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Approved as to Form and Legality

  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. 81675 C.M.S.

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**RESOLUTION ACCEPTING AND APPROPRIATING \$2,000,000 IN METROPOLITAN TRANSPORTATION COMMISSION (MTC) TRANSPORTATION FOR LIVABLE COMMUNITIES FUNDS, \$619,700 IN MTC HOUSING INCENTIVE FUNDS, ALLOCATING \$50,000 IN PLEDGED DISTRICT 4 "PAY-GO" FUNDS AND \$50,000 IN PLEDGED DISTRICT 5 "PAY-GO" FUNDS, AND ACCEPTING AND ALLOCATING A CONTRIBUTION OF REDEVELOPMENT AGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$175,000 UNDER THE COOPERATION AGREEMENT, FOR THE FINAL DESIGN AND IMPLEMENTATION OF THE FRUITVALE ALIVE STREETScape PROJECT**

**WHEREAS**, the City of Oakland submitted an application to the Metropolitan Transportation Commission ("MTC") Transportation for Livable Communities ("TLC") Program in June 2007 requesting capital grant funds to fund the Fruitvale Alive Streetscape Project (the "Project"); and

**WHEREAS**, Council Districts 4 and 5 pledged \$50,000 each in "Pay-Go" funds toward the implementation of the Project in letters of support to MTC; and

**WHEREAS**, the City of Oakland and the Redevelopment Agency adopted joint resolutions committing \$229,400 of required local match from the Redevelopment Agency under the Cooperation Agreement toward this Project; and

**WHEREAS**, the adopted joint resolutions also gave assurances of the City's intention to complete the Project as described in the application, programmed in MTC transportation improvement program, and finalized in the 100% design plans; and

**WHEREAS**, MTC has awarded \$2,000,000 of Federal Funds to the City of Oakland for the Project through the TLC Program contingent on submission and completion of 100% final designs; and

**WHEREAS**, MTC has also approved the re-allocation of \$619,700 of Housing Incentive ("HIP") Funds toward capital costs for this 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**, the Redevelopment Agency is contributing \$175,000 in Coliseum Area Redevelopment Funds under the Cooperation Agreement for the final design and implementation of the Fruitvale Alive Streetscape Project; 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 City and the 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 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 his or her designee; now, therefore, be it

**RESOLVED:** That the City Administrator or his or her designee is authorized to accept \$2,000,000 in MTC TLC funds and \$619,700 in MTC HIP Grant program funds, and hereby appropriates such funds for the Project into the Metropolitan Transportation Commission Grant Fund (2163), Coliseum Redevelopment Organization (88659), under a project number to be established; and be it

**FURTHER RESOLVED:** That a pledged amount of \$50,000 in "Pay-Go" funds from District 4 and \$50,000 in pledged "Pay-Go" funds from District 5 toward implementation of the Fruitvale Streetscape Project will be allocated from the City Council "Pay-Go" Fund (5510) to the Oakland Redevelopment Agency Projects Fund (7780), Central City East Redevelopment Organization (88699) for District 4 funds and Coliseum Redevelopment Organization (88659) for District 5 funds; and be it

**FURTHER RESOLVED:** That the City Administrator, or his or her designee, is authorized to accept a contribution of Redevelopment Agency funds in an amount not to exceed \$175,000 and allocate such funds for the Project into the Oakland Redevelopment Agency Project Fund (7780), Coliseum Redevelopment Organization (88659), Fruitvale Streetscape Project (S339110); and be it

**FURTHER RESOLVED:** That the City Council hereby finds and determines as follows:

- 1) That the funding of the Project will benefit the Coliseum Redevelopment Project Areas by improving the appearance of and pedestrian safety and access on Fruitvale Avenue in the Coliseum Project Area; and

- 2) That due to fiscal constraints on the City's general fund and the high number of capital projects competing for limited City funds, the City's Capital Improvement Program budget is unable to provide additional funds for the Project, and therefore no other reasonable means of financing the Project are available to the City other than Redevelopment Agency funding; and
- 3) That the use of tax increment funds from the Coliseum Project Area for the Project will assist in the elimination of blight by improving the functionality and the aesthetic appeal of the streetscape along Fruitvale Avenue in the Coliseum Project Area and replace deteriorated and obsolete City facilities along the streetscape, and is consistent with the implementation plan adopted for the Coliseum Project Area; 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 to deliver such Project; 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 15301 (operation, repair, or minor alteration of existing structures or facilities) and Section 15302 (replacement or reconstruction of existing structures or facilities) of the CEQA guidelines; and be it

**FURTHER RESOLVED:** That the City Administrator or his 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 the Project shall be expressly conditioned upon compliance with the requirements of NEPA, as certified by the City Administrator, or his or her designee; and be it

**FURTHER RESOLVED:** That the City Council hereby appoints the City Administrator, or his or her designee as agent of the City to conduct all negotiations and to execute and submit all documents including, but not limited to, appropriating funds in the appropriate projects, applications, agreements, amendments, payment requests, and related actions which may be necessary for completion of the Fruitvale Alive Streetscape Improvement Project; and be it

**FURTHER RESOLVED:** That a copy of this resolution will be transmitted to MTC and placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 18 2008

**PASSED BY THE FOLLOWING VOTE:**

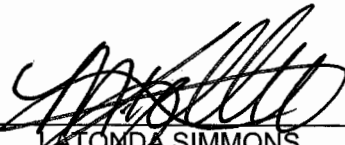
AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, ~~ROSE~~, AND  
PRESIDENT DE LA FUENTE - 7

NOES - 0

ABSENT - *Reed* - 1

ABSTENTION - 0

ATTEST:

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