


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATOR TO:

- 1) EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE PORT TO FACILITATE THE DEVELOPMENT OF TRANSPORTATION PROJECTS BOTH WITHIN AND OUTSIDE THE PORT AREA; AND
- 2) ACCEPT AND APPROPRIATE CALIFORNIA STATE TRANSPORTATION AGENCY (CALSTA) GRANT FUNDS TOTALING UP TO TWO HUNDRED FIFTY NINE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$259,500,000); AND
- 3) TAKE ALL STEPS NECESSARY TO APPLY FOR AND RECEIVE ADDITIONAL FUNDS NECESSARY TO COMPLETE THE PROJECTS AS SET FORTH IN THE MOU; AND
- 4) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.

WHEREAS, the 2021 Budget Act (A.B. 128; Statutes of 2021, Ch. 21) (the “Act”) allocated up to \$279,500,000 to the California State Transportation Agency (“CalSTA”) to the Port to facilitate enhanced freight and passenger access in and around the seaport and waterfront, and to promote the efficient and safe movement of goods and people (the “Grant”); and

WHEREAS, the Port entered into a Baseline Agreement with CalSTA dated July 21, 2022 for the distribution and use of the Grant funds (the “CalSTA Agreement”); and

WHEREAS, pursuant to the CalSTA Agreement, each project funded by the CalSTA Grant must be authorized by a Port Board-approved project-specific agreement executed between the Port and CalSTA that includes project-specific information, outcomes, and deliverables (each a “Project Supplement”); and

WHEREAS, the Port intends to work collaboratively with the City to program the remaining \$259,500,000 from the CalSTA Grant funds for the development of potential transportation projects in and around the Port area consistent with the terms of the MOU and CalSTA Agreement (“Projects”); and

WHEREAS, the City and Port intend to collaborate in applying for additional funds necessary to complete the Projects, and leverage the CalSTA Grant funds to secure additional sources of infrastructure funding for the development of the Projects; now, therefore, be it

RESOLVED: That, to allow for the transfer of funds between the City and Port, and facilitate the collaboration of the City and Port in applying for additional funding to complete the Projects, the City Council hereby authorizes the City Administrator, to execute a Memorandum of Understanding Between City and Port (the “City-Port MOU”); and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator to negotiate and execute documents and take all other action necessary with respect to the implementation of the City-Port MOU consistent with this Resolution and its basic purposes, as shall be approved for form and legality by the City Attorney; and be it

FURTHER RESOLVED: That the City Council accept and appropriate CalSTA Grant funds up to \$259,500,000 consistent with the City-Port MOU for the purpose of advancing and completing the Projects set forth in the MOU and any future Project Supplements approved by CalSTA and the Port Board; and be it

FURTHER RESOLVED: That said State grant funds will be deposited and appropriated in Grant Fund(s) to be determined, and project number(s) to be determined; and be it

FURTHER RESOLVED: That should additional funds become available for the Projects identified in the MOU, then the City Administrator is hereby authorized to accept and appropriate the additional funds consistent with the City-Port MOU so long as there are no additional costs associated with the City's acceptance or appropriation of the additional funds, or negative impact on the City's General Fund; and be it

FURTHER RESOLVED: That the City, as lead agency under CEQA, prepared and certified an environmental impact report for the Howard Terminal Project that reviews future actions by the City to be funded as a part of the actions described in this Resolution. Furthermore, some of the actions approved herein also may be exempt from environmental review under CEQA or are not considered projects defined by CEQA Section 21065 and CEQA Guidelines Section 15378(b)(4) and (5) as fiscal activities and organizational activities that do not result in direct or indirect physical changes to the environment. The City will conform to state and federal statutes, regulations, and procedures, as required by CEQA; and be it

FURTHER RESOLVED: That the City Administrator or designee, is authorized on behalf of the City of Oakland to execute and submit all documents, payment requests, and related actions consistent with the authorizations set forth in this Resolution; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the City
of Oakland, California