLVED:** That the City Council has independently reviewed and considered this environmental determination, and the City Council finds and determines, based on the information in the staff report accompanying this Resolution, that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to California Government Code Section 15301 (operation, repair, or minor alteration of existing structures or facilities) and California Government Code Section 15302 (replacement or reconstruction of existing structures or facilities) of the CEQA guidelines; and be it

**FURTHER RESOLVED:** That the City Administrator, or his designee, is hereby authorized to take whatever actions necessary with respect to this Project consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN - 5 2010

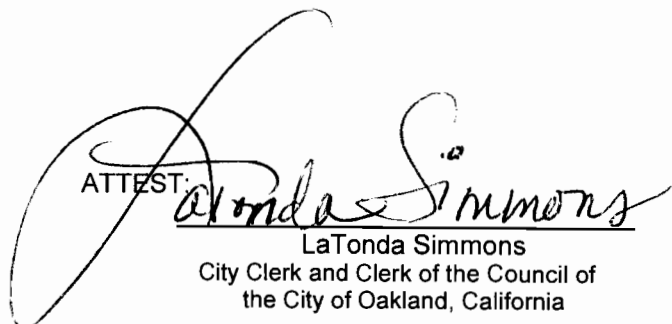
**PASSED BY THE FOLLOWING VOTE:**

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

NOES - 0

ABSENT - 0

ABSTENTION - 0

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