

APPROVED AS TO FORM AND LEGALITY:



Deputy City Attorney

07 JUL 11 10:42

OAKLAND CITY COUNCIL

RESOLUTION No. 80773 C.M.S.

RESOLUTION AUTHORIZING THE CITY TO APPLY FOR FEDERAL SURFACE TRANSPORTATION PROGRAM AND/OR CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT FUNDING IN AN AMOUNT UP TO TWO MILLION DOLLARS (\$2,000,000) FOR THE FRUITVALE ALIVE PEDESTRIAN SAFETY AND STREETScape IMPROVEMENT PROJECT, AND ACCEPTING AND APPROPRIATING TWO HUNDRED TWENTY-NINE THOUSAND FOUR HUNDRED DOLLARS (\$229,400) IN MATCHING FUNDS FROM THE REDEVELOPMENT AGENCY UNDER THE COOPERATION AGREEMENT, AND AFFIRMING THE CITY'S INTENTION TO FINALIZE THE DESIGN/ENGINEERING DRAWINGS AND IMPLEMENT THE PROJECT

WHEREAS, The City of Oakland is submitting an application to the Metropolitan Transportation Commission (MTC) for up to \$2 million in funding from the federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) program for the Fruitvale Alive: Fruitvale Corridor Pedestrian Safety and Streetscape Improvement Project (the "Project") under the MTC Transportation for Livable Communities (TLC) Program Resolution No. 3723 (the "Program"); and

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA) (Public Law 109-59, August 10, 2005) continues the STP (23 U.S.C. § 133) and the CMAQ (23 U.S.C. § 149) programs; and

WHEREAS, pursuant to SAFETEA, and the regulations promulgated there under, eligible project sponsors wishing to receive federal STP/CMAQ funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the MTC is the MPO 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 STP/CMAQ funds; and

WHEREAS, the City is an eligible project sponsor for STP/CMAQ funds; and

WHEREAS, as part of the application for STP/CMAQ funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- 1) the commitment of necessary local matching funds of at least 11.47%; and
- 2) that the sponsor understands that the STP/CMAQ funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional STP/CMAQ funds; and
- 3) that the project will comply with the procedures specified in 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 TIP; and
- 5) that the project will comply with all the project-specific requirements as set forth in the MTC TLC program; and

WHEREAS, the City of Oakland desires to complete all necessary and required steps to secure up to \$2,000,000 in MTC TLC capital funds that MTC is forwarding for programming into the 2008-09 TIP for the Project; and

WHEREAS, the grant funds in conjunction with City matching funds will be used to develop final engineering and design drawings and implement the Project along the Fruitvale Corridor from East 12th Street to Coloma Street; and

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

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

WHEREAS, the Redevelopment Agency has authorized a total of \$229,400 of matching funds for the MTC application for improvements to City-owned property, as described in the Project, which will be transferred as follows: (1) \$114,700 from the Central City East Redevelopment Project Area General Operating Fund to a new project to be established; and (2) \$114,700 from the Coliseum Redevelopment Project Area General Operating Fund to a new project to be established to serve as matching funds for the City's STP/CMAQ programs application; now therefore be it

RESOLVED: That the City Council hereby consents to the use of \$229,400 in Redevelopment Agency funding for the MTC application for the Project, pursuant to Section 33445 of the California Health and Safety Code; and be it further

RESOLVED: That the City Council accepts the \$229,400 in Redevelopment Agency funds under the Cooperation Agreement for the matching funds for the Project and appropriates such funds to the City Oakland Redevelopment Agency Projects Fund (7780); and be it further

RESOLVED: That the City Council hereby finds and determines as follows:

1. That the funding of the Project will benefit the Central City East and Coliseum Redevelopment project areas, and will assist in the elimination of blighting conditions in the Project Areas by addressing needs related to the physical appearance, safety, and needed renovations to those public facilities;
2. That no other reasonable means of financing the matching funds for the Project is available to the City other than Redevelopment Agency funding;
3. That the use of tax increment funds from the Central City East and Coliseum project areas for the Project is consistent with their respective implementation plans;

and be it further

RESOLVED: That the City Council hereby authorizes the City Administrator or her designee to execute and file an application for funding under the STP and CMAQ of SAFETEA in an amount not to exceed \$2 million for the Project; and be it further

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

1. The City will provide an amount up to \$229,400 in non-federal matching funds towards this Project.
 2. The City understands that the STP/CMAQ funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the City from other funds, and that the City does not expect any cost increases to be funded with additional STP/CMAQ funding.
 3. The 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, as revised).
 4. The Project will be implemented as described in the complete application and in this Resolution pending approval of final grant amount programmed in the MTC federal TIP.
 5. The City and the Project will comply with the requirements as set forth in the MTC TLC program;
- and be it further

RESOLVED: That the City is an eligible sponsor of STP/CMAQ funded projects; and be it further

RESOLVED: That there is no legal impediment to the 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 Project or the ability of the City to deliver such Project; and be it further

RESOLVED: That the City Council authorizes the City Administrator or her designee to execute and file an application with MTC for STP/CMAQ funding for the Project as referenced in this resolution; 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 be it further

RESOLVED: That the MTC is requested to support the application for the Project described in the resolution and to include the Project, if approved, in MTC's TIP; and be it further

RESOLVED: That all documents shall be reviewed and approved by the City Attorney's Office prior to execution, and all copies will be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 17 2007, 2007

PASSED BY THE FOLLOWING VOTE:

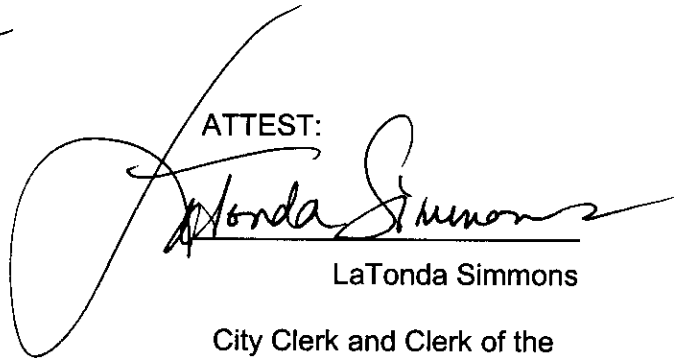
AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



LaTonda Simmons

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