

W. Miller

REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND

Resolution No. 2004-71 - C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2004 DEC -2 PM 2:00

A REDEVELOPMENT AGENCY RESOLUTION AUTHORIZING THE AGENCY TO: AMEND THE PROFESSIONAL SERVICES CONTRACT WITH CALIFORNIA CAPITAL GROUP (CCG) TO INCREASE THE ORIGINAL CONTRACT AMOUNT OF FOUR HUNDRED AND THIRTY-TWO THOUSAND AND FIVE HUNDRED DOLLARS (\$432,500) BY SEVEN HUNDRED AND FORTY-SIX THOUSAND DOLLARS (\$746,000) FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED AND SEVENTY-EIGHT THOUSAND AND FIVE HUNDRED DOLLARS (\$1,178,500), TO CONDUCT THE DESIGN DEVELOPMENT AND COST REFINEMENT PHASE OF THE RENOVATION OF THE FOX THEATER AND WRAP-AROUND BUILDINGS INTO A PERFORMING ARTS CENTER AND HOME FOR THE OAKLAND SCHOOL FOR THE ARTS

WHEREAS, the Fox Theater has sat vacant for over twenty-five years in the Uptown District of downtown Oakland and has been a blighting influence on the neighborhood; and

WHEREAS, the Redevelopment Agency purchased the Fox Theater in 1996 with the intention of restoring and re-opening the theater and the attached wrap-around buildings and stimulating new investment opportunities in the Uptown District; and

WHEREAS, the Redevelopment Agency has completed certain steps in the restoration of the theater including: replacement of the roof in 1999; completion of façade restoration and store front drawings in 2000; renovation of the historic marquee and vertical sign in 2001; completion of the Fox Master Plan in 2002; and successful recipient of a \$375,000 grant for façade restoration from the California Heritage Fund Program in 2002; and

WHEREAS, per Agency Resolution No. 2003-83, the Redevelopment Agency entered into a professional services contract with California Capital Group (CCG) in December 2003 for an amount not to exceed \$432,500 for professional services needed for the pre-development of the Fox Theater and the wrap-around buildings into a cabaret-style performing arts center and future the home to the Oakland School for the Arts; and

WHEREAS, the CCG prepared schematic drawings, cost estimates and funding options for the Fox Theater and wrap-around buildings for the purpose of renovating

them into a cabaret-style theater and the future home of the Oakland School for the Arts; and

WHEREAS, there is a need to proceed with the restoration of the Fox and wrap-around buildings as soon as possible in order to meet the July 2007 deadline for moving the Oakland School for the Arts from their present temporary location on the vacant lot adjacent to and west of the present theater before they are required to move from the site by agreement with the Agency; and

WHEREAS, the Agency has determined that CCG, because of their recent and extensive experience in analyzing the Fox Theater and wrap-around buildings, is uniquely qualified to proceed in an expeditious manner with the next phase of the project, including the preparation of the Design and Development Drawings, detailed cost estimates needed to bid the project and a specific plan for funding and financing the project; and

WHEREAS, the Agency, working in conjunction with CCG, has determined that the cost of proceeding with the next phase of the project will cost \$746,000, thus requiring an amendment to the existing contract with CCG in that amount and for those additional services; and

WHEREAS, the Agency will fund the cost of proceeding with the next phase of the project with proceeds from a tax increment revenue bond issuance arising from the Central District Redevelopment Project Area, projected to be issued by the Agency in early 2005 ("Projected Bond Proceeds"); and

WHEREAS, the Agency will not amend the contract with CCG until the funds from the Projected Bond Proceeds are secured and available to the Agency; and

WHEREAS, the City Council finds and determines that this contract is for professional services and is temporary in nature; and

WHEREAS, the City Council finds and determines that this contact 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 Agency Administrator is authorized to amend the contract with CCG: (1) to cover the Design Development and cost refinement phase of the renovation of the Fox Theater and wrap-around buildings into a performing arts center and the home of the Oakland School for the Arts, as described in this Resolution and the accompanying agenda report; and (2) to increase the original contract amount of four hundred thirty two thousand five hundred dollars (\$432,500) by seven hundred and forty-six thousand dollars (\$746,000) for a total contract amount of one million one hundred and seventy-eight thousand and five hundred dollars (\$1,178,500), and be it

FURTHER RESOLVED: that there is hereby appropriated, without the necessity of returning to the Agency Board, an amount of seven hundred and forty-six thousand dollars (\$746,000) from the Projected Bond Proceeds; and be it

FURTHER RESOLVED: that the CCG contract shall not be amended until the Projected Bond Proceeds are available to the Agency; and be it

FURTHER RESOLVED: that the amendment and any other documents related to this matter shall be reviewed and approved as to form and legality by the City Attorney before execution and delivery by the Agency Administrator.

DEC 21 2004

IN AGENCY, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND CHAIRPERSON DE LA FUENTE - 8

NOES- 0

ABSTENTION- 0

ATTEST *CEDA FLOYD*
CEDA FLOYD

Secretary of the Redevelopment
Agency of the City of Oakland