



2009 OCT 29 PM 5: 27

CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Office of the City Administrator
Dan Lindheim
City Administrator

(510) 238-3301

November 10, 2009

City Council
Oakland, California

President Brunner and Members of the City Council:

RE: Resolution Authorizing The Filing Of An Application For Federal American Recovery And Reinvestment Act Of 2009 (ARRA, the Federal Government's "Stimulus Package") Funding And Stating The Assurance To Complete The Project; And

Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate American Recovery And Reinvestment Act Of 2009 (ARRA, the Federal Government's "Stimulus Package") Funds Of Approximately Nine Hundred and Ninety-One Thousand Dollars (\$991,725.00) For The Purpose Of Street Resurfacing

SUMMARY

Two resolutions have been prepared that are necessary for Oakland to access \$991,725.00 in federal stimulus funding for local street and road resurfacing.

The first is a resolution of local support for an approximately \$991,725.00 program of street resurfacing in Oakland submitted for funding through the American Recovery and Reinvestment Act of 2009 (ARRA). The resolution is required by the Metropolitan Transportation Commission (MTC), the local agency disbursing these funds. The resolution of local support will allow MTC to program these projects in the regional Transportation Improvement Plan (TIP), a necessary step to expend federal funds on local projects.

A second resolution authorizes the City Administrator, or designee, to accept and appropriate these ARRA funds once they are awarded.

The \$991,725.00 in program funds is generated from cost savings (low bids) in the initial ARRA street resurfacing program of \$5,980,000.00 that was approved by the Oakland City Council on

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March 31, 2009 (Resolution Nos. 81892 and 81893 C.M.S.). In order to utilize these cost savings rather than lose them to other projects in the region, the Metropolitan Transportation Commission requires that a new program be defined, and that the accompanying authorizing resolutions be submitted by December 31, 2009.

FISCAL IMPACTS

Approval of the first of these resolutions will allow MTC to program the identified street resurfacing project in the 2009 TIP, establishing it as eligible for federal funding. The approval of the second resolution will allow the City to accept and appropriate approximately \$991,725.00 for street resurfacing. Funds will be deposited into the Metropolitan Transportation Commission - ARRA Fund (2606) and appropriated to Engineering Design Division, Streets and Structures Organization (92242), Account 57411 – Street Construction. New project numbers will be established.

The City is not required to provide local match for this funding, and the City's costs for construction management are eligible costs for this ARRA funding.

BACKGROUND

These American Recovery and Reinvestment Act funds are generated from cost savings in the initial ARRA street resurfacing program of \$5,980,000.00 that was approved on March 31, 2009 (Resolution Nos. 81892 and 81893 C.M.S.). The previous round of funding was dedicated to two contracts, one for street resurfacing, and a second for curb ramp installation and sidewalk repair. Due to the favorable bidding environment, both of these projects came in below engineer's estimated costs, with a total savings of \$991,725.00. In order to utilize these cost savings for Oakland projects, MTC requires the City to define one new street project and pass a new resolution of local support to expend these funds. The deadline to submit this resolution is December 31, 2009.

The ARRA is intended to fund "shovel-ready" projects and has very tight deadlines, which require the identification of projects that are "ready to go" and have a minimum of environmental analysis required prior to construction. In addition, expenditure of federal funds is limited to Federal Aid Urban ("FAU") eligible streets, which are primarily arterial and collector streets. Locations meeting these criteria were chosen from the list of priority projects in the Council-adopted five year paving plan (approximately 80%) or in locations directly adjacent to five year streets (*see Attachment A for list*).

MTC's Resolution 3885, adopted on February 25, 2009, established the policy of expending ARRA funds in the Bay Area, and also adopted a program of projects into the region's Transportation Improvement Program (TIP). MTC will amend the TIP to include these projects, which will certify them for federal fund expenditures.

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KEY ISSUES AND IMPACTS

Oakland has an approximately \$300 million backlog in street resurfacing. This project will address the backlog of street repairs confronting the City of Oakland.

Due to the need for expedited Caltrans review to meet strict ARRA timelines, the City was instructed to only propose projects with no potential environmental clearance issues. This screened out projects, for instance, that are located within 100 year flood zones, which adjoin parklands or historic resources, and which cross railroad rights-of-way, Caltrans rights-of-way and stream corridors, or which are programmed for lane reductions to install a bike lane. Despite these restrictions, the City was able to identify worthy candidate projects that are within the adopted prioritization plans for these programs.

Due to the restrictions of federal funding, only work on FAU eligible streets could be programmed. These streets are generally arterial and collector streets; local residential streets do not qualify for federal funding. However, this will work free up future non-federal funding for use on residential streets.

This ARRA funding will employ approximately 11 full-time equivalent (FTE) positions. It should be noted that this program will take place primarily during the dry season.

PROJECT DESCRIPTION

These ARRA funds will allow the City to resurface approximately three miles of roadway. These activities will all take place on Federal Aid Urban (FAU) eligible streets. Existing bicycle facilities will be replaced in-kind, and new bicycle facilities (lanes or markers) will be added to those streets which are identified in Oakland's Bicycle Master Plan. Curb ramps will be added where none now exist or existing curb ramps will be brought within full ADA compliance along these corridors. Approximately 80% of street mileage is on priority streets from the Council adopted five-year Paving Plan (November, 2007); the remainder is on directly adjacent streets (*see Attachment A for list*).

SUSTAINABLE OPPORTUNITIES

Economic: Project implementation provides the opportunity to use local contractors that offer employment to Oakland residents, thereby strengthening the local economy. The American Recovery and Reinvestment Act is specifically intended to provide jobs to stimulate the economy in the current recession.

Environmental: Resurfaced roadways reduce fuel use and therefore greenhouse gas emissions by reducing friction between the vehicle and the roadway.

Social Equity: This project will improve streets throughout the City of Oakland.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will comply with all requirements of the Americans with Disabilities Act (ADA).

Because the arterial and collector streets in this project tend to have high pedestrian and transit usage, installing ADA compliant curb ramps and renewing crosswalks along these corridors will have a significant impact on improving ADA access along City of Oakland streets.

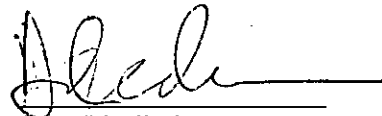
RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the resolution of local support to apply for ARRA grant funds for street resurfacing in the amount of \$991,725.00; and also authorize a resolution allowing the City Administrator, or his designee, to accept and appropriate these same ARRA funds for those purposes. These grant funds respond to the need for street resurfacing, come with no local match requirement, and will employ local workers at a time of great economic need.

ACTION REQUESTED OF THE CITY COUNCIL

The Council is requested approve the resolutions.

Respectfully submitted,



Dan Lindheim
City Administrator

Attachment A

American Renewal and Reinvestment Act (ARRA)
Various Streets and Roads Rehabilitation- Phase 2
Streets Proposed for Resurfacing

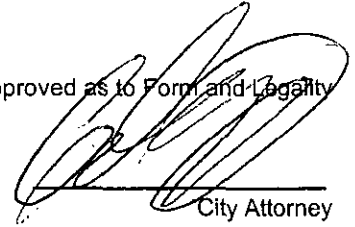
Street	From	To	Length in Miles
Adeline Street	19 th Street	West Grand Avenue	.16
Claremont Avenue	Telegraph Avenue	Hudson Avenue	.43
International Boulevard	Fruitvale Avenue	21 st Avenue	.88
Pleasant Valley Avenue	Broadway	City Limit	.61
Stanford Avenue (NB)	San Pablo Avenue	Market Street	.47
Santa Clara Avenue	Grand Avenue	Santa Clara Avenue	.08
West MacArthur Boulevard	M. L. King, Jr Way	580 Freeway Ent	.38
		TOTAL	3.01

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 OCT 29 PM 5:27

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA, THE FEDERAL GOVERNMENT'S "STIMULUS PACKAGE") FUNDING AND STATING THE ASSURANCE TO COMPLETE THE PROJECT

WHEREAS, the City of Oakland (herein referred as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for approximately \$991,725 in funding from the federal American Recovery and Reinvestment Act of 2009 (ARRA) for the Oakland Various Streets and Roads Rehabilitation project – Phase 2 (herein referred as PROJECT) for the MTC Regional ARRA Program (MTC Resolution No. 3885); and

WHEREAS, pursuant to ARRA, and any regulations and/or guidance promulgated thereunder, eligible project sponsors wishing to receive Regional ARRA 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 applicable to federal ARRA fund delivery) and has adopted in MTC Resolution No. 3885 such additional requirements as are necessary or appropriate to meet the obligations/award deadlines in the ARRA; and

WHEREAS, APPLICANT is an eligible project sponsor for ARRA funds; and

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

- 1) that the sponsor understands that the ARRA funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional ARRA or other MTC-programmed funds; and

- 2) that PROJECT will comply with the procedures specified in MTC's Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and with all project-specific requirements as set forth in the PROGRAM; and PROJECT as described in the application, and if approved, as included in MTC's TIP; and
- 3) that PROJECT will comply with all the project-specific requirements as set forth in the federal ARRA and appropriate applicable regulations or guidance; now, therefore, be it

RESOLVED: That the City of Oakland is authorized to execute and file an application for funding under the American Recovery and Reinvestment Act of 2009 for the Oakland Various Streets and Roads Rehabilitation Project – Phase 2; and be it

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

1. APPLICANT understands that the ARRA funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional ARRA or MTC-programmed funds; and
2. APPLICANT understands the funding deadlines associated with these funds and will comply with the applicable provisions and requirements of the Regional ARRA Program (MTC Resolution No. 3885) and Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
3. 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
4. PROJECT will comply with all the project-specific requirements as set forth in the ARRA and appropriate applicable regulations or guidance; and be it

FURTHER RESOLVED: That there is no legal impediment to APPLICANT 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 APPLICANT to deliver such PROJECT; and be it

FURTHER RESOLVED: That APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for ARRA 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.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

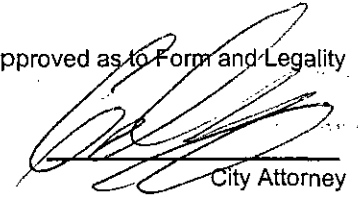
LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND

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OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ACCEPT AND APPROPRIATE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA, THE FEDERAL GOVERNMENT'S "STIMULUS PACKAGE") FUNDS OF APPROXIMATELY NINE HUNDRED AND NINETY-ONE THOUSAND, SEVEN HUNDRED AND TWENTY-FIVE DOLLARS (\$991,725.00) FOR THE PURPOSE OF STREET RESURFACING

WHEREAS, the American Recovery and Reinvestment Act of 2009 (ARRA) was signed into law on February 17, 2009; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the designated Metropolitan Planning Organization for the nine-county San Francisco Bay Area region is the responsible agency for developing a program of projects to be funded with federal Surface Transportation Program (STP) funds in the ARRA; and

WHEREAS, MTC has programmed approximately \$991,725.00 in ARRA funds for the Oakland Various Streets and Roads Rehabilitation Project, Phase 2 (MTC Resolution No. 3885); and

WHEREAS, said funding will be used to resurface up to eight Federal Aid Urban (FAU) eligible streets city-wide; and

WHEREAS, the Community and Economic Development Agency has requested a waiver of the 1.5% public art fee for this project because ARRA guidelines restrict funding uses to highway and street infrastructure and prohibit the use of grant funds for public art; now, therefore, be it

RESOLVED: That the City Council hereby authorizes acceptance and appropriation of the American Recovery and Reinvestment Act of 2009 grant funds in the total amount of \$991,725.00 for the aforementioned eligible roadway projects; and be it

FURTHER RESOLVED: That these grant funds will be deposited into the Metropolitan Transportation Commission - ARRA Fund (2606) and appropriated as follows: \$991,725.00 to Engineering Design Division, Streets and Structures Organization (92242), Account 57411 - Street Construction; New project numbers will be established; and be it

FURTHER RESOLVED: That the City Administrator, or his 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 grant funds received for the completion of this project.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY 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