

  
City Attorney

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

RESOLUTION No. 83678 C.M.S.

2011 DEC -1 PM 1:03

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A 360-DAY EXCLUSIVE NEGOTIATING AGREEMENT WITH CALIFORNIA WASTE SOLUTIONS AND CUSTOM ALLOY SCRAP SALES, INC. FOR THE DEVELOPMENT OF TWO RECYCLING FACILITIES ON APPROXIMATELY 20 ACRES OF THE NORTH GATEWAY AREA OF THE FORMER OAKLAND ARMY BASE**

**WHEREAS**, the Redevelopment Agency of the City of Oakland (“Agency”) owns approximately 165 acres of real property located in the former Oakland Army Base, which includes the 28-acre North Gateway Area; and

**WHEREAS**, the City may assume ownership of the Agency’s portion of the former Oakland Army Base, including the assumption of assets and liabilities associated with the redevelopment of the property; and

**WHEREAS**, on March 3, 2011, the City Council approved Resolution No. 83256 C.M.S authorizing a funding agreement with the Agency to provide for agency funding of City improvements and other redevelopment projects and programs; and

**WHEREAS**, one of the proposed actions in the Redevelopment Plan for the Oakland Army Base Redevelopment Project, as amended and restated June 7, 2005, is the redevelopment of land by private enterprise; and

**WHEREAS**, on June 28, 2011, California Waste Solutions, Inc. (CWS) and Custom Alloy Scrap Sales, Inc. (CASS), two recycling firms located in West Oakland, submitted to the Agency a joint proposal to purchase at least 20 acres in the North Gateway Area at \$557,000 per acre for a total purchase price of \$11,195,700; and

**WHEREAS**, CWS and CASS intend to build two new recycling facilities in the North Gateway and relocate their operations out of West Oakland; and

**WHEREAS**, the relocation of CWS and CASS out of West Oakland would reduce truck traffic and remove a land use conflict from the community; and

**WHEREAS**, the relocation of CWS and CASS to the Army Base would enable the two firms to remain in Oakland, develop more efficient operations, increase productivity, increase sales, and contribute to the Port of Oakland business; and

**WHEREAS**, on July 8, 2011, PCC Logistics submitted to the Agency a proposal to purchase between 16.5 to 23 acres of land in the North Gateway at a lower purchase price per acre than proposed by CWS and CASS; and

**WHEREAS**, staff presented the two proposals to the City Council/Agency Board on July

19, 2011 and was directed to negotiate the terms of an Exclusive Negotiating Agreement (ENA) with CWS and CASS; now, therefore be it

**RESOLVED**, that the City Administrator is authorized to negotiate and enter into an ENA with CWS and CASS for the purposes of negotiating the terms and conditions for the possible development of two recycling facilities on approximately 20 acres of the North Gateway Area in the former Oakland Army Base; and be it

**FURTHER RESOLVED**, that the term of the ENA will be three hundred and sixty (360) days from the effective date of this Resolution, with the option to extend said period by an additional ninety (90) days with the approval of the Agency Administrator in her sole and absolute discretion; and be it

**FURTHER RESOLVED**, that the City Council has independently reviewed and considered the environmental determination, and the City Council finds and determines that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Section 15262 (feasibility and planning studies). Section 15306 (information collection) and Section 15061(b)(3) (general rule) 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 action; and be it

**FURTHER RESOLVED**, that the Exclusive Negotiating Agreement shall be reviewed and approved as to form and legality by City Attorney prior to execution; and be it

**FURTHER RESOLVED**, that the City Administrator is further authorized to take whatever action is necessary with the respect to the Exclusive Negotiating Agreement and the project consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 20 2011, 20

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and ~~PRESIDENT~~  
~~PRE~~ - 7

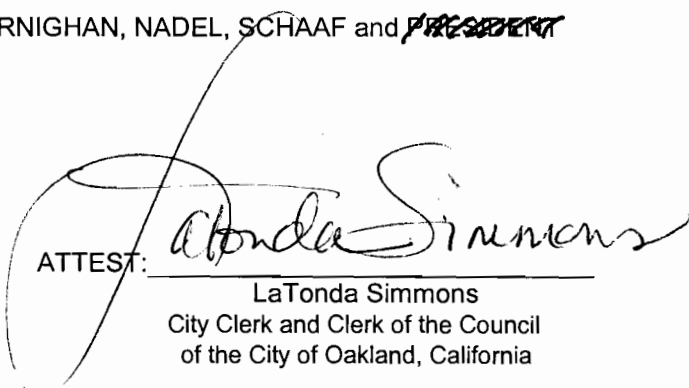
NOES - 0

ABSENT - 0

ABSTENTION - 0

Recused - Reid - 1

ATTEST:

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