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OFFICE OF THE CITY CLERK
OAKLAND
2009 APR 30 PM 7:58

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 81996 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT, AND APPROPRIATE UP TO ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$175,000.00) IN FY 2009-10 STATE TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 FUNDS AS FOLLOWS: (1) 27TH STREET/BAY PLACE BIKEWAY, BROADWAY TO GRAND AVENUE, SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00); (2) ON-CALL CURB RAMP PROGRAM, PHASE C, FIFTY THOUSAND DOLLARS (\$50,000.00); AND (3) REHABILITATION OF THE MARGARIDO STAIR AND THE EUCALYPTUS STAIR AND PATH, FIFTY THOUSAND DOLLARS (\$50,000.00) AND WAIVING THE 1.5% PUBLIC ART FEE FOR THE PROJECTS

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) 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. 875, revised, entitled "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, the MTC requires that resolutions authorizing the application, acceptance and appropriation of funds include an "Exhibit A: Findings", verifying that there are no legal, fiscal or other impediments to the implementation of this project; and

WHEREAS, MTC Resolution No. 875, revised, 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 declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; and

WHEREAS, the City of Oakland desires to apply for \$175,000.00 in FY 2009-10 TDA Article 3 Funds for three (3) projects, as follows: (1) 27th Street/Bay Place Bikeway, Broadway To Grand Avenue, Seventy-Five Thousand Dollars (\$75,000.00); (2) On-Call Curb Ramp Program, Phase C, Fifty Thousand Dollars (\$50,000.00); And (3) Rehabilitation of the Margarido Stair and the Eucalyptus Stair and Path, Fifty Thousand Dollars (\$50,000.00); and

WHEREAS, the Community and Economic Development Agency hereby requests a waiver of the 1.5% public art fees for these projects because TDA Article 3 guidelines do not allow the use of grant funds for public art when public art is not a project component; 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 known pending or threatened litigation that might adversely affect any of the three (3) projects as follows: (1) 27th Street/Bay Place Bikeway, Broadway to Grand Avenue, Seventy-Five Thousand Dollars (\$75,000.00); (2) On-Call Curb Ramp Program, Phase C, Fifty

Thousand Dollars (\$50,000.00); and (3) Rehabilitation of the Margarido Stair and the Eucalyptus Stair and Path, Fifty Thousand Dollars (\$50,000.00), or that might impair the ability of the City of Oakland to carry out these projects; and be it

FURTHER RESOLVED: That the City of Oakland attests to the accuracy of and approves the statements in the "Exhibit A: Findings" to this resolution; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the application, acceptance and appropriation of FY 2009-10 TDA Article 3 funds in the amount not to exceed \$175,000.00 to be deposited and appropriated as follows: (1) \$75,000.00 for the 27th Street/Bay Place Bikeway, Broadway To Grand Avenue, into Transportation Development Act (TDA) Article 3 Fund (2162), Traffic Engineering Organization (92246), Street Construction Account (57411), and new project number (C355220) to be established; (2) \$50,000.00 for the On-Call Curb Ramp Project, Phase C into the Transportation Development Act (TDA) Article 3 Fund (2162), Capital Projects-Sidewalk Repair Maintenance Organization (92452), Street Construction Account (57411), and a new project number to be established; and (3) \$50,000.00 for the Rehabilitation of the Margarido Stair and the Eucalyptus Stair and Path into the Transportation Development Act (TDA) Article 3 Fund (2162), Capital Projects-Streets and Structures Organization (92242), Street Construction Account (57411), and a new project number to be established; and be it

FURTHER RESOLVED: That the City's 1.5% public art fee for these projects is hereby waived; and be it

FURTHER RESOLVED: That a certified copy of this resolution and its Exhibits, and any accompanying supporting materials, shall be forwarded to the Alameda County Public Works Department for submission to MTC as part of the countywide coordinated TDA Article 3 claim; and be it

FURTHER RESOLVED: That the City Administrator, or his designee, is authorized, on behalf of the City of Oakland, to execute and submit all documents, payment requests and related actions, and to appropriate any additional funds received for the completion of these projects; and be it

FURTHER RESOLVED: That should additional funds be received for these three (3) projects, the City Administrator, or his designee, is hereby authorized to accept and appropriate the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 19 2009

PASSED BY THE FOLLOWING VOTE:

AYES - ~~BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID~~, AND PRESIDENT BRUNNER - 5

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Quan, Reid, Brooks - 3

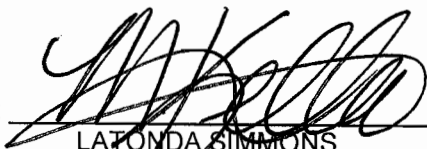
ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California

EXHIBIT A1 TO RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$75,000.00 IN FY 2009-10 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR THE 27TH STREET/BAY PLACE BIKEWAY, BROADWAY TO GRAND AVENUE

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2009-10 Transportation Development Act, Article 3, Pedestrian/Bicycle Project Funding

1. That the CITY OF OAKLAND is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 Funds, nor is the CITY OF OAKLAND legally impeded from undertaking the project(s) described in the application for project funds.
2. That the CITY OF OAKLAND has committed adequate staffing resources to complete the project(s) described in the project application.
3. A review of the project(s) described in the project application has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in the project application have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project described in the project application complies with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the CITY OF OAKLAND is in possession of the document(s) supporting such compliance, said document(s) having been made available for public review and stamped by the County Clerk or County Recorder of the county in which the claimant is located.
6. That as portrayed in the budgetary description(s) of the project(s) in the application, the sources of funding other than TDA are assured and adequate for completion of the project.
7. That the project described in the application is for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the CITY OF OAKLAND within the prior five (5) fiscal years.
8. That the projects described in the application which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
9. That any project described in the application that is a "Class I Bikeway," meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project described in the application is ready to commence implementation during the fiscal year of the requested allocation.
11. That the CITY OF OAKLAND agrees to maintain, or provide for the maintenance of, the facilities described in the project application, for the benefit of and use by the public.

COMMUNITY & ECONOMIC DEVELOPMENT AGENCY CERTIFICATION: I certify that to the best of my knowledge, this information is accurate, and there is no legal impediment, or pending or threatened litigation, which might adversely affect the proposed project, or the City's ability to carry it out.

Signed: _____

Wladimir Wlasiowski

Date: _____

EXHIBIT A2 TO RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$50,000.00 IN FY 2009-10 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR THE **ON-CALL CURB RAMP PROGRAM, PHASE C**

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2009-10 Transportation Development Act, Article 3, Pedestrian/Bicycle Project Funding

1. That the CITY OF OAKLAND is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 Funds, nor is the CITY OF OAKLAND legally impeded from undertaking the project(s) described in the application for project funds.
2. That the CITY OF OAKLAND has committed adequate staffing resources to complete the project(s) described in the project application.
3. A review of the project(s) described in the project application has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in the project application have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project described in the project application complies with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the CITY OF OAKLAND is in possession of the document(s) supporting such compliance, said document(s) having been made available for public review and stamped by the County Clerk or County Recorder of the county in which the claimant is located.
6. That as portrayed in the budgetary description(s) of the project(s) in the application, the sources of funding other than TDA are assured and adequate for completion of the project.
7. That the project described in the application is for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the CITY OF OAKLAND within the prior five (5) fiscal years.
8. That the projects described in the application which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
9. That any project described in the application that is a "Class I Bikeway," meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project described in the application is ready to commence implementation during the fiscal year of the requested allocation.
11. That the CITY OF OAKLAND agrees to maintain, or provide for the maintenance of, the facilities described in the project application, for the benefit of and use by the public.

COMMUNITY & ECONOMIC DEVELOPMENT AGENCY CERTIFICATION: I certify that to the best of my knowledge, this information is accurate, and there is no legal impediment, or pending or threatened litigation, which might adversely affect the proposed project, or the City's ability to carry it out.

Signed: _____ Date: _____

Wladimir Wassowskv

EXHIBIT A3 TO RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$50,000.00 IN FY 2009-10 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR **REHABILITATION OF THE MARGARIDO STAIR AND THE EUCALYPTUS STAIR AND PATH**

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2009-10 Transportation Development Act, Article 3, Pedestrian/Bicycle Project Funding

1. That the CITY OF OAKLAND is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 Funds, nor is the CITY OF OAKLAND legally impeded from undertaking the project(s) described in the application for project funds.
2. That the CITY OF OAKLAND has committed adequate staffing resources to complete the project(s) described in the project application.
3. A review of the project(s) described in the project application has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in the project application have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project described in the project application complies with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the CITY OF OAKLAND is in possession of the document(s) supporting such compliance, said document(s) having been made available for public review and stamped by the County Clerk or County Recorder of the county in which the claimant is located.
6. That as portrayed in the budgetary description(s) of the project(s) in the application, the sources of funding other than TDA are assured and adequate for completion of the project.
7. That the project described in the application is for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the CITY OF OAKLAND within the prior five fiscal years.
8. That the projects described in the application which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
9. That any project described in the application that is a "Class I Bikeway," meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project described in the application is ready to commence implementation during the fiscal year of the requested allocation.
11. That the CITY OF OAKLAND agrees to maintain, or provide for the maintenance of, the facilities described in the project application, for the benefit of and use by the public.

COMMUNITY & ECONOMIC DEVELOPMENT AGENCY CERTIFICATION: I certify that to the best of my knowledge, this information is accurate, and there is no legal impediment, or pending or threatened litigation, which might adversely affect the proposed project, or the City's ability to carry it out.

Signed:

Wladimir Wlascowski

Date: _____