

**CITY OF OAKLAND**  
**AGENDA REPORT**

2010 SEP -1 PM 12: 23

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Public Works Agency  
DATE: September 14, 2010

RE: **A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate \$3.617 Million In Federal Surface Transportation Program (STP) And/Or Congestion Mitigation And Air Quality Improvement (CMAQ) Funding From The Alameda County Transportation Commission And The Metropolitan Transportation Commission For Oakland Various Streets Resurfacing Project; Committing \$468,700 In Local Match Funds; Stating The City's Assurance To Complete The Project; And**

**A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate \$435,000 In Federal Surface Transportation Program (STP) And/Or Congestion Mitigation And Air Quality Improvement (CMAQ) Funding From The Alameda County Transportation Commission And The Metropolitan Transportation Commission For Oakland Class 2 Bike Lanes Project; Committing \$56,400 In Local Match Funds; Stating The City's Assurance To Complete The Project**

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**SUMMARY**

The attached resolutions authorize the City to apply accept and appropriate grant funds from the Alameda County Transportation Commission's (ACTC) Block Grant program, funded and programmed by the Metropolitan Transportation Commission (MTC) with federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) funds for street resurfacing and bike lane construction, and to provide matching funds for these applications. This block grant application had two distinct sections, one for Local Street and Road Rehabilitation projects, and another for Regional Bicycle Program projects. The City of Oakland submitted applications to the Alameda County Block Grant program for each of these projects, and was awarded \$3.617 million for the Oakland Various Streets Resurfacing Project and \$425,000 for the Oakland Class 2 Bike Lanes Project.

The grant program requires a minimum local match of 11.47%. The local match will be provided by Measure B sales tax funds. For the Various Streets Resurfacing Project, \$468,700 will be funded by Measure B Local Streets and Roads (Fund 2211). For the Oakland Class 2 Bike Lanes Project, \$56,400 will be funded through Measure B Bicycle and Pedestrian (Fund 2212).

Item: \_\_\_\_\_  
Public Works Committee  
September 14, 2010

## **FISCAL IMPACT**

The federal grant funds will provide capital funding to implement priority projects in Oakland's Five Year Prioritization Plan for Street Pavement Rehabilitation, adopted in 2007 (Resolution No. 81039 C.M.S.), and to Oakland priorities in the Regional Bike Program. The grant funds will be appropriated to the Metropolitan Transportation Commission Program Grant Fund (2163) under a project number to be established for each project.

The grant program requires a minimum of 11.47% local match. The matching funds for these projects will be provided by Measure B sales tax funds. For the Various Streets Resurfacing Project, \$468,700 will be funded by Measure B Local Streets and Roads (Fund 2211), Capital Project - Streets and Structures Organization (92242), Street Construction Account (57411), Matching Funds for Grant Funded Projects (C370010). For the Oakland Class 2 Bike Lanes Project, \$56,400 will be funded through Measure B Bicycle and Pedestrian (Fund 2212), Capital Project - Engineering and Design (92246), Street Construction Account (57411), Design and Implementation Capital Improvement Program FY 09-11 (C371610).

The funds for these projects will be used to complete final design, construction, construction engineering, and contingencies. By improving existing streets, the projects will begin to address Oakland's deferred maintenance problem, and will minimize costly repair of these streets should they be allowed to deteriorate further.

## **BACKGROUND**

The Alameda County Congestion Management Agency (ACCMA), now the Alameda County Transportation Commission (ACTC) after a July 1 merger with the Alameda County Transportation Improvement Agency (ACTIA), released a call for projects for transportation block grants in March of 2010. This Call for Projects included separate categories for Local Streets and Roads Resurfacing and the Regional Bike Program. Federal STP/CMAQ funds are the fund source, and these funds were delegated for programming to ACCMA by the Metropolitan Transportation Commission (MTC). These funds are programmed for FY 2010/11 and FY 2011/12.

The Local Streets and Roads component of the block grant was determined on a formula basis devised by MTC. The formula considers population, street mileage, existing shortfall (need), and past performance of preventive maintenance activities. Under this formula, the City of Oakland was allotted \$3.617 million for street resurfacing.

The Regional Bicycle Program component of the program was competitive, and designed to fund Regional Bikeway Network capital projects as defined in the ACCMA's Countywide Bicycle Plan (2009 Update). The total funding available county-wide was \$3.682 million. Oakland was awarded \$435,000 from this source, and was one of four projects funded county-wide.

The ACCMA accepted applications for funding in April, a draft program was determined in June, and the full program was approved by the ACTC board (the successor agency to ACCMA and ACTIA) in July 2010. A Resolution of Local Support is due to MTC in September, to allow programming of these projects into the region's Transportation Improvement Program (TIP).

### **KEY ISSUES AND IMPACTS**

These funds constitute a significant source of Oakland's street resurfacing funds, and will provide for a continuation of resurfacing projects following current projects funded by American Reinvestment and Recovery Act of 2009 (ARRA) funds and State of California Prop 1B funds. These should constitute the only additional federal STP/CMAQ funds received through formula appropriations for this purpose until FY 2012/13.

As with all federal funding, only Federal Aid Urban (FAU) eligible streets may utilize this funding. These streets are largely arterials and collectors; local streets, which constitute over 60% of Oakland street mileage, are not eligible for funding. In order to meet the city's goals to also resurface local streets, subsequent contracts using Proposition 1B funding will be weighted towards local streets.

While the Local Streets and Roads component of this block grant was determined by formula, the Regional Bicycle Program portion was structured as a discretionary competitive grant program to complete high priority capital projects in the Regional Bikeway Plan. The City of Oakland had no costly stand-alone projects in the Plan that could be obligated within the 2010-2012 time period of the grant. (Notably, Bay Trail projects were not eligible because the project must be primarily commute-oriented rather than recreational). Since Class 2 striping and signage programs are not expensive by themselves, Bicycle and Pedestrian Program staff chose instead to implement new Class 2 bike lanes in high priority corridors that are also resurfacing/preventive maintenance candidates. This approach allows payment of all costs associated with bicycle lane implementation, such as striping, signage and, importantly, the cost of resurfacing and preventive maintenance of the bike lane area of the roadway. In effect, this approach allowed the City to stretch resurfacing dollars further than they otherwise would go. For that reason, for this block grant application, City staff focused on choosing high priority street resurfacing projects that would also add new Class 2 bikeways to the City.

## PROJECT DESCRIPTION

Streets proposed for rehabilitation under this grant were selected from Oakland's adopted Five Year Prioritization Plan for Street Pavement Rehabilitation (Resolution No. 81039 C.M.S.). Individual street segments were chosen in order to provide improvements throughout Oakland, to provide lengthy segments of rehabilitation, to connect to previously improved street segments, and to strengthen the application for discretionary bike program funds (as detailed above). The individual street segments are:

- Broadway, 38th Street to Broadway Terrace
- East 12th Street, 14th Avenue to Fruitvale Avenue
- Grizzly Peak, Skyline Boulevard to the Berkeley city limit
- Lakeshore Avenue, MacArthur Boulevard to Mandana Boulevard
- Skyline Boulevard, Parkridge Drive to Joaquin Miller Road
- Alcatraz Avenue, College Avenue to Berkeley city limit

All street work will include upgrades to pedestrian access including installation of ADA-compliant curb ramps. In addition to rehabilitating the roadways (treatment defined by the City's Pavement Management System), curb ramps along the project streets will also be upgraded to meet current ADA standards. Funds will also be used to engineer the pavement and curb ramp rehabilitation.

Four of the six street segments to be resurfaced are proposed for new Class 2 bicycle lanes:

- Broadway, 38th Street to Broadway Terrace
- East 12th Street, 14th Avenue to Fruitvale Avenue
- Lakeshore Avenue, MacArthur Boulevard to Mandana Boulevard
- Alcatraz Avenue, College Avenue to Berkeley city limit

Two of the new bikeways eliminate existing gaps (Broadway and Lakeshore), and all four connect to and extend existing bikeways. A total of 1.4 miles of Class 2 bikeway will be constructed.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** These grant applications will provide funding for street resurfacing on six high priority roadway segments throughout Oakland. The public pays twice for poor pavement conditions—first in higher vehicle maintenance costs and then in higher pavement rehabilitation costs. Increasing funding for pavement improves driving conditions and provides economic benefit to the entire community. These grant applications will also add four new segments of Class 2 bikeway, and will increase the connectivity of the entire bikeway system, allow an efficient and affordable commuting option for Oakland residents.

**Environmental:** Driving on poor pavement accelerates vehicle depreciation, reduces fuel efficiency, and damages tires and suspension. All of these increase the carbon foot print on the planet, and funds for preventive maintenance of roadways reduce this impact. Likewise, extension of the bikeway network increases the ability of Oakland residents to safely shift from private automobiles to bicycling, with a subsequent reduction in pollution.

**Social Equity:** Poor pavement conditions impact everyone using personal vehicles, taking public transportation, or bicycling. Improving pavement condition and adding bikeways improves access for all Oakland residents.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

All street work will include upgrades to pedestrian access including installation of ADA-compliant curb ramps wherever necessary. Street resurfacing eliminates potholes and provides a uniform travel surface for all roadway users, including pedestrians using crosswalks and transit vehicles.

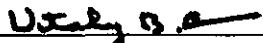
## **RECOMMENDATION AND RATIONALE**

Adopting these resolutions will allow the City to accept and appropriate capital grant funds. These federal funds provide an opportunity to leverage local funds to pay for needed street resurfacing and bikeway improvements throughout Oakland.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends approval of the resolutions related to the acceptance and appropriation of grant funds from the Alameda County Transportation Commission Block Grant Program.


Respectfully submitted,

  
\_\_\_\_\_  
Vitaly B. Troyan  
Interim Director, Public Works Agency

Reviewed by:  
Michael Neary, P.E., Assistant Director,  
Department of Engineering & Construction

Prepared by:  
Bruce Williams,  
Transportation Services Division

APPROVED AND FORWARDED TO  
THE PUBLIC WORKS COMMITTEE:

  
\_\_\_\_\_  
Office of the City Administrator

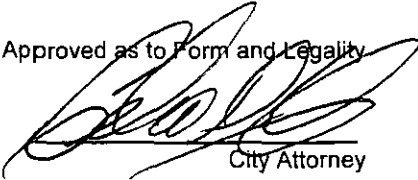
Item: \_\_\_\_\_  
Public Works Committee  
September 14, 2010

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 SEP -1 PM 12: 23

# OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION NO. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE \$3.617 MILLION IN FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) AND/OR CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT (CMAQ) FUNDING FROM THE ALAMEDA COUNTY TRANSPORTATION COMMISSION AND THE METROPOLITAN TRANSPORTATION COMMISSION FOR OAKLAND VARIOUS STREETS RESURFACING PROJECT; COMMITTING \$468,700 IN LOCAL MATCH FUNDS; STATING THE CITY'S ASSURANCE TO COMPLETE THE PROJECT**

**WHEREAS**, the City of Oakland ("the City") adopted a Five Year Prioritization Plan for Street Pavement Rehabilitation in 2007 (Resolution No. 81039 C.M.S.); and

**WHEREAS**, the City is submitting an application to the Alameda County Transportation Commission ("ACTC") and the Metropolitan Transportation Commission ("MTC") for \$3,617,000 in funding from the federal Surface Transportation Program ("STP") and/or Congestion Mitigation and Air Quality Improvement ("CMAQ") program for the Oakland Various Streets Resurfacing Project (herein referred to as "Project") for the MTC Resolution, No. 3925, New Federal Surface Transportation Act (FY 2009-10, FY 2010-11 and FY 2011-12) Cycle 1 STP/CMAQ Program: Project Selection Criteria, Policy, Procedures and Programming (herein referred to as "Program"); and

**WHEREAS**, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) authorized the Surface Transportation Program (23 U.S.C. § 133) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) through September 30, 2009; and

**WHEREAS**, SAFETEA has been extended through December 31, 2010 pursuant to Public Law 111-147, March 18, 2010 and may be subsequently extended pending enactment of successor legislation for continued funding; and

**WHEREAS**, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement Program (STP/CMAQ) funds for a project shall submit an application first with the appropriate Metropolitan 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 nine counties of the San Francisco Bay region; and

**WHEREAS**, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of STP/CMAQ funds; and

**WHEREAS**, the City is an eligible project sponsor for STP/CMAQ funds; and

**WHEREAS**, as part of the application for STP/CMAQ funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- 1) The commitment of necessary local matching funds of at least 11.47%; and
- 2) That the sponsor understands that the STP/CMAQ funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional STP/CMAQ funds; and
- 3) That the project will comply with the procedures specified in Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- 4) The assurance of the sponsor to complete the project as described in the application, and if approved, as included in MTC's TIP; and
- 5) That the project will comply with all the project-specific requirements as set forth in the Program; now, therefore, be it

**RESOLVED:** That the City is authorized to execute and file an application for funding for the Project under the Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) of SAFETEA, any extensions of SAFETEA or any successor legislation for continued funding; and be it

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

1. The City will provide \$ 468,700 in non-federal matching funds; and
2. The City understands that the STP/CMAQ funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the the City from other funds, and that the City does not expect any cost increases to be funded with additional STP/CMAQ funding; and
3. The City understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
4. Project will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and
5. the City and the Project will comply with the requirements as set forth in the program; and be it

**FURTHER RESOLVED:** That the City is an eligible sponsor of STP/CMAQ funded projects; and be it

**FURTHER RESOLVED:** That the City is authorized to submit an application for STP/CMAQ funds for the Project; and be it



**FURTHER RESOLVED:** That there is no legal impediment to the City making applications for the funds; and be it

**FURTHER RESOLVED:** That there is no pending or threatened litigation that might in any way adversely affect the proposed Project, or the ability of the City to deliver such Project; and be it

**FURTHER RESOLVED:** That the City authorizes the City Administrator, or designee to execute and file an application with MTC for STP/CMAQ funding for the Project as referenced in this resolution; 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 include the Project, if approved, in MTC's TIP; and be it

**FURTHER RESOLVED:** That the City Council hereby appropriates any funds that are received for the Project under the ACTC and MTC grant program into the Metropolitan Transportation Commission Grant Fund (2163) under a project number to be established; and be it

**FURTHER RESOLVED:** That local match of \$468,700 will be provided by Measure B local streets and roads funds (Fund 2211), Capital Project - Streets and Structures Organization (92242), Street Construction Account (57411), Matching Funds for Grant Funded Projects (C370010); and be it

**FURTHER RESOLVED:** That should additional funds be received for these projects, the City Administrator, or his 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 his designee to negotiate grant terms, execute, modify, amend and extend agreements, allocate revenues, make expenditures, and take all other actions with respect to the Project 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 15301 (minor alterations to existing streets, sidewalks, and pedestrian and bicycle ways) of the CEQA guidelines; and be it

**FURTHER RESOLVED:** That the City Administrator or his designee shall cause to be filed with the County of Alameda a Notice of Exemption for the Project; and be it

**FURTHER RESOLVED:** That the execution of any documents legally committing the City to fund this Project shall be expressly conditioned upon compliance with the requirements of NEPA, as certified by the City Administrator or his 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, \_\_\_\_\_, 20\_\_

**PASSED THE FOLLOWING VOTE:**

AYES – BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER

NOES –

ABSENT –

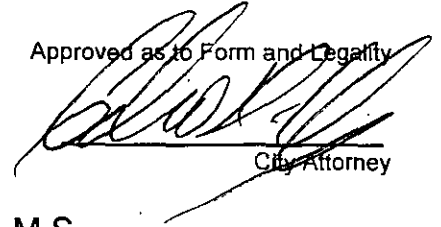
ABSTENTION –

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2010 SEP -1 PM 12:23

RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE \$435,000 IN FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) AND/OR CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT (CMAQ) FUNDING FROM THE ALAMEDA COUNTY TRANSPORTATION COMMISSION AND THE METROPOLITAN TRANSPORTATION COMMISSION FOR OAKLAND CLASS 2 BIKE LANES PROJECT; COMMITTING \$56,400 IN LOCAL MATCH FUNDS; STATING THE CITY'S ASSURANCE TO COMPLETE THE PROJECT**

**WHEREAS**, the City is submitting an application to the Alameda County Transportation Commission ("ACTC") and the Metropolitan Transportation Commission ("MTC") for \$435,000 in funding from the federal Surface Transportation Program ("STP") and/or Congestion Mitigation and Air Quality Improvement ("CMAQ") program for the Oakland Class 2 Bike Lanes Project (herein referred to as "Project") for the MTC Resolution, No. 3925, New Federal Surface Transportation Act (FY 2009-10, FY 2010-11 and FY 2011-12) Cycle 1 STP/CMAQ Program: Project Selection Criteria, Policy, Procedures and Programming (herein referred to as "Program"); and

**WHEREAS**, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) authorized the Surface Transportation Program (23 U.S.C. § 133) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) through September 30, 2009; and

**WHEREAS**, SAFETEA has been extended through December 31, 2010 pursuant to Public Law 111-147, March 18, 2010 and may be subsequently extended pending enactment of successor legislation for continued funding; and

**WHEREAS**, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement Program (STP/CMAQ) funds for a project shall submit an application first with the appropriate Metropolitan 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 nine counties of the San Francisco Bay region; and

**WHEREAS**, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of STP/CMAQ funds; and

**WHEREAS**, the City is an eligible project sponsor for STP/CMAQ funds; and

**WHEREAS**, as part of the application for STP/CMAQ funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- 1) The commitment of necessary local matching funds of at least 11.47%; and
- 2) That the sponsor understands that the STP/CMAQ funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional STP/CMAQ funds; and
- 3) That the project will comply with the procedures specified in Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- 4) The assurance of the sponsor to complete the project as described in the application, and if approved, as included in MTC's TIP; and
- 5) That the project will comply with all the project-specific requirements as set forth in the Program; now, therefore, be it

**RESOLVED:** That the City is authorized to execute and file an application for funding for the Project under the Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) of SAFETEA, any extensions of SAFETEA or any successor legislation for continued funding; and be it

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

1. The City will provide \$ 56,400 in non-federal matching funds; and
2. The City understands that the STP/CMAQ funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the City from other funds, and that the City does not expect any cost increases to be funded with additional STP/CMAQ funding; and
3. The City understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
4. Project will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and
5. the City and the Project will comply with the requirements as set forth in the program; and be it

**FURTHER RESOLVED:** That the City is an eligible sponsor of STP/CMAQ funded projects; and be it

**FURTHER RESOLVED:** That the City is authorized to submit an application for STP/CMAQ funds for the Project; and be it

**FURTHER RESOLVED:** That there is no legal impediment to the City making applications for the funds; and be it

**FURTHER RESOLVED:** That there is no pending or threatened litigation that might in any way adversely affect the proposed Project, or the ability of the City to deliver such Project; and be it

**FURTHER RESOLVED:** That the City authorizes the City Administrator, or designee to execute and file an application with MTC for STP/CMAQ funding for the Project as referenced in this resolution; 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 include the Project, if approved, in MTC's TIP; and be it

**FURTHER RESOLVED:** That the City Council hereby appropriates any funds that are received for the Project under the ACTC and MTC grant program into the Metropolitan Transportation Commission Grant Fund (2163) under a project number to be established; and be it

**FURTHER RESOLVED:** That local match of \$56,400 will be provided by Measure B Bicycle and Pedestrian Funds (Fund 2212), Capital Project - Engineering and Design (92246), Street Construction Account (57411), Design and Implementation Capital Improvement Program FY 09-11 (C371610); and be it

**FURTHER RESOLVED:** That should additional funds be received for these projects, the City Administrator, or his 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 his designee to negotiate grant terms, execute, modify, amend and extend agreements, allocate revenues, make expenditures, and take all other actions with respect to the Project 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 15301 (minor alterations to existing streets, sidewalks, and pedestrian and bicycle ways) of the CEQA guidelines; and be it

**FURTHER RESOLVED:** That the City Administrator or his designee shall cause to be filed with the County of Alameda a Notice of Exemption for the Project; and be it

**FURTHER RESOLVED:** That the execution of any documents legally committing the City to fund this Project shall be expressly conditioned upon compliance with the requirements of NEPA, as certified by the City Administrator or his 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, \_\_\_\_\_, 20\_\_

**PASSED THE FOLLOWING VOTE:**

AYES – BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California