


Celso D. Ortiz (Apr 28, 2020)

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE UP TO THREE HUNDRED AND TWENTY THOUSAND TWO HUNDRED AND FOUR DOLLARS (\$320,204.00) IN FISCAL YEAR (FY) 2020-21 STATE TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 FUNDS AS FOLLOWS: (1) EAST 20TH ST STAIRPATH REHABILITATION, ONE HUNDRED THOUSAND DOLLARS (\$100,000); (2) BURR, WILSON & PARKER STAIRPATH REHABILITATION, ONE HUNDRED THOUSAND DOLLARS (\$100,000); (3) OUTLOOK TO HILLMONT AND PARKWAY CASCADE STAIR PATH PROJECTS, ONE HUNDRED TWENTY THOUSAND TWO HUNDRED AND FOUR DOLLARS (\$120,204.00).

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code Section 99200 et seq. authorizes the submission of applications to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 4108, entitled "Transportation Development Act, Article 3, Pedestrian and Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 4108 requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the City of Oakland desires to submit a request through Alameda County to MTC for the allocation of TDA Article 3 funds to support the projects described in the Agenda Report accompanying this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) have been satisfied; now, therefore be it

RESOLVED, that the City of Oakland declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; and be it

FURTHER RESOLVED, that there is no pending or threatened litigation that might adversely affect the projects described in **Exhibit A** to this resolution, or that might impair the ability of the City of Oakland to carry out the projects; and be it

FURTHER RESOLVED, that the proposed projects were reviewed by the City of Oakland's Bicyclist and Pedestrian Advisory Commission (BPAC) in the last three consecutive fiscal years, fulfilling the requirement for BPAC review stipulated by MTC Resolution No. 4108; and be it

FURTHER RESOLVED, that MTC changed its BPAC requirement due to COVID-19 to only a future informational item when BPAC meets again in the future; and it be

FURTHER RESOLVED, that the proposed projects are scheduled to be reviewed on April 30, 2020 at the BPAC Infrastructure Committee via Zoom, and it be

FURTHER RESOLVED, that the City of Oakland attests to the accuracy of and approves the statements in Exhibit A to this resolution; and be it

FURTHER RESOLVED, that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the Alameda County Public Works Agency as part of the countywide coordinated TDA Article 3 claim; and be it

FURTHER RESOLVED, that the projects are exempt from CEQA pursuant to CEQA Guidelines Sections 15060(c)(3) (not a project), 15061(b)(3) (not significant effect), and/or 15301(c) (existing facilities); and be it

FURTHER RESOLVED, that the City Council hereby authorizes the application, acceptance, and appropriation of Fiscal Year 2020-21 State TDA Article 3 funds in the amount not to exceed \$320,204.00 to be deposited and appropriated as follows: (1) East 20th St Stairpath Rehabilitation, One Hundred Thousand Dollars (\$100,000) into the Transportation Development Act (TDA) Article 3 Fund (2162), Engineering Design Organization (92242), Street Construction Account (57411), and a new project number to be established; (2) Burr, Wilson & Parker Stairpath Rehabilitation, One Hundred Thousand Dollars (\$100,000) into the Transportation Development Act (TDA) Article 3 Fund (2162), Engineering Design Organization (92242), Street Construction Account (57411), Project Number (1004717); (3) Outlook to Hillmont Stair Path Projects, One Hundred Twenty Thousand Two Hundred And Four Dollars (\$120,204.00) into the Transportation Development Act (TDA) Article 3 Fund (2162), Engineering Design Organization (92242), Street Construction Account (57411), and a new project number to be established;

FURTHER RESOLVED, that the City Administrator, or here designee, is authorized on behalf of the City of Oakland to execute and submit all documents, payment requests, and related actions.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

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

Exhibit:

Exhibit A, Findings – Request to the Metropolitan Transportation

