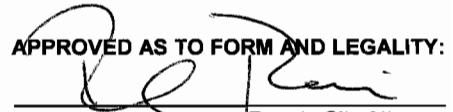


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2013 JUN 12 PM 3:13

APPROVED AS TO FORM AND LEGALITY:

  
Deputy City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. 84491 C.M.S.

---

**A RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO CONTINUE TO ACCEPT AND APPROPRIATE GRANT FUNDS UNDER THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S TRANSIT ORIENTED DEVELOPMENT GRANT PROGRAM FOR THE COLISEUM BART STATION TRANSIT VILLAGE PROJECT AND AUTHORIZING THE CITY ADMINISTRATOR, DEANNA SANTANA, TO NEGOTIATE GRANT TERMS, EXECUTE, MODIFY, AMEND AND EXTEND AGREEMENTS, ALLOCATE REVENUE, MAKE EXPENDITURES, AND TAKE ALL OTHER ACTIONS WITH RESPECT TO THE TRANSIT ORIENTED DEVELOPMENT GRANT PROGRAM**

**WHEREAS**, on December 11, 2007, the California State Department of Housing and Community Development ("HCD") issued a Notice of Funding Availability ("NOFA") for the Transportation Oriented Development ("TOD") program established under the Housing and Emergency Shelter Trust Fund Act of 2006 ("Proposition 1C") pursuant to Part 13 of Division 31 of the Health & Safety Code, Section 53560; and

**WHEREAS**, the Redevelopment Agency of the City of Oakland ("Agency") adopted Agency Resolution No. 2008-0028 C.M.S. dated March 4, 2008, authorizing the submittal of an application for funding under the TOD program for the Coliseum BART Transit Village, and authorizing acceptance and appropriation of grant funds from this program for eligible activities in the manner presented in the application as approved by HCD and in accordance with TOD program guidelines; and

**WHEREAS**, Agency Resolution No. 2008-0028 C.M.S. authorized the Agency Administrator to execute in the name of the Agency the application, the Standard Agreement, and all other documents required by HCD for participation in the TOD Program and any amendments thereto; and

**WHEREAS**, the Agency submitted an application to HCD to obtain an allocation of TOD grant funds in the amount of \$8,485,000 for the Coliseum Transit Village Project at the Coliseum BART Station; and

**WHEREAS**, on August 17, 2011, the Agency and HCD executed a Standard Agreement for TOD program funding for the Coliseum BART Transit Village in an amount not to exceed \$8,485,000, and on June 29, 2012, the City acting as Successor Agency to the Redevelopment Agency and Housing Successor to the Redevelopment Agency executed with HCD a First Amendment to the Standard Agreement; and

**WHEREAS**, the City Council adopted Resolution No. 83679 C.M.S. on January 10, 2012, electing to become the successor agency to the Redevelopment Agency of the City of Oakland pursuant to Health & Safety Code Sections 34171(j) and 34173 upon Redevelopment Agency dissolution; and

**WHEREAS**, the Redevelopment Agency of the City of Oakland dissolved on February 1, 2012; and

**WHEREAS**, the City Council adopted Resolution No. 83815 C.M.S. on April 30, 2012, electing to act as the successor agency to the Redevelopment Agency of the City of Oakland, to accept and appropriate grant funds under HCD's TOD Program for the Coliseum BART Transit Village, and to take all other actions with respect to the TOD Program required by HCD for participation in the TOD Program; and

**WHEREAS**, the City Council adopted Resolution No. 83816 C.M.S. on April 30, 2012, electing to act as the successor housing agency to the Redevelopment Agency of the City of Oakland and to retain and assume the housing assets, functions and obligations of the Agency with respect to HCD's TOD Program and the Coliseum BART Transit Village; and

**WHEREAS**, prior to Agency dissolution, the Agency transferred the local match funds for the TOD program funding for the Coliseum BART Transit Village to the City under the Funding Agreement between the Agency and the City; and

**WHEREAS**, the State Controller's Office has determined in its review of asset transfers between the Agency and the City pursuant to Health and Safety Code Section 34167.5 that the transfer of such funds was an allowable transfer and that the City may retain the local match funds for the TOD program funding for the Coliseum BART Transit Village; and

**WHEREAS**, the California Department of Finance ("DOF") has determined in its Due Diligence Review of available cash assets pursuant to Health and Safety Code Section 34179.5, et seq., that the obligation to provide the local match for the TOD program was an enforceable obligation of the City, and that the City may retain and use the local match funds for the TOD program funding for the Coliseum BART Transit Village; and

**WHEREAS**, the Oakland Redevelopment Successor Agency board is acknowledging that the City is retaining the local match funds for the TOD program

funding for the Coliseum BART Transit Village, and transferring any remaining interests or obligations with respect to said grant to the City; and

**WHEREAS**, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied since the proposed legislation is not a project under CEQA; now, therefore, be it

**RESOLVED:** That the City Council hereby affirms that the City of Oakland will act as sole grantee under HCD's TOD Program for the Coliseum BART Transit Village, and will continue to accept and appropriate grant funds under HCD's TOD Program for the Coliseum BART Transit Village, and apply the local match funds as the match under the Program; and be it further

**RESOLVED:** That the City hereby authorizes the City Administrator, Deanna Santana, or her designee to negotiate grant terms, execute, modify, amend and extend the Standard Agreement and all other related documents, allocate revenue, make expenditures, and take all other actions with respect to the TOD Program required by HCD for participation in the TOD Program in accordance with this resolution and its basic purposes; and be it further

**RESOLVED:** That all documents shall be reviewed and approved by the City Attorney prior to execution, and copies will be placed on file with the City Clerk.

JUL 2 2013

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2013

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, GALLO, ~~GIBSON, McELHANEY~~, KALB, KAPLAN, REID, ~~SCHAAF~~ and PRESIDENT KERNIGHAN — 6

NOES- 0

ABSENT- Gibson McElhanev - 1

ABSTENTION- Schaaf - 1

ATTEST:

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