

2003 JUN 26 PM 12: 25

# OAKLAND CITY COUNCIL

RESOLUTION No. 77927 C.M.S.

CSK

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**RESOLUTION AUTHORIZING A MUNICIPAL SERVICES AGREEMENT WITH THE OAKLAND BASE REUSE AUTHORITY (OBRA) FOR THE PERIOD OF JULY 1, 2002 TO JUNE 30, 2003 IN THE AMOUNT OF ONE MILLION, ONE HUNDRED FORTY THOUSAND DOLLARS (\$1,140,000) AND AUTHORIZING OBRA TO ADMINISTER FUNDS RECEIVED FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR ENVIRONMENTAL REMEDIATION PURPOSES**

**WHEREAS**, the Powers Agreement establishing the Oakland Base Reuse Authority provides that OBRA is to contract with the City of Oakland for the provision of various specified municipal services; and

**WHEREAS**, the City, during the period of July 1, 2002 to June 30, 2003, has and will provide municipal services of fire protection and police services to OBRA in relation to OBRA's possession and use of the Oakland Army Base; and

**WHEREAS**, the cost of providing said municipal services to OBRA during the period of July 1, 2002 to June 30, 2003, is \$1,140,000; and

**WHEREAS**, the OBRA Governing Body, at its meeting of February 24, 2003, passed Resolution No. 2003-05, thereby authorizing the negotiation and execution of a municipal services agreement with the City in the amount \$1,140,000; and

**WHEREAS**, the City, in conjunction with OBRA and the Oakland Redevelopment Agency ("ORA") and the Port of Oakland ("Port") filed legal actions in the California Department of Transportation ("CalTrans") and the Federal Highway Administration ("FHWA") in State and federal courts regarding the conveyances of interests in certain parcels of land at the Oakland Army Base; and

**WHEREAS**, the City, along with OBRA, ORA and the Port, reached a settlement with CalTrans and FHWA on a portion of the two lawsuits whereby CalTrans agreed to pay Eleven Million, Six Hundred Thousand Dollars (\$11,600,000) ("CalTrans' money") for the use of approximately 26 acres of land at the Oakland Army Base for the Oakland-San Francisco Bay Bridge retrofit project; and

**WHEREAS**, the Council has previously approved a Memorandum of Agreement ("MOA") with and among ORA, OBRA and the Port that expresses the intention of the parties to equally split the CalTrans' money between the City, ORA and OBRA (50%) and the Port (50%); and

equally split the CalTrans' money between the City, ORA and OBRA (50%) and the Port (50%); and

**WHEREAS**, the MOA further expresses the intention of the parties that the unfounded costs of remediation of environmental conditions at the Army Base be evenly split between OBRA and ORA (50%) and the Port (50%) and it has been estimated that the unfounded cost of such cleanup is approximately Eleven Million, Two Hundred Thousand Dollars (\$11,200,000); and

**WHEREAS**, the Council took action at its meeting of June 3, 2003 to support the commitment to provide the funds necessary to implement and complete all environmental remediation actions at the Oakland Army Base; and

**WHEREAS**, it is in the best interests of the City that the City's share of the CalTrans' money be administered by OBRA for environmental remediation activities at the Army Base; **now, therefore, be it**

**RESOLVED:** That Council hereby approves a municipal services agreement with the Oakland Base Reuse Authority for the provision of municipal services related to OBRA's possession and use of the Oakland Army Base in the amount of One Million, One Hundred Forty Thousand Dollars (\$1,140,000); **and be it**

**FURTHER RESOLVED:** That the City Manager is hereby authorized to accept \$1,140,000 from OBRA pursuant to the municipal services agreement and to appropriate such funds; **and be it**

**FURTHER RESOLVED:** That the City Attorney shall review and approve the agreement with OBRA prior to the City Manager's execution of said agreement; **and be it**

**FURTHER RESOLVED:** That OBRA is hereby authorized to handle and administer the City's portion of the CalTrans' money for environmental remediation activities at the Oakland Army Base.

**JUL 15 2003**

IN SESSION, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003

**PASSED BY THE FOLLOWING VOTE:**

AYES-

NOES-

ABSENT-

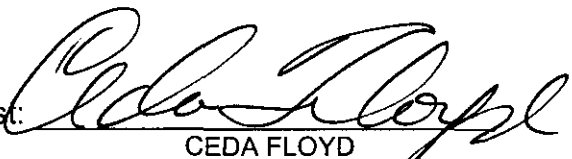
ABSTENTION-

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

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Attest:



CEDA FLOYD  
CITY CLERK AND SECRETARY TO  
THE CITY COUNCIL