

**DRAFT**

OAKLAND CITY COUNCIL  
RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE \$1,573,482 OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR LOCAL STREET REHABILITATION WORK IN FY 2005-06 AND FY 2006-07**

**WHEREAS**, the Transportation Equity Act for the 21<sup>st</sup> 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 Surface Transportation Program (STP) (23 U.S.C. § 133) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149); and

**WHEREAS**, the TEA-21 legislation will guide STP, CMAQ, and TE programming until a TEA-21 Reauthorization bill is authorized; and

**WHEREAS**, pursuant to TEA-21, and the regulations promulgated hereunder, 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 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 2005-06 and 2006-07 in the amount of \$1,573,482 for the following projects:

- 1) *\$1,323,482 for the Street Resurfacing Program* to be appropriated to Fund 2116, Public Works Agency Maintenance Division, Resurfacing Section (Organization 92480); and
- 2) *\$250,000 for Phase VI of the Citywide Curb Ramp Program* to be appropriated to Fund 2116, Public Works Agency Streets Division (Organization 92242); and

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**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 projects as described in the applications, 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 TEA-21 Reauthorization in fiscal years 2005-06 and 2006-07 in the amount of \$1,573,482 million and to accept and appropriate said funds to the following projects:

- 1) *\$1,323,482 for the Street Resurfacing Program* to be appropriated to Fund 2116, Public Works Agency Maintenance Division, Resurfacing Section (Organization 92480); and
- 2) *\$250,000 for Phase VI of the Citywide Curb Ramp Program* to be appropriated to Fund 2116, Public Works Agency Streets Division (Organization 92242); and be it

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

- 1) The City of Oakland will provide \$277,643 (15%) in non-federal matching funds; and
- 2) City of Oakland understands that the Surface Transportation Program and Congestion Mitigation and Air Quality Improvement Program funding for the project is fixed at \$1,573,482 and that any cost increases must be funded by the City of Oakland from local matching funds, and that 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 *Street Resurfacing Program* project and *Phase VI of the Citywide Curb Ramp Program* 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 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 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 applications; and be it

**FURTHER RESOLVED:** That the MTC is requested to support the applications 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 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 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, \_\_\_\_\_, 20\_\_

**PASSED THE FOLLOWING VOTE:**

AYES – BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND

PRESIDENT DE LA FUENTE

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

CEDA FLOYD

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

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