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REVISED
APPROVED AS TO FORM AND LEGALITY:

D. Lewis

DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. 80243 - C.M.S.

A RESOLUTION 1) AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT A GRANT IN THE AMOUNT OF \$1,900,000.00 FROM THE METROPOLITAN TRANSPORTATION COMMISSION- FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) AND/OR CONGESTION MANAGEMENT AND AIR QUALITY IMPROVEMENTS (CMAQ) PROGRAM FOR THE WEST OAKLAND TRANSIT VILLAGE STREETScape PROJECT, 2) APPROPRIATING THE GRANT; 3) STATING THE ASSURANCE OF THE CITY OF OAKLAND TO COMPLETE THE PROJECT IF FUNDED, AND 4) AUTHORIZING A LOCAL MATCH IN THE AMOUNT OF \$380,000.00

WHEREAS, in May 2006, the Metropolitan Transportation Commission ("MTC") issued a call for applications for Alameda County projects to be funded under MTC's Transportation for Livable Communities ("TLC") Program for Capital Grants in funding from the federal Surface Transportation Program ("STP"); 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 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, 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 of Oakland is an eligible project sponsor for STP/CMAQ funds; and

WHEREAS, in 2004 the City submitted an application to MTC for a TLC grant for the West Oakland Transit Village Streetscape Plan and although the application was rated highly, it was not funded, and

WHEREAS, MTC encouraged City staff to reapply during the following funding cycle (2006); and

WHEREAS, the City of Oakland received a \$1.3 million grant from the Congestion Management Agency from federal Transportation Enhancements ("TE") funds for the construction of the first section (Union to Chester Streets) of the West Oakland Transit Village Streetscape Plan; and

WHEREAS, in June 2006 the City of Oakland submitted an application to MTC for \$2,016,412.62 of federal STP/CMAQ program funds for the West Oakland Transit Village Streetscape (1st Phase- Union to Peralta Streets), including the Blues Walk of Fame component; and

WHEREAS, the MTC Board met on September 27, 2006 and approved a grant in the amount of \$1.9 million for the West Oakland Transit Village Streetscape project; 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 Transportation for Livable Communities program; and

WHEREAS, the Local Match in the amount of \$ 380,000, will be drawn from the following accounts: \$50,000 from the Municipal Capital Improvement Fund (5500); Streets and Structures Organization (92242), District Three Pay-Go Project (B00700); \$32,324 from the Measure B Fund (2212); Streets and Structures Organization (92242), Measure B Bicycle and Pedestrian Project (C165720); \$70,000 from the Measure B Fund (2212), Traffic Engineering Organization (92246), ACTIA Pedestrian Streetscape Project (C271110); \$22,676 from the FY 2007-08 Measure B Fund (2212) allocation, Traffic Engineering Organization (92246), ACTIA Pedestrian Streetscape Project (C271110); and \$205,000 from the FY 06-07 West Oakland Operations Fund (9590) West Oakland Base Reuse Organization (88679), ORA West Oakland Repayment Project (S233510); and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("CEQA") the CEQA Guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied, and the requirements of the National Environmental Policy Act ("NEPA") must be addressed prior to funding; now therefore be it

RESOLVED: That the City Administrator is authorized to execute and file an application for funding under the STP/CMAQ of SAFETEA for the West Oakland Transit Village Streetscape project; and be it

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

1. The City of Oakland will provide \$380,000 in non-federal matching funds; and
2. The City of Oakland 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; and
3. The City of Oakland 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. The West Oakland Transit Village Streetscape 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, including local funds; and
5. The City of Oakland and the West Oakland Transit Village Streetscape project will comply with the requirements set forth in the Transportation for Livable Communities program; and be it

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

FURTHER RESOLVED: That there is no legal impediment to City of Oakland 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 City of Oakland to deliver such project; and be it

FURTHER RESOLVED: That a copy of this resolution will be transmitted to MTC in conjunction with the filing of the application; and be it

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

FURTHER RESOLVED: That all the grant funds received shall be appropriated to the Metropolitan Transportation Commission Program Grant Fund (2163); Streets and Structures Organization (92242), and a project to be established; and be it

FURTHER RESOLVED: That should additional funds be received for the project, the City Administrator, or her designee, is hereby authorized to accept and allocate the same for the purposes described above; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or her designee to negotiate terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures and take all other actions necessary to carry out the basic purposes of this resolution; 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 Sections 15301 (existing facilities) and 15304 (minor alterations to land) 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 these projects; and be it

FURTHER RESOLVED: That the execution of any documents legally committing the City to fund these projects 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 as to form and legality by the City Attorney's Office prior to execution, and copies will be placed on file with the City Clerk.

OCT 31 2006

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

AYES- ~~WISNICK~~ BRUNNER, ~~CHANG~~, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE -6

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- Brooks, Chang- 2

ATTEST:



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