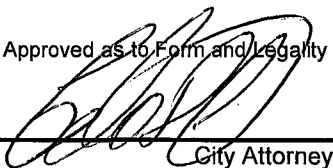


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City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. 85759 C.M.S.

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO APPLY FOR, ACCEPT, AND APPROPRIATE GRANT FUNDS UP TO TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) FROM THE CALIFORNIA CULTURAL AND HISTORIC ENDOWMENT (CCH) – MUSEUM GRANT PROGRAM FOR THE PERALTA HACIENDA HISTORIC PARK PHASE 4 - HISTORIC CORE PROJECT (PROJECT)**

**WHEREAS**, the Legislature and Governor of the State of California have provided funds for the California Cultural and Historical Endowment's Museum Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40); and

**WHEREAS**, the California Cultural and Historical Endowment has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

**WHEREAS**, said procedures established by the California Cultural and Historical Endowment require a resolution certifying the approval of application(s) by the Applicants governing board before submission of said application(s) to the State; and

**WHEREAS**, the Peralta Hacienda Historical Park has an established Master Plan approved by the Planning Commission in 2002 and adopted in the FY 13-15 Park Project Prioritization list in Resolution No. 85056 C.M.S.; and

**WHEREAS**, the Friends of Peralta Hacienda Historical Park, in partnership with the City, has obtained funds towards the design and construction of the proposed Phase 4 – Historic Core Project from National Endowment for Humanities, private donations, Slater and Evelyn Haas Foundation funds, California Arts Council, East Bay Community Foundation, UC Office of the President, and Bayer USA totaling approximately \$880,000, and being sufficient as matching funds for the grant; and

**WHEREAS**, the City of Oakland has committed funds of \$100,000 from East Bay Regional Park District Measure WW Bond – Local Grant Program Fund (2260), in project number C476810, for the Project as matching funds; and

**WHEREAS**, the applicant, if selected, will enter into an agreement with the State of California to carry out the Project; now therefore, be it

**RESOLVED** that the City Administrator of the City of Oakland, or designee, is hereby authorized to apply for, accept, appropriate, and execute in the name of the City of Oakland all necessary applications, contracts, agreements, amendments and payment requests hereto for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant application provided that such agreements shall be reviewed and approved by the Office of the City Attorney and shall be filed with the Office of the City Clerk; and be it

**FURTHER RESOLVED** that the City Council of the City of Oakland:

1. Approves the filing of an application for the **Peralta Hacienda Historical Park Phase 4 – Historic Core Project**; and
2. Determines Applicant Is eligible to apply for a State grant due to status as a government entity; and
3. Certifies that applicant understands the assurances and certification in the application herein, and
4. Certifies applicant organization has long-term control of the property and will provide satisfactory documentation of the long-term control as part of the grant agreement development process; and
5. Certifies that applicant or title holder will have sufficient funds to operate and maintain the project consistent with the land tenure requirements; or will secure the resources to do so; and
6. Certifies the proposed project/organization is free of any legal challenges that could undermine progress on the project; and
7. Gives State permission to publish any provided digital image to its website and to crop or resize the image; and
8. Agrees to acknowledge State’s support in any news media, brochures, articles, publications, seminars, exhibits, buildings, displays, products, or other promotion materials about the funded project; and

9. Certifies that it will comply with the provisions of Section 1771.5 of the State Labor Code regarding payment of prevailing wages on Projects awarded Proposition 40 Funds, and
10. Agrees that projects involving construction, renovation, repair, rehabilitation, or ground or visual disturbances must comply with all current laws and regulations which apply to the Project, including, but not limited to, labor codes related to prevailing wage, legal requirements for construction contracts, building codes, environmental laws, health and safety codes, disabled access and historic preservation laws and environmental laws. Grantee will be required to certify that, prior to commencement of construction, all applicable permits and licenses (e.g., state contractor's license) will be obtained; and
11. Agrees to adhere to the Americans with Disabilities Act of 1990 (ADA) and the 2010 ADA Standards for Accessible Design. Title III of the ADA covers places of public accommodation (such as museums, libraries, and educational institutions) and includes a specific section regarding new construction and alterations in public accommodations; and
12. Agrees that projects involving construction, renovation, repair, rehabilitation, or ground or visual disturbances must comply with the National Historic Preservation Act and NAGPRA (Native American Graves Protection and Repatriation Act); and
13. Waives all rights to privacy and confidentiality of the material submitted to State, and
14. Agrees to execute a grant agreement prior to the encumbrance deadline of June 30, 2017, and will cause work on the project to be commenced within a reasonable time after encumbering the funds, so that the project will be complete and the final invoice submitted to the State by May 1, 2019; and
15. Agrees that for all property acquired or developed with Museum Grant funds, applicant will accept, sign, notarize and record a declaration of covenants, conditions and restrictions (deed restrictions) which attaches the conditions of the grant, as set forth in the grant agreement, on the use and enjoyment of the property until the end land tenure date specified in the grant agreement; and be it

**FURTHER RESOLVED:** that the City Administrator of the City of Oakland, or designee, is hereby authorized to conduct all negotiations, execute, amend, and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s) and carry out the purposes specified in the grant application provided that such agreements shall be reviewed and approved by the Office of the City Attorney and shall be filed with the Office of the City Clerk; and be it

**FURTHER RESOLVED:** that if the application is approved, the City Administrator, or designee, is authorized establish a new project consistent with the project and funding under State of California Fund (2159), Capital Projects – Project Management Organization (92270), and a project to be determined.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 08 2015

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, ~~REID~~, and PRESIDENT GIBSON MCELHANEY - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reid - 1

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