

U. Miller

Deputy City Attorney

OAKLAND CITY COUNCIL

06 JUL 28 PM 2:40

RESOLUTION NO. **80083** C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$198,084 OF FY 2006-07 TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 BICYCLE AND PEDESTRIAN FUNDS FOR THE COLISEUM TRANSIT HUB STREETScape IMPROVEMENT PROJECT, AND INCREASING THE CHANGE ORDER AMOUNT FROM 20 PERCENT TO 35 PERCENT ON THE CONSTRUCTION CONTRACT WITH MCGUIRE AND HESTER

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 "Attachment 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 \$198,084 in FY 2006-07 TDA Article 3 funds for construction of the Coliseum Transit Hub Streetscape Improvement Project; and

WHEREAS, the Public Works Agency has requested an increase in the change order amount from 20% to 35%, not to exceed \$482,400, on the construction contract with McGuire and Hester to cover pedestrian, bicycle and future unforeseen construction items necessary to complete the Coliseum Transit Hub Streetscape Improvement project; 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 pending or threatened litigation that might adversely affect the Coliseum Transit Hub Streetscape Improvement project, or that might impair the ability of the City of Oakland to carry out the project; and be it

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

FURTHER RESOLVED: That the City Council hereby authorizes the application, acceptance and appropriation of FY 2006-07 TDA Article 3 funds in the amount not to exceed \$198,084 for construction of the Coliseum Transit Hub Streetscape Improvement Project, to be allocated deposited and appropriated in the TDA Article 3 Fund (2162), Public Works Agency Organization (30242), Coliseum Transit Hub Streetscape Improvement Project (G234510); and be it

FURTHER RESOLVED: That a certified copy of this resolution and its attachments, 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/her 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 the Coliseum Transit Hub Streetscape Improvement Project, the City Administrator, or his/her designee, is hereby authorized to accept and appropriate the same for the purposes described above; and be it

FURTHER RESOLVED: That should additional change order work exceed 20% on the construction contract with McGuire and Hester for the Coliseum Transit Hub Streetscape project, the City Administrator, or his/her designee, is hereby authorized to approve the same, up to 35%, but not to exceed \$482,400.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 25 2006, 2006

PASSED BY THE FOLLOWING VOTE:

AYES - ~~BROOKS~~, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND

~~PRESIDENT DE LA FUENTE~~ - 6

NOES - 0

ABSENT - Brooks - 1

ABSTENTION - 0

Excused - De La Fuente - 1

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