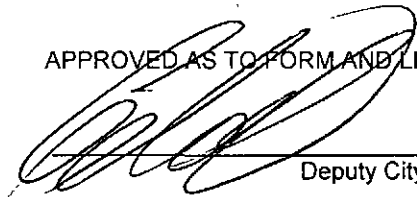


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APPROVED AS TO FORM AND LEGALITY



Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. 85284 C.M.S.

A RESOLUTION ACCEPTING AND APPROPRIATING UP TO \$2,500,000 FROM AC TRANSIT TO THE DEVELOPMENT AND IMPLEMENTATION OF THE CITY OF OAKLAND BUSINESS SUSTAINABILITY PROGRAM OF THE EAST BAY BUS RAPID TRANSIT (BRT) PROJECT BUSINESS IMPACT MITIGATION FUND

WHEREAS, on April 25, 2012, the Alameda - Contra Costa County (AC) Transit District Board of Directors adopted Resolution No. 12-018 certifying the Final Environmental Impact Report/Statement (FEIR/FEISS) for the East Bay Bus Rapid Transit Project, and selection of the Downtown Oakland – San Leandro Alternative (DOSL) as the Locally Preferred Alternative for the BRT Project; and

WHEREAS, on July 17, 2012, the Oakland City Council adopted its own CEQA-related findings of AC Transit for the BRT Project; adopted the DOSL as the Locally Preferred Alternative for the BRT Project; and required that the AC Transit append the City Conditions of Approval (COA) to the BRT Project (Resolution No. 84106 C.M.S.); and

WHEREAS, Resolution No. 84570 C.M.S authorized the City Administrator to enter into Master Cooperative Agreement (MCA) with AC Transit for Final Design and Construction of the BRT Project, and the MCA attaches COA Standards and Cost Estimates; and

WHEREAS, the COA Standards require that AC Transit submit a draft Business Impact Mitigation Plan and a corresponding draft Parking Impact Mitigation Plan for the Oakland City Council review on or before the completion of the 65% Design Phase, and return to Council with an update on or before completion of the 95% Design Phase of the BRT Project; and

WHEREAS, Resolution No. 84570 C.M.S. urges AC Transit to set aside in abeyance sufficient dollars to implement a comprehensive BRT - Business Impact Mitigation Fund (BIM-F) and urges City staffers to actively seek out additional, more flexible private and/or public funding and supportive services to supplement the BIM-F; and

WHEREAS, Resolution No. 84570 C.M.S. urges AC Transit to consult with and include stakeholder representatives with neighborhood expertise from the Unity Council, Allen Temple, and East Bay Asian Youth Center, and AC Transit subsequently formed a Community Outreach Working Group (COWG) in the development of the P/BIM-P, the expanded group includes the

East Bay Asian Local Development Corporation, Downtown Oakland and Uptown Lake Merritt District Associations, OCCUR and Transform; and

WHEREAS, the City and AC Transit staff have worked cooperatively to identify project cost savings and to jointly meet with the COWG to develop a more robust Business Impact Mitigation Fund with the primary objectives of strengthening the ability of existing businesses to proactively prepare and effectively manage adverse conditions that may occur during periods of construction and fully exploit beneficial opportunities that may arise after construction is completed; and

WHEREAS, the City of Oakland and AC Transit agree that a well-implemented BRT project will have beneficial impacts to the businesses along the Corridor and that the overall project success will be further enhanced by targeted business support and development services through the City of Oakland; and

WHEREAS, in April 2014, the Oakland City Administrator and AC Transit General Manager agreed in principle to add up to \$2,500,000 in AC Transit funds to the BIM-F to establish a Business Sustainability Program to be managed and implemented by the City; and

WHEREAS, the City Administrator and General Manager further agreed that AC Transit will provide a \$500,000 start-up grant to the City for technical assistance program development activities, after which AC Transit will provide up to \$2,00,000 in additional funding exclusively for the Business Sustainability Program (BSP); and

WHEREAS, the BSP agreement is based on the City matching \$2,000,000 for other activities, Housing and Community Development staffers have proposed that \$1,000,000 in future CDBG funding be allocated to the BSP contingent upon availability from HUD, and the additional \$1,000,000 in matching funds will come from a one-time General Purpose Fund (1010) allocation approved by Council on July 1, 2014; and

WHEREAS, the AC Transit BRT Construction Impact Mitigations are currently budgeted at \$8,816,000, the AC Transit BRT Business Support Activities are budgeted at \$2,165,000, and the newly proposed AC Transit Business Sustainability Program contribution is budgeted at \$2,500,000, bringing the baseline AC Transit BIM-F contribution to \$13,481,000; and

WHEREAS, the Eastbay BRT Project overall adds to the revitalization efforts for the entire International Boulevard and the other corridor segments of the BRT route in Oakland; and that AC Transit and the City's additional investment of \$7,980,000 in funding to support business sustainability activities related to this major transit oriented development will not have any implications or establish standards for future AC Transit, City or other major transit developments and/or capital project budgets going forward; now, therefore, be it

RESOLVED: That the Oakland City Council hereby accepts from AC Transit and appropriates up to \$2,500,000 to fund the Business Sustainability Program as outlined in the accompanying staff report, and authorizes the City Administrator to negotiate and enter into an amendment to the Master Cooperative Agreement with AC Transit District to provide for this funding; and be it

FURHTER RESOLVED: That the Oakland City Council hereby authorizes and directs the City Administrator to develop the BRT – Business Mitigation Fund - Business Sustainability Program as per the requirements set forth by AC Transit as it relates to segregation of the \$2,500,000 in funding, regular quarterly reports, and assurances that where BRT Project funds are expended the procurement and reporting processes fully comply with Federal Transit Administration requirements governing expenditure of federal funds; and be it;

FURTHER RESOLVED: \$500,000 shall be appropriated to the Miscellaneous Grants Fund 2999; ADA Programs Organization 30214; BRT Capital Improvement Program Project P472230; ACT Transit BRT Program W985 and \$2,000,000 shall be appropriated to the Miscellaneous Grants Fund 2999; ADA Programs Organization 30214; BRT Capital Improvement Program Project P472240; ACT Transit BRT Program W985.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 18 2014

PASSED BY THE FOLLOWING VOTE:

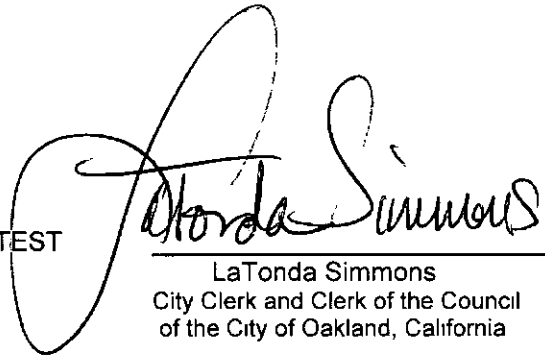
AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF
AND PRESIDENT KERNIGHAN -8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST



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