

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# REDEVELOPMENT AGENCY AND THE CITY OF OAKLAND

## AGENDA REPORT

2011 APR 28 AM 9:42

TO: Office of the City/Agency Administrator  
ATTN: P. Lamont Ewell, Interim City Administrator  
FROM: Community & Economic Development Agency  
DATE: May 10, 2011

RE: A City Resolution Authorizing: 1) Waiving Advertising, Competitive Bid And Request For Proposals/Qualifications Requirements; And, 2) Authorizing The City Administrator, Or His Designee, To Purchase Necessary Design And Other Licensed Professional Services, Construction Labor And Materials, Design-Build Services And Construction-Manager At Risk Services On The Open Market For The Design And Construction Of The Redevelopment Agency Funded Projects Listed In Exhibit "A" Within The Project Budgets Indicated Therein, Without Return To The City Council

A Report And Follow-up Action Confirming The Sale Of City Property To The Redevelopment Agency, Including The Following Legislation:

A City Ordinance Amending Ordinance Nos. 13061 And 13062 C.M.S. Authorizing The Sale Of Various City-Owned Properties To The Redevelopment Agency, To Remove 250 Fallon Street And 600-620 Washington Street, And To Add The 12th Street Remainder Parcel

An Agency Resolution Amending Resolution Nos. 2011-0023 C.M.S. And 2011-0024 C.M.S. Authorizing The Purchase Of Various Properties From The City, To Remove 250 Fallon Street And 600-620 Washington Street, And To Add The 12th Street Remainder Parcel

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### SUMMARY

The Governor's proposed state budget for 2011-12 proposes an elimination of redevelopment agencies. The City Council and Redevelopment Agency are being requested to approve actions that will allow staff to quickly enter into contracts to complete specified Agency-funded projects and fully encumber redevelopment funds immediately. Council is also being requested to confirm the list of real properties that will be sold by the City to the Agency, as was requested at the March 3, 2011, Special Council Meeting, through a City Ordinance and Agency Resolution modifying the list of City properties that will be sold to the Agency.

### FISCAL IMPACT

*Third-Party Contracts* – Without City and Agency approval of the various actions, most of the projects will not be implemented if the state eliminates redevelopment. The City will not in the foreseeable future have capital funds to replace the proposed redevelopment funding. The \$91.4 million in projects will be funded from: \$16.9 million in operating funds, tax increment; \$54.6

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Community and Economic Development Committee  
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million in capital funds, i.e. bond funds; and \$19.9 million in grants and other non-Agency funds, including:

- Foothill / Fruitvale Streetscape Phase II - \$2,000,000 MTC Grant
- MacArthur Blvd Streetscape - \$1,700,000 MTC Grant
- Coliseum BART Plaza - \$885,000 STIP/TE Grant
- Coliseum BART Station Transit Village - \$8,485,000 Prop IC Transit-Oriented Development Grant
- Uptown Parcel 4 Temporary Art Park - \$200,000 NEA Grant
- San Pablo Ave Streetscape Improvements- \$750,000 Prop IC Infill Grant
- Lincoln Recreation Center - \$100,000 City JPFA Capital Projects Fund for ADA
- West Oakland Area Plan - \$400,000 DOT/HUD TIGER II Planning Grant
- West Oakland Teen Center - \$5,000,000 Proposition 84 Statewide Park Development and Community Revitalization Program of 2008

If the State of California eliminates redevelopment as been proposed in the Governor's Budget, unencumbered bond funds would be used to defease corresponding bond debt, and unencumbered operating funds would be used to pay Agency's obligations. The net funds available, after expenses related to eligible Agency activities, will go to the taxing entities, including approximately 27% to the City of Oakland. Without Redevelopment funds, the City will have significantly less capital funds for City infrastructure – streetscapes, parks, public facilities, etc. – but will have an increase in property tax revenue. This increased revenue will not offset the current staffing funded through redevelopment, let alone provide additional funds for capital projects.

**City-Agency Land Sales** – During the March 3, 2011 Special Council meeting, staff identified a list of ten potential sites for the City to sell to the Agency, and Council authorized the City and the Agency to enter into a purchase agreement for those properties. Staff is now requesting Council confirmation to sell six of those sites, as well as an additional site not identified during that meeting - the 12<sup>th</sup> Street remainder parcel– and is requesting removal of two sites from the list. Staff plans to move forward immediately to convey three of the properties to the Agency during this budget cycle; the chart below summarizes the three properties, which have a total estimated fair market value of \$4.14 million. Staff is also requesting authorization to appropriate necessary funds from fund balance within the Central District Project Area Funds (9510 and 9536).

The FY 2010-11 General Purpose Fund (GPF) budget includes an assumption of property sales from the City to the Agency totaling \$3.4 million. The sale of these properties will result in higher revenue for FY 2010-11. City revenue from these sales will be deposited into the GPF (1010), Real Estate Services Organization (88639), Surplus Property Account (48111), Surplus Property Disposition Project (P47010), Real Estate Program (PS32). No City or County Transfer Tax will be imposed on this transaction.

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ADDRESS	SQ FT OF LAND/ BUILDING	\$ Amount	REDEVELOPMENT PROJECT AREA	FUNDING SOURCE
615 High Street (Vacant Com Bldg)	12,078 land 7,992 bldg	\$1,040,000	Coliseum	Taxable Bonds (Fund 9456)
695 Hegenberger (Sod Farm)	29,107 land	\$600,000	Coliseum	Taxable Bonds (Fund 9456)
12 <sup>th</sup> Street Remainder Site	40,000 land (approx.)	\$2,500,000	Central District	Op Reserves (Fund 9510); Taxable Bonds (Fund 9536)
<b>TOTAL:</b>		<b>\$4,140,000</b>		

**BACKGROUND**

**Governor’s Redevelopment Proposal** - There have been several reports discussing the Governor’s proposal to eliminate redevelopment, including written reports to the Community and Economic Development Committee on February 8<sup>th</sup> and 22<sup>nd</sup>; and there was a report to a Special Concurrent Meeting of the City Council and Agency Board on March 3, 2011. At this last meeting the City and Agency approved various ordinances and resolutions (City Ordinance Nos. 13061 and 13062 C.M.S., City Resolution Nos. 83254 through 83256 C.M.S., and Agency Resolution Nos. 2011-0023 through 2011-0027 C.M.S.) for the following activities: (1) the transfer of various real properties from the Agency to the City, and from the City to the Agency, (2) the assignment of various commercial loans from the Agency to the City, and (3) funding commitments from the Agency to the City for certain previously approved and budgeted City improvements and programs. At the special meeting, some Councilmembers raised concerns about the sale of some of the City properties to the Agency; Council requested staff to return to get final Council confirmation of the City properties that would actually be sold to the Agency. Staff is therefore bringing the proposed final list of City-Agency property sales to the City Council and Agency Board for approval.

The Funding Agreement approved on March 3, 2011, authorizes Agency funding for various City projects, including an advance of Agency funds to the City prior to the possible elimination of redevelopment agencies. The most recent version of the legislation on the elimination of redevelopment includes a “clawback” provision that would allow the State Controller to order the return of any funds or other assets transferred by a redevelopment agency to a city after January 1, 2011; however, there is an exception for any fund transfer if the city is contractually committed to a third party for those funds. Staff have been working diligently to encumber funds for various programs and projects; most notably approximately 145 Façade and Tenant Improvement Grant agreements have been executed in the last two months. Staff has prepared a resolution that gives the City Administrator further authority to execute contracts for design and other licensed professional services, construction labor or materials, design-build services and construction-manager at risk services needed for the design and construction of 33 listed Redevelopment Agency funded projects, that should encumber the funds and preserve these redevelopment activities.

**City-Agency Property Sales** – The City and Agency approved a purchase and sale agreement for the sale of ten City properties to the Agency on March 3, 2011, City Ordinance Nos. 13061 and 13062 C.M.S. and Agency Resolution Nos. 2011-0023 and 2011-0024 C.M.S. The sites identified for sale to the Agency include the site that was currently in use as the Fire Training Facility, and the Police Administration Building properties. Because the City potentially could lose control of these sites should they be sold to the Agency and should the state eliminate redevelopment, some Councilmembers were concerned with the sale of these sites, and required that the selected City-Agency properties be brought back for final confirmation. Staff has amended the list of sites to remove the Fire Training Facility and the Police Administration Building from the list of City sites authorized for sale to the Agency.

## **PROJECT DESCRIPTION**

**Third-Party Contracts** – Staff is proposing to contract for up to 33 different projects and programs under the proposed legislation, see the list attached to this report, **Attachment A**. The projects and programs are in all of the council districts and five of the major redevelopment areas - Broadway/MacArthur/San Pablo, Central City East, Central District, Coliseum and West Oakland. These projects and programs include: 17 streetscape projects, 10 park and public facility projects, three planning projects, a multi-site demolition contract, Agency-wide graffiti abatement program and the Central District Public Art program. These are all long term City and Agency activities that would normally be coming to the Council and/or Agency Board individually, but due to the threat of elimination of redevelopment they are all being fast-tracked in order to move ahead with third party contracts. Under the current proposed legislation, these third party contracts would be honored after the elimination of redevelopment.

**City-Agency Land Sales** – Staff has amended the list of sites for immediate sale from the City to the Agency: 1) deleting 250 Fallon, the Fire Training Facility; 2) moving 615 High Street from the list of sites to be sold should redevelopment be eliminated; and 3) adding the 12th Street Remainder created from right-of-way as part of the Measure DD improvements, which was not formerly considered because it was a highly marketable site that the City could sell directly. The development potential for each of the properties proposed to be purchased by the Agency is as follows:

- 615 High Street – interest in general area by retail developers.
- 695 Hegenberger Road – Agency seeking to gain further site control for future Coliseum City proposal.
- 12th Street Remainder – Potential for future multi-family housing site.

Staff has also amended the list of property for sale from the City to the Agency should redevelopment be eliminated, see **Attachment A** to this report. This list eliminates 615 High Street, which is now proposed for immediate sale; and eliminates 600 and 620 Washington Street, the Police Administrative Building, which is currently in use by the City. Staff is requesting that the Council and Agency approve, by a motion, this revised list for the sale of property from the City to the Agency when and if redevelopment is eliminated.

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## KEY ISSUES AND IMPACTS

Since many of these redevelopment-funded projects are at various planning and design phases, the time required to issue request for proposal, complete the design, competitively bid and award these contracts to consultants and contractors not likely be completed by July 1, the proposed date for elimination of the Redevelopment Agency. Therefore, it is imperative to award and execute these contracts with third parties using alternative delivery methods in lieu of the traditional design-bid-build process. Due to the urgency in seeking Council approval to execute these contracts, staff has done some preliminary analysis of each project and suggested the anticipated delivery methods as shown in *Attachment B* based on the status of the project.

Public Works Agency staff is planning to implement procedures to maximize S/LBE participation. To this end, staff will target S/LBEs that participated in Oakland projects, i.e. bid on or were awarded contracts. Staff will look for businesses that have participated in comparable project, type of work and size of project, over the last three to five years, depending on the pool of participants in that period for the specific types of project. Staff will work with the businesses identified in order to maximize the participation of the eligible S/LBEs.

## SUSTAINABLE OPPORTUNITIES

**Economic:** The contracts will provide business and employment opportunities and encourage development activities in various redevelopment areas, improving economic vitality and increasing tax revenues for the City and Agency.

**Environmental:** The projects will improve the infrastructure and built environment of streets, public facilities and parks.

**Social Equity:** The projects will be required to meet the City's (1) Local & Small Local For Profit and Not For Profit Business Enterprise Program, (2) Local Employment Program and (3) 15% Apprenticeship Program, increasing employment and business opportunities for Oakland residents and businesses.

## DISABILITY AND SENIOR CITIZEN ACCESS

All of the projects and programs authorized under the actions proposed in this report are currently required to meet state and federal accessibility requirements and will therefore provide significant improvements for disability and senior citizen access. This includes two small projects which specifically access improvements: Clinton Park Building ADA restroom upgrades to public facility and Lincoln Recreation Center Emergency Shelter ADA improvements.

## RECOMMENDATIONS AND RATIONALE

The 34 projects and programs proposed for contracting will benefit most areas of Oakland. They will leverage almost \$19.2 million in grant funds and provide hundreds of construction and professional jobs over the next couple years. The public improvements will improve commercial and residential districts thereby encouraging future development in key areas. Some of the

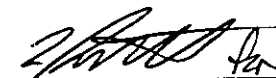
design contracts will ready streetscape and public facility projects for future grant funding applications. The projects include planning for the last two major transit oriented development projects, the Coliseum and West Oakland Transit Villages, which are major neighborhood revitalization efforts. Approving the proposed contracting legislation will assist completing the projects and programs rapidly so that they benefit Oakland faster. For this reason staff recommends approval of the legislation.

The sale of \$3,000,000 in land has been included in the City's Budget for FY 2010-11. In addition \$400,000 in planned revenue from the Agency was no longer possible when Oak Center received negative revenue from the county last year. Not confirming the proposed sale of City land to the Agency will leave a \$3,400,000 shortfall in the City's budget at a time when large deficits are projected. Sale of some City land to the Agency could leave the City without locations for critical operations if redevelopment is eliminated and the oversight board requires the City to sell these properties. Staff has therefore revised the proposed list of property to remove two of the properties.

**ACTION REQUESTED OF THE CITY COUNCIL/REDEVELOPMENT AGENCY**

Staff requests that the City Council and Redevelopment Agency adopt the attached legislation and confirm the sale of the listed properties from the City to the Agency, subject to the proposed deletions and additions to the list

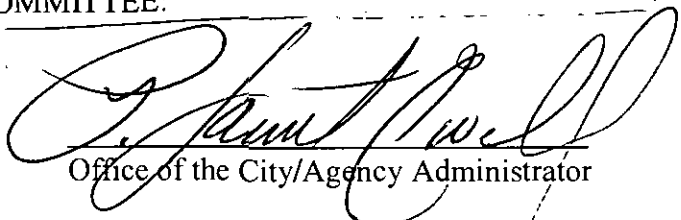
Respectfully submitted,

  
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Walter S. Cohen, Director  
Community & Economic Development Agency

Reviewed By: Gregory Hunter, Deputy Director *G.H.*  
Economic Development and Redevelopment

-----Prepared By: Patrick Lane, Redevelopment Manager

APPROVED AND FORWARDED TO THE  
COMMUNITY & ECONOMIC DEVELOPMENT  
COMMITTEE:

  
\_\_\_\_\_  
Office of the City/Agency Administrator

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Community and Economic Development Committee  
May 10, 2011

## Attachment A

Amended List of Other City-Owned Properties Authorized to Sell to the Agency on March 3, 2011:

ADDRESS	APN	SQUARE FOOTAGE OF LAND/ BUILDING	REDEVELOPMENT AREA	FUNDING SOURCE
1449 Miller Avenue (old Library)	020-0153-006-00	12,423 land 8,660 bldg	Central City East	Taxable Bonds
1000 Oak Street (Kaiser Auditorium)	Portion of 0000-0450-001	98,690 land 137,000 bldg	Central District Central City East	Reserves; Taxable Bonds
66 <sup>th</sup> & Oakport (Vacant Lot)	041-3902-005, 041-3902-006	25,000	Coliseum	Taxable Bonds
66 <sup>th</sup> & Oakport (Vacant Lot)	Abutting APN: 041-3902-005	40,000	Coliseum	Taxable Bonds
1270 93 <sup>rd</sup> Avenue (Old FS #20)	044 4963 020 02	13,608 land 3,200 bldg	Coliseum	Taxable Bonds
3801 East 8 <sup>th</sup> Street (Parking Lot)	Portion of 033-2250-018-03	30,557 land	Coliseum	Taxable Bonds

**ATTACHMENT B  
Project List**

No.	Project	Budget	Description	Design Status	Proj Delivery method	Redevelopment Area	Council District(s)
1	E. 18th St. Streetscape	2,800,000	Streetscape improvement project along E. 18th Street between Lakeshore Ave and Park Blvd with new pedestrian amenities.	100%	Competitive Bid	Central City East	2
2	Foothill / Fruitvale Streetscape Phase I	5,000,000	Streetscape improvement project along Foothill between 35th and High Street.	100%	Competitive Bid	Central City East	5
3	Foothill / Fruitvale Streetscape Phase II	3,600,000	Streetscape improvement project along Foothill between Rutherford and 35th Avenue. (Budget includes \$2.2M MTC Grant)	30%	Design Only	Central City East	5
4	MacArthur Blvd Streetscape	8,000,000	Streetscape improvement project along MacArthur Blvd at three major nodes: 73rd Ave; 90th Ave; and 106th Ave. (Budget include \$1.7M MTC Grant)	100%	Competitive Bid	Central City East	6,7
5	14th Avenue Streetscape	6,000,000	Streetscape improvement project along 14th Avenue, from E. 8th to E. 19th, with new pedestrian amenities.	30%	Design/Build	Central City East	2
6	(Melrose/Bancroft) Foothill/Melrose/High Street Streetscape	4,000,000	Streetscape improvement project at three major nodes: High St. and Foothill; Foothill and Congress; Bancroft and Fairfax.	30%	Design/Build	Central City East	5,6
7	Foothill/Seminary Streetscape	4,100,000	Streetscape improvement project along Foothill between 60th and Mason and Seminary between Bancroft and Kingsley.	30%	Design/Build	Central City East	6
8	Clinton Park Building	150,000	ADA restroom Upgrades to public facility. Includes \$100k in ORA funds and \$50k in City ADA funds.		Three Bids	Central City East	2
9	S. Coliseum / Edes Ave Streetscape Phase I	2,500,000	Streetscape improvement project along S. Coliseum Way between Coliseum south parking lot entrance and Hegenberger.	30%	Design/Build	Coliseum	7
10	S. Coliseum / Edes Ave Streetscape Phase II	3,000,000	Streetscape improvement project along Edes Avenue between Hegenberger and 85th Ave.	30%	Design/Build	Coliseum	7
11	International Blvd Streetscape	4,000,000	Streetscape improvement project at three major nodes along International Blvd: High St; 73rd Ave; and 90th Ave.	30%	Design/Build	Coliseum	5,6,7
12	Coliseum BART Station Transit Village Infrastructure -BART Plaza and Pedestrian Improvements	2,200,000	Coliseum BART plaza refurbishment including new pedestrian amenities. (Budget include \$0.9M STIP/TE Grant)	100%	Competitive Bid	Coliseum	7
13	Coliseum BART Station Transit Village Infrastructure - CTV & Snell St. Links (TOD)	15,500,000	Streetscape improvement surrounding the future Lion Creek Crossings IV and Coliseum Transit Village bounded by 69th to 72nd Avenues and Hawley and Snell Streets. (Budget includes \$8.5M Prop 1C Transit Oriented Development Grant)	30%	Design/Build	Coliseum	7
14	Tyrone Carney Park	2,000,000	Park improvement project at 105th Avenue and Edes.	30%	Design/Build	Coliseum	7



**ATTACHMENT B**  
**Project List**

No.	Project	Budget	Description	Design Status	Proj Delivery method	Redevelopment Area	Council District(s)
15	Martin Luther King Jr. Library	910,000	Renovation & ADA improvements to existing library.	100%	Three Bids	Coliseum	6
16	Coliseum Specific Plan	4,000,000	Major specific plan analysis and study for area surrounding the immediate Coliseum stadium area and the airport business park	Planning	Three Bids	Coliseum	7
17	Coliseum Industrial Infrastructure	2,000,000	Coliseum Way drainage improvements between 66th and 50th Ave; 81st Ave improvements between Rudsdale and S.L. Street.	30%	Design/Build	Coliseum	6,7
18	Coliseum Remediation and Demolition: (Various Agency Owned Properties)	2,500,000	Various properties owned by the Agency require remediation and abatement work in order to prepare site for development.	NA	Cost Plus Fee	Coliseum	5,7
19	Golden Gate Recreation Center.	1,000,000	Building renovation/expansion	30%	Design	Broadway/MacArthur/ San Pablo	1
20	Mosswood Teen/Rec Center/Park Improvements	500,000	Building and park renovation	100%	Three Bids	Broadway/MacArthur/ San Pablo	3
21	Telegraph Avenue Streetscape	3,795,000	Construction documents for streetscape improvements along the full length of the streets within the redevelopment area.	30%	Design/Build	Broadway/MacArthur/ San Pablo	1,3
22	Malonga Casquelourd	920,000	Exterior weatherproofing & tenant improvements	100%	Three Bids	Central District	3
23	1-1/2% Public Art Fund Public Art	900,000	Public Art Projects for: 17th Street BART entry; Uptown Parcel 4 temporary sculpture garden; Latham Square/Updown/other sites RFQ for artists	NA	RFP	Central District	2,3
24	Uptown Parcel 4 Temporary Art Park	400,000	Install temporary improvements - paving, fencing, lighting, art pads, etc. for changing art exhibits and to potentially purchase and/or fund the installation of changing exhibits. (Budget includes \$200K NEA Grant)	30%	Three Bids	Central District	3
25	San Pablo Ave Streetscape Improvements	1,000,000	Streetscape improvements from 16th to 21st Streets in the Uptown Area. (Budget includes \$750K Prop 1C Infill Grant)	10%	Design/Build	Central District	3
26	Lincoln Recreation Center ADA	200,000	ADA emergency shelter improvements, project includes \$100k from ADA program.	30%	Three Bids	Central District	2
27	Lincoln Square Park	400,000	Construction documents for renovation and expansion of park facilities	Design	Design	Central District	2
28	Peralta/MLK Streetscape	600,000	Conceptual Plans and construction documents for the 1st Phase of streetscape improvements along the full length of the streets within the redevelopment area.	30%	Design/Build	West Oakland	3
29	7TH Street Streetscape - Phase II	450,000	Construction documents for the 2nd phase of the project between Peralta and Wood Street.	30%	Design/Build	West Oakland	3

**ATTACHMENT B**  
**Project List**

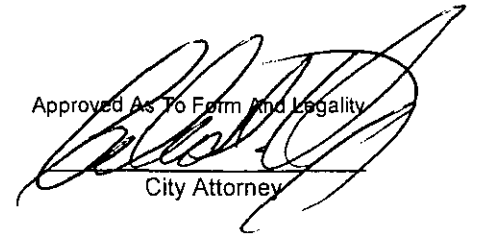
No.	Project	Budget	Description	Design Status	Proj Delivery method	Redevelopment Area	Council District(s)
30	West Oakland Teen Center	6,700,000	Building renovation for a new teen center. Funding includes \$5M Prop 84 Statewide Park Development and Community Revitalization Program of 2008	30%	CM At Risk	West Oakland	3
31	West Oakland Area Plan	1,095,000	Area Plan and Environmental Impact Report for targeting development along the 7th Street, Mandela Parkway and West Grand Avenue corridors and other major opportunity sites. Budget include HUD TIGER II Grant (\$400k) and ORA staff match.	Planning	RFP	West Oakland	3
32	Graffiti Abatement		Two year graffiti abatement as needed for blight abatement of private property in 5 redevelopment areas within Oakland.	NA	RFP		
	- Coliseum	90,000				Coliseum	5,6,7
	- Central City East	90,000				Central City East	2,4,5,6,7
	- West Oakland	45,000				West Oakland	3
	- Central District	40,000				Central District	2,3
	- Broadway/ MacArthur/San Pablo	20,000				Broadway/MacArthur/ San Pablo	1,3
33	Design Services for Facade & Tenant Improvement Programs		Professional service contracts to provide architectural services - upto \$5,000 per facade or tenant improvement project for planning, design, construction documents, permitting, etc. - in 5 redevelopment areas within Oakland.	NA	RFP		
	- Coliseum	185,000				Coliseum	5,6,7
	- Central City East	121,000				Central City East	2,4,5,6,7
	- West Oakland	125,000				West Oakland	3
	- Central District	280,000				Central District	2,3
	- Broadway/ MacArthur/San Pablo	80,000				Broadway/MacArthur/ San Pablo	1,3
33	<b>TOTAL PROJECTS</b>	<b>91,396,000</b>					

17 Streetscape Projects, 10 Park and Public Facility Projects, 3 Planning Projects, 1 Multi-site Demolition Contract(s), 1 Agency-wide Graffiti Abatement Program and 1 Public Art Program for the Central District.

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OAKLAND

2011 APR 23 AM 9:43

Approved As To Form And Legality



City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No: \_\_\_\_\_ C.M.S.

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**RESOLUTION: 1) WAIVING ADVERTISING, COMPETITIVE BID AND REQUEST FOR PROPOSALS/QUALIFICATIONS REQUIREMENTS; AND, 2) AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO PURCHASE NECESSARY DESIGN AND OTHER LICENSED PROFESSIONAL SERVICES, CONSTRUCTION LABOR AND MATERIALS, DESIGN-BUILD SERVICES AND CONSTRUCTION-MANAGER AT RISK SERVICES ON THE OPEN MARKET FOR THE DESIGN AND CONSTRUCTION OF THE REDEVELOPMENT AGENCY FUNDED PROJECTS LISTED IN EXHIBIT "A" WITHIN THE PROJECT BUDGETS INDICATED THEREIN, WITHOUT RETURN TO THE CITY COUNCIL**

**WHEREAS**, the Governor's proposed state budget for 2011-12 proposes an elimination of redevelopment agencies; and

**WHEREAS**, according to the draft legislation, the successor agencies to redevelopment agencies, i.e., the city that created the agency, would use these funds to retire redevelopment debts and preexisting contractual obligations and make other payments under the direction of an appointed oversight board; and

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

**WHEREAS**, the latest proposed legislation eliminating redevelopment has been revised to add a clawback provision that would allow the state controller to order that any funds or other assets transferred from the redevelopment agency to the city after January 1, 2011 be returned to the agency; and

**WHEREAS**, an exception to the clawback provision would be if the city is "contractually committed to a third party for the expenditure or encumbrance of those assets"; and

**WHEREAS**, the existence of the funding agreement approved by the City Council on March 3, 2011 would not be considered a contract committed to a third party unless these redevelopment funds are obligated by the City under a design or construction contract; and

**WHEREAS**, the proposed legislation requires that the Agency submit a report on the City's existing enforceable obligations to the state controller within 60 days after the legislation passes; and

**WHEREAS**, it would be necessary to have design and construction contracts needed to complete the Redevelopment Agency funded projects listed in Exhibit A executed to include them in the report and protect funding by establishing that there are existing third-party contracts for the listed projects; and

**WHEREAS**, many of these redevelopment funded public improvements are still in planning and design phases and the time to complete the advertised request for proposal/qualifications and bid processes and award and execute contracts will well exceed the allowed 60 days; and

**WHEREAS**, Oakland Municipal Codes sections 2.04.050.1.5 and 2.04.051.B permit the City Council to waive advertising and bidding with award to the lowest, responsible, responsive bidder, and to waive advertising and the request for proposal/qualifications ("RFP/Q") requirements for professional services, design-build and construction manager at-risk contracts, respectively, upon findings that it is in the City's best interests to do so; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary construction work and the City Council finds and determines that the performance of the construction contracts authorized hereunder are in the public interest because of better economy in light of the state redevelopment agency legislation; and

**WHEREAS**, the City Council finds and determines that the services contracts authorized hereunder are of a professional, scientific or technical and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

**RESOLVED:** That the Council finds and determines, for the reasons stated above and in the City Administrator's report accompanying this Resolution and pursuant to Oakland Municipal Code sections 2.04.050.1.5 and 2.04.051.B, that it is in the best interests of the City to waive advertising and other competitive purchasing processes, such as bidding with award to the lowest responsible, responsive bidder and RFP/Q requirements for the purchase of design and other licensed professional services, construction labor or materials, design-build services and construction-manager at risk

services needed for the design and construction of the Redevelopment Agency funded projects listed in Exhibit A, and so waives the requirements; and be it

**FURTHER RESOLVED:** That the City Administrator, or the City Administrator's designee, is authorized to purchase the necessary design and other licensed professional services, construction labor or materials, design-build services and construction-manager at risk services on the open market for the design and construction of the Redevelopment Agency funded projects listed in Exhibit A within the project budgets indicated therein, without return to the City Council; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to add additional projects to the list once the Council and Redevelopment Agency Board approve the project and funding; and be it

**FURTHER RESOLVED:** Businesses awarded these contracts will be required to meet all of the City's local business and employment program requirements; and be it

**FURTHER RESOLVED:** That construction contractors shall be required to provide performance payment bonds for one hundred percent (100%) of the contract amount prior to execution of the contract; and be it

**FURTHER RESOLVED:** That the City Administrator, or the City Administrator's designee, is hereby authorized to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That all contracts authorized hereunder shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2011

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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

**EXHIBIT A**  
**Project List**

No.	Project	Budget	Description
1	E. 18th St. Streetscape	2,800,000	Streetscape improvement project along E. 18th Street between Lakeshore Ave and Park Blvd with new pedestrian amenities.
2	Foothill / Fruitvale Streetscape Phase I	5,000,000	Streetscape improvement project along Foothill between 35th and High Street.
3	Foothill / Fruitvale Streetscape Phase II	3,600,000	Streetscape improvement project along Foothill between Rutherford and 35th Avenue. (Budget includes \$2.2M MTC Grant)
4	MacArthur Blvd Streetscape	8,000,000	Streetscape improvement project along MacArthur Blvd at three major nodes: 73rd Ave; 90th Ave; and 106th Ave. (Budget include \$1.7M MTC Grant)
5	14th Avenue Streetscape	6,000,000	Streetscape improvement project along 14th Avenue, from E. 8th to E. 19th, with new pedestrian amenities.
6	(Melrose/Bancroft) Foothill/Melrose/High Street Streetscape	4,000,000	Streetscape improvement project at three major nodes: High St. and Foothill; Foothill and Congress; Bancroft and Fairfax.
7	Foothill/Seminary Streetscape	4,100,000	Streetscape improvement project along Foothill between 60th and Mason and Seminary between Bancroft and Kingsley.
8	Clinton Park Building	150,000	ADA restroom upgrades to public facility. Includes \$100k in ORA funds and \$50k in City ADA funds.
9	S. Coliseum / Edes Ave Streetscape Phase I	2,600,000	Streetscape improvement project along S. Coliseum Way between Coliseum south parking lot entrance and Hegenberger.
10	S. Coliseum / Edes Ave Streetscape Phase II	3,000,000	Streetscape improvement project along Edes Avenue between Hegenberger and 85th Ave.
11	International Blvd Streetscape	4,000,000	Streetscape improvement project at three major nodes along International Blvd: High St; 73rd Ave; and 90th Ave.
12	Coliseum BART Station Transit Village Infrastructure -BART Plaza and Pedestrian Improvements	2,200,000	Coliseum BART plaza refurbishment including new pedestrian amenities. (Budget include \$0.9M STIP/TE Grant)
13	Coliseum BART Station Transit Village Infrastructure - CTV & Snell St. Links (TOD)	15,500,000	Streetscape improvement surrounding the future Lion Creek Crossings IV and Coliseum Transit Village bounded by 69th to 72nd Avenues and Hawley and Snell Streets. (Budget includes \$8.5M Prop 1C Transit Oriented Development Grant)
14	Tyrone Carney Park	2,000,000	Park improvement project at 105th Avenue and Edes.
15	Martin Luther King Jr. Library	910,000	Renovation & ADA improvements to existing library.
16	Coliseum Specific Plan	4,000,000	Major specific plan analysis and study for area surrounding the immediate Coliseum stadium area and the airport business park
17	Coliseum Industrial Infrastructure	2,000,000	Coliseum Way drainage improvements between 66th and 50th Ave; 81st Ave improvements between Rudsdale and S.L. Street.
18	Coliseum Remediation and Demolition: (Various Agency Owned Properties)	2,500,000	Various properties owned by the Agency require remediation and abatement work in order to prepare site for development.
19	Golden Gate Recreation Center.	1,000,000	Building renovation/expansion
20	Mosswood Teen/Rec Center/Park Improvements	500,000	Building and park renovation

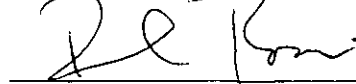
**EXHIBIT A**  
**Project List**

No.	Project	Budget	Description
21	Telegraph Avenue Streetscape	3,795,000	Construction documents for streetscape improvements along the full length of the streets within the redevelopment area.
22	Malonga Casquelourd	920,000	Exterior weatherproofing & tenant improvements
23	1-1/2% Public Art Fund Public Art	900,000	Public Art Projects for: 17th Street BART entry; Uptown Parcel 4 temporary sculpture garden; Latham Square/Uptown/other sites BFO for artists
24	Uptown Parcel 4 Temporary Art Park	400,000	Install temporary improvements - paving, fencing, lighting, art pads, etc. for changing art exhibits and to potentially purchase and/or fund the installation of changing exhibits. (Budget includes \$200K NEA Grant)
25	San Pablo Ave Streetscape Improvements	1,000,000	Streetscape improvements from 16th to 21st Streets in the Uptown Area. (Budget includes \$750K Prop 1C Infill Grant)
26	Lincoln Recreation Center ADA	200,000	ADA emergency shelter improvements, project includes \$100k from ADA program.
27	Lincoln Square Park	400,000	Construction documents for renovation and expansion of park facilities
28	Peralta/MLK Streetscape	600,000	Conceptual Plans and construction documents for the 1st Phase of streetscape improvements along the full length of the streets within the redevelopment area.
29	7TH Street Streetscape - Phase II	450,000	Construction documents for the 2nd phase of the project between Peralta and Wood Street.
30	West Oakland Teen Center	6,700,000	Building renovation for a new teen center. Funding includes SSM Prop 84 Statewide Park Development and Community Revitalization Program of 2008
31	West Oakland Area Plan	1,095,000	Area Plan and Environmental Impact Report for targeting development along the 7th Street, Mandela Parkway and West Grand Avenue corridors and other major opportunity sites. Budget include HUD TIGER II Grant (\$400k) and ORA staff match.
32	Graffiti Abatement		Two year graffiti abatement as needed for blight abatement of private property in 5 redevelopment areas within Oakland.
	- Coliseum	90,000	
	- Central City East	90,000	
	- West Oakland	45,000	
	- Central District	40,000	
	- Broadway/ MacArthur/San Pablo	20,000	
33	Design Services for Façade & Tenant Improvement Programs		Professional service Contracts to provide architectural services - upto \$5,000 per facade or tenant improvement project for planning, design, construction documents, permitting, etc. - in 5 redevelopment areas within Oakland.
	- Coliseum	185,000	
	- Central City East	121,000	
	- West Oakland	125,000	
	- Central District	280,000	
	- Broadway/ MacArthur/San Pablo	80,000	
<b>TOTAL</b>		<b>91,396,000</b>	

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2011 APR 23 AM 9:44

APPROVED AS TO FORM AND LEGALITY



Deputy City Attorney

## OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**AN ORDINANCE AMENDING ORDINANCE NOS. 13061 AND 13062 C.M.S. AUTHORIZING THE SALE OF VARIOUS CITY-OWNED PROPERTIES TO THE REDEVELOPMENT AGENCY, TO REMOVE 250 FALLON STREET AND 600-620 WASHINGTON STREET, AND TO ADD THE 12TH STREET REMAINDER PARCEL**

**WHEREAS**, Council Ordinance Nos. 13061 and 13062 C.M.S., adopted on March 3, 2011, authorized the sale of various City-owned properties to the Redevelopment Agency; and

**WHEREAS**, on or about March 3, 2011, the City and the Agency entered into a Purchase and Sale Agreement with Leaseback Option (the "Purchase and Sale Agreement") for these properties; and

**WHEREAS**, Council wishes to remove two properties, 250 Fallon Street and 600-620 Washington Street, from the list of properties proposed for sale; and

**WHEREAS**, the City is the owner of the 12th Street remainder parcel consisting of about 40,000 square feet of land adjacent to the Lake Merritt Channel in the Central District Redevelopment Project Area ; and

**WHEREAS**, the City desires to sell and the Redevelopment Agency wishes to purchase the 12th Street remainder parcel from the City for redevelopment purposes; and

**WHEREAS**, a market value analysis has established the market value of the 12th Street remainder parcel at \$2,500,000; and

**WHEREAS**, the City is the Lead Agency for this 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 of Oakland have been met; now, therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

Section 1. Pursuant to Sections 1 and 8 of Ordinance No. 10142 C.M.S., and Sections 4 and 6 of Ordinance No. 11602 C.M.S., it is determined to be in the best interest of the City to sell the 12<sup>th</sup> Street remainder parcel by negotiated sale to the



Redevelopment Agency, since the property is located in a redevelopment project area and the Agency is the agency responsible for promoting redevelopment in Oakland's project areas.

Section 2. Ordinance No. 13061 C.M.S. is hereby amended to add the 12th Street remainder parcel to the list of properties authorized for sale, and the City Council hereby authorizes the conveyance of the 12th Street remainder parcel to the Redevelopment Agency for a purchase price of \$2,500,000, payable in cash.

Section 3. Ordinance No. 13061 C.M.S. is hereby amended to remove 250 Fallon Street from the list of properties authorized for sale, and Ordinance No. 13062 C.M.S. is hereby amended to remove 600 Washington Street and 620 Washington Street from the list of properties authorized for sale.

Section 4. The City Administrator is authorized to negotiate and execute an amendment to the Purchase and Sale Agreement to remove 250 Fallon Street and 600-620 Washington Street and add the 12<sup>th</sup> Street remainder parcel.

Section 5. Proceeds of \$4,140,000 from the sale of the properties shall be deposited in the General Purpose Fund (1010), Real Estate Services Organization (88639), Surplus Property Account (48111), Surplus Property Disposition Project (P47010), Real Estate Program (PS32).

Section 6. 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 Ordinance, that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Section 15061(b) (3) (no possibility of significant environmental impact), Section 15183 (projects consistent with a General Plan) of the CEQA guidelines.

Section 7. The City Administrator, or his designee, shall cause to be filed with the County of Alameda a Notice of Exemption and an Environmental Declaration (California Fish and Game Code Section 711.4) for this action.

Section 8. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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

FILED  
OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

2011 APR 28 AM 9:44

AN ORDINANCE AMENDING ORDINANCE NOS. 13061 AND 13062 C.M.S. AUTHORIZING THE SALE OF VARIOUS CITY-OWNED PROPERTIES TO THE REDEVELOPMENT AGENCY, TO REMOVE 250 FALLON STREET AND 600-620 WASHINGTON STREET, AND TO ADD THE 12TH STREET REMAINDER PARCEL

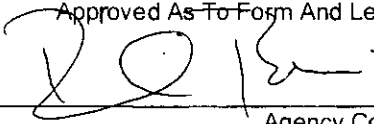
### NOTICE AND DIGEST

This Ordinance amends Ordinance Nos. 13061 and 13062 C.M.S. authorizing the sale of various city-owned properties to the redevelopment agency, to remove 250 Fallon Street and 600-620 Washington Street, and to add the 12th Street remainder parcel. This Ordinance directs the proceeds of the sale of the properties shall be deposited in the General Purpose Fund (1010). This Ordinance also makes certain findings in support of its adoption.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2011 APR 28 AM 9:44

Approved As To Form And Legality:

  
\_\_\_\_\_  
Agency Counsel

## REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. \_\_\_\_\_ C.M.S.

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**AN AGENCY RESOLUTION AMENDING RESOLUTION NOS. 2011-0023 C.M.S. AND 2011-0024 C.M.S. AUTHORIZING THE PURCHASE OF VARIOUS PROPERTIES FROM THE CITY, TO REMOVE 250 FALLON STREET AND 600-620 WASHINGTON STREET, AND TO ADD THE 12TH STREET REMAINDER PARCEL**

**WHEREAS**, Agency Resolution Nos. 2011-0023 and 2011-0024 C.M.S., adopted on March 3, 2011, authorized the purchase of various City-owned properties by the Redevelopment Agency; and

**WHEREAS**, on or about March 3, 2011, the City and the Agency entered into a Purchase and Sale Agreement with Leaseback Option (the "Purchase and Sale Agreement") for these properties; and

**WHEREAS**, the Agency wishes to remove two properties, 250 Fallon Street and 600-620 Washington Street, from the list of properties proposed for purchase; and

**WHEREAS**, the City is the owner of the 12th Street remainder parcel consisting of about 40,000 square feet of land adjacent to the Lake Merritt Channel in the Central District Redevelopment Project Area; and

**WHEREAS**, the City desires to sell and the Redevelopment Agency wishes to purchase the 12th Street remainder parcel from the City for redevelopment purposes; and

**WHEREAS**, a market value analysis has established the market value of the 12th Street remainder parcel at \$2,500,000; now, therefore, be it

**RESOLVED:** That Resolution No. 2011-0023 C.M.S. is hereby amended to add the 12th Street remainder parcel to the list of properties authorized for purchase, and the Agency hereby authorizes the purchase of the 12th Street remainder parcel from the City for a purchase price of \$2,500,000, payable in cash; and be it

**FURTHER RESOLVED:** That Resolution No. 2011-0023 C.M.S. is hereby amended to remove 250 Fallon Street from the list of properties authorized for purchase, and Resolution No. 2011-0024 C.M.S. is hereby amended to remove 600 Washington Street and 620 Washington Street from the list of properties authorized for purchase; and be it

**FURTHER RESOLVED:** That the Agency Administrator is authorized to negotiate and execute an amendment to the Purchase and Sale Agreement to remove 250 Fallon Street and 600-620 Washington Street and add the 12<sup>th</sup> Street remainder parcel.

IN AGENCY, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2011

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, KERNIGHAN, NADEL, SCHAAF, DE LA FUENTE, BROOKS, KAPLAN, AND  
CHAIRPERSON REID

NOES-

ABSENT-

ABSTENTION-

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