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Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 79875 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE \$2,486,000.00 OF FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) FUNDS FOR STREET REHABILITATION

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, the SAFETEA legislation will guide the Surface Transportation Program (STP), CMAQ, and Transportation Enhancement (TE) programming until a SAFETEA bill is authorized; and

WHEREAS, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program grants 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 (MTC) is the MPO for the San Francisco Bay region; and

WHEREAS, the City of Oakland is an eligible project sponsor for Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and

WHEREAS, City of Oakland wishes to submit an application to MTC for funds from the Surface Transportation Program Improvement Program in fiscal years 2006-07 for engineering and design, 2007-08 for construction, for the Citywide Street Resurfacing Program; and

WHEREAS, MTC requires, as part of the application, a resolution stating the following:

- 1) The commitment of necessary local matching funds of at least 11.47%; and

- 2) That the sponsor understands that the Surface Transportation Program and Congestion Mitigation and Air Quality Improvement Program funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and
- 3) The assurance of the sponsor to complete the project as described in the application, and if approved, as programmed in MTC's TIP; and
- 4) That the sponsor understands that funds must be obligated by June 30 of the year that the project is programmed for in the TIP, or the project may be removed from the program; and
- 5) That the sponsor has a certified pavement management system (PMS); now, therefore be it,

RESOLVED that the City of Oakland City Administrator or her designee is authorized to execute and file an application for funding under the Surface Transportation Program of SAFETEA in the amount of \$2,486,000.00 for Citywide Street Resurfacing; and be it

FURTHER RESOLVED that if awarded, funds will be deposited and appropriated in the Department of Transportation Fund (2116), Heavy Paving Organization (92480), STP Street Resurfacing Project (TBD); 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 \$285,144.00 (11.47%) in non-federal matching funds from the Measure B Fund (2211); and
- 2) The City of Oakland understands that the Surface Transportation Program and Congestion Mitigation and Air Quality Improvement Program funding for the project is fixed at \$2,486,000.00, and that any cost increases must be funded by the City of Oakland from local matching funds, and that the City of Oakland does not expect any cost increases to be funded with Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and
- 3) The Citywide Street Resurfacing Project will be built as described in this resolution and, if approved, for the amount shown in the Metropolitan Transportation Commission (MTC) Transportation Improvement Program (TIP) with obligation occurring within the timeframe established below; and
- 4) The program funds are expected to be obligated by June 30 of the year the project is programmed for in the TIP; and be it

FURTHER RESOLVED that City of Oakland is an eligible sponsor of projects in the Surface Transportation Program; and be it

FURTHER RESOLVED that City of Oakland is authorized to submit an application for Surface Transportation Program funds for Citywide Street Resurfacing; and be it

FURTHER RESOLVED that there is no legal impediment to the City of Oakland making applications for Local Streets and Roads Shortfall 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 of Oakland to deliver such project; 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 program the project, if approved, in MTC's TIP; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is authorized on behalf of the City of Oakland, to execute and submit all documents, payment requests and related actions, as well as, to accept and appropriate any additional funds received for the completion of the STP Cycle 3 Street Resurfacing.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 2 2006, 20


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