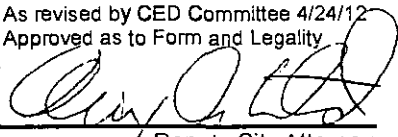


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2012 APR 26 PM 4:47

REVISED

As revised by CED Committee 4/24/12  
Approved as to Form and Legality

  
Deputy City Attorney

## OAKLAND CITY COUNCIL

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

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AN AMENDMENT TO THE COST SHARING AGREEMENT BETWEEN THE OAKLAND REDEVELOPMENT AGENCY (AGENCY) AND THE PORT OF OAKLAND PERTAINING TO INFRASTRUCTURE IMPROVEMENTS AT THE FORMER OAKLAND ARMY BASE, TO REFLECT THE TRANSFER OF THE PROPERTY FROM THE AGENCY TO THE CITY OF OAKLAND, TO ACKNOWLEDGE AN AMENDMENT TO THE TRADE CORRIDOR IMPROVEMENT FUNDS (TCIF) BASELINE AGREEMENT, TO ESTABLISH RESPECTIVE ROLES AND RESPONSIBILITIES BETWEEN THE PORT AND CITY AS TO GRANT FUNDING; TO IDENTIFY THE FUNDING SOURCES TO MATCH THE TCIF GRANT; AND TO COMMIT AN ADDITIONAL \$22.5 MILLION IN CITY FUNDS TO MATCH THE TCIF GRANT.

WHEREAS, the City of Oakland (City) and the Port of Oakland (Port) own respective parcels of the former Oakland Army Base; and

WHEREAS, the assets of the Oakland Redevelopment Agency, including its real property at the former Oakland Army Base, have transferred to the City as of January 31, 2012; and

WHEREAS, the Oakland Army Base Reuse Plan and 2002 Environmental Impact Report document the need to install all new public utilities and streets to serve new development of the former Oakland Army Base; and

WHEREAS, the cost for new rail and street systems, utilities, streets, open space, and safe public access is estimated at \$500 million; and

WHEREAS, the California Transportation Commission (CTC) has awarded the Port an allocation of more than \$242 million in Trade Corridor Improvement Funds (TCIF) to be used for the construction of infrastructure improvements within the East and Central Areas of the former Oakland Army Base; and

WHEREAS, the Port of Oakland (Port), the California Department of Transportation (Caltrans), and CTC entered into the TCIF Baseline Agreement as of December 10, 2009; and

WHEREAS, on or about July 27, 2011, the Port of Oakland, the Redevelopment Agency of the City of Oakland, and the City of Oakland entered into a Cost Sharing Agreement for the

**5-22-2**  
SPECIAL MEETING OF  
THE OAKLAND CITY COUNCIL  
APR 30 2012

Oakland Army Base (CSA) to support each agency's economic development goals for their respective portions of the former Oakland Army Base; and

**WHEREAS**, the CSA provided for the terms under which the City and/or the Redevelopment Agency would contribute toward the matching funds required for the Port of Oakland's TCIF grant; and

**WHEREAS**, the parties to the TCIF Baseline Agreement intend to amend that agreement to add the City as a grant recipient, to expand the scope and areas where the TCIF funds can be extended, to establish a new performance schedule, and to identify the funding sources to match the TCIF funds; and

**WHEREAS**, the parties to the CSA wish to amend the CSA to reflect the changes to the TCIF Baseline Agreement, to commit an additional \$22.5 million in City funds to match the TCIF grant, and to establish the respective roles and responsibilities between the Port and City, in a manner consistent with the term sheet dated March 30, 2012, attached hereto as Attachment A; and

**WHEREAS**, the City Council wishes to grant the City Administrator further authority to negotiate an amendment that may include those terms on Attachment B; and

**WHEREAS**, the City has identified that the \$22.5 million in funding will come from a combination of \$18 million in scheduled land sales and \$4.5 million in the existing Army base Leasing Program and Fund Balances, Fund Numbers 5670 and 5671; and

**WHEREAS**, the parties to the CSA wish to amend the CSA to acknowledge that the Redevelopment Agency's interests in the former Oakland Army Base have transferred to the City; now, therefore be it

**RESOLVED:** That the City Administrator is authorized to negotiate an amendment to the Cost Sharing Agreement with the Port of Oakland for the development of infrastructure and other improvements on the former Oakland Army Base that will: (1) acknowledge that the Oakland Redevelopment Agency's interests in the former Oakland Army Base have transferred to the City; (2) commit an additional Twenty-Two Million Five Hundred Thousand dollars (\$22,500,000) of City funds to match the Trade Corridor Improvement Fund (TCIF) grant made by the California Transportation Commission; and (3) establish the respective roles and responsibilities between the Port and the City in a manner consistent with the term sheet dated March 30, 2012, attached hereto as Attachment A; and be it

**FURTHER RESOLVED:** That the City is authorized by way of the amended Cost Sharing Agreement and the amended TCIF Baseline Agreement to accept up to \$176.3 million in Trades Corridor Improvement Funds over the course of the agreements for the construction of infrastructure and other site preparation projects within East and Central Gateway Areas; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to negotiate an amendment to the Cost Sharing Agreement with the Port of Oakland that may include those terms found on Attachment B hereto; and be it

**FURTHER RESOLVED:** That this action complies with the California Environmental Quality Act (CEQA) for the following reasons, each of which provides a separate and

independent basis for CEQA compliance: (1) some activities covered under proposed Cost Sharing Agreement have already been evaluated by the previously certified 2002 EIR, such as hazardous materials remediation; (2) certain activities covered under the proposed Cost Sharing Agreement are statutorily exempt from CEQA, such as Planning and Feasibility Studies, including detailed design and engineering efforts, pursuant to CEQA Guidelines section 15262; (3) the proposed Cost Sharing Agreement includes funding mechanisms that are not subject to CEQA, pursuant to CEQA Guidelines section 15378(b)(4); and (4) this action is exempt from CEQA pursuant CEQA Guidelines section 15061(b)(3), where it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment; and be it

**FURTHER RESOLVED:** That the Environmental Review Officer shall cause to be filed appropriate Notices of Exemption/Determination; and be it

**FURTHER RESOLVED:** That the City Administrator and his or her designee is authorized to take whatever action is necessary with respect to negotiating the amendment contemplated herein in support of the development of public improvements on the former Oakland Army Base consistent with this Resolution and its basic purposes.

IN SESSION, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2012

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk of the City of Oakland

**S-22-2**  
SPECIAL MEETING OF  
THE OAKLAND CITY COUNCIL

APR 30 2012