

2017 NOV 21 PM 3:50

Approved as to Form and Legality


Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF, AND APPROPRIATING, GRANT FUNDS FROM THE CALIFORNIA STRATEGIC GROWTH COUNCIL AND/OR THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FRUITVALE TRANSIT VILLAGE PHASE IIB LOCATED AT 35TH AVENUE AND EAST 12TH STREET IN AN AMOUNT NOT TO EXCEED \$20,000,000 UNDER THE 2016-17 AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM

WHEREAS, the State of California, the Strategic Growth Council (SGC) and the Department of Housing and Community Development (Department) has issued a Notice of Funding Availability dated October 2, 2017 (NOFA), under the Affordable Housing and Sustainable Communities (AHSC) Program established under Division 44, Part 1 of the Public Resources Code commencing with Section 75200; and

WHEREAS, BRIDGE Housing Corporation and the Unity Council (Applicant) desires to apply for AHSC Program funds and submit the Application Package released by the Department for the AHSC Program; and

WHEREAS, a resolution is required for each application for which the City of Oakland is a joint applicant; and

WHEREAS, there will be four applications submitted for projects in the City of Oakland; and

WHEREAS, the City of Oakland desires to apply for AHSC Program funds and submit the Application Package released by HCD for the AHSC Program for each project; and

WHEREAS, the SGC is authorized to approve funding allocations for the AHSC Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement; and

WHEREAS, HCD is authorized to administer the approved funding allocations of the AHSC Program; and

WHEREAS, there is substantial need for additional funds for the development of affordable housing in the City of Oakland; and

WHEREAS, the project known as Fruitvale Transit Village IIB located at 35th Avenue and East 12th Street was vetted by the City's Project Implementation staff and is therefore being supported by the City to apply for AHSC; and

WHEREAS, the City Council wishes to delegate authority to the City Administrator or his or her designee on behalf of the City of Oakland to negotiate and enter into an agreement for the AHSC Program funding of this project, including those that agree to joint and several liability and mutual indemnities with the selected developer, without returning to Council; now, therefore, be it

RESOLVED: That the City Administrator or his or her designee on behalf of the City of Oakland, is hereby authorized and directed to apply for and submit to HCD and/or SGC the AHSC Program Application as detailed in the NOFA dated October 2, 2017, for Fruitvale Transit Village IIB project located at 16635th Avenue and East 12th Street in an amount not to exceed \$20,000,000 of which \$12,000,000 is requested as a loan for an Affordable Housing Development (AHD) ("AHSC Loan") and \$8,000,000 is requested as a grant for Housing-Related Infrastructure (HRI), Sustainable Transportation Infrastructure (STI), Transit-Related Amenities(TRA) or Program (PGM) activities ("AHSC Grant") as defined by the AHSC Program Guidelines adopted by SGC on July 17, 2017 with errata date of August 14, 2017; and be it

FURTHER RESOLVED: That if the application is approved, the City Administrator or his or her designee on behalf of the City of Oakland is authorized to act on behalf of the City of Oakland, and is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement ("Standard Agreement") in an amount not to exceed \$20,000,000 (\$12,000,000 for the AHSC Loan and \$8,000,000 for the AHSC Grant) for this project, and any and all other documents required or deemed necessary or appropriate to secure the AHSC Program funds from HCD, and all amendments thereto (collectively, the "AHSC Documents"); and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate and enter into an agreement that provides for joint and several liability and mutual indemnities between joint applicants as the City Administrator deems necessary; and be it

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

FURTHER RESOLVED: That the City Administrator or his or her designee on behalf of the City of Oakland is authorized to accept the California Strategic Growth Council Affordable Housing and Sustainable Communities Program funds, if awarded, deposit said funds in the State of California Fund (2159), Great Streets Design Organization (35212), Project (TBD), and appropriate said funds in an amount not to exceed \$20,000,000 to this project; and be it

FURTHER RESOLVED: That the City of Oakland shall be subject to the terms and conditions as specified in the Standard Agreement; that funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement; that the application in full is incorporated as part of the Standard Agreement; that any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement; and that the City of Oakland hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by HCD and in accordance with the NOFA and Program Guidelines and Application Package; and be it

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator or his or her designee on behalf of the City of Oakland to execute in the name of City of Oakland the AHSC Program Application Package and the AHSC Program Documents as required by HCD for participation in the AHSC Program, and to take whatever other action is necessary with respect to the AHSC Program and this project consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

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