

Ally A. [Signature]
Agency Counsel

OAKLAND REDEVELOPMENT AGENCY

2006-0049

RESOLUTION No. _____ C.M.S.

REVISED

RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO ACCEPT ALL OF THE ASSETS AND OBLIGATIONS OF THE OAKLAND BASE REUSE AUTHORITY (OBRA) AND TO TAKE ALL ACTIONS NECESSARY TO COMPLETE THE DISSOLUTION OF OBRA INCLUDING:

- (1) CREATION AND OPERATION OF AN OAKLAND REDEVELOPMENT AGENCY (AGENCY) LEASING AND PROPERTY MANAGEMENT PROGRAM AT THE FORMER OAKLAND ARMY BASE;
- (2) ASSUMPTION OF ALL OF THE RIGHTS AND OBLIGATIONS OF OBRA IN THE AGREEMENTS LISTED IN ATTACHMENT A HERETO;
- (3) ACCEPTANCE AND APPROPRIATION OF OBRA'S PROPOSED ADMINISTRATIVE BUDGET IN AN AMOUNT NOT TO EXCEED THREE MILLION TWO HUNDRED THOUSAND DOLLARS (\$3,200,000);
- (4) ACCEPTANCE AND APPROPRIATION OF PROPOSED OPERATING BUDGET IN AN AMOUNT NOT TO EXCEED EIGHT MILLION NINE HUNDRED FORTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$8,947,500);
- (5) EXTENSION OF OBRA'S SECURITY SERVICES CONTRACT WITH ABC SECURITY COMPANY FOR ONE YEAR IN AN AMOUNT NOT TO EXCEED TWO HUNDRED TWENTY THOUSAND DOLLARS (\$220,000);
- (6) APPROVAL AND EXECUTION OF A LETTER AMENDMENT TO THE MEMORANDUM OF AGREEMENT FOR OAKLAND ARMY BASE DATED JULY 8, 2003 (CITY-PORT MOA) REGARDING THE MITIGATION MONITORING AND REPORTING PROGRAM AT THE ARMY BASE, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED SEVENTY-EIGHT THOUSAND DOLLARS (\$678,000);
- (7) APPROVAL AND EXECUTION OF A RESOURCE MANAGEMENT AGREEMENT WITH THE PORT OF OAKLAND, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS (\$300,000);
- (8) APPROVAL AND EXECUTION OF A UTILITIES OPERATION AGREEMENT WITH THE PORT OF OAKLAND, IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$725,000) OVER A TWO-YEAR PERIOD; AND
- (9) ACCEPTANCE OF THE TRANSFER OF \$1,050,000, OF THE BALANCE

05/20/06 11:01

OF A \$2,400,000 PUBLIC WORKS GRANT AWARDED TO OBRA BY THE UNITED STATES DEPARTMENT OF COMMERCE ECONOMIC DEVELOPMENT ADMINISTRATION.

WHEREAS, the Oakland Base Reuse Authority ("OBRA") was created by a joint powers agreement ("JPA") among the City of Oakland ("City"), the Redevelopment Agency of the City of Oakland ("Agency") and the County of Alameda on March 14, 1995, as restated and revised on July 15, 2003 ("JPA") for the purpose of planning for the closure and reuse of closed military bases within the City of Oakland; and

WHEREAS, in August 2003, OBRA acquired 364 acres of the former Oakland Army Base property from the U.S. Army by Economic Development Conveyance; and

WHEREAS, pursuant to Council and Agency authorization, OBRA, the City, Agency and the Port of Oakland ("Port") entered into the Memorandum of Agreement for Oakland Army Base on July 8, 2003 ("City-Port MOA"), providing for the Agency, OBRA and the Port to convey certain parcels of Army Base property and adjacent property owned by the Port to each other, three years after the Economic Development Conveyance; and

WHEREAS, the JPA provides that upon its termination, OBRA will assign its property, funds, assets, and liabilities to the Redevelopment Agency to support redevelopment of the Army Base property; and

WHEREAS, at the June 26, 2006 meeting of the OBRA Governing Body, OBRA is expected to authorize the transfer of OBRA's remaining assets and liabilities to the Agency effective after August 7, 2006, and to approve the adoption of the OBRA Budget for FY 2006-07 into the Agency's Bay Bridge Gateway Project; and

WHEREAS, the Agency must formally accept OBRA's assets and obligations before any transfer may occur, and staff recommends that the Agency Board authorize the Agency Administrator to take all actions necessary to complete the dissolution of OBRA, including the acceptance of OBRA's remaining assets and liabilities on or after August 7, 2006; and

WHEREAS, staff is requesting authorization to negotiate and enter into leases, licenses, and agreements and to take any other actions necessary to operate a short term leasing and property management program at the former Oakland Army Base property, including, but not limited to, leases or licenses with approximately nineteen Film Center tenants, along with five parties who currently occupy space on the property to be transferred by the Port of Oakland; and

WHEREAS, staff is requesting authorization for the Agency to assume all of the rights and obligations of OBRA in the agreements listed in the table attached as Attachment A hereto, as OBRA's successor-in-interest; and

WHEREAS, staff is requesting the Agency Board accept OBRA's proposed Administrative Budget in an amount not to exceed Three Million Two Hundred Thousand

Dollars (\$3,200,000) and its proposed Operating Budget in an amount not to exceed Eight Million Nine Hundred Forty-Seven Thousand Five Hundred Dollars (\$8,947,500); and

WHEREAS, In order to maintain security on the Base at a reduced level during the transition period, staff recommends that the Agency Administrator be authorized to negotiate and enter into an extension of OBRA's security services contract with ABC Security Company for one year in an amount not to exceed Two Hundred Twenty Thousand Dollars (\$220,000); and

WHEREAS, Oakland Municipal Code Title 2, Chapter 2.04, Article 2.04.051.B permits the City Council to waive the competitive Request for Proposals/Qualifications when it is in the best interests of the City; and

WHEREAS, extending the contract with ABC Security Company to provided continued security services at Army Base during the transition period is in the best interests of the City; and

WHEREAS, the City does not have personnel to perform the necessary services, shall not result in the loss of employment or salary by any person having permanent status in the competitive service and is temporary in nature; and

WHEREAS, in July 2002, the City of Oakland Planning Commission certified the Environmental Impact Report for the Oakland Army Base Area Redevelopment Plan (EIR), and adopted the accompanying Mitigation Monitoring and Reporting Program (MMRP). The City-Port MOA assigns joint responsibility to the City and the Agency on one hand, and the Port on the other, for mitigation measures in the EIR, and requires that they negotiate in good faith to reach an agreement as to the cost allocation. Staff has been working with the Port for several years to determine a fair share allocation for MMRP expenses, and the parties have agreed that the cost should be evenly divided.

WHEREAS, staff recommends that the Agency Administrator be authorized to negotiate and enter into a letter amendment to the City-Port MOA that would split the cost of the cultural mitigations identified in the EIR, with the Agency's share in an amount not to exceed Six Hundred Seventy-Eight Thousand Dollars (\$678,000); and

WHEREAS, OBRA has entered into a 20-year Base Resource Contract with Western Area Power Administration (WAPA Contract) through December 2024 for discounted federal electrical power, and pursuant to OBRA Board direction, has assigned the WAPA Contract to the Port of Oakland. OBRA staff is currently negotiating a resource management service agreement with the Port of Oakland that will require the Port to: (1) provide electrical power to the Army Base, (2) manage the WAPA Contract in coordination with the Northern California Power Agency, and (3) obtain supplemental power for the Army Base in the event Western Area Power Administration power is insufficient to meet the Army Base tenant demand; and

WHEREAS, staff recommends that the Agency Administrator be authorized to negotiate and enter into a Resource Management Contract with the Port of Oakland, in an amount not to exceed Three Hundred Thousand Dollars (\$300,000); and

WHEREAS, OBRA staff is currently negotiating with Port of Oakland staff for an extension and modification of an existing July 2000 Utilities Operation Agreement for the Oakland Army Base, which provides for the maintenance and operation of the utility systems at the Army Base property. Staff recommends that the Utilities Operation Agreement be modified and extended in order to provide interim utilities to the Army Base until construction of new development commences. Staff estimates that Agency's annual cost under this contract amendment will not exceed Seven Hundred Twenty-Five Thousand Dollars (\$725,000) over the course of two years; and

WHEREAS, in September 2002, OBRA was awarded a \$2.4 million public works grant by the United States Department of Commerce Economic Development Administration (EDA), in order to pay for a portion of a \$3.2 million project to design and engineer the core infrastructure for the Gateway Development Area at the former Oakland Army Base. Staff recommends that the Agency Administrator be authorized to take all actions necessary to accept the transfer of the \$2.4 million EDA grant, and to certify that the Agency will be bound by the terms of the original grant award; and

WHEREAS, the Environmental Impact Report for the Oakland Army Base Area Redevelopment Plan (EIR) was certified in July 2002, and it anticipated and analyzed OBRA's dissolution, the property transfer action, the interim leasing action and related actions called for in this report; and

WHEREAS: The Agency hereby finds and determines on the basis of substantial evidence in the record that the EIR fully analyzes the potential environmental effects of the project and incorporates mitigation measures to substantially lessen or avoid any potentially significant impacts in accordance with CEQA. None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Section 15162, are present in that (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the EIR due to the involvement of new environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance" as described in CEQA Guidelines Section 15162(a)(3); NOW THEREFORE BE IT

RESOLVED: That the Agency Administrator is hereby authorized to take all actions necessary to facilitate and complete the dissolution of the Oakland Base Reuse Authority; and be it

FURTHER RESOLVED: That the Oakland Redevelopment Agency hereby accepts the assets and liabilities of the Oakland Base Reuse Authority effective August 8, 2006; and be it

FURTHER RESOLVED: That the Agency Administrator is hereby authorized to negotiate and enter into leases, licenses, and agreements and to take any other actions necessary to operate a short term leasing and property management program at the former Oakland Army Base property; and be it

FURTHER RESOLVED: That the Oakland Redevelopment Agency hereby assumes all of the rights and obligations of OBRA in the agreements listed in the table attached as Attachment A, as OBRA's successor-in-interest, effective on August 8, 2006; and be it

FURTHER RESOLVED: That the Agency Administrator is hereby authorized to accept and appropriate within OBRA Treasurer's Fund (9573); OBRA Payables Revolving Fund (9574); OBRA Leasing & Utility Fund (9575); OBRA Environmental Remediation Fund (9576) and OBRA Federal & State Grants Fund (9577) OBRA's proposed Administrative Budget in an amount not to exceed Three Million Two Hundred Thousand Dollars (\$3,200,000) and its proposed Operating Budget in an amount not to exceed Eight Million Nine Hundred Forty-Seven Thousand Five Hundred Dollars (\$8,947,500); and be it

FURTHER RESOLVED: That, pursuant to Oakland Municipal Code Title 2, Chapter 2.04, Article 2.04.051.B, the City Council finds and determines based on the reasons stated above that it is in the best interests of the City to waive a competitive Request for Proposals/Equalizations process for security services at Army Base facilities and authorizes the City Administrator to do so; and be it

FURTHER RESOLVED: That the Agency Administrator is hereby authorized to negotiate and enter into an amendment extending OBRA's security services contract with ABC Security Company for one year in an amount not to exceed Two Hundred Twenty Thousand Dollars (\$220,000); and be it

FURTHER RESOLVED: That the Agency Administrator is hereby authorized to negotiate and enter into a letter amendment to the Memorandum of Agreement for Oakland Army Base dated July 8, 2003 ("City-Port MOA") that will split the cost of the cultural mitigations identified in the Environmental Impact Report for the Oakland Army Base Area Redevelopment Plan (EIR), with the Agency's share in an amount not to exceed Six Hundred Seventy-Eight Thousand Dollars (\$678,000); and be it

FURTHER RESOLVED: That the Agency Administrator is hereby authorized to negotiate and execute a Resource Management Contract with the Port of Oakland, that will require the Port to: (1) provide electrical power to the Redevelopment Agency's portion of the former Oakland Army Base, (2) manage the Western Area Power Administration (WAPA) Contract in coordination with the Northern California Power Agency, and (3) obtain supplemental power for the Redevelopment Agency's portion of the former Oakland Army Base in the event that WAPA power is insufficient to meet the Army Base tenant demand, in an amount not to exceed Three Hundred Thousand Dollars (\$300,000); and be it

FURTHER RESOLVED: That the Agency Administrator is hereby authorized to negotiate and execute an amendment to the existing July 2000 Utilities Operation Agreement for the Oakland Army Base, in order to provide interim utilities to the Redevelopment Agency's portion of the former Oakland Army Base until construction of new development commences, in an amount not to exceed Seven Hundred Twenty-Five Thousand Dollars (\$725,000); and be it

FURTHER RESOLVED: That the Agency Administrator is hereby authorized to take all actions necessary to accept the transfer of \$1,050,000, of the balance of the \$2,400,000 grant from the United States Department of Commerce Economic Development Administration (EDA), and to certify that the Agency will be bound by the terms of the original grant award and all applicable laws and regulations; and be it

FURTHER RESOLVED: That the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines that this action complies with CEQA because this action on the part of the Agency does not necessitate preparation of a subsequent or supplemental EIR Section 15162 (subsequent EIRs and negative declarations), and otherwise is exempt from CEQA Section 15301 (existing facilities), 15320 (changes in organization of local agencies) of the CEQA Guidelines; and be it

FURTHER RESOLVED: That the Agency Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action.

IN AGENCY, OAKLAND, CALIFORNIA, JUN 27 2006, 2006

PASSED BY THE FOLLOWING VOTE:

AYES- ~~BROOKS~~, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, ~~REID~~, AND
CHAIRPERSON DE LA FUENTE - 6

NOES- 0

ABSENT- 1 Reid

ABSTENTION- 1 - Brooks

ATTEST: 
LATONDA SIMMONS
Secretary of the Redevelopment Agency
of the City of Oakland

ATTACHMENT A

TABLE OF ARMY BASE AGREEMENTS

Agreement Name	Parties to Agreement	Description of Agreement
1) Purchase and Sale Agreement dated May 23, 2005	California Department of Transportation City of Oakland Oakland Base Reuse Authority	Transfer of 6.5 acres of Port Sliver Property from Agency/OBRA to Caltrans
2) Chubb Remediation Cost Cap Environmental Site Liability Policy	Oakland Redevelopment Agency United States Army Chubb National Insurance Company City of Oakland Oakland Base Reuse Authority Port of Oakland State of California	\$30 million environmental insurance policy for the Environmental Remediation Program
3) Memorandum of Agreement for Oakland Army Base dated July 8, 2003 (City-Port MOA)	City of Oakland Oakland Base Reuse Authority Oakland Redevelopment Agency Port of Oakland	Agreement b/w City parties regarding transfer of Army Base properties among the parties
4) East Bay Municipal Utility District (EBMUD) Water Commodity Contract	East Bay Municipal Utilities District (EBMUD) Oakland Base Reuse Authority	Water and sewer contract for Army Base service
5) Consent Agreement dated September 27, 2002	California Department of Toxic Substances Control Oakland Base Reuse Authority Oakland Redevelopment Agency	Timing and logistics of environmental cleanup of the Army Base property
6) Oakland Army Base Economic Development Conveyance Memorandum of Agreement dated September 27, 2002	Oakland Base Reuse Authority Oakland Redevelopment Agency United States Army	Agreement w/ Army for acquisition, auditing and reinvestment requirements of Army Base property
7) ESCA Agreement dated September 27, 2002.	Oakland Base Reuse Authority Oakland Redevelopment Agency United States Army	Funding for cleaning-up the Army Base
8) Oakland Army Base Title Settlement and Exchange Agreement, dated _____ 2006	California State Lands Commission Oakland Base Reuse Authority Oakland Redevelopment Agency Port of Oakland	Agreement removing the tidelands trust designation from the Gateway Development Area, except for the shoreline park area
9) Memorandum of Agreement dated April 2005	Painters and Decorators Joint Apprenticeship Training Committee of the Bay Area, Inc. (JATC) Oakland Base Reuse Authority Oakland Redevelopment Agency	Agreement replacing JATC's public benefit conveyance right to 3 acres of Army Base property

Army Base Agreements	Parties to Agreements	Description of Agreement
10) Letter Amendment to the Consent Agreement dated May 2, 2005	California Department of Toxic Substances Control Oakland Base Reuse Authority Oakland Redevelopment Agency	Amendment to Consent Agreement adding Subaru Lot property
11) Settlement Agreement dated April 18, 2002	California Department of Transportation City of Oakland Oakland Base Reuse Authority Oakland Redevelopment Agency Port of Oakland	Resolution to litigation b/w Agency, City, Caltrans, OBRA and Port regarding the disposition of Pier 7 at the former Oakland Army Base
12) Professional Services Agreement	Curtis & Tompkins, Ltd. Oakland Base Reuse Authority	Laboratory Services for Environmental Remediation Program in an amount not to exceed \$400,000
13) Professional Services Agreement	Erler & Kalinowski, Inc. Oakland Base Reuse Authority	Technical Program Management for the Environmental Remediation Program in an amount not to exceed \$800,000
14) Professional Services Agreement	Geomatrix Consultants, Inc. Oakland Base Reuse Authority	Construction management for the former Building 1 RAP site and various environmental site investigations, in an amount not to exceed \$500,000
15) Professional Services Agreement	Kimley-Horn and Associates, Inc. Oakland Base Reuse Authority	Infrastructure design and capital cost estimating for the Gateway Development Area, in an amount not to exceed \$1.5 million
16) Professional Services Agreement	Morgan Environmental Solutions, LLC Oakland Base Reuse Authority	Hazardous waste removal and disposal, in an amount not to exceed \$30,000
17) Professional Services Agreement	Northgate Environmental Management, Inc. Oakland Base Reuse Authority	Site wide groundwater monitoring site investigation at RAP sites, in an amount not to exceed \$500,000
18) Professional Services Agreement	Oakland Base Reuse Authority Severn Trent Environmental Leadership	Laboratory Services for Environmental Remediation Program, in an amount not to exceed \$400,000
19) Professional Services Agreement	Oakland Base Reuse Authority URS Corporation	Engineering support for the Environmental Remediation Program and Building demolition/ deconstruction estimating, in an amount not to exceed \$100,000
20) Professional Services Agreement	Oakland Base Reuse Authority Pacific States Environmental	Complete the remediation at the former Building 1 RAP site, in an amount not to exceed \$2,533,515