

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND 2014 DEC -4 PM 2: 20

AGENDA REPORT

TO: HENRY L. GARDNER
INTERIM CITY ADMINISTRATOR

FROM: Rachel Flynn

SUBJECT: Façade and Tenant Improvement Program
Design Services Contract Funding Increase

DATE: November 19, 2014

City Administrator
Approval

Date 12-3-14

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that City Council adopt:

A Resolution: 1) Authorizing The City Administrator, Or His Designee, To Increase The Total Amount For The Façade And Tenant Improvement Program Professional Services Agreement For Design Services By \$220,000 Using Bond Funds; And, 2) Authorizing The City Administrator, Or His Designee, To Amend The Façade And Tenant Improvement Program Professional Services Agreement's Time Of Performance

EXECUTIVE SUMMARY

Due to the dissolution of the Redevelopment Agency, the vast majority of the original FY 2011-13 professional services funds were spent to complete projects encumbered before the dissolution. The pursuit of new projects and new service contracts were placed on hold until the State of California released funds. The release of funds has enabled the Economic and Workforce Development's Project Implementation Division (PID) to continue this valuable City program.

Staff seeks to continue the FTIP services to positively impact blighted areas throughout Oakland. The existing architectural services agreement expires December 31, 2014 and funds are almost completely depleted.. An amendment of the previous architectural services agreement with an extension for both the contract amount and time of performance to provide services is therefore requested. A Request for Qualifications (RFQ) process for the FTIP architectural services will be initiated at a later time to properly secure FTIP architectural services for additional future projects.

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December 16, 2014

OUTCOME

If adopted, staff will execute contract amendments with each of the listed design firms to continue architectural services for the Façade and Tenant Improvement Programs. The contract amendments will add a total of \$220,000 in funds for the design contracts, and will extend the Time of Performance until June 30, 2016.

BACKGROUND/LEGISLATIVE HISTORY

On May 10, 2011, pursuant to Resolution No. 83370 C.M.S., the City Council approved the funding agreement for the recently dissolved Agency. At the time, the Office of Neighborhood Investment was directed to continue with, and close-out, the encumbrances of the former Agency, including the Façade and Tenant Improvement Program (FTIP). The City Administrator's Office was authorized to initiate, negotiate, and amend contracts for this program and others, pending action by the State of California to release new funds and allow new projects in Redevelopment Areas.

The State of California's Department of Finance issued a Finding of Completion on May 29, 2013 and later approved the Bond Expenditure Agreement on November 6, 2013. These two actions were necessary to continue this valuable City program and allow new projects in eligible areas throughout Oakland.

An important component of the FTIP process is the use of on-call architects to provide architectural services to FTIP applicants. The original FTIP architectural service contracts were executed and delivered in FY 2011-2013. Due to the dissolution of the redevelopment agency, a need to complete existing projects was balanced with an uncertainty of future funds. The FY 2011-2013 agreements were extended until December 31, 2014 to allow for services to existing projects. In lieu of initiating a new RFQ process, that would result in the disruption of services until new contracts are in place, staff request that Council allow an increase in contract amounts for the FY 2011-2013 contracts, and extend the Time of Performance until June 30, 2016.

ANALYSIS

Funds for payment of architectural design professional service contracts are limited. Additional program funds, as part of the bond spending plan, allow for an increase in these contract amounts. Additionally, the current amended form of the service contracts will expire on December 31, 2014. An extension of the time period by an additional 18 months to June 30, 2016 will allow the services to continue while a new RFQ process can be launched during 2015. Staff would like to have the amendments for the current service contracts in place as quickly as possible to minimize the disruption of architectural services associated with the Façade and Tenant Improvement Program (FTIP).

Acceptance of this recommendation would provide the following additions to FTIP professional design service contracts.

Architects	Original Contract Amount	Additional Funds	Total Contract Amounts with Additional Funds
JRDV	\$115,000	\$10,000	\$125,000
KTA	\$45,000	\$20,000	\$65,000
RPR	\$170,000	\$70,000	\$240,000
Urban Impressions	\$95,000	\$40,000	\$135,000
Vargas Greenan	\$115,000	\$70,000	\$185,000
YHLA	\$50,000	\$10,000	\$60,000
Totals:	\$590,000	\$220,000	\$810,000

Staff proposes \$220,000 in additional funds to six contracts as listed above. Each of the contracts to be augmented are currently at a depleted or near depleted level, with 0- 30% remaining of the original amount. The additional funds will provide the FTIP with immediate sufficient funds.

If the additional funds and time extension on the current contracts are approved by Council, Project Implementation Development (PID) staff will begin an RFQ process during Calendar Year 2015, which parallels the amended service agreement period. This would allow for the selection of new architectural service providers to be brought to Council for approval, with no disruption in services during the procurement period.

POLICY ALTERNATIVES

<i>Alternative #1</i>	Staff can begin a new RFQ process
<i>Pros</i>	The traditional two year contract cycle would be followed.
<i>Cons</i>	The process will take several months to complete. Current service contracts expire December 31, 2014. No Façade and Tenant Improvement Program (FTIP) projects would have access to architectural services from January 1, 2015 until the new agreements are executed; so essentially no new FTIP projects could be initiated.
<i>Reason for not recommending</i>	Staff is not recommending this option, as the RFQ process is lengthy and the services for the FTIP program would be disrupted for a minimum of several months.

PUBLIC OUTREACH/INTEREST

This item does not require any additional public outreach.

COORDINATION

The City Attorney's Office and Budget Office have been consulted for this report and provided feedback and guidance.

COST SUMMARY/IMPLICATIONS

All sources of funding for this recommendation are redevelopment restricted bond proceeds and CDBG funds. There is no direct negative impact to the General Purpose Fund.

1. **AMOUNT OF RECOMMENDATION/COST OF PROJECT:** The recommended amount is an additional \$220,000 to the existing service agreement contracts.
2. **COST ELEMENTS OF AGREEMENT/CONTRACT:** There are no new cost elements to the service agreement contracts. The increase in funds will go completely to the providing of architectural services for the Façade and Tenant Improvement Program.
3. **SOURCE OF FUNDING:** The source will be Bond funds, authorized in 84516 C.M.S. Specifically:
 - **\$50,000** will be provided from Central District TA Bond Series Fund (5611), CIP Not PW: Econ Dev Organization (94800), Downtown Façade Imprvmnt PRG FY 07-09 Project (P128750);
 - **\$50,000** will be provided from Central District: TA Bond Series 2005 Fund (5612), CIP Central District Organization (94889), Retail/Entertainment Catalyst Project (P128640);
 - **\$50,000** will be provided from Coliseum: TA Bond Series 2006B-T Fund (5656), CIP Coliseum Organization (94859), Coliseum Façade Improvement PRGM Project (T324510);
 - **\$10,000** will be provided from Coliseum: TA Bond Series 2006B-T Fund (5656), CIP Coliseum Organization (94859), Coliseum Tenant Improvement PRGM Project (T324410);
 - **\$50,000** will be provided from Central City East TA Bond Series 2006A-T Fund (5643), CIP Central City East Organization (94899), Façade Improvement Grants Fund 5643 Project (P458110); and

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- **\$10,000** will be provided from Central City East TA Bond Series 2006A-T Fund (5643), CIP Central City East Organization (94899), Tenant Improvement Grants Fund 5643 Project (P458010);
4. **FISCAL IMPACT:** \$220,000 in combined bond funds will be directed towards architectural services. No other direct Fiscal Impact is anticipated.

FISCAL/POLICY ALIGNMENT

This proposed action will provide funding to continue various economic development project and program activities and is in alignment with the following City priorities:

Economic Development: Foster sustainable economic growth and development for the benefit of Oakland residents and businesses.

SUSTAINABLE OPPORTUNITIES

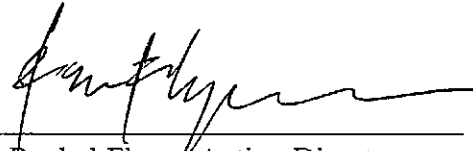
Economic: The Façade and Tenant Improvement Programs provide public investment for the local, small business community. This element of the program is important in continuing to support this vital community.

Environmental: There is no environmental impact connected to this request.

Social Equity: None Applicable

For questions regarding this report, please contact Kimani Rogers, Urban Economic Analyst, at 238-6204.

Respectfully submitted,



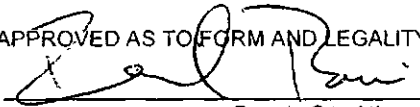
Rachel Flynn, Acting Director
Economic and Workforce Development
Department

Reviewed by
Patrick Lane, Acting Manager
Project Implementation Division
and
Larry Gallegos, Area Manager
Project Implementation Division

Prepared by
Kimani Rogers, Urban Economic Analyst
Project Implementation Division

--Attachment A - 84516 C.M.S.
--Attachment B - 83370 C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2013 JUN 27 PM 3:29

APPROVED AS TO FORM AND LEGALITY

Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 84516 C.M.S.

A RESOLUTION (1) APPROVING A PLAN FOR SPENDING EXCESS TAX ALLOCATION BOND PROCEEDS, (2) AUTHORIZING A BOND EXPENDITURE AGREEMENT WITH THE OAKLAND REDEVELOPMENT SUCCESSOR AGENCY TO TRANSFER SUCH FUNDS TO THE CITY FOR BOND-ELIGIBLE PURPOSES, (3) ACCEPTING EXCESS BOND FUNDS, (4) APPROPRIATING AND ALLOCATING SUCH FUNDS TO PROJECTS AND PROGRAMS CONSISTENT WITH THE BOND EXPENDITURE AGREEMENT AND THE SPENDING PLAN, AND (5) APPROVING THE OAKLAND REDEVELOPMENT SUCCESSOR AGENCY'S SCHEDULE FOR REPAYMENT OF LOAN INDEBTEDNESS TO THE CITY FOR WEST OAKLAND REDEVELOPMENT PROJECTS FINANCED BY THE CITY

WHEREAS, the Oakland Redevelopment Successor Agency ("ORSA") has succeeded to the authority, rights, powers, duties and obligations of the Redevelopment Agency of the City of Oakland under the Community Redevelopment Law; and

WHEREAS, ORSA received its Finding of Completion under Health and Safety Code Section 34179.7 from the California Department of Finance on May 29, 2013; and

WHEREAS, Health and Safety Code Section 34191.4(c) allows a successor agency that has received a finding of completion to use bond proceeds from bonds issued prior to 2011 for purposes for which the bonds were sold; and

WHEREAS, ORSA has and will have so-called "excess" bond proceeds, i.e., pre-2011 tax allocation bond proceeds that are not otherwise obligated for a project; and

WHEREAS, ORSA wishes to use such proceeds for redevelopment purposes consistent with bond covenants, and

WHEREAS, the Community Redevelopment Law (Health and Safety Code Section 33000, et seq.) provides for a cooperative relationship between redevelopment agencies, and their successor agencies, and cities; and

WHEREAS, the Community Redevelopment Law (Health and Safety Code Section 33220(e)) authorizes a local public agency to enter into an agreement with a redevelopment agency, and its successor agency, to further redevelopment purposes; and

WHEREAS, the City desires to accept excess tax allocation bond proceeds from ORSA and to undertake redevelopment activities in support of certain projects and programs eligible for redevelopment funding on behalf of ORSA, using such bond proceeds in a manner consistent with the original bond covenants; and

WHEREAS, the City and ORSA desire to enter into a Bond Expenditure Agreement to govern funding to the City for the costs of those projects and programs from current and future excess tax allocation bond proceeds, and

WHEREAS, the City has developed a spending plan for the excess tax allocation bond proceeds consistent with the original bond covenants; and

WHEREAS, the Community Redevelopment Law (Health and Safety Code Sections 33445 and 33679) authorizes a redevelopment agency, and its successor agency, to pay for the acquisition and development costs of publicly-owned buildings, facilities and improvements, if certain findings are made; and

WHEREAS, Health and Safety Code Section 34191.4(b) provides that, after a successor agency has received a finding of completion and upon application by the successor agency, loans between the redevelopment agency and its sponsoring city may be deemed enforceable obligations, and thus payable from Real Property Tax Trust Funds over time, within certain limitations and under certain conditions, and

WHEREAS, redevelopment funds totaling \$2.69 million were committed by the former Redevelopment Agency to the City to pay for certain public improvements and grants to private entities in the West Oakland Redevelopment Project Area via a Cooperation Agreement entered into between the City and the Redevelopment Agency in 2004 and a Funding Agreement between the City and the Redevelopment Agency entered into in 2011; and

WHEREAS, these funding commitments were for projects and programs to alleviate physical and economic blight conditions in the West Oakland Redevelopment Project Area and were thus made for legitimate redevelopment purposes under the Community Redevelopment Law; and

WHEREAS, the City self-financed the cost of this work from its General Purpose funds with the understanding that the Redevelopment Agency would use redevelopment funds to reimburse the City for its costs under the terms of the Cooperation Agreement and the Funding Agreement; and

WHEREAS, these redevelopment funds have since been swept to the taxing entities following the completion of the "Due Diligence Review" of available nonhousing assets by the California Department of Finance pursuant to Health and Safety Code Section 34179.6, and

this has resulted in an outstanding unpaid loan debt to the City of \$2.69 million plus interest; and

WHEREAS, the ORSA Board has established a loan repayment schedule for amortizing this debt; and

WHEREAS, the City wishes to approve such schedule; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Administrator to negotiate and execute a Bond Expenditure Agreement with ORSA to transfer excess tax allocation bond proceeds to the City to fund redevelopment projects and programs not previously funded and obligated by ORSA or the City, consistent with the bond covenants, in furtherance of the purposes of the redevelopment under the California Community Redevelopment Law; and be it further

RESOLVED: That the City Administrator or his or her designee is authorized to accept excess tax allocation bond proceeds from ORSA under the Bond Expenditure Agreement or otherwise, including excess bond proceeds currently held by ORSA and any future excess bond proceeds received or held by ORSA; and be it further

RESOLVED: That the City Council hereby approves that spending plan for excess bond proceeds set forth in Exhibit A to this Resolution; and be it further

RESOLVED: That the City Council hereby appropriates and allocates excess tax allocation bond proceeds received from ORSA under the Bond Expenditure Agreement or otherwise to the projects and programs set forth in the approved spending plan; and be it further

RESOLVED: That City Administrator or his or her designee is authorized to transfer funds between approved projects or programs specified in the spending plan within each project area, as necessary to complete the projects and programs; and be it further

RESOLVED: That with respect to those projects listed in the spending plan that are or will be owned by the City, the City Council hereby consents to excess tax allocation bond funding of said projects from ORSA, and hereby finds and determines as follows.

- 1) That the acquisition of land and the installation or construction of the projects will be of benefit to Oakland's redevelopment project areas by helping to eliminate one or more blight conditions within the project areas; and
- 2) That due to fiscal constraints on the City's general fund and the high number of capital projects competing for limited City funds, the City's Capital Improvement Program budget is unable to provide funding for the projects, and therefore no other reasonable means of financing the projects are available to the City other than ORSA funding; and
- 3) That the use of excess bond proceeds for the projects is consistent with the implementation plans adopted for each of the City's redevelopment project areas; and be it further

RESOLVED: That any expenditure of excess bond proceeds under the spending plan shall be in conformance with applicable bond covenants; and be it further

RESOLVED: That City Administrator or his or her designee will return to Council to appropriate or allocate excess bond proceeds beyond what is listed in the spending plan approved by this Resolution; and be it further

RESOLVED: That the City Council hereby approves that loan repayment schedule for amortization of the West Oakland loan established by ORSA attached to this Resolution as Exhibit B; and be it further

RESOLVED: That, since the approval of the spending plan, Bond Expenditure Agreement and West Oakland loan through this Resolution does not commit the City to any action that may have a significant impact on the environment, and in some cases relates to projects that have already been approved for funding, this action does not constitute a project or discretionary action subject to, and is exempt from, the requirements of the California Environmental Quality Act; and be it further

RESOLVED: That the City Administrator or his or her designee is authorized to take other action with respect to the projects, the Bond Expenditure Agreement, the spending plan, and the West Oakland loan consistent with this Resolution and its basic purposes; and be it further

RESOLVED: That the Bond Expenditure Agreement shall be reviewed and approved by the Office of the City Attorney as to form and legality, and copies shall be placed on file with the City Clerk

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 16 2013, 2013

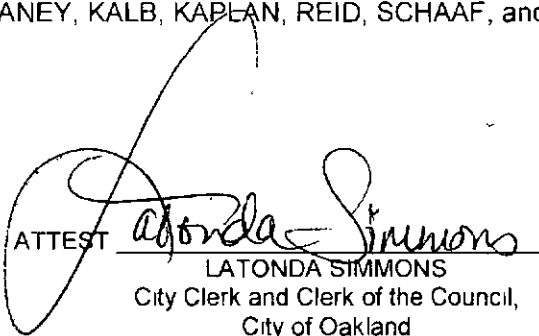
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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

A RESOLUTION (1) APPROVING A PLAN FOR SPENDING EXCESS TAX ALLOCATION BOND PROCEEDS, (2) AUTHORIZING A BOND EXPENDITURE AGREEMENT WITH THE OAKLAND REDEVELOPMENT SUCCESSOR AGENCY TO TRANSFER SUCH FUNDS TO THE CITY FOR BOND-ELIGIBLE PURPOSES, (3) ACCEPTING SUCH FUNDS, (4) APPROPRIATING AND ALLOCATING SUCH FUNDS TO PROJECTS AND PROGRAMS CONSISTENT WITH THE BOND EXPENDITURE AGREEMENT AND THE SPENDING PLAN, AND (5) APPROVING ORSA'S SCHEDULE FOR REPAYMENT OF LOAN INDEBTEDNESS TO THE CITY FOR WEST OAKLAND REDEVELOPMENT PROJECTS FINANCED BY THE CITY

EXHIBIT A

EXCESS BOND PROCEEDS SPENDING PLAN

(attached)

**BROADWAY MACARTHUR SAN PABLO REDEVELOPMENT PROJECT AREA
EXCESS BOND SPENDING PLAN**

Source and Use Summary

Sources:

BMSP - Series 2006 and 2010 Unencumbered Bonds	1,766,570
TOTAL:	\$1,766,570

Uses:

Façade & Tenant Improvement Program	297,760
Small Business Loan Program	200,000
Oakland Housing Authority Solar Grant	100,000

Funding Agreement Projects

Tenant Improvement Program	67,610
Façade Improvement Program	62,500
Mosswood Teen Center	12,000
Golden Gate Recreation Center Improvements	930,800
Broadway Specific Plan	95,900
TOTAL:	1,766,570

Net Available: \$0

**CENTRAL CITY EAST REDEVELOPMENT PROJECT AREA
EXCESS BOND SPENDING PLAN**

Source and Use Summary

Sources:

Central City East 2006 T and TE Unencumbered Bond Funds	8,787,936
Central City East 2006 T and TE Funding Agreement	17,713,398
Central City East 2006 T Property Reversals	10,700,000
TOTAL:	\$37,201,334

Uses:

Streetscapes	4,850,000
Major Projects	5,100,000
Public Facilities and Infrastructure Improvements	3,400,000
5th Avenue Streetscape	3,000,000
Façade Improvement Program	500,000
Tenant Improvement Program	500,000
Notice of Development Opportunity Sites	500,000
Impact Fee Nexus Study	200,000
Foothill & Seminary Development	150,000
Graffiti Abatement and Misc. Programs	388,637

Funding Agreement Projects

14th Avenue Streetscape	5,960,000
Foothill Seminary Streetscape Project	5,093,750
Foothill High Melrose Streetscape	4,309,698
East 18th Street Streetscape	1,600,000
Foothill Fruitvale Streetscape, Phase II	500,000
MacArthur Streetscape	300,000
Foothill Fruitvale Streetscape, Phase I	200,000
Façade Improvement Program	155,000
Architectural Design Professional Services	120,000
3550 Foothill demolition	106,406
Tenant Improvement Program	90,000
Ballpark negotiations expert consulting	55,000
23rd Avenue Streetscape	50,000
Graffiti Abatement	47,869
Video camera installation "Tough on Blight"	24,974
TOTAL:	\$37,201,334

Net Available: \$0

EXHIBIT A

**CENTRAL DISTRICT REDEVELOPMENT PROJECT AREA
EXCESS BOND SPENDING PLAN**

Source and Use Summary

Sources:

Central District - Series 1986, 1989, 2003, 2005, 2006, 2009 Unencumbered Bonds	15,711,728
Central District - Series 1986, 1989, 2003, 2005 Funding Agreement	5,821,027
Central District - Series 2003, 2006	2,800,000
Central District - Series 2009 Property Reversals & Loan Repayments	6,196,264
TOTAL:	\$30,529,019

Uses:

Development - Broadway Retail Strategy/Downtown Parking	14,800,000
Public Facilities	3,500,000
Streetscapes	2,365,474
Façade & Tenant Improvement Program	1,400,000
Broadway Small Business Loan Program	700,000
Impact Fee Nexus Study	200,000

Funding Agreement Projects

Façade Improvement Program	1,562,000
Tenant Improvement Program	2,226,000
Malonga Casquelord Center	861,987
Uptown Temporary Art Park	46,861
Downtown Streetscape - BBRP	110,467
Basement Backfill (02, 05, 09, 10 BBRP)	400,000
Graffiti Abatement	40,000
1800 San Pablo - CEQA Work - SEIR	138,775
1800 San Pablo - Phase II	33,503
Broadway Shuttle	339,125
Broadway Specific Plan	187,881
Consolidated Partitions	19,276
HdL Contract	13,969
17th Street BART Public Art	321,000
Broadway Corridor Rev Loan Program	1,262,701
TOTAL:	30,529,019

Net Available: \$0

EXHIBIT A

**COLISEUM REDEVELOPMENT PROJECT AREA
EXCESS BOND SPENDING PLAN**

Source and Use Summary

Sources:

Coliseum - Series 2003, 2006 TE and 2006 T Unencumbered Bonds	11,015,910
Coliseum - Series 2003, 2006 TE and 2006 T Funding Agreement	6,741,968
Coliseum - Series 2006 T Bonds Property Reversals	4,277,393
TOTAL:	\$22,035,271

Uses:

Coliseum Transit Village Phase I	8,000,000
Coliseum City EIR and Specific Plan	2,000,000
Coliseum City Phase II Project	3,255,000
Façade Improvement Program	500,000
Tenant Improvement Program	300,000
Streetscape Contingency	500,000
Public Facility & Infrastructure Improvements	500,000
Graffiti Abate and Misc. Programs	289,950
Impact Fee Nexus Study	200,000

Funding Agreement Projects

Façade Improvement Program	245,000
Tenant Improvement Program	377,500
Graffiti Abatement	100,000
Tyrone Carney Park	180,000
Community Clean Up Corps	38,261
South Coliseum Way Streetscape	25,000
MLK Jr Library	368,107
Demolition Costs	661,661
Coliseum Truck Study	55,000
Coliseum City Master Developer ENA	1,600,000
Coliseum Infrastructure, Coliseum Way Drainage	978,687
BART Plaza Improvements	506,907
Coliseum Infrastructure Improvements	260,000
Coliseum Business Alert	14,000
Estuary Plan	570,000
66th Avenue Bldg Demolition	25,000
Video camera installation	15,800
Sunshine Court Streetscape	54,008
Coliseum Infrastructure Improvements	25,390
23rd Avenue Streetscape Improvements	390,000
TOTAL:	\$22,035,271

Net Available: \$0

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EXHIBIT B

WEST OAKLAND LOAN REPAYMENT SCHEDULE

(attached)

Attachment A

Exhibit B

West Oakland Loan Repayment Schedule

	FY 2012-13 Base Year	FY 2013-14 Estimate	FY 2014-15 Estimate	FY 2015-16 Estimate
Gross RPTTF	115,633,366	117,946,033	120,304,954	123,914,102
County Admin & Pass Through	(17,768,196)	(17,691,905)	(18,045,743)	(18,587,115)
ROPS	(65,173,770)	(63,573,511)	(57,227,314)	(62,105,703)
Residual	32,691,400	36,680,617	45,031,897	43,221,284

One-Half Residual Increment	1,994,609	6,170,248	5,264,942
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Loan Repayment Schedule

	FY 2013-14	FY 2014-15	FY 2015-16	TOTAL
Principal	896,511	896,512	896,512	2,689,535
Interest	5,071	5,071	5,070	15,212
TOTAL	901,582	901,583	901,582	2,704,747

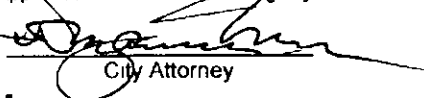
March 2013 LAIF rate 0.28%

LOAN TERMS:

This loan originated in 2008 and is payable over a three-year period commencing in 2014. To the extent that the amount of Real Property Tax Trust Funds available for repayment in any given year is insufficient to make the full payment, the above scheduled payment amount will be reduced accordingly, and the repayment schedule for subsequent years then will be adjusted accordingly to provide for repayment of the full loan amount within the three-year term. Also, to the extent the amount of Real Property Tax Trust Funds available for repayment in any given year exceeds the above scheduled payment amount, the above scheduled payment amount will be increased, up to a maximum payment of one-half of the Real Property Tax Trust Funds available for repayment that year, and the repayment schedule for subsequent years then will be adjusted accordingly. For purposes of this schedule, "Real Property Tax Trust Funds available for repayment" means the maximum annual repayment amount as calculated under Health and Safety Code Section 34191.4(b)(2)(A).

Revised and Adopted by the Oakland City Council on 5/17/11

Approved As To Form And Legality


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No: 83370 C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2011 MAY 27 AM 11:26

RESOLUTION: 1) WAIVING ADVERTISING, COMPETITIVE BID AND REQUEST FOR PROPOSALS/QUALIFICATIONS REQUIREMENTS; AND, 2) AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO AWARD CONSTRUCTION, DESIGN-BUILD AND CONSTRUCTION MANAGER AT-RISK CONTRACTS FOLLOWING THE SOLICITATION OF QUALIFICATIONS FROM BUSINESSES BY MAIL OR ELECTRONIC MEDIA AND NEGOTIATION WITH THE BUSINESSES DEEMED MOST SUITABLE FOR EACH PROJECT 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 to eliminate 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 the Agency to 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 request for proposals/qualifications requirements for the purchase of design and other licensed professional services, construction labor and 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 is authorized to award construction, design-build and construction manager at-risk, licensed professional and other construction- and development-related professional, scientific and technical services contracts following the solicitation of qualifications from at least three businesses by mail or electronic media and negotiation with the businesses deemed most suitable for each project; 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 and 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.

812320

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 17 2011, 2011

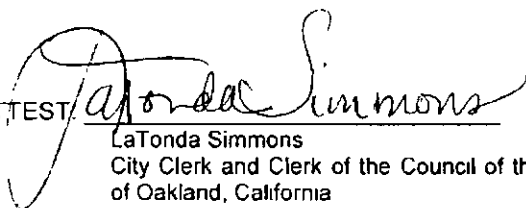
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF,
AND PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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

Attachment B

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

Attachment B

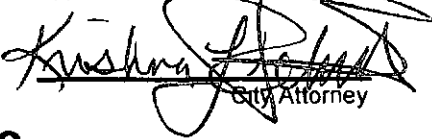
EXHIBIT A
Project List

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 RFQ 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 \$5M 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 façade 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	
TOTAL		91,396,000	

2014 DEC -4 PM 2: 20

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION No. _____ C.M.S.

RESOLUTION: 1) AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO INCREASE THE TOTAL AMOUNT FOR THE FAÇADE AND TENANT IMPROVEMENT PROGRAM PROFESSIONAL SERVICES AGREEMENT FOR DESIGN SERVICES BY \$220,000 USING BOND FUNDS; AND, 2) AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO AMEND THE FAÇADE AND TENANT IMPROVEMENT PROGRAM PROFESSIONAL SERVICES AGREEMENT'S TIME OF PERFORMANCE

WHEREAS, pursuant to Resolution No. 83370, the City Administrator is authorized to execute any amendments or modifications to Architectural Professional Services Agreements within the limitations of the project specifications set forth in Resolution No.83370; and

WHEREAS, on June 27, 2013, the City Council approved Resolution No. 84516 authorizing the City to accept excess tax allocation bond proceeds from the Oakland Redevelopment Successor Agency ("ORSA") under the Bond Expenditure Agreement (the "Bond Expenditure Agreement"), dated November 6, 2013 by and between the City of Oakland and ORSA and approved a spending plan for those bond proceeds; and

WHEREAS, Resolution No. 84516 authorizes the City Administrator or his/her designee to transfer funds between approved projects or programs specified in the spending plan within each project area, as necessary to complete the projects and programs set forth in the approved spending plan; and

WHEREAS, the City desires to transfer \$220,000 from excess tax allocation bond proceeds under the Bond Expenditure Agreement to the Façade and Tenant Improvement Program; and

WHEREAS, the City Administrator or his/her designee is authorized to take other action with respect to the projects set forth in the approved spending plan, the Bond Expenditure Agreement, the spending plan consistent with Resolution No. 84516 and its basic purposes; and; now, therefore be it

RESOLVED, that the City Council hereby approves the transfer of \$220,000 from excess tax allocation bond proceeds under the Bond Expenditure Agreement to the Façade and Tenant Improvement Program architectural and design services; 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 agreements within the limitations of the project specifications; and be it

FURTHER RESOLVED, that the funding for the as-needed architectural professional service agreement amendments will be allocated from one or more of the three participating development project areas based on where the project is located on a project-by-project basis as follows:

- \$50,000 from Central District TA Bond Series Fund (5611), Project (P128750);
- \$50,000 from Central District: TA Bond Series 2005 Fund (5612), Project (P128640);
- \$50,000 from Coliseum: TA Bond Series 2006B-T Fund (5656), Project (T324510);
- \$10,000 from Coliseum: TA Bond Series 2006B-T Fund (5656), Project (T324410);
- \$50,000 from Central City East TA Bond Series 2006A-T Fund (5643), Project (P458110);
- \$10,000 from Central City East TA Bond Series 2006A-T Fund (5643), Project (P458010); and be it

FURTHER RESOEVED, 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, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and
PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

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