

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 77680 C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND
03 FEB 13 PM 1:20

A RESOLUTION AUTHORIZING A THIRD AMENDMENT TO THE AGREEMENT WITH THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT FOR DESIGN AND ENGINEERING OF THE OAKLAND COLISEUM INTERCITY RAIL PLATFORM TO EXTEND THE TERM OF THE AGREEMENT, EXPAND THE SCOPE OF SERVICES, AND INCREASE THE BUDGET, AUTHORIZING AN INCREASE IN THE AMOUNT OF THE CITY'S CONTRIBUTION FOR DESIGN AND ENGINEERING BY \$160,000, AND AUTHORIZING AN AMENDMENT TO THE REPAYMENT AGREEMENT WITH THE REDEVELOPMENT AGENCY TO ACCEPT AN ADDITIONAL \$1,474,000 IN AGENCY FUNDING FOR THE PROJECT

WHEREAS, the City of Oakland has received a grant of \$529,500 from the California Department of Transportation, Transit Capital Improvement program, to complete design and engineering documents for the Oakland Coliseum Intercity Rail Platform Project; and

WHEREAS, on August 14, 1998, the City entered into an agreement ("Agreement") with the San Francisco Bay Area Rapid Transit District ("BART") for design and engineering services related to the Oakland Coliseum Intercity Rail Platform Project with a design and engineering budget of \$369,500; and

WHEREAS, the Agreement has been amended, to extend the term of the Agreement to September 24, 2001, and to increase the design and engineering budget for the project to a total of \$501,050, of which \$8,000 came from the City and \$85,000 from the Redevelopment Agency; and

WHEREAS, due to modifications and additions to the designs attributed by Union Pacific Railroad, the Regional Water Quality Control Board, AMTRAK and the City, the Agreement must be extended by an additional thirty (30) months to March 24, 2004, and the budget for design and engineering must be increased to \$635,000; and

WHEREAS, the cost increase of \$635,000 for design and engineering shall be shared among the participating parties as follows: \$160,000 to come from the City's State Transportation Improvement Program grant, \$55,774 to come from the Capitol Corridor Joint Powers Authority, and \$419,000 to come from the Redevelopment Agency; and

WHEREAS, the California Transportation Commission ("CTC") under its State Transportation Improvement Program ("STIP") has awarded \$4,075,000 to the City for construction and acquisition of the project; and

WHEREAS, construction documents for the Oakland Coliseum Intercity Rail Platform Project have been prepared and construction bids are to be received on February 10, 2003; and

WHEREAS, the acquisition and construction cost of the project is approximately \$5.47 million, thus leaving a project deficit of \$1.055 million; and

WHEREAS, the Redevelopment Agency has authorized funding for construction costs to the project under Section 33445 of the California Health and Safety Code; and

WHEREAS, Section 33445 authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities, if the legislative body (i.e., the City Council) has consented to such funding and has made certain findings; and

WHEREAS, the City Council wishes to consent to the use of Agency funding for the construction of this project and to make the requisite findings; and

WHEREAS, the City and the Redevelopment Agency have entered into a Repayment Agreement for the Coliseum Redevelopment Project providing for the provision of funding and services by the City and the Agency to support redevelopment activities in the Coliseum Project Area; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("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, because the City has determined that the Oakland Coliseum Intercity Rail Platform Project is statutorily exempt from CEQA under Section 15275(a) (mass transit projects) of the CEQA Guidelines; now, therefore, be it

RESOLVED: That the City Council hereby authorizes an increase in the City's share of design and engineering costs of the Oakland Coliseum Intercity Rail Platform Project by \$160,000, with said funds to come from the STIP grant; and be it further

RESOLVED; That the City Council hereby authorizes the City Manager to negotiate and enter into a Third Amendment to the Agreement between the City and the San Francisco Bay Area Rapid Transit District for design and engineering services related to the Oakland Coliseum Intercity Rail Platform Project to extend the term of the Agreement to March 24, 2004, to expand the scope of services to include additional work related to the design of a storm water biofiltration, changes to the boarding platform to meet revised railroad requirements, and Union Pacific realignment of the tracks, and to increase the budget for design and engineering costs by \$635,000 to a total amount of \$1.135 million; and be it further

RESOLVED: That Third Amendment shall provide that the City's share of the increased costs shall be \$160,000, to come from the STIP grant, the Redevelopment Agency's share shall be \$419,000, and the Capitol Corridor Joint Powers Authority's share shall be \$55,774; and be it further

RESOLVED: That the Council hereby finds and determines as follows:

1. That the Oakland Coliseum Intercity Rail Platform Project will benefit the Coliseum Project Area by improving public transit opportunities in the Project Area, improving

traffic conditions in the Project Area, and enhancing the aesthetic and functional appeal of the Project Area for property owners, residents, visitors, and developers;

2. That no other reasonable means of financing the construction of the Oakland Coliseum Intercity Rail Platform Project is available to the City other than Redevelopment Agency funding; and
3. That the use of tax increment funds from the Coliseum Project Area for the Oakland Coliseum Intercity Rail Platform Project will assist in the elimination of blight and is consistent with the implementation plan adopted for the Coliseum Project.

and be it further

RESOLVED: That the City hereby consents to and accepts the \$1,474,000 in additional Agency funding for the design, engineering, and construction work for the Oakland Coliseum Intercity Rail Platform Project; and be it further

RESOLVED: That the City Council hereby authorizes the City Manager to negotiate and enter into an amendment to the repayment agreement with the Redevelopment Agency for the Coliseum Redevelopment Project to accept \$1,474,000 in additional Agency funding for the design, engineering, and construction work for the project; and be it further

RESOLVED: That the City Manager or his or her designee is hereby authorized to negotiate and enter contracts and take whatever other action is necessary with respect to the Third Amendment and the Oakland Coliseum Intercity Rail Platform Project consistent with this Resolution and its basic purpose.

MAR 11 2003

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT
DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



CEDA FLOYD

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