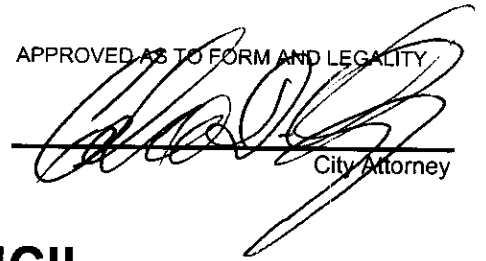


OFFICE OF THE CITY CLERK



 City Attorney

2007 MAY 10 PM 3:29

OAKLAND CITY COUNCIL**RESOLUTION No. 80606 C.M.S.**

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED FIFTY-FOUR THOUSAND DOLLARS (\$554,000.00) FROM FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) AND CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT (CMAQ) FUNDING AND COMMITTING THE NECESSARY NON-FEDERAL MATCH AND STATING THE ASSURANCE TO COMPLETE THE PROJECT FOR THE WATERFRONT BAY TRAIL GAP CLOSURE: DERBY AVENUE TO LANCASTER STREET

WHEREAS, the City of Oakland (herein referred as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$554,000.00 in funding from the federal Surface Transportation Program (STP) and the Congestion Mitigation and Air Quality Improvement (CMAQ) program for the Waterfront Bay Trail Gap Closure: Derby Avenue to Lancaster Street (herein referred as PROJECT) for the MTC First Cycle STP/CMAQ, Resolution No: MTC Resolution 3547, "First Cycle STP/CMAQ Policy and the SAFETEA Third Cycle STP/CMAQ Resolution No: MTC Resolution 3723, "SAFETEA Third Cycle STP/CMAQ Project Selection Criteria and Programming Policy" (herein referred as PROGRAM); and

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) continues the Surface Transportation Program (23 U.S.C. § 133) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149); and

WHEREAS, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement Program (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 Metropolitan Transportation Commission (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, rev.) that sets out procedures governing the application and use of STP/CMAQ funds; and

WHEREAS, APPLICANT 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 MTC First Cycle STP/CMAQ and the SAFETEA Third Cycle STP/CMAQ; now, therefore be it

RESOLVED that the City of Oakland is authorized to execute and file an application for funding under the Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) of SAFETEA for the Waterfront Bay Trail Gap Closure: Derby Avenue to Lancaster Street; and be it

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

- 1) APPLICANT will provide a minimum of \$72,000.00 in non-federal matching funds; and
- 2) APPLICANT 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 APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional STP/CMAQ funding; and
- 3) APPLICANT 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); and
- 4) PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and
- 5) APPLICANT and the PROJECT will comply with the requirements as set forth in the MTC First Cycle STP/CMAQ and the SAFETEA Third Cycle STP/CMAQ; and be it

FURTHER RESOLVED that APPLICANT is an eligible sponsor of STP/CMAQ funded projects; and be it

FURTHER RESOLVED that APPLICANT is authorized to submit an application for STP/CMAQ funds for the PROJECT; and be it

FURTHER RESOLVED that there is no legal impediment to APPLICANT 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 APPLICANT to deliver such PROJECT; and be it

FURTHER RESOLVED that APPLICANT authorizes its City Administrator, or 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 funding will be appropriated to the MTC Grant Fund (Fund 2163) under a project number to be established and that the City of Oakland has matching funds from the following source: Bond Measure DD (Fund 5320) and can finance 100 percent of the Project; and be it

FURTHER RESOLVED: That the City of Oakland certifies that the Project is compatible with the land use plans of those jurisdictions immediately surrounding the Project; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator, or her designee, to apply for, accept and appropriate funds, to negotiate, execute, modify and submit all documents, applications, payment requests and related actions and to accept and appropriate any additional funds that may be received for the completion of these projects.

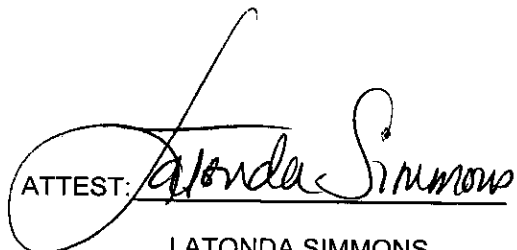
IN COUNCIL, OAKLAND, CALIFORNIA, JUN 5 2007 , 2007

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