

REVISED

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 MAY -2 PM 1:03

APPROVED AS TO FORM AND LEGALITY

R. Miller

CITY ATTORNEY

OAKLAND CITY COUNCIL

84332

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE CITY'S EXCLUSIVE NEGOTIATING AGREEMENT (ENA) WITH CALIFORNIA WASTE SOLUTIONS, AND CUSTOM ALLOY SCRAP SALES, INC. (OR CASS, INC.) REGARDING A PROPOSED RECYCLING PROJECT ON UP TO APPROXIMATELY 20 ACRES IN THE NORTH GATEWAY AREA OF THE FORMER OAKLAND ARMY BASE EXTENDING THE ENA TO DECEMBER 15, 2013

WHEREAS, on February 12, 2012, the City of Oakland and California Waste Solutions, Inc. (CWS) and Custom Alloy Scrap Sales, Inc. executed an Exclusive Negotiating Agreement (ENA) for the possible development of two recycling facilities on approximately 20 acres of the City-owned North Gateway Area in the former Oakland Army Base ("Property"); and

WHEREAS, the ENA expired on or about March 20, 2013; and

WHEREAS, the parties wish to extend the ENA to December 15, 2013; and

WHEREAS, CWS and Custom Alloy Scrap Sales, or its related or affiliated entity, CASS, Inc. (herein collectively CASS") intend to build two new recycling facilities on the Property and relocate their recycling operations out of West Oakland residential neighborhoods ("Project"); and

WHEREAS, the relocation of CWS and CASS out of West Oakland residential neighborhoods would reduce truck traffic and remove a land use conflict from the community; and

WHEREAS, the relocation of CWS and CASS to the Army Base would enable the two firms to remain in Oakland, develop more efficient operations, increase productivity, increase sales, and contribute to the Port of Oakland's business; now, therefore be it

RESOLVED, that the City Administrator is authorized to negotiate and execute an amendment to the ENA with CWS and CASS extending the ENA to December 15,

2013, and retaining the ENA's existing option in Section 1.4 thereof for the City Administrator to extend the ENA by up to an additional ninety (90) days thereafter, for the purposes of negotiating the terms and conditions of the possible development of the Project; and be it

FURTHER RESOLVED, that the City has independently reviewed and considered the environmental determination, and the City finds and determines that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Section 15262 (feasibility and planning studies). Section 15306 (information collection) and Section 15061(b)(3) (general rule) of the CEQA Guidelines; and be it

FURTHER RESOLVED, that the City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action; and be it

FURTHER RESOLVED, that the Exclusive Negotiating Agreement shall be reviewed and approved as to form and legality by the City Attorney prior to execution; and be it

FURTHER RESOLVED, that the City Administrator is further authorized to take whatever action is necessary with the respect to the ENA consistent with this Resolution and its basic purposes.

OAKLAND, CALIFORNIA, _____, 2013

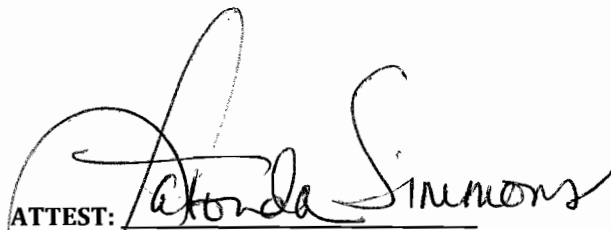
PASSED BY THE FOLLOWING VOTE: MAY 7 2013

AYES - KALB, REID, GIBSON-MCELHANEY, SCHAAF, GALLO, BROOKS, KAPLAN, AND CHAIRPERSON KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: 
LATONDA SIMMONS

City Clerk and Clerk of the Council
Of the City of Oakland, California