

FILED
APPROVED AS TO FORM AND LEGALITY:
OFFICE OF THE CLERK
CITY OF OAKLAND

2005 JUN 28 9:41 AM
DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. 79353 C.M.S.

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION, ACCEPTING AND APPROPRIATING \$881,000 OF FEDERAL SURFACE TRANSPORTATION PROGRAM AND CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM FUNDING FOR THE MACARTHUR TRANSIT HUB STREETScape IMPROVEMENT PROJECT AS PART OF THE METROPOLITAN TRANSPORTATION COMMISSION'S REGIONAL BICYCLE AND PEDESTRIAN PROGRAM GRANT PROGRAM, STATING THE ASSURANCE OF THE CITY OF OAKLAND TO COMPLETE THE PROJECT, AND COMMITTING THE NECESSARY LOCAL MATCH OF \$370,000 FOR THE PROJECT BY APPROPRIATING \$150,000 OF MEASURE "B" PEDESTRIAN STREETScape ELEMENTS FUNDS AND ACCEPTING AND APPROPRIATING \$220,000 FROM THE REDEVELOPMENT AGENCY UNDER THE COOPERATION AGREEMENT

WHEREAS, the Oakland Redevelopment Agency adopted a Five Year Implementation Plan for the Broadway/ MacArthur/ San Pablo Redevelopment Project, on December 7, 2004 (Resolution No. 2004-66 C.M.S.), that includes streetscape improvements within the project area; and

WHEREAS, the City of Oakland submitted an application to the Metropolitan Transportation Commission's (MTC) Regional Bicycle and Pedestrian Program (RBPP) in January 2005, requesting capital grant funds to fund the MacArthur Transit Hub Streetscape Improvement Project within the Broadway/MacArthur/SanPablo Redevelopment Project area; and

WHEREAS, MTC administers the RBPP Grant program from Federal Surface Transportation Program (STP) and Congestion and Air Quality Improvement Program (CMAQ) funds; and

WHEREAS, in May 2005, MTC staff made a recommendation to their commission to program \$881,000 of Federal STP and CMAQ funding for the MacArthur Transit Hub Streetscape Improvement Project; and

WHEREAS, this grant will fund the following improvements on 40th Street between Telegraph and Martin Luther King, Jr. Way for the MacArthur Transit Hub Streetscape improvement project:

- Intersection reconfiguration at the BART Frontage Road;
- New traffic signal at the BART Frontage Road;
- Bike Lanes;
- Bulb-outs at the BART Frontage Road, Martin Luther King, Jr. Way, and Telegraph Avenue;
- Additional lighting in the freeway underpass;
- Tiles or other surface treatment for the freeway underpass walls; and

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 STP (23 U.S.C. § 133) and the CMAQ funding programs (23 U.S.C. § 149); and

WHEREAS, pursuant to TEA 21, and the regulations promulgated thereunder, eligible project sponsors wishing to receive STP or CMAQ 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 MTC RBPP grant requires a local match of \$370,000 for the MacArthur Transit Hub Streetscape Improvement Project; 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, the Redevelopment Agency has authorized \$220,000 to fund a portion of the required local match for the MTC grant, which will be transferred from the Redevelopment Agency Broadway/MacArthur/San Pablo project funds (Fund 9529, Org. 88669, Project P187510) to the Public Works Agency Project fund (7780) to the MacArthur Transit Hub Streetscape Improvement Project under a project number to be established; and

WHEREAS, local funds in the amount of \$150,000 will be transferred from Measure "B" Pedestrian Streetscape Safety Elements funds in FY 06-07 (Fund 2212, Org. 92242, Project C165720) to the MacArthur Transit Hub Streetscape Improvement Project to fund remainder of the required \$370,000 local match; and

WHEREAS, the City and the Redevelopment 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 of Oakland 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 her designee; now therefore be it

RESOLVED, that the City Administrator or her designee is authorized to execute and file an application for funding under the STP and/or the CMAQ programs of the TEA-2I Reauthorization in the amount of \$881,000 for the MacArthur Transit Hub Streetscape Improvement Project; and be it further

RESOLVED, that the Oakland City Council by adopting this resolution does hereby state that:

- 1) The City of Oakland will provide \$370,000 in local matching funds; and
- 2) The City of Oakland understands that the STP and CMAQ funding for the project is fixed at \$881,000 and that any cost increases must be funded by the City of Oakland from local matching funds, and that the City of Oakland does not expect any cost increases to be funded with STP or CMAQ funds; and
- 3) The MacArthur Transit Hub Streetscape Improvement Project will be built as described in the application and, if approved, for the amount shown in the MTC TIP with obligation occurring within the timeframe established below; and
- 4) The program funds are expected to be obligated by June 30th of the year the project is programmed for in the TIP, or the project may be removed from the program;

and be it further

RESOLVED, that the City of Oakland is an eligible sponsor of projects for the STP and CMAQ programs; and be it further

RESOLVED, that the City of Oakland is authorized to submit an application for STP and CMAQ for the MacArthur Transit Hub Streetscape Improvement Project; and be it further

RESOLVED, that there is no legal impediment to the City of Oakland making applications for STP and CMAQ funds; 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 of Oakland to deliver such project; 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 program the project, if approved, in MTC's TIP; and be it further

RESOLVED, that the City Council authorizes the City Administrator to accept \$881,000 in Federal STP and/or CMAQ funds under MTC's RBPP grant program and hereby appropriates such funds for the MacArthur Transit Hub Streetscape Improvement Project under a project number to be established; and be it further

RESOLVED, that the City Council hereby consents to the use of \$220,000 in Redevelopment Agency funds as matching funds, accepts such funds under the Cooperation Agreement, and appropriates such funds to the City repayment account in fund 7780; and be it further

RESOLVED, that the City Council hereby consents to the use of \$150,000 of FY 2006-07 of Measure "B" (Fund 2212) Pedestrian Streetscape Safety Elements funds to cover the remainder of the required \$370,000 of local matching funds; and be it further

RESOLVED: That the City Administrator is hereby authorized to negotiate and enter into an appropriate amendment to the repayment agreement with the Redevelopment Agency, terms of which shall provide for the additional payment of \$220,000 to the City by the Agency for a portion of the City's local match for an MTC grant for streetscape improvements; and be it further

RESOLVED, that the City Council hereby authorizes the City Administrator or her designee to negotiate grant terms, execute, modify, amend and extend agreements, appropriate revenue, make expenditures, and take all other actions with respect to the MTC RBPP grant 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, the City Administrator, or her designee, is hereby authorized to accept and appropriate the same for the purposes described above; 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 15262 (feasibility and planning studies) of the CEQA guidelines; and be it further

RESOLVED: That the City Administrator 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 this Project shall be expressly conditioned upon compliance with the requirements of NEPA, as certified by the City Administrator or her 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.

JUL 19 2005

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
CHAIRPERSON DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



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