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OFFICE OF THE CITY CLERK  
OAKLAND

**DRAFT**

City Attorney's Office

2019 MAR 28 PM 1:24

# OAKLAND CITY COUNCIL

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

**INTRODUCED BY COUNCILMEMBER [IF APPLICABLE]**

**RESOLUTION AMENDING RESOLUTION NO. 86217 C.M.S., WHICH AUTHORIZED THE CITY TO APPLY FOR, ACCEPT AND APPROPRIATE LOAN AND GRANT FUNDS UNDER THE STATE OF CALIFORNIA'S AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM IN CONNECTION WITH THE LAKEHOUSE COMMONS PROJECT AT E 12<sup>TH</sup> AND LAKE MERRITT BOULEVARD, TO AUTHORIZE AN AGREEMENT WITH BAY AREA MOTIVATE, LLC FOR TRANSPORTATION-RELATED IMPROVEMENTS**

**WHEREAS**, the State of California, Strategic Growth Council, and the Department of Housing and Community Development (the "Department") issued a Notice of Funding Availability ("NOFA") dated January 29, 2016, as amended, under the Affordable Housing and Sustainable Communities Program (the "AHSC Program"); and

**WHEREAS**, as authorized by City Council Resolution 86217 C.M.S. on June 7, 2016, East Bay Asian Local Development Corporation and the City applied for AHSC Program Funds, and were awarded an AHSC Program loan in an amount not to exceed \$10,946,306 (the "AHSC Loan") and an AHSC Program grant in an amount not to exceed \$7,180,897 (the "AHSC Grant"), for an aggregate amount not to exceed \$18,127,203 under the above described NOFA for use in connection with the Lakehouse Commons affordable housing project at E 12<sup>th</sup> and Lake Merritt Boulevard (the "Project"); and

**WHEREAS**, the Project AHSC grant application, which provided the basis on which the project was awarded, included a request to expand the existing bike share system through the installation of additional stations; and

**WHEREAS**, the City Council wishes to delegate authority to the City Administrator or his or her designee to apply for, receive and accept such AHSC Program Funds on behalf of the City, and to negotiate, execute, enter into and deliver such agreements and instruments with the Department related to or in connection with such AHSC Program Funds without returning to the City Council, including an agreement with Bay Area Motivate, LLC for transportation-related improvements; now, therefore, be it;

**RESOLVED:** That the City Administrator or her designee is hereby authorized to negotiate and execute agreements with Bay Area Motivate, LLC pertaining to transportation-related improvements funded by the AHSC Grant; and be it

**FURTHER RESOLVED:** That said agreements shall be reviewed and approved by the City Attorney's Office for form and legality prior to their execution by the City, and copies will be placed on file with the City Clerk; and be it

**FURTHER RESOLVED:** That the City shall be subject to the terms and conditions as specified in the Standard Agreements; that funds are to be used for allowable capital asset Project expenditures to be identified in Exhibit A or other relevant portions of the Standard Agreements; that the application in full is incorporated as part of the Standard Agreements; that any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreements; and that the City hereby agrees to use the funds for eligible capital assets in the manner presented in the application as approved by the Department and in accordance with the NOFA and applicable AHSC Program Guidelines; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is hereby authorized to take any other action with respect to the AHSC Grant or the Project consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

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