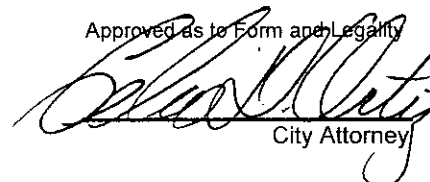


**Revised**  
**Per Public Works**  
**Committee meeting**  
**Of May 14, 2013**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2013 MAY 23 PM 1:27

Approved as to Form and Legality



City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

### RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:

(A) APPLY FOR, ACCEPT AND APPROPRIATE UP TO ONE-MILLION ~~THREE-FOUR HUNDRED FORTY-NINESIXTY FIVE~~ THOUSAND FIVE HUNDRED-DOLLARS (\$1,349,500~~465,000.00~~) IN ALAMEDA COUNTY TRANSPORTATION COMMISSION ("ACTC") MEASURE B AND VEHICLE REGISTRATION FEE GRANT FUNDING;

(B) ENTER INTO A GRANT FUNDING AGREEMENT WITH THE ACTC; AND

(C) COMMIT MATCHING FUNDS NOT TO EXCEED ~~SD\$-ONE HUNDRED THIRTY-EIGHTTHIRTEEN~~ THOUSAND AND FIVE HUNDRED-DOLLARS (\$638,500~~113,000.00~~), FOR THE PARK BOULEVARD-PATH-FEASIBILITY-STUDY, THE FRUITVALE ALIVE GAP CLOSURE STREETScape STUDY, THE LAKE-MERRITT CHANNEL-BRIDGE-TO-BAY-TRAIL-STUDY, AND THE BROADWAY SHUTTLE PROJECT

**WHEREAS**, the City of Oakland ("City") has submitted an application to the Alameda County Transportation Commission ("Alameda CTC") for \$1,349,500 from one or more of the following funding sources administered by the Alameda CTC and programmed at Alameda CTC's discretion as part of the Alameda CTC FY 2012/13 Coordinated Program ("Program"): Measure B Bicycle/Pedestrian Countywide Discretionary Fund, Vehicle Registration Fee (VRF) Pedestrian and Bicyclist Access and Safety Program, and/or VRF Transit Congestion Relief Program funding (collectively, "FY 2012/13 Coordinated Program Funding"), for the Park Boulevard-Path-Feasibility-Study (\$197,500), the Fruitvale Alive Gap Closure Streetscape Study (\$206,113,000), the Lake-Merritt-Channel-Bridge-to-Bay-Trail-Feasibility-Study (\$400,000), and the Broadway Shuttle (\$546,352,000) ("Projects"); and

**WHEREAS**, Alameda CTC is a joint powers authority resulting from the merger of the Alameda County Congestion Management Agency and Alameda County Transportation Improvement Authority and is responsible for distributing to local jurisdictions certain Measure B and VRF revenues for bicycle and pedestrian safety, local streets and roads, local transportation technology, mass transit, paratransit, and transit center development programs; and

**WHEREAS**, the City represents that the City is an eligible grant recipient for such Measure B and/or VRF funds; and

**WHEREAS**, the City is required to provide local match for the ~~Projects as follows: Park Boulevard Path (\$197,500); Fruitvale Alive Gap Closure Streetscape Project (\$206,113,000); Lake Merritt Channel Bridge-to-Bay Trail Feasibility Study (\$235,000);~~ and

**WHEREAS**, prior to entering into a funding agreement for FY 2012/13 Coordinated Program Funding, Alameda CTC requires the responsible grant recipient to adopt a resolution confirming the following:

- 1) City commits to provide the amount of matching funds specified in the grant funding agreement; and
- 2) City understands that the amount of FY 2012/13 Coordinate Program Funding is capped at the amount approved by the Alameda CTC Commission, and therefore City cannot anticipate any Project cost increase to be funded with additional Measure B and/or VRF grant funds; and
- 3) City shall complete the project as described in the grant funding agreement; and
- 4) City will comply with all the project-specific requirements as set forth in the Program Guidelines and grant funding agreement; now, therefore be it

**RESOLVED**, that the City is authorized to enter into a funding agreement for FY 2012/13 Coordinated Program Funding for Project; and be it

**FURTHER RESOLVED** that the City by adopting this resolution does hereby confirm and agree that:

1. The City will provide up to ~~\$638,5113,000~~ in matching funds;
2. The City understands that the amount of FY 2012/13 Coordinated Program Funding for the project is capped at the amount approved by the Alameda CTC Commission, and that any cost increases must be funded by the City from other funds, and that City does not expect any cost increases to be funded with additional Measure B/VRF grant funding;
3. Projects will be implemented as described in the application, grant funding agreement and in this resolution;
4. The City and the Projects will comply with the requirements as set forth in the Program Guidelines and grant funding agreement; and therefore be it further

**FURTHER RESOLVED** that City is an eligible sponsor of Measure B and/or VRF funded projects; and be it

**FURTHER RESOLVED** that there is no pending or threatened litigation that might in any way adversely affect the proposed Projects, or the ability of Applicants to deliver such Projects; and be it

**FURTHER RESOLVED** that City authorizes its City Administrator, or other appropriate designee to execute a funding agreement with Alameda CTC for FY 2012/13 Coordinated Program Funding for the Projects as referenced in this resolution; and be it further

**FURTHER RESOLVED** that the City Council hereby appropriates any funds that are received for these Projects under the Alameda CTC Program into the ACTIA Reimbursable Grants Fund (2214) under project numbers to be established; and be it

**FURTHER RESOLVED** that the City Council hereby consents the use of up to ~~\$638,500~~113,000 in matching funds, from sources as follows:

- ~~1) Park Boulevard Path, \$197,500 to be provided in Fund 2212 (Measure B Bicycle and Pedestrian Fund), FY 13/14 CIP Projects, project number to be determined~~
- ~~2) 1) Fruitvale Alive Gap Closure Streetscape Project, \$206~~113,000 to provided by Fund 2211, (Measure B Local Streets and Roads Fund), Local Match Fund, FY 14/15
- ~~3) 2) Lake Merritt Channel Bridge to Bay Trail Feasibility Study, \$150,000 in Fund 2212, FY 13/14 CIP Projects, project number to be determined and \$85,000 in Fund 5312 (Bond Measure DD), and be it~~

**FURTHER RESOLVED** that should additional funds be received for these projects, 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 the City Council hereby authorizes the City Administrator or her designee to negotiate grant terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures, and take all other actions with respect to the Alameda CTC Program grants and these Projects in accordance with this Resolution and its basic purposes; and be it

**FURTHER RESOLVED** that a copy of this resolution will be transmitted to Alameda CTC by June 30, 2013, and another copy of this resolution be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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