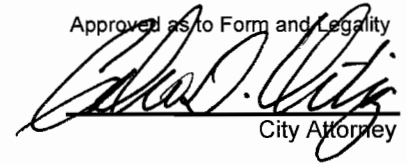


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 MAY 30 AM 11:46

Approved as to Form and Legality


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 84390 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:

(A) APPLY FOR, ACCEPT AND APPROPRIATE TWENTY MILLION AND FOURTEEN THOUSAND DOLLARS (\$20,014,000.00) IN METROPOLITAN TRANSPORTATION COMMISSION (“MTC”) DISCRETIONARY FUNDING; AND

(B) COMMIT MATCHING FUNDS OF TWO MILLION FIVE HUNDRED AND NINETY FOUR THOUSAND DOLLARS (\$2,594,000.00) FOR THE OAKLAND PAVEMENT REHABILITATION, THE LAKESIDE GREEN STREET, THE LAKE MERRITT BART BIKEWAYS, THE 7TH STREET WEST OAKLAND TRANSIT VILLAGE PHASE II, AND THE MLK JR. WAY & PERALTA PHASE I PROJECTS

WHEREAS, the City of Oakland (herein referred to as City) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$20,014,000.00 in funding assigned to MTC for programming discretion, including but not limited to federal funding administered by the Federal Highway Administration (FHWA) such as Surface Transportation Program (STP) funding, Congestion Mitigation and Air Quality Improvement (CMAQ) funding and/or Transportation Alternatives (TA) funding (herein collectively referred to as Regional Discretionary Funding) for the Oakland Pavement Rehabilitation Project, the Lakeside Green Street Project, the Lake Merritt BART Bikeways Project, the 7th Street West Oakland Transit Village Phase II Project, and the MLK Jr. Way & Peralta Phase I Project (herein referred to as Projects); and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141, July 6, 2012) and any extensions or successor legislation for continued funding (collectively, MAP 21) authorize various federal funding programs including, but not limited to the Surface Transportation Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives Program (TA) (23 U.S.C. § 213); and

WHEREAS, state statutes, including California Streets and Highways Code 182.6 and 182.7 provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to MAP-21, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal funds for a project shall submit an application first with the appropriate MPO for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of federal funds; and

WHEREAS, the City is an eligible sponsor for Regional Discretionary Funding; and

WHEREAS, as part of the application for Regional Discretionary Funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

1. the commitment of any required matching funds of at least 11.47%; and
2. that the sponsor understands that the Regional Discretionary Funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional Regional Discretionary Funding; and
3. that the project will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
4. the assurance of the sponsor to complete the project as described in the application, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
5. that the project will comply with all project-specific requirements as set forth in the PROGRAM; and
6. that the project (transit only) will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region; now, therefore be it

RESOLVED that City is authorized to execute and file an application for funding for the Projects for Regional Discretionary Funding under MAP-21 for continued funding; and be it

FURTHER RESOLVED that the City by adopting this resolution does hereby state that:

1. City will provide up to \$2,594,000 in matching; and
2. City understands that the Regional Discretionary Funding for the projects is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the City from other funds, and that City does not expect any cost increases to be funded with additional Regional Discretionary Funding; and
3. City understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and City has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation projects, and has assigned, and will maintain a single point of contact for all FHWA-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans and FHWA on all communications, inquires or issues that may arise during the federal programming

- and delivery process for all FHWA-funded transportation projects implemented by City; and
4. Projects will be implemented as described in the complete application and in this resolution and, if approved, for the amount approved by MTC and programmed in the federal TIP; and
 5. City and the Projects will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the Program; and
 6. City (for a transit project only) agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866, revised; and therefore be it further

FURTHER RESOLVED that City is an eligible sponsor of Regional Discretionary Funding funded projects; and be it

FURTHER RESOLVED that City is authorized to submit an application for Regional Discretionary Funding for the Projects; and be it

FURTHER RESOLVED that there is no legal impediment to City making applications for the funds; and be it

FURTHER RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed Projects, or the ability of City to deliver such Projects; and be it

FURTHER RESOLVED that City authorizes its City Administrator, or her designee to execute and file an application with MTC for Regional Discretionary Funding for the Projects as referenced in this resolution; and be it

FURTHER RESOLVED that the City Council hereby authorizes the City Administrator or her designee to negotiate grant terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures, and take all other actions with respect to the MTC Regional Discretionary Funding program grants and these Projects in accordance with this Resolution and its basic purposes; and be it

FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application, and another copy of this resolution be placed on file with the City Clerk; and be it

FURTHER RESOLVED that the MTC is requested to support the application for the Projects described in the resolution and to include the Projects, if approved, in MTC's federal TIP; and be it

FURTHER RESOLVED that the City Council hereby appropriates any funds that are received for these Projects under MTC's Regional Discretionary Funding program into the Metropolitan Transportation Commission Grant Fund (2163) under project numbers to be established; and be it

FURTHER RESOLVED that the City Council hereby consents to the use of up to \$7,391,000 in funds, from sources as follows for each project:

- 1) Oakland Pavement Rehabilitation Project: \$500,000 from Measure B, Fund 2211, Project C370010 (FY 13/14 Matching Funds-Grants)
- 2) Lakeside Green Street Project: \$3,340,000 from Measure DD, Fund 5321, Project 393910; \$200,000 from Fund 2212, FY 13/14 Bicycle CIP Funds, Project Number to be determined

- 3) Lake Merritt BART Bikeways Project: \$225,000 from Fund 2212, FY 14/15 Bicycle CIP Funds; \$303,000 from Measure B, Fund 2211, Project C370010 (FY 14/15 Matching Funds-Grants), \$1,690,000 from VRF, Fund 2215 (FY 14/15 Funds)
- 4) 7th Street West Oakland Transit Village Phase II Project: \$426,000 from Measure B, Fund 2211, Project C370010 (FY 15/16 Matching Funds-Grants)
- 5) MLK Jr. Way & Peralta Phase I Project: \$707,000 from Measure B, Fund 2211, Project C370010 (FY 15/16 Matching Funds-Grants)

FURTHER RESOLVED that should additional funds be received for these Projects, the City Administrator, or her designee, is hereby authorized to accept and allocate the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 21 2013

PASSED BY THE FOLLOWING VOTE:

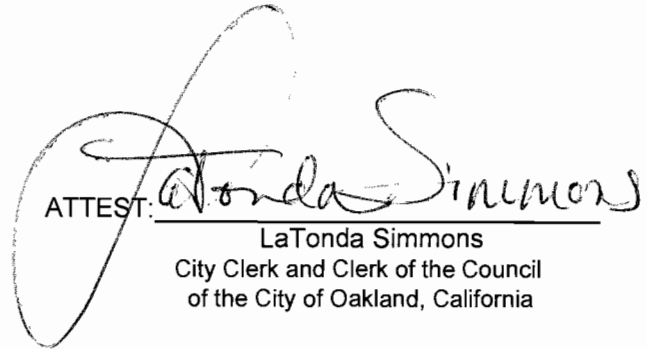
AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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