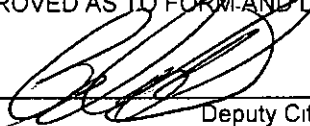


2014 OCT 30 PM 2:32

APPROVED AS TO FORM AND LEGALITY

  
Deputy City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION NO. 85282 C.M.S.

---

**A RESOLUTION ACCEPTING AND APPROPRIATING UP TO \$1,450,000 IN EAST BAY BUS RAPID TRANSIT (BRT) PROJECT FUNDS FROM AC TRANSIT FOR REIMBURSEMENT OF CITY OF OAKLAND STAFF COSTS FOR THE FINAL DESIGN AND CONSTRUCTION PHASE ACTIVITIES AND AUTHORIZING THE CITY ADMINISTRATOR TO APPROVE THE COST ALLOCATION PLAN**

**WHEREAS**, the Alameda-Contra Costa Transit District (AC Transit) desires to design, construct, and operate the East Bay Bus Rapid Transit (BRT) project, which includes, but is not limited to, dedicated travel lanes, passenger platforms, ticket vending and validation systems, safety and security systems, public address and passenger information systems, landscaping, traffic signals and street lighting, crosswalk treatments, pedestrian warning signals, sidewalk improvements, and signage; and

**WHEREAS**, on April 25, 2012, the AC Transit Board of Directors adopted Resolution No. 12-018 certifying the Final Environmental Impact Report/Statement (FEIR/FEISS) for the East Bay BRT 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**, on July 30, 2013, Oakland City Council 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 Phases of the BRT Project, and the MCA provides that AC Transit shall reimburse the City of Oakland for up to \$1,450,000 in staff costs supported by approved City Oracle Labor Reports and any indirect costs supported by a City-adopted cost allocation plan.

**WHEREAS**, In April 2014, the City Administrator and ACT General Manager agreed in principle to add \$2,500,000 in ACT project cost savings to the BIM-F to establish a 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

**RESOLVED:** That the Oakland City Council hereby accepts from AC Transit and appropriates up to \$1,450,000 for City staff costs related to Final Design and Construction of the BRT Project and authorizes the City Administrator to approve the City cost allocation plan for these routine program management, design review, permitting, inspection, and construction management activities.

**FURTHER RESOLVED:** \$500,000 shall be appropriated to the Miscellaneous Grants Fund 2999; ADA Programs Organization 30214; BRT Capital Improvement Program Project P472210; ACT Transit BRT Program W985 and \$950,000 shall be appropriated to the Miscellaneous Grants Fund 2999; ADA Programs Organization 30214; BRT Capital Improvement Program Project P472220; ACT Transit BRT Program W985.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 18 2014

**PASSED BY THE FOLLOWING VOTE**

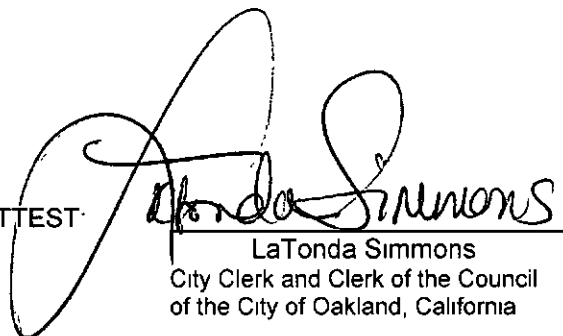
AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF  
AND PRESIDENT KERNIGHAN - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST

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