

FILED
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OFFICE OF THE CITY CLERK
OAKLAND

2004 DEC 29 PM 12:54
Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 79056 C.M.S.

A RESOLUTION AUTHORIZING A FOURTH 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 MODIFY THE BUDGET TO ALLOCATE \$500,000 OF PREVIOUSLY ALLOCATED CONSTRUCTION AND ACQUISITION FUNDS TOWARDS DESIGN AND ENGINEERING SERVICES

WHEREAS, the City of Oakland received a grant of \$369,500 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 had previous amendments which have increased the design and engineering budget to a total of \$1,135,208 and have extended the term of the Agreement to March 24, 2004; and

WHEREAS, construction documents for the Oakland Coliseum Intercity Rail Platform Project were originally prepared and construction bids were received on February 10, 2003; and

WHEREAS, the total design, engineering, acquisition and construction cost of the Project is approximately \$6.6 million; and

WHEREAS, the City and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which governs the provision of funding and services between the two agencies; and

WHEREAS, the City has previously consented to the use of Redevelopment Agency funding for this Project and made the findings required under Section 33445 of the California Health and Safety Code with respect to such funding; and

WHEREAS, the Redevelopment Agency has previously authorized \$1,055,000 in Agency funds to be used for acquisition and construction costs of the Project; and

WHEREAS, the Agency is authorizing the reprogramming of \$500,000 of said funds to design and engineering costs of the Project; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Administrator to negotiate and enter into a Fourth 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 September 4, 2005, to expand the scope of services, and to modify the budget to allocate \$500,000 in Agency funds previously allocated to acquisition and construction to design and engineering of the Project; and be it further

RESOLVED: That the \$400,000 would be paid by the Agency to BART on behalf of the City and moreover, said funds shall be used for City reimbursement to BART for payment on design and engineering services, and the remaining \$100,000 shall be used for design and engineering contingency; and be it further




RESOLVED: That the funds from the Redevelopment Agency for this Project shall be governed under the terms of the Cooperation Agreement; and be it further

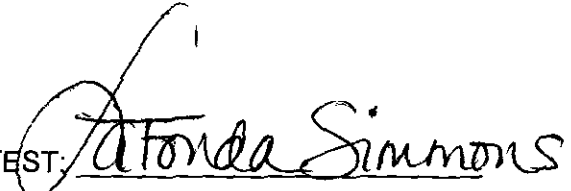
RESOLVED: That the City Administrator or her designee is hereby authorized to negotiate and enter contracts and take whatever other action is necessary with respect to the Fourth Amendment and the Oakland Coliseum Intercity Rail Platform Project consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA, **FEB 15 2005**, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, ~~WAIN~~ AND PRESIDENT DE LA FUENTE - 7

NOES- 
ABSENT- 
ABSTENTION- 

ATTEST: 
Interim City Clerk and Clerk of the Council
of the City of Oakland, California