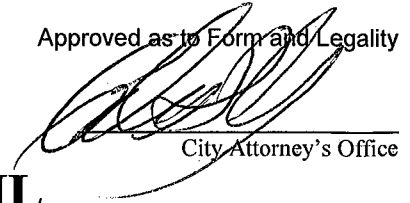


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2020 MAR -5 PM 4:01

Approved as to Form and Legality



City Attorney's Office

# OAKLAND CITY COUNCIL

RESOLUTION NO. 88065 C.M.S.

**RESOLUTION AUTHORIZING AN AGREEMENT WITH THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT ("AC TRANSIT") TO CONTINUE OPERATING THE CITY OF OAKLAND BROADWAY SHUTTLE BETWEEN JANUARY 1, 2020 AND JUNE 30, 2022, AT AN INITIAL COST NOT TO EXCEED \$2,367,885, AND AUTHORIZING THE CITY ADMINISTRATOR TO INCREASE THIS AGREEMENT AMOUNT FOR EXPANDED SHUTTLE HOURS OR FREQUENCY OF SERVICE USING ANY ADDITIONAL PUBLIC AND PRIVATE GRANTS AND FINANCIAL SUPPORT SECURED WITHIN THE TERM OF THE AGREEMENT**

**WHEREAS**, the City of Oakland Broadway Shuttle ("Shuttle") began operating on July 28, 2010 and now operates Monday-Thursday 7am-10pm, Friday 7am until Saturday 1am, and Saturday 6pm until Sunday 1am; and

**WHEREAS**, the Shuttle carries almost 10,000 downtown workers, residents and visitors each week; and

**WHEREAS**, the Shuttle promotes economic development activity by connecting major transit stations including BART, Amtrak, the SF Bay Ferry and AC Transit to office buildings, local businesses and other final destinations; and

**WHEREAS**, the Shuttle improves accessibility and mobility in all of the commercial districts within the Central Business District, including Jack London Square, Chinatown, Old Oakland, City Center, Uptown, Lake Merritt Office District, Valdez Triangle and Koreatown- Northgate; and

**WHEREAS**, the Shuttle supports local businesses, property owners and office tenants in the Central District by encouraging residents, workers and visitors to circulate and explore the businesses in the Central Business District neighborhoods; and

**WHEREAS**, the Shuttle reduces automobile emissions and improves the environment by replacing downtown automobile trips with transit trips; and

**WHEREAS**, government grants and private funding contributions will cover Shuttle costs during the term of this transit service agreement ("Agreement"); and

**WHEREAS**, on January 5, 2010, the City Council authorized the City Administrator to enter into an agreement with the Alameda & Contra Costa Transit District ("AC Transit") to operate the Shuttle from July 26, 2010 until July 25, 2012; and

**WHEREAS**, on July 17, 2012, the City Council authorized the City Administrator to enter into an agreement with AC Transit to operate the Shuttle for an additional two years, from July 26, 2012 until July 25, 2014; and

**WHEREAS**, on August 12, 2014, the City Council authorized the City Administrator to enter into an agreement with AC Transit to operate the Shuttle for an additional two years, from July 26, 2014 until July 25, 2016; and

**WHEREAS**, on September 7, 2016, the City and District executed a new two-year agreement for the operation of the Shuttle from July, 26, 2016 through December 31, 2018; and

**WHEREAS**, on October 24, 2018, the City and District executed a 6-month extension of the 2016 agreement to June 30, 2019; and

**WHEREAS**, on April 24, 2018, the City and District executed a 6-month extension of the 2016 agreement to December 31, 2019; and

**WHEREAS**, the City Council finds that the services provided pursuant to the agreement are of a professional, scientific or technical nature, are temporary in nature, and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore, be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator or designee to negotiate and execute the Agreement with AC Transit to continue operating the Shuttle beginning on January 1, 2020 and ending June 30, 2022, at a cost not to exceed \$2,367,885; and be it

**FURTHER RESOLVED:** That this action does not approve City General Fund moneys for the Broadway Shuttle; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City administrator to apply for, accept and appropriate any additional public and private grants and financial support if said funds are specifically dedicated to the Shuttle, including operations, signage, vehicle wraps, educational brochures, advertising, and project management staff costs, during the term of this Agreement, and these funds will be deposited into Fund 2214 (ACTIA Reimbursable Grants) for all Alameda County Transportation Commission grants; and Fund 2999 (Miscellaneous Grants) for all other Shuttle public and private grants and financial support. These funds will be deposited into Project 1003831 Broadway Shuttle; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator or designee to increase the amount of the Agreement without returning to Council to expand shuttle hours or frequency of service using any additional public and private grants and financial support for the Shuttle that the City is able to secure during the term of the Agreement; and be it

**FURTHER RESOLVED:** That the Agreement shall allow the City Administrator or designee to reduce or discontinue the Shuttle service should (1) anticipated grant and sponsorship revenue for the Shuttle be insufficient to fund the current level of service or (2) the Shuttle service is not achieving the City's intended goals (as such goals are described in the Agreement); and be it

**FURTHER RESOLVED:** That the Office of the City Attorney shall approve the agreements and all such other documents, applications, agreements, and amendments, as to form and legality; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is authorized to take any actions with respect to the Shuttle consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAR 03 2020

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, ~~WANG~~ AND PRESIDENT KAPLAN - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 Thao

ATTEST:



LATONDA SIMMONS

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