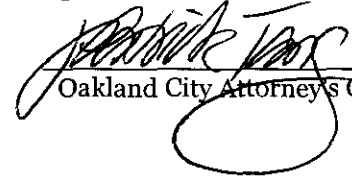


OFFICE OF THE CITY CLERK
OAKLAND


Oakland City Attorney's Office

2006 APR 25 PM 9: 32

OAKLAND CITY COUNCIL
RESOLUTION No. 79900 C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT, AND APPROPRIATE UP TO FIVE HUNDRED EIGHTY THOUSAND TWO HUNDRED FIFTY-SEVEN DOLLARS (\$580,257.00) IN FY 2006-07 STATE TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS AS FOLLOWS: ALAMEDA AVENUE BAY TRAIL EXTENSION PROJECT IN THE AMOUNT OF TWO HUNDRED FIFTY-THREE THOUSAND SIX HUNDRED TWENTY-ONE DOLLARS (\$253,621.00), BANCROFT AVENUE BIKEWAY PROJECT, PHASE III (66TH TO 82ND AVENUES) IN THE AMOUNT OF ONE HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$135,000.00), BIKE LANE RESTRIPING AND STENCILING PROJECT, PHASE II IN THE AMOUNT OF ONE HUNDRED SEVENTY-SIX THOUSAND SIX HUNDRED THIRTY-SIX DOLLARS (\$176,636.00), AND THE CITYRACKS BICYCLE PARKING PROGRAM, PHASE V IN THE AMOUNT OF FIFTEEN THOUSAND DOLLARS (\$15,000.00)

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq. authorizes the submission of applications to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 875, revised, entitled "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, the MTC requires that resolutions authorizing the application, acceptance and appropriation of funds include an Attachment: Findings, verifying that there are no legal, fiscal or other impediments to the implementation of this project; and

WHEREAS, MTC Resolution No. 875, revised, requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the City of Oakland declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; and

WHEREAS, the City of Oakland desires to apply for \$253,621.00 in FY 2006-07 TDA Article 3 funds for construction of the Alameda Avenue Bay Trail Extension Project; and

WHEREAS, the City of Oakland desires to apply for \$135,000.00 in FY 2006-07 TDA Article 3 funds for design and construction of the Bancroft Avenue Bikeway Project, Phase III, 66th to 82nd Avenues; and

WHEREAS, the City of Oakland desires to apply for \$176,636.00 in FY 2006-07 TDA Article 3 funds for the Bike Lane Restriping and Stenciling Project, Phase II; and

WHEREAS, the City of Oakland desires to apply for \$15,000.00 in FY 2006-07 TDA Article 3 funds for design and construction of the CityRacks Bicycle Parking Program, Phase V; and

WHEREAS, the Public Works Agency has requested a waiver of the 1.5% public art fees for these projects because TDA guidelines prohibit the use of grant funds for public art when public art is not a project component; now, therefore, be it

RESOLVED: That the City of Oakland declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; and be it

FURTHER RESOLVED: That there is no pending or threatened litigation that might adversely affect any of the projects named in this resolution, or that might impair the ability of the City of Oakland to carry out the projects; and be it

FURTHER RESOLVED: That the City of Oakland attests to the accuracy of and approves the statements in the Attachment: Findings to this resolution; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the application for, acceptance and appropriation of FY 2006-07 TDA Article 3 funds in the amount of \$253,621.00 for construction of the Alameda Avenue Bay Trail Extension Project, to be deposited and appropriated in the TDA Article 3 Fund (2162), Capital Project Management (92270), and Fruitvale/Alameda Trail DD Project (C243911); and be it

FURTHER RESOLVED: That the City Council hereby authorizes the application for, acceptance and appropriation of FY 2006-07 TDA Article 3 funds in the amount of \$135,000.00 for design and construction of the Bancroft Avenue Bikeway Project, Phase III (66th to 82nd Avenues) to be deposited and appropriated in the TDA Article 3 Fund (2162), Traffic Engineering Organization (92246), and Project (TBD); and be it

FURTHER RESOLVED: That the City Council hereby authorizes the application for, acceptance and appropriation of FY 2006-07 TDA Article 3 funds in the amount of \$176,636.00 for the Bike Lane Restriping and Stenciling Project, Phase II to be deposited and appropriated in the TDA Article 3 Fund (2162), Traffic Engineering Organization (92246), and Project (TBD); and be it

FURTHER RESOLVED: That the City Council hereby authorizes the application for, acceptance and appropriation of FY 2006-07 TDA Article 3 funds in the amount of \$15,000.00 for the CityRacks Bicycle Parking Program, Phase V, to be deposited and appropriated in the TDA Article 3 Fund (2162), Traffic Engineering Organization (92246), and Project (TBD); and be it

FURTHER RESOLVED: That the City's 1.5% public art fee for the above four (4) projects is hereby waived; and be it

FURTHER RESOLVED: That a certified copy of this resolution and its attachments, and any accompanying supporting materials, shall be forwarded to the Alameda County Congestion Management Agency for submission to MTC as part of the countywide coordinated TDA Article 3 claim; 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, and to appropriate any additional funds received for the completion of these projects; 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.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 16 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

ATTACHMENT (1) A TO RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$253,621.00 IN FY 2006-07 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR THE ALAMEDA AVENUE BAY TRAIL EXTENSION PROJECT

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2006-7 Transportation Development Act, Article 3, Pedestrian/Bicycle Project Funding

1. That the CITY OF OAKLAND is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the CITY OF OAKLAND legally impeded from undertaking the project(s) described in the application for project funds.
2. That the CITY OF OAKLAND has committed adequate staffing resources to complete the project(s) described in the project application.
3. A review of the project(s) described in the project application has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in the project application have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project described in the project application complies with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the CITY OF OAKLAND is in possession of the document(s) supporting such compliance, said document(s) having been made available to for public review and stamped by the County Clerk or County Recorder of the county in which the claimant is located.
6. That as portrayed in the budgetary description(s) of the project(s) in the application, the sources of funding other than TDA are assured and adequate for completion of the project.
7. That the project described in the application is for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the CITY OF OAKLAND within the prior five fiscal years.
8. That the projects described in the application which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
9. That any project described in the application that is a "Class I Bikeway," meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project described in the application is ready to commence implementation during the fiscal year of the requested allocation.
11. That the CITY OF OAKLAND agrees to maintain, or provide for the maintenance of, the and facilities described in the project application, for the benefit of and use by the public.

PUBLIC WORKS AGENCY CERTIFICATION: I certify that to the best of my knowledge, this information is accurate, and there is no legal impediment, or pending or threatened litigation, which might adversely affect the proposed project, or the City's ability to carry it out. Signed: _____ Date: _____

Wladimir Wlascowsky
Manager Transportation Services

ATTACHMENT (2) A TO RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$135,000.00 IN FY 2006-07 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR THE BANCROFT AVENUE BIKEWAY PROJECT, PHASE III

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2006-07 Transportation Development Act, Article 3. Pedestrian/Bicycle Project Funding

1. That the CITY OF OAKLAND is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the CITY OF OAKLAND legally impeded from undertaking the project(s) described in the application for project funds.
2. That the CITY OF OAKLAND has committed adequate staffing resources to complete the project(s) described in the project application.
3. A review of the project(s) described in the project application has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in the project application have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project described in the project application complies with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the CITY OF OAKLAND is in possession of the document(s) supporting such compliance, said document(s) having been made available to for public review and stamped by the County Clerk or County Recorder of the county in which the claimant is located.
6. That as portrayed in the budgetary description(s) of the project(s) in the application, the sources of funding other than TDA are assured and adequate for completion of the project.
7. That the project described in the application is for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the CITY OF OAKLAND within the prior five fiscal years.
8. That the projects described in the application which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
9. That any project described in the application that is a "Class I Bikeway," meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project described in the application is ready to commence implementation during the fiscal year of the requested allocation.
11. That the CITY OF OAKLAND agrees to maintain, or provide for the maintenance of, the and facilities described in the project application, for the benefit of and use by the public.

PUBLIC WORKS AGENCY CERTIFICATION: I certify that to the best of my knowledge, this information is accurate, and there is no legal impediment, or pending or threatened litigation, which might adversely affect the proposed project, or the City's ability to carry it out. Signed: _____ Date: _____

Wladimir Wassowsky
Manager Transportation Services

ATTACHMENT (3) A TO RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$176,636.00 IN FY 2006-07 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR THE BIKE LANE RESTRIPING AND STENCILING PROJECT, PHASE II

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2006-07 Transportation Development Act, Article 3. Pedestrian/Bicycle Project Funding

1. That the CITY OF OAKLAND is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the CITY OF OAKLAND legally impeded from undertaking the project(s) described in the application for project funds.
2. That the CITY OF OAKLAND has committed adequate staffing resources to complete the project(s) described in the project application.
3. A review of the project(s) described in the project application has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in the project application have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project described in the project application complies with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the CITY OF OAKLAND is in possession of the document(s) supporting such compliance, said document(s) having been made available to for public review and stamped by the County Clerk or County Recorder of the county in which the claimant is located.
6. That as portrayed in the budgetary description(s) of the project(s) in the application, the sources of funding other than TDA are assured and adequate for completion of the project.
7. That the project described in the application is for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the CITY OF OAKLAND within the prior five fiscal years.
8. That the projects described in the application which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
9. That any project described in the application that is a "Class I Bikeway," meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project described in the application is ready to commence implementation during the fiscal year of the requested allocation.
11. That the CITY OF OAKLAND agrees to maintain, or provide for the maintenance of, the facilities described in the project application, for the benefit of and use by the public.

PUBLIC WORKS AGENCY CERTIFICATION: I certify that to the best of my knowledge, this information is accurate, and there is no legal impediment, or pending or threatened litigation, which might adversely affect the proposed project, or the City's ability to carry it out. Signed _____ Date: _____

Wladimir Wlascowsky
Manager, Transportation Services

ATTACHMENT (4) A TO RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$15,000.00 IN FY 2006-07 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR THE CITYRACKS BICYCLE PARKING PROGRAM, PHASE V

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2006-07 Transportation Development Act, Article 3, Pedestrian/Bicycle Project Funding

1. That the CITY OF OAKLAND is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the CITY OF OAKLAND legally impeded from undertaking the project(s) described in the application for project funds.
2. That the CITY OF OAKLAND has committed adequate staffing resources to complete the project(s) described in the project application.
3. A review of the project(s) described in the project application has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in the project application have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project described in the project application complies with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the CITY OF OAKLAND is in possession of the document(s) supporting such compliance, said document(s) having been made available to for public review and stamped by the County Clerk or County Recorder of the county in which the claimant is located.
6. That as portrayed in the budgetary description(s) of the project(s) in the application, the sources of funding other than TDA are assured and adequate for completion of the project.
7. That the project described in the application is for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the CITY OF OAKLAND within the prior five fiscal years.
8. That the projects described in the application which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
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10. That the project described in the application is ready to commence implementation during the fiscal year of the requested allocation.
11. That the CITY OF OAKLAND agrees to maintain, or provide for the maintenance of, the facilities described in the project application, for the benefit of and use by the public.

PUBLIC WORKS AGENCY CERTIFICATION: I certify that to the best of my knowledge, this information is accurate, and there is no legal impediment, or pending or threatened litigation, which might adversely affect the proposed project, or the City's ability to carry it out. Signed _____ Date _____

Wladimir Wlassowsky
Manager Transportation Services