  
OFFICE OF THE CITY ATTORNEY  
OAKLAND, CALIFORNIA

2009 NOV 18 PM 5:56

# OAKLAND CITY COUNCIL

RESOLUTION NO. 82428 C.M.S.

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO ACCEPT AND APPROPRIATE ONE MILLION THREE HUNDRED THOUSAND DOLLARS (\$1,300,000.00) OF AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) GRANT FUNDS FOR THE 7TH STREET, WEST OAKLAND TRANSIT VILLAGE PROJECT (PROJECT NO. G313110)**

**WHEREAS**, the City Council authorized the City Administrator or his designee to apply, accept and appropriate grant funds from Alameda County Congestion Management Agency (CMA) for construction of 7<sup>th</sup> Street, West Oakland Transit Village Project through Resolution No. 79689 C.M.S.; and

**WHEREAS**, the Alameda County Congestion Management Agency (CMA) programmed \$1,300,000.00 funds under the Metropolitan Transportation Commission's (MTC) Transportation for Livable Communities (TLC) Program for construction of the 7<sup>th</sup> Street, West Oakland Transit Village project under State Transportation Improvement Program (STIP); and

**WHEREAS**, the City completed the project construction documents and requested that the California Transportation Commission (CTC) allocate \$1,300,000.00 of State Transportation Improvement Program (STIP) funding for construction of the 7<sup>th</sup> Street, West Oakland Transit Village Project under STIP program in February 2009; and

**WHEREAS**, the City anticipated the \$1,300,000.00 of STIP funds to be available after July 1, 2009; and

**WHEREAS**, the City's request to the California Department of Transportation (Caltrans) for authorization to proceed with construction was approved for the 7<sup>th</sup> Street, West Oakland Transit Village Project under the STIP program; and

**WHEREAS**, in May 2009, the CMA notified the City that due to the potential unavailability of the \$1,300,000.00 of STIP funds in fiscal year 2009-10, MTC swapped and re-programmed \$1,300,000.00 of State ARRA funds to replace the STIP funds for the 7<sup>th</sup> Street, West Oakland Transit Village Project; and

**WHEREAS**, the \$1,300,000.00 of ARRA funds will supplement other MTC, ACTIA (Alameda County Transportation Improvement Agency), and Oakland Redevelopment Agency (ORA) funds allocated for this project; and

**WHEREAS**, in order to comply with the ARRA grant fund requirements, a construction contract for this project must be awarded before December 31, 2009; and now, therefore, be it

**RESOLVED**: That the City of Oakland, by adopting this resolution, does hereby agree that the City of Oakland and the 7<sup>th</sup> Street, West Oakland Transit Village Project (Project No. G313110) will comply with the ARRA fund requirements as set forth in the grant funding agreement; and be it

**FURTHER RESOLVED**: That there is no pending or threatened litigation that might in any way adversely affect the proposed 7<sup>th</sup> Street, West Oakland Transit Village Project or the ability of the City to deliver such project; and be it

**FURTHER RESOLVED**: That the City Council authorizes the City Administrator or his designee to accept and appropriate \$1,300,000.00 of American Recovery and Reinvestment Act of 2009 grant funding for the 7<sup>th</sup> Street, West Oakland Transit Village to Metropolitan Transportation Commission (ARRA) Fund (2606), Engineering Design: Streets and Structures Organization (92242), Street Construction Account (57411), to a project number to be established; 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, make expenditures, and take all other actions with respect to the grant funding and this project in accordance with this resolution and its basic purposes; and be it

**FURTHER RESOLVED**: That should additional funds be received for this project, such funds are hereby appropriated to the above named accounts, and the City Administrator, or his designee, is hereby authorized to accept the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 8 2009, 20    

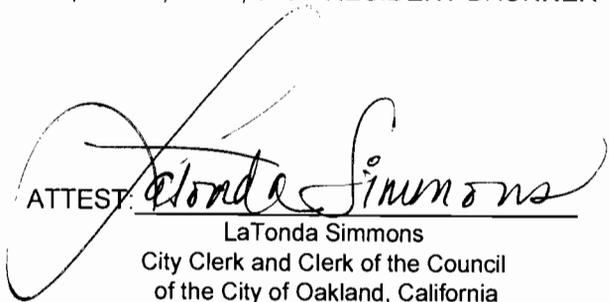
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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