

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 SEP 11 PM 3:20

Approved as to Form and Legality


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO: 81577 C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION TO AMEND RESOLUTION NO. 77965 C.M.S. TO REALLOCATE MEASURE DD SERIES 2003A BOND PROCEEDS IN AN AMOUNT UP TO ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000.00) TO THE MUNICIPAL BOATHOUSE REHABILITATION PROJECT (C241911) FOR ADDITIONAL CONSTRUCTION FUNDING, AND TO AUTHORIZE THE CITY ADMINISTRATOR, OR THE CITY ADMINISTRATOR'S DESIGNEE, TO REALLOCATE MEASURE DD SERIES 2003A BOND PROCEEDS AND TO ALLOCATE MEASURE DD SERIES 2003A UNALLOCATED INTEREST FUNDS AS THE CITY ADMINISTRATOR DEEMS NECESSARY FOR THE TIMELY COMPLETION OF SPECIFIC MEASURE DD PROJECTS IN ACCORDANCE WITH MEASURE DD

WHEREAS, the reconstruction of the Municipal Boathouse is identified in the Lake Merritt Park Master Plan of July 2002 as one of the major, high priority projects scheduled for implementation, and in November 2002 the Oakland voters passed Measure DD, the Oakland Trust for Clean Water, Safe Parks Bond Measure, to fund the construction of the project; and

WHEREAS, the Municipal Boathouse Rehabilitation and Park Improvement Project (C241911) was covered as part of the Environmental Impact Report (EIR) for the City of Oakland Measure DD Bond projects and was certified April 1, 2008, with no additional supplemental environmental clearance is required for this project; and

WHEREAS, the Municipal Boathouse Rehabilitation and Park Improvement Project (C241911) was originally bid as a lump sum project, which included building rehabilitation work and all park improvements and site work and the City Council approved a construction contract under Resolution No. 80085 C.M.S. on June 25, 2006 with a total construction budget, including contingency, of \$13.4 million; and

WHEREAS, subsequently, the majority of the Municipal Boathouse project site improvement work was deleted from the construction contract because of delays caused by the tree removal lawsuit and major design modifications made to parking facilities at the site to address community concerns and as approved by Council; and

WHEREAS, the current construction cost for Municipal Boathouse Reconstruction Project is \$11.1 million; and

WHEREAS, Resolution No. 81491 C.M.S. authorized the City to award a construction contract for the Park and Street Improvement for the Municipal Boathouse and Lakeside Drive Project (C241311) on July 15, 2008 with a total construction budget, including contingency, of \$4.2 million; and

WHEREAS, the overall construction cost of both the site work improvement project and Municipal Boathouse building rehabilitation project is \$15.3 million; and

WHEREAS, the Municipal Boathouse Reconstruction Project requires an additional \$1.9 million in funding for completion; and

WHEREAS, the additional \$1.9 million in required funding for the Municipal Boathouse Rehabilitation Project is the result of the tree removal lawsuit delaying the project and requiring the splitting of the building and site work into separate construction contracts, the redesign of on-site parking lot and the reconfiguration of Lakeside Drive in response to community concerns and as approved by Council, added contract change orders, including numerous unforeseen conditions, and escalation of project costs due to the delay of the project; and

WHEREAS, approval of this resolution will authorize the City Administrator, or the designee of the City Administrator, to temporarily reallocate an amount up to \$1,900,000.00 to the Municipal Boathouse Reconstruction Project from existing Measure DD Series 2003A project funds that have not been spent or from projects which are on hold; and

WHEREAS, reallocated funding from Measure DD Series 2003A project funds that have not been spent or from projects which are on hold will be recovered by those specific projects by allocating Series 2003A Bond unallocated interest funds when all the Series 2003A Bond fund principal has been spent; and

WHEREAS, there is sufficient funding available in Measure DD Series 2003A cash fund balance (Oakland Trust for Clean Water and Safe Parks, Fund 5320, Capital Project Management Organization 92270) to pay for this supplemental funding for Municipal Boathouse Project until such time that all the Series 2003A Bond fund principle has been spent; and

WHEREAS, based on the current accrued interest for the Measure DD Program, the proportionate amount of interest for the Municipal Boathouse Rehabilitation Project is approximately \$2.1 million, and is, therefore, sufficient to cover the required added funding for the project of up to \$1,900,000.00; now, therefore, be it

RESOLVED: That the City Administrator, or a designee of the City Administrator, is hereby authorized to temporarily reallocate an amount up to \$1,900,000.00 to the Municipal Boathouse Reconstruction Project (C241911) from existing Measure DD Series 2003A project funds that have not been spent or from projects which are on hold; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to allocate up to \$1,900,000.00 in Series 2003A Bond unallocated interest funds to replenish the funds of specific projects which will advance funding to the Municipal Boathouse Reconstruction Project authorized by this resolution; and be it

FURTHER RESOLVED: That the City Attorney's Office has reviewed this resolution as to form and legality and a copy is kept on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 7 2008, 2008

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



LATONDA SIMMONS
City Clerk and Clerk of the Council of the City
of Oakland, California