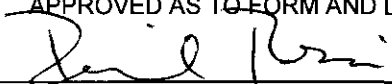


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DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. 79994 C.M.S.

A RESOLUTION ACCEPTING AND APPROPRIATING \$2,469,700 OF FEDERAL FUNDS FOR THE TELEGRAPH AVENUE AND LATHAM SQUARE STREETScape IMPROVEMENT PROJECT THROUGH THE METROPOLITAN TRANSPORTATION COMMISSION'S TRANSPORTATION FOR LIVABLE COMMUNITIES HOUSING INCENTIVE PROGRAM, STATING THE ASSURANCE OF THE CITY TO COMPLETE THE PROJECT, AND ACCEPTING AND APPROPRIATING \$435,830 FROM THE REDEVELOPMENT AGENCY UNDER THE COOPERATION AGREEMENT AS THE LOCAL MATCH

WHEREAS, the City of Oakland submitted an application to the Metropolitan Transportation Commission's (MTC) Transportation for Livable Communities Housing Incentive Program (HIP) in March 2005, requesting capital grant funds to fund the Telegraph Avenue and Latham Square Streetscape Improvement Project (the "Project"); and

WHEREAS, MTC administers the HIP Grant from Federal Congestion Mitigation and Air Quality Program (CMAQ) and Transportation Enhancements (TE) Program funds; and

WHEREAS, in April 2006, MTC staff made a recommendation to their commission to program \$2,469,700 of Federal CMAQ and TE Program funding for the Project; and

WHEREAS, this grant will fund the following improvements on Telegraph Avenue from 15th to 20th Streets:

- Widened sidewalks with new pavement treatment;
- Reconfiguration of the intersection of Telegraph Avenue and Broadway;
- Corner bulb-outs at each intersection;
- New traffic signals at each intersection;
- New street trees, candelabra lighting, and other pedestrian amenities; and

WHEREAS, the Transportation Equity Act for the 21st Century (TEA 21) (Public Law 105-178, June 9, 1998) and the TEA 21 Restoration Act (Public Law 105-206, July 22, 1998) continue the CMAQ and the TE funding programs (23 U.S.C. § 149); and

WHEREAS, pursuant to TEA 21, and the regulations promulgated thereunder, eligible project sponsors wishing to receive CMAQ or TE Program funds for a project shall submit an application first with the appropriate metropolitan transportation planning organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission is the MPO for the San Francisco Bay region; and

WHEREAS, the MTC HIP Grant requires a local match of \$435,830 for the Project; and

WHEREAS, the City and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City public improvements; 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 Agency has authorized \$435,830 to fund the required local match for the MTC HIP Grant, which will be transferred from the Redevelopment Agency Central District Project Area 1989 Bond Fund (9516), Capital Improvement Project – Economic Development Organization (94800), Project Improvements Account (57312), Downtown Streetscape Implementation Project (P128820) to the Oakland Redevelopment Agency Project Fund (7780) to the Telegraph Avenue and Latham Square Streetscape Improvement Project under a project number to be established; and

WHEREAS, the City and the Agency agree that the City is the Lead Agency for the Project for purposes of environmental review under the California Environmental Quality Act of 1970 (CEQA); and

WHEREAS, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City have been satisfied; and

WHEREAS, the execution of any documents legally committing the City to fund this Project shall be expressly conditioned upon compliance with the requirements of

the National Environmental Protection Act (NEPA), as certified by the City Administrator or her designee; now therefore be it

RESOLVED: That the City Council authorizes the City Administrator to accept \$2,469,700 in Federal CMAQ or TE funds under MTC's HIP Grant program and hereby appropriates such funds for the Project into the Metropolitan Transportation Commission Grant Fund (2163) under a project number to be established; and be it further

RESOLVED: That the City Council by adopting this Resolution does hereby state that:

- 1) The City will provide \$435,830 in local matching funds; and
- 2) The City understands that the CMAQ and TE Program funding for the Project is fixed at \$2,469,700 and that any cost increases must be funded by the City from local matching funds, and that the City does not expect any cost increases to be funded with CMAQ and TE Program funds; and
- 3) The Project will be built as described in the application and, if approved, for the amount as programmed in MTC's TIP; and
- 4) The program funds are expected to be obligated by June 28, 2008 for the MTC HIP grant program, or the Project may be removed from the program;

and be it further

RESOLVED: That the City is an eligible sponsor of projects for the CMAQ and TE Program programs; and be it further

RESOLVED: That there is no legal impediment to the City making applications for CMAQ and TE Program funds; and be it further

RESOLVED: That there is no pending or threatened litigation which 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 a copy of this Resolution will be transmitted to the MTC; and be it further

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

RESOLVED: That the City Council hereby consents to the use of \$435,830 in Redevelopment Agency funds as matching funds, accepts such funds under the Cooperation Agreement, and appropriates such funds to the City repayment account in Oakland Redevelopment Agency Project 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 District Project Area by improving the appearance, pedestrian and automobile safety and access on Telegraph Avenue from 15th to 20th Streets;
2. That no other reasonable means of financing the local match for the Telegraph Avenue and Latham Square Streetscape Improvement Project are available to the City other than Redevelopment Agency funding; and
3. That the use of tax increment funds from the Central District Project Area for the Telegraph Avenue and Latham Square Streetscape Improvement Project will assist in the elimination of blight by installing streetscape improvements along Telegraph Avenue in the Central District Project Area and is consistent with the implementation plan adopted for the Central District Project Area; 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, appropriate revenue, make expenditures, and take all other actions with respect to the MTC HIP grant and this Project in accordance with this Resolution and its basic purposes; and be it further

RESOLVED: That the City Council has independently reviewed and considered this environmental determination, and the City Council finds and determines, based on the information in the staff report accompanying this Resolution, that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Section 15301 (operation, repair, or minor alteration of existing structures or facilities) or Section 15302 (replacement or reconstruction of existing structures or facilities) of the CEQA guidelines; and be it further

RESOLVED: That the City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for the Project; and be it further

RESOLVED: That the execution of any documents legally committing the City to fund this Project shall be expressly conditioned upon compliance with the requirements of NEPA, as certified by the City Administrator or her designee; 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, JUN 20 2006, 2006


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