

FILED
OFFICE OF THE CITY CLERK
OAKLAND
OAKLAND CITY COUNCIL
RESOLUTION No. 83884 C.M.S.
2012 MAY 10 12:13
Introduced by Councilmember _____

R. Jain
City Attorney

A RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATOR TO APPROVE AND EXECUTE A GRANT AGREEMENT WITH THE EAST BAY ASIAN LOCAL DEVELOPMENT CORPORATION IN AN AMOUNT UP TO \$260,000 FOR ENVIRONMENTAL CLEAN-UP OF CONTAMINATED LANDS FOR THE FUTURE DEVELOPMENT OF AFFORDABLE HOUSING IN WEST OAKLAND

WHEREAS, The City of Oakland (the “City”) received funds from the United States Environmental Protection Agency (the “EPA”) that have been used to establish and administer the Brownfields Cleanup Revolving Loan Fund (“BCRLF”) from which the City is authorized to make grants to entities to undertake remediation and mitigation of hazardous substances on brownfields; and

WHEREAS, The City of Oakland (the “City”) seeks to authorize funding for the East Bay Asian Local Development Corporation (“EBALDC”) for brownfields cleanup of the California Hotel (Phase 2) and the West Grand/Brush Street mixed use affordable developments (the “Property”), pending completion of underwriting and other eligibility qualifications; and

WHEREAS, certain hazardous substances have been identified in the soil at the Property, and a plan to remediate has been developed; and

WHEREAS, EBALDC is eligible to receive grants under the BCRLF Transition program because it is a nonprofit entity and the Property to be remediated is not listed, nor proposed to be listed, on the EPA’s National Priorities List; and

WHEREAS, the City Council agrees to grant EBALDC Two Hundred and Sixty Thousand dollars (\$260,000.00) in BCRLF Funds for the Mitigation Project on the Property; pending completion of underwriting and other eligibility criteria, and

WHEREAS, the requirements of the California Environmental Quality Act (“CEQA”), the CEQA guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now therefore be it

RESOLVED: That the City Administrator is hereby authorized to execute a grant in an amount up to \$260,000 to the EBALDC, so long as EBALDC has carried out the Mitigation Project in accordance with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 104(k); Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments (40 CFR Part 31); and all other applicable provisions of federal, state or local laws; and be it

FURTHER RESOLVED: That the grant funds will be allocated from Environmental Protection Agency Fund (2125), Business Development Org: (02981), and EPA-Brownfield Cleanup Project (G183830); and be it

FURTHER RESOLVED: That the grant must be drawn down within a period of two (2) years from the date the Grant Agreement is executed; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or her designee to negotiate terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures and take all other actions necessary to carry out the basic purposes of this resolution; 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 Sections 15301 (existing facilities), Section 15061(b)(3)(general rule), and 15304 (minor alterations to land) 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 project; and be it

FURTHER RESOLVED: That the execution of any documents legally committing the City to fund these projects shall be expressly conditioned upon compliance with the requirements of NEPA, as certified by the City Administrator or her designee; and be it

FURTHER RESOLVED: That all documents shall be reviewed and approved as to form and legality by the City Attorney's Office prior to execution, and copies will be placed on file with the City Clerk.

JUN 5 2012

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, ~~BRUNNER~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and ~~PRESTON~~
~~REID~~ - 6


NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reid, Brunner - 2

ATTEST:



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