

2007 FEB -1 PM 6:14

APPROVED AS TO FORM AND LEGALITY


AGENCY COUNSEL

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. 2007-0011 C.M.S.

A RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE GRANT FUNDS FROM THE CALIFORNIA CULTURAL AND HISTORICAL ENDOWMENT PROGRAM UNDER STATE OF CALIFORNIA PROPOSITION 40 (CLEAN WATER, CLEAN AIR, SAFE PARKS AND COASTAL PROTECTION ACT OF 2002), FOR THE HISTORIC FOX THEATER RENOVATION IN AN AMOUNT OF UP TO THREE MILLION DOLLARS (\$3,000,000)

WHEREAS, the Oakland Redevelopment Agency is sponsoring the renovation of the Historic Fox Theater (the "Project") by providing substantial financing; and

WHEREAS, additional funds in the amount of Three Million Dollars (\$3,000,000) are needed to improve the following components of the renovation: (1) the restoration of the original lobby and lobby doors, (2) related plaster work and new flooring in the lobby, (3) historic painting in the mezzanine lobby, (4) select tenant improvements in the restaurant and lobby spaces, and (5) other changes to the scope of work for historic elements found during construction; and

WHEREAS, the people of the State of California have enacted the CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002, which provides funds to the State of California for grants to eligible Applicants; and

WHEREAS, the California State Library has been delegated the responsibility for the administration of the Cultural and Historical Endowment Program setting up necessary procedures, and

WHEREAS, said procedures established by the California State Library Services require the Applicant's Governing Body to certify by resolution the approval of the Application before submission of said Application to the State, and

WHEREAS, the Agency is required to identify matching funds in the amount of three million dollars (\$3,000,000) as a condition of the grant the source of which shall be identified by the date of grant application; and

WHEREAS, the Agency anticipates it will provide its match through the \$25.5 million loan already approved for the Project; and

WHEREAS, the Agency as the Applicant will enter into a Contract with the State of California for the Project; and

WHEREAS, the Agency is considered a "Responsible Agency" under the California Environmental Quality Act (CEQA); and

WHEREAS, on July 19, 2005 the Agency adopted a Mitigated Negative Declaration for the Project; and

WHEREAS, the Agency hereby finds and determines on the basis of substantial evidence in the record that the Initial Study and Mitigated Negative Declaration 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 environmental 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 Initial Study/Mitigated Negative Declaration 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 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 be it further

RESOLVED: That the Oakland Redevelopment Agency hereby:

1. Approves the filing of an Application for local assistance funds from California Cultural and Historical Endowment Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 for the Fox Theater Renovation Project for an amount of Three Million Dollars (\$3,000,000), and identifying of the Agency loan as the source of matching funds for the grant application; and Certifies that the Applicant has or will have sufficient funds to operate and maintain the Project; and
2. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and
3. Certifies that the Grantee has or will have available, prior to commencement of any work on the Project, the Match; and
4. Certifies that the Project conforms to the Oakland General Plan and any element of any applicable city or county general plan; and
5. Appoints the Agency Administrator, or her authorized representative, as agent to conduct all negotiations, execute 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 Project 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 Agency Administrator is authorized to accept and appropriate funds in the amount of up to three million dollars (\$3,000,000) to the Central District Grants Fund (9215), Capital Improvement Project – Economic Development Organization (94800), Fox Theater Master Plan Project (P131120) ; and be it further

RESOLVED: That all documents related to this transaction shall be reviewed and approved by Agency Counsel prior to execution, and copies will be placed on file with the Agency Secretary; and be it further

RESOLVED: That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the Agency's decision is based are respectively: (a) the Community & Economic Development Agency, Projects Division, 250 Frank H. Ogawa Plaza, 5th Floor, Oakland CA; (b) the Community & Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, 3rd Floor, Oakland CA; and (c) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st Floor, Oakland, CA.

IN AGENCY, OAKLAND, CALIFORNIA, FEB 20 2007, 2007

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, ~~REID~~,
KERNIGHAN AND CHAIRPERSON DE LA FUENTE, - 7

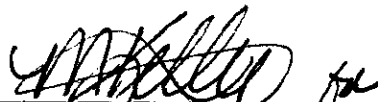
NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- Reid - 1

ATTEST:



LATONDA SIMMONS

Secretary of the Redevelopment
Agency of the City of Oakland