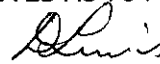


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APPROVED AS TO FORM AND LEGALITY:



DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. 79689 C.M.S.

A RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS FOR FEDERAL SURFACE TRANSPORTATION FUNDS THROUGH THE METROPOLITAN TRANSPORTATION COMMISSION'S TRANSPORTATION FOR LIVABLE COMMUNITIES PROGRAM FOR THE MACARTHUR TRANSIT VILLAGE, WEST OAKLAND TRANSIT VILLAGE, AND COLISEUM TRANSIT VILLAGE PROJECTS, ASSURING THAT THE CITY OF OAKLAND WILL COMPLETE THE PROJECTS IF AWARDED THE GRANT FUNDS, AND AUTHORIZING ACCEPTANCE AND APPROPRIATION OF GRANT FUNDS FROM THIS PROGRAM FOR THESE THREE PROJECTS IN AN AMOUNT NOT TO EXCEED \$6.5 MILLION.

WHEREAS, the Alameda County Congestion Management Agency (CMA) issued a call for projects in October 2005 for Alameda County projects to be funded under the Metropolitan Transportation Commission's (MTC) Transportation for Livable Communities (TLC) Program; and

WHEREAS, the CMA determined that this call for projects would be limited to Transit Village projects that are included in Alameda County's Transportation Plan; and

WHEREAS, the City of Oakland submitted applications to the TLC Program, requesting capital grant funds for streetscape and infrastructure components of the Macarthur Transit Village, West Oakland Transit Village, and Coliseum Transit Village projects; and

WHEREAS, MTC administers the TLC Program from Federal Surface Transportation Program (STP) funds; 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 STP (23 U.S.C. § 133) funding program (23 U.S.C. § 149); and

WHEREAS, pursuant to TEA 21, and the regulations promulgated thereunder, eligible project sponsors wishing to receive STP grants for a project must 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 MTC is the San Francisco Bay Area's MPO; and

WHEREAS, the City of Oakland is an eligible project sponsor for federal transportation funds; and

WHEREAS, the City of Oakland wishes to receive federal transportation funds through CMA's TLC Program's capital grants to fund infrastructure and streetscape components of the MacArthur Transit Village, the West Oakland Transit Village, and the Coliseum Transit Village projects; and

WHEREAS, the CMA requires a resolution stating the following:

- 1) That the sponsor understands that the federal funding through the TLC program is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded through the TLC program; and
- 2) The assurance of the sponsor to complete the project as described in the application, and if approved, as programmed in CMA's Transportation Improvement Program (TIP); and
- 3) That the sponsor understands that funds must be obligated by the obligation deadline for TLC capital projects, or the project may be removed from the program; and

WHEREAS, the CMA has not completed their review of the TLC application and therefore has not yet determined what amount of the funding, if any, the City of Oakland will receive; and

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

RESOLVED: That the City Administrator or her designee is authorized to apply to the CMA for TLC funding in an amount not to exceed \$6.5 million for the MacArthur Transit Village, the West Oakland Transit Village, and the Coliseum Transit Village projects; and be it further

RESOLVED: That the City Administrator or her designee is authorized to proceed with the federal-aid process with Caltrans for TLC funding in an amount not to exceed \$6.5 million for the MacArthur Transit Village, the West Oakland Transit Village, and the Coliseum Transit Village projects; and be it further

RESOLVED: That the City Council by this resolution hereby states that:

- 1) The City of Oakland understands that the TLC Program funding for these projects will not exceed \$6.5 million, that any cost increases must be funded by the City of Oakland from local funds, and that the City of Oakland does not expect any cost increases to be funded through the TLC program; and
- 2) The MacArthur Transit Village, West Oakland Transit Village, and Coliseum Transit Village projects will be built as described in this resolution and the funding application and, if approved, for the amount shown in the CMA TIP with obligation occurring within the timeframe established below; and
- 3) The program funds will be obligated by MTC's obligation deadlines for TLC capital projects; and be it further

RESOLVED: That a copy of this resolution will be transmitted to the CMA; and be it further

RESOLVED: That the City Council hereby appropriates any funds that are received for these projects under the TLC grant program into the Metropolitan Transportation Commission Grant 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 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 grant terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures, and take all other actions with respect to the TLC Program grants and these projects 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 15262 (feasibility and planning studies) 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 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, **JAN 17 2006** , 2006

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

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ATTEST: Latonda Simmons
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California