

OFFICE OF THE CITY CLERK

2006 JUN 14 PM 12: 14

OAKLAND CITY COUNCIL
Resolution No. 80013 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT AND APPROPRIATE METROPOLITAN TRANSPORTATION COMMISSION'S FEDERAL CONGESTION MITIGATION AND AIR QUALITY ("MTCFCMAQ") FUNDING FOR THE COLISEUM TRANSIT HUB STREETScape PROJECT OF EIGHTY NINE THOUSAND DOLLARS (\$89,000.00) AND THE WEST OAKLAND BAY TRAIL GAP CLOSURE PROJECT OF SEVEN HUNDRED SEVENTY THOUSAND DOLLARS (\$770,000.00), TO ACCEPT ADDITIONAL MTCFCMAQ FUNDS IF THEY BECOME AVAILABLE WITHOUT RETURN TO COUNCIL, AND ASSURING THE CITY OF OAKLAND WILL COMPLETE THE PROJECTS IF AWARDED THE GRANT FUNDS

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) continues 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 CMAQ 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 the City of Oakland is an eligible project sponsor for CMAQ Improvement Program funds; and

WHEREAS, The City of Oakland wishes to submit an application to MTC for funds from the CMAQ Improvement Program in fiscal years 2006-07 for the following two projects:

- 1) Coliseum Transit Hub Streetscape Project: This project features pedestrian improvements that include new walkways along both sides of San Leandro Street with new landscaping, increased pedestrian lighting, and new signalized crosswalks, and
- 2) West Oakland Bay Trail Gap Closure Project: This project will close a bicycle and pedestrian facility gap on Mandela Parkway between 7th and 8th Streets and on 8th St. from Union St. to Mandela Parkway by providing new bike lanes; sidewalk, crosswalk and ramp repairs; new pedestrian lights; street trees; traffic signal improvements; and roadway alignment on Mandela Parkway; and

WHEREAS, MTC requires, as part of the application, a resolution stating the following: The commitment of necessary local matching funds of at least 11.47%; the sponsor understands that the CMAQ Improvement Program funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with CMAQ Improvement Program funds; the assurance of the sponsor to complete the project as described in the application, and if approved, as programmed in MTC's Transportation Improvement program; and the sponsor understands that funds

must be obligated by May 31 of the year that the project is programmed for in the TIP, or the project may be removed from the program; now, therefore, be it

RESOLVED: That the City Administrator is authorized to apply for, accept and appropriate Congestion Mitigation and Air Quality Improvement Program funds for the Coliseum Transit Hub Streetscape Project for eighty nine thousand dollars (\$89,000.00) and the West Oakland Bay Trail Gap Closure Project for seven hundred seventy thousand dollars (\$770,000.00) on behalf of the City of Oakland; and be it

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

- 1) The Oakland Redevelopment Agency will provide a local match not to exceed sixteen thousand dollars (\$16,000.00) towards the Coliseum Transit Hub Streetscape Project from the Coliseum Tax Allocation Bond, Series 2 (Fund 9453), and the City of Oakland will provide the one hundred two thousand five hundred dollars (\$102,500.00) in non-federal matching funds from Council District 3 Pay-Go (Fund 2210) for the West Oakland Bay Trail Gap Closure Project; and
- 2) The City of Oakland understands that the CMAQ Improvement Program funding for the projects is fixed at eight hundred fifty nine thousand dollars (\$859,000.00), 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 CMAQ Improvement Program funds; and
- 3) The Coliseum Transit Hub Streetscape and the West Oakland Bay Trail Gap Closure projects will be built as described in this resolution and, if approved, for the amount shown in the MTC's TIP with obligation occurring within the timeframe established below; and
- 4) The program funds are expected to be obligated by May 31, 2007; and be it

FURTHER RESOLVED: That the proposed Coliseum Transit Hub Streetscape Improvement project is within the boundaries of the Coliseum Redevelopment Project Area and its development will contribute to the Agency's goals and objectives for the Project Area; and be it

FURTHER RESOLVED: That Section 33445 of the California Health and Safety Code requires the consent of the legislative body when the cost of installation or construction of publicly owned facilities is paid for with redevelopment agency funds, upon certain findings by the legislative body; and be it

FURTHER RESOLVED: That the City and the Redevelopment Agency have entered into a Cooperation Agreement for the Coliseum Redevelopment Project Area providing for the provision of funding and services by the City and the Agency to support redevelopment activities in the Coliseum Project Area; and be it

FURTHER RESOLVED: That there is no legal impediment to the City of Oakland making applications for CMAQ Improvement Program funds; and be it

FURTHER RESOLVED: That there is no pending or threatened litigation that might in any way adversely affect the proposed projects, or the ability of the City of Oakland to deliver such projects; 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 MTC is requested to support the application for the projects described in the resolution and to program the projects, if approved, in MTC's TIP; and be it

FURTHER RESOLVED: That the City Council hereby appropriates any funds that are received for these projects under the CMAQ program into the MTC Grant Fund (Fund 2163) under project numbers to be established; and be it

FURTHER RESOLVED: That should additional funds be received for these projects, the City Administrator, or her designee, is hereby authorized to accept and appropriate the same for the purposes described above without return to Council; 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, allocate revenue, make expenditures, and take all other actions with respect to the CMAQ program and these projects in accordance with this resolution and its basic purposes with the exception of professional services, procurement and construction contracts in excess of the the City Administrator's contract authority; 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 by the City Attorney's Office prior to execution for form and legality, and all copies will be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 18 2006, 2006

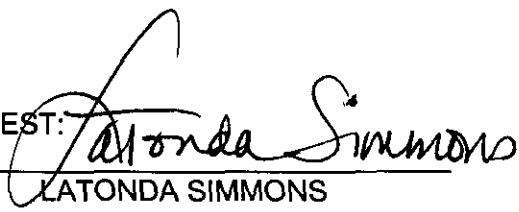
PASSED BY THE FOLLOWING VOTE:

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