



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION:

- 1) **AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO FUND PASS-THROUGH AGREEMENTS WITH THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT (“BART”) AND THE CITY OF OAKLAND, AND**
- 2) **ACCEPTING AND APPROPRIATING CAPITAL FUNDS OF UP TO TWO MILLION THREE HUNDRED FIFTY-NINE THOUSAND AND TWENTY-SIX DOLLARS (\$2,359,026) FOR THE EAST BAY GREENWAY SEGMENT II PROJECT (\$1,750,669) AND THE COLISEUM TRANSIT VILLAGE AREA IMPROVEMENTS PROJECT (\$608,357), AND**
- 3) **ALLOCATING THREE HUNDRED THIRTY-NINE THOUSAND SEVEN HUNDRED FIFTY-SIX DOLLARS (\$339,756) IN MEASURE BB AND MEASURE KK INFRASTRUCTURE BOND FUNDS AS THE REQUIRED CITY LOCAL MATCH; AND**
- 4) **ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.**

WHEREAS, in 2008 and 2009, BART applied for and was awarded \$11,844,118 in Section 5309 Bus and Bus Facilities Project Grant Funding (“Section 5309 Funds”) for various projects in the Coliseum BART service area; and

WHEREAS, in the executed agreement, \$1,359,026 of the Section 5309 Funds was earmarked for the construction of bicycle and pedestrian lanes, paths, and facilities at Bay Trail locations within Oakland, California; and

WHEREAS, the East Bay Greenway Segment II has been identified as a community priority in the 2019 East Oakland Neighborhoods Initiative (EONI), the East Oakland Mobility Action Plan (EOMAP), the 2015 Coliseum City Specific Plan, and numerous citywide bike plans; and

WHEREAS, the Coliseum Transit Village Area project was identified as a need in the 2015 Coliseum Area Specific Plan, which called for enhanced sidewalks, controlled crosswalks and pedestrian-scale street lighting to facilitate safe access to and from BART; and

WHEREAS, the proposed Projects are exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.20.5 (restriping of streets for bicycle lanes); and

WHEREAS, the Projects are also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance; and

WHEREAS, fund pass-through agreements between the City and BART are required for the City to receive the FTA funds; and

WHEREAS, BART will be providing an additional \$1M in other funds to the East Bay Greenway project as an outcome of MTC's Quick Strike program; and

WHEREAS, this funding will allow the City to implement priority projects identified by the Oakland Department of Transportation Capital Improvement Program (CIP) and serve as local match for the Affordable Housing and Sustainable Communities (AHSC) Grant Program Cycle 3; now, therefore be it

RESOLVED, that the City Council hereby authorizes the City Administrator or Designee to enter into fund pass-through agreements with the San Francisco Bay Area Rapid Transit District ("BART") to receive, accept, and appropriate Federal Transit Administration (FTA) and other BART funds of at least two million three hundred fifty-nine thousand six hundred and twenty-six dollars (\$2,359,026) for the East Bay Greenway Segment II Project (\$750,669) and the Coliseum Transit Village Area Improvements Project (\$608,357); and be it

FURTHER RESOLVED, that the funds shall be appropriated as follows:

- East Bay Greenway Segment II – federal grant and other BART funding – \$1,750,669 (Project 1005013, Fund 2999, Organization 92242)
 - East Bay Greenway Segment II – required local match – \$187,667
 - Funds taken from a combination of Measure KK Project 1003348, Funds 5332/5335 and Measure BB, Project 1001512, Funds 2211/2218
- Coliseum Transit Village Area Improvements – federal grant – \$608,357 (Project number to be determined, Fund 2999, Organization 92242)
 - Coliseum Transit Village Area Improvements – required local match – \$152,089
 - Funds taken from a combination of Measure KK Project 1003348, Funds 5332/5335 and Measure BB, Project 1001512, Funds 2211/2218; and be it

FURTHER RESOLVED, that the City Council hereby authorizes the City Administrator or his designee the Director of Transportation or Assistant Director of Transportation to negotiate pass-through agreement terms, execute, modify, amend and extend pass-through and grant agreements, allocate revenue, make expenditures, and take all other actions with respect to the FTA and other BART funds and these Projects in accordance with this Resolution and its basic purposes; and be it

FURTHER RESOLVED: That the Projects are exempt from CEQA pursuant to Public Resources Code Section 21080.20.5 (restriping of streets for bicycle lanes) and CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance; and be it

FURTHER RESOLVED: That the City Administrator or designee shall file a Notice of Determination/Notice of Exemption with the clerk of the County of Alameda and the Office of Planning and Research on the projects named 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