

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2011 DEC -1 PM 1:03

Approved as to form and legality

D. Miller

Agency Counsel

REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND

Resolution No. 2011-0071 C.M.S.

**RESOLUTION AUTHORIZING THE AGENCY 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, 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 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 Agency 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 Agency has independently reviewed and considered the environmental determination, and the Agency finds and determines that this action complies with CEQA because this action on the part of the Agency 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 Agency 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 Agency Counsel prior to execution; and be it

FURTHER RESOLVED, that the Agency 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 AGENCY, OAKLAND, CALIFORNIA, DEC 20 2011

PASSED BY THE FOLLOWING VOTE:

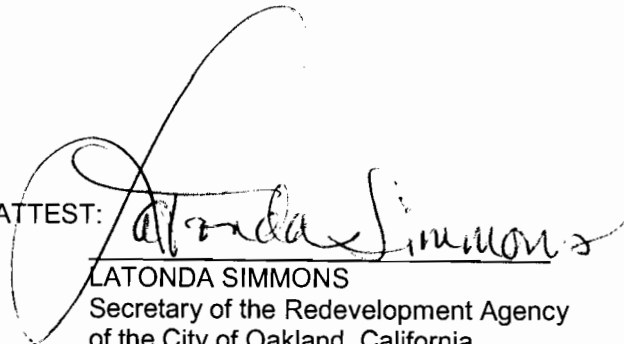
AYES - BRUNNER, KERNIGHAN, NADEL, SCHAAF, DE LA FUENTE, BROOKS, KAPLAN, AND ~~CARR~~ - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Recused - Reid - 1

ATTEST: 
LATONDA SIMMONS
Secretary of the Redevelopment Agency
of the City of Oakland, California