

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2008 JUL 10 PM 6:06

Approved as to Form and Legality

# OAKLAND CITY COUNCIL

  
City Attorney

RESOLUTION No. 81529 C.M.S.

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE \$15,110,000.00 OF HIGHWAY BRIDGE PROGRAM (HBP) FUNDING INCLUDING UP TO \$13,376,883.00 IN FEDERAL HIGHWAY ADMINISTRATION (FHWA) FUNDS AND UP TO \$1,733,177.00 IN STATE PROPOSITION 1B LOCAL MATCH FUNDS TO REPLACE THE 12<sup>TH</sup> STREET EASTERN AND WESTERN GRADE SEPARATION STRUCTURES AT LAKE MERRITT**

**WHEREAS**, the 12<sup>th</sup> Street Eastern and Western Grade Separation structures at Lake Merritt are considered vital transportation facilities linking East Oakland to the Downtown area; and

**WHEREAS**, the two main grade separation structures (Bridge No. 33C0181 & No. 33C0182) qualify for replacement under the Highway Bridge Program (HBP); and

**WHEREAS**, up to \$13,376,883.00 in federal funds, provided by the Federal Highway Administration (FHWA), are programmed for the replacement of these structures; and

**WHEREAS**, State of California voters passed Proposition 1B in new state transportation bonds in November 2006; and

**WHEREAS**, up to \$1,733,117.00 of Proposition 1B bond funds, under the Local Seismic Safety Retrofit Program (LSSRP), can be used for matching federal funds; and

**WHEREAS**, Measure DD, the Oakland Trust for Clean Water and Safe Parks Funds includes the 12<sup>th</sup> Street Reconstruction Project at Lake Merritt; and

**WHEREAS**, the City hereby finds and determines on the basis of substantial evidence in the record that the Measure DD Environmental Impact Report ("EIR") fully analyzes the potential environmental effects of the Project and incorporates mitigation measures to substantially lessen or avoid potentially significant impacts where feasible in accordance with the California Environmental Quality Act ("CEQA"); and that none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Section 15162, are present in that (1) there are no substantial changes proposed in the Project or the circumstances under which the Project is undertaken that would require major revisions of the EIR due to the involvement of new environmental effects or a substantial increase in the severity of previously identified significant effects, and (2) there is no "new information of substantial importance" as described in CEQA Guidelines Section 15162(a)(3); and

**WHEREAS**, the 12<sup>th</sup> Street Reconstruction Project includes the replacement of the Eastern and Western Separation structures; and

**WHEREAS**, this appropriation will complement the Measure DD funds allocated for the construction phase of the 12<sup>th</sup> Street Reconstruction Project; and

**WHEREAS**, as a condition to receive federal funding from the U.S. Department of Transportation (DOT), the City of Oakland's Local and Small Local Business Enterprise (L/SLBE) Program will be replaced with the City of Oakland's Disadvantaged Business Enterprise (DBE) Program; now, therefore, be it

**RESOLVED:** That the City Council hereby approves the application and acceptance of up to \$15,110,000.00 in Highway Bridge Program (HBP) funding and approves the appropriation of \$13,376,883.00 to the Department of Transportation Fund (2116) and of \$1,733,117.00 to the Proposition 1B California Transportation Bond Fund (2165); Engineering Design: Street and Structures Organization (92242); Street Construction Account (57411); Project C241610 (corresponding subprojects to be created); and be it

**FURTHER RESOLVED:** That the City Administrator, or her 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 enter into an agreement to accept and appropriate the allocated Federal Highway Administration (FHWA) and corresponding Proposition 1B funding; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments or extensions, provided that such amendments or extensions shall be approved by the City Attorney's Office and shall be filed with the Office of the City Clerk. Should additional grant funds be received, the City Administrator is hereby authorized to appropriate the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 16 2008, 20      

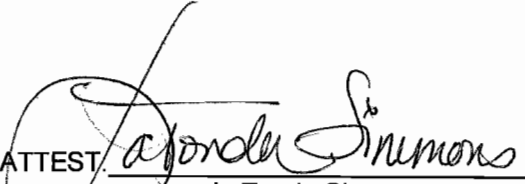
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT 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