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City Attorney

OAKLAND CITY COUNCIL
RESOLUTION NO. 83714 -C.M.S.
2012 JAN 26 PM 12:05
OFFICE OF THE CITY CLERK
OAKLAND
Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE UP TO ONE MILLION DOLLARS (\$1,000,000) FROM THE STATE OF CALIFORNIA STRATEGIC GROWTH COUNCIL FOR THE SUSTAINABLE COMMUNITIES PLANNING GRANT AND INCENTIVE PROGRAM FUNDS FOR THE INTERNATIONAL BOULEVARD TRANSIT-ORIENTED DEVELOPMENT IMPLEMENTATION PLAN

WHEREAS, the Legislature and Governor of the State of California have provided funds for the Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84); and

WHEREAS, the Strategic Growth Council has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures require all award recipients commit to threshold requirements; and

WHEREAS, said procedures established by the Strategic Growth Council require a resolution certifying the approval of application(s) by the Applicant's governing board before submission of said application(s) to the State; and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the development of the proposal; and

WHEREAS, the City of Oakland ("City") wishes to submit an application to the State of California Strategic Growth Council ("Council") for up to One Million Dollars (\$1,000,000) in funding for a Sustainable Communities Planning Grant and Incentive Program for the International Boulevard Transit-Oriented Development Implementation Plan ("Project"); and

WHEREAS, the proposed Project meets the criteria of the grant program to among others, improve air quality, promote infill and compact development, reduce automobile usage and fuel consumption; and

WHEREAS, the intended result of the proposed Project is to implement the International Boulevard Transit Oriented Development Plan Implementation actions; and

WHEREAS, the Project is supported by AC Transit, Caltrans, Transform, Oakland Community Organizations, East Bay Asian Local Development Corporation, Allen Temple Baptist Church, East Bay Asian Youth Center, and other local community-based organizations; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("CEQA"), the CEQA Guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulations of the City of Oakland will be satisfied; implementation of plan components funded by this grant would be subject to the requirements of CEQA and undertaken only upon completion of prior CEQA review; and

now, therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator or her designee to execute and file an application to the Council for an amount up to \$1,000,000 in funding for the Sustainable Communities Planning Grant and Incentive Program grant for the implementation of the International Boulevard Transit-Oriented Development Plan to accept such funding if awarded, and to appropriate such funding for requisite planning and other activities associated with the Project; and be it

FURTHER RESOLVED: That should additional funds be received for the Project, the City Administrator, or her designee, is hereby authorized to accept and allocate the same for the purposes described above; and be it

FURTHER RESOLVED: That, if awarded, the City will include the Project as a formal work element in the City's overall work program; 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 all documents shall be reviewed and approved by the office of the City Attorney prior to execution, and all copies will be placed on file with the City Clerk; and

BE IT FURTHER RESOLVED, THAT THE OAKLAND CITY COUNCIL

1. Approves the filing of an application for the International Boulevard Transit-Oriented Development Implementation Plan in order to become a more sustainable community; and
2. Certifies that applicant will have sufficient funds to develop the Proposal or will secure the resources to do so; and
3. Certifies that the Proposal will comply with any applicable laws and regulations including being consistent with the State's Planning Priorities identified in Government Code section 65041.1 and summarized below:
 - a. Promote infill development and invest in existing communities
 - b. Protect, preserve and enhance agricultural land and natural resources; and
 - c. Encourage location and resource efficient new development; and
4. Certifies that threshold requirements outlined in the guidelines, including consideration of Ocean Protection Council Sea Level Rise Guidance will be met; and
5. Agrees to reduce, on a permanent basis as feasible, greenhouse gas emissions consistent with California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 3850) of the Health and Safety Code); any applicable regional plan; and
6. Agrees to meet the Collaboration Requirements of the focus area applicable to the Proposal; and includes all required documents in the application package; and be it

FURTHER RESOLVED that the City Administrator or her designee is authorized on behalf of the City of Oakland to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

FEB 7 2012

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

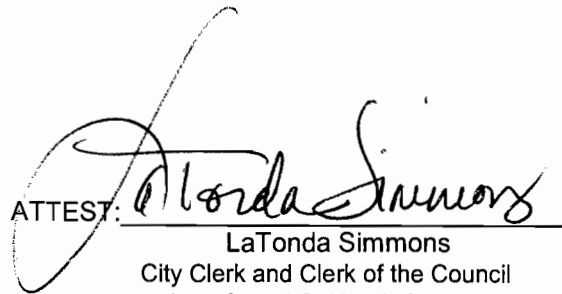
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


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