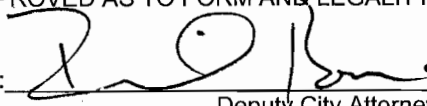


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OFFICE OF THE CITY CLERK
OAKLAND
2008 OCT 30 PM 3:44

APPROVED AS TO FORM AND LEGALITY:

BY: 
Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 81676 C. M. S.

Introduced By Councilmember _____

RESOLUTION ACCEPTING AND APPROPRIATING \$700,000 OF FEDERAL SURFACE TRANSPORTATION FUNDS THROUGH THE METROPOLITAN TRANSPORTATION COMMISSION'S HOUSING INCENTIVE PROGRAM FOR THE 66TH AVENUE STREETScape IMPROVEMENT PROJECT, STATING THE ASSURANCE OF THE CITY OF OAKLAND TO COMPLETE THE PROJECT, AND ACCEPTING A CONTRIBUTION OF REDEVELOPMENT AGENCY FUNDS UNDER THE COOPERATION AGREEMENT OF \$91,000 AND ALLOCATING THE \$91,000 AS THE LOCAL MATCH

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 Federal Congestion Mitigation and Air Quality (CMAQ) Program and Transportation Enhancements (TE) funding programs (23 U.S.C § 149); and

WHEREAS, pursuant to TEA 21, and the regulations promulgated therein, eligible project sponsors wishing to receive federal transportation grants for a project shall submit an application first with the appropriate Metropolitan Transportation Planning Organization (MPO) for review and consideration in the Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (MTC) is the San Francisco Bay Area's MPO; and

WHEREAS, MTC administers the Housing Incentive Program (HIP) Grant from CMAQ and TE Program funds; and

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

WHEREAS, the City of Oakland submitted an application to the MTC Transportation for Livable Communities Housing Incentive Program in March 2005, requesting capital grant funds to fund the Coliseum Gardens Phase Three Streetscape Project, now known as the 66th Avenue Streetscape Improvement Project (the "Project"); and

WHEREAS, the City of Oakland wishes to receive federal transportation funds through MTC HIP for the Project to fund streetscape improvements to include new lighting and landscaping along approximately 1,100 lineal feet of 66th Avenue from the Union Pacific railroad tracks on San Leandro Street to the City of Oakland Fire Station 29 at 1061 66th Avenue and has expanded the project all the way to International Blvd; and

WHEREAS, MTC requires a resolution stating the following:

- 1) The commitment of necessary local matching funds of at least 11.5 percent of the total project cost; and
- 2) A statement that the sponsor understands that the federal funding through HIP is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded through HIP; and
- 3) The assurance of the sponsor to complete the project as described in the application, and if approved, as programmed in MTC TIP; and
- 4) A statement that the sponsor understands that the building permits for the qualifying housing development must be issued by June 22, 2007; and
- 5) A statement that the sponsor understands that funds must be obligated by June 30, 2008 for HIP capital projects, or the project may be removed from the program; and

WHEREAS, the City and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

WHEREAS, sufficient funds are available to fund the required local match of \$91,000 in Oakland Redevelopment Agency Projects Fund (7780), Capital Improvement Project – Economic Development Organization (94800), 66th Avenue Streetscape Improvement Project (P318410); and

WHEREAS, the City and the Agency agree that the City is the Lead Agency for the Project for purposes of environmental review under the California Environmental Quality Act of 1970 (CEQA); and

WHEREAS, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City have been satisfied; and

WHEREAS, the execution of any documents legally committing the City to fund this Project shall be expressly conditioned upon compliance with the requirements of the National Environmental Protection Act (NEPA), as certified by the City Administrator or his or her designee; now therefore be it

RESOLVED: That the City of Oakland is an eligible sponsor of projects for the CMAQ and TE Programs; and be it

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

FURTHER RESOLVED: That the City Administrator or his or her designee is authorized to apply for and accept \$700,000 in Federal CMAQ or TE funds under MTC HIP Grant program and hereby appropriates such funds for the Project into the Metropolitan Transportation Commission Grant Fund (2163), Coliseum Redevelopment Organization (88659), under a project number to be established; and be it

FURTHER RESOLVED: That the City hereby accepts a contribution of Redevelopment Agency funds under the Cooperation Agreement in an Amount not to exceed \$91,000 and allocates it to Oakland Redevelopment Agency Projects Fund (7780), Capital Improvement Project – Economic Development Organization (94800), 66th Avenue Streetscape Improvement Project (P318410) as a local match for the MTC grant; and be it

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

- 1) The City of Oakland will provide a local match not to exceed \$91,000 toward the 66th Avenue Streetscape Improvement Project from the Oakland Redevelopment Agency Projects Fund (7780); and
- 2) The City of Oakland understands that the HIP award for the Project is fixed at \$700,000, and that any cost increases must be funded by the City of Oakland or the Redevelopment Agency from local matching funds, and that the City of Oakland does not expect any cost increases to be funded through HIP; and
- 3) The 66th Avenue Streetscape Improvement Project will be built as described in this resolution and submitted application and, if approved, for the amount shown in the MTC Transportation Improvement Program (TIP), with obligations occurring within the timeframe established below; and
- 4) The program funds will be obligated by June 30, 2008 for HIP capital projects; and be it

FURTHER RESOLVED: That the City Council hereby finds and determines as follows:

- 1) That the funding of the Project will benefit the Coliseum Redevelopment Project Area by improving the appearance of and pedestrian safety and access on 66th Avenue; and
- 2) That due to fiscal constraints on the City's general fund and the high number of capital projects competing for limited City funds, the City's Capital Improvement Program budget is unable to provide the local match for the Project, and therefore no other reasonable means of financing the local match for the Project are available to the City other than Redevelopment Agency funding; and

- 3) That the use of tax increment funds from the Coliseum Project Area for the Project will assist in the elimination of blight by improving the functionality and the aesthetic appeal of the streetscape along 66th Avenue in the Coliseum Project Area and replacing deteriorated and obsolete City facilities along the streetscape, and is consistent with the implementation plan adopted for the Coliseum Project Area; and be it

FURTHER RESOLVED: That there is no pending or threatened litigation which 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 MTC is requested to support the application for the Project described in this Resolution and to program the Project, if approved, in the TIP; and be it

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator, or his or her designee as agent of the City to conduct all negotiations and to execute and submit all documents including, but not limited to, appropriating funds in the appropriate projects, applications, agreements, amendments, payment requests, and related actions which may be necessary for completion of the 66th Avenue Streetscape Improvement Project; 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 (operation, repair, or minor alteration of existing structures or facilities) and Section 15302 (replacement or reconstruction of existing structures or facilities) of the CEQA guidelines; and be it

FURTHER RESOLVED: That the City Administrator, or his or her 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 the Project shall be expressly conditioned upon compliance with the requirements of NEPA, as certified by the City Administrator, or his or her designee; and be it

FURTHER RESOLVED: That a copy of this resolution will be transmitted to MTC and placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 18 2008 2008

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE - 7

NOES- 0

ABSENT- Reid - 1

ABSTENTION- 0

ATTEST:



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