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APPROVED AS TO FORM AND LEGALITY:

DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. 80638 C.M.S.

A RESOLUTION 1) AUTHORIZING THE ACCEPTANCE AND APPROPRIATION OF \$215,000 OF MEASURE B BICYCLE AND PEDESTRIAN COUNTYWIDE DISCRETIONARY GRANT FUNDS FROM THE ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY AND \$215,000 OF GRANT FUNDS FROM THE REGIONAL BICYCLE AND PEDESTRIAN PROGRAM ADMINISTERED BY THE ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY FROM THE 2006/07 COORDINATED PROGRAM, AND ANY OTHER FUNDS RECEIVED FROM THESE PROGRAMS; 2) AUTHORIZING THE AGENCY ADMINSTRATOR TO NEGOTIATE AND EXECUTE A GRANT FUNDING AGREEMENT WITH THE ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY, AND 3) ACCEPTING AND APPROPRIATING \$125,000 FROM THE REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND UNDER THE COOPERATION AGREEMENT FOR THE REQUIRED LOCAL MATCH

WHEREAS, in December 2006, the City of Oakland (the "City") submitted an application to the 2006/07 Coordinated Funding Program requesting \$430,000 in capital grant funds for the MacArthur Transit Hub Streetscape Improvement Project from the Metropolitan Transportation Commission's (MTC) Regional Bicycle and Pedestrian Program (RBPP) or from the Alameda County Transportation Improvement Authority's (ACTIA) Measure B funding for Cycle 3 of the Bike/Pedestrian Countywide Discretionary Program and offered a local match of \$125,000; and

WHEREAS, on April 26 2007, the Alameda County Congestion Management Agency (ACCMA) staff recommended to their board that the MTC program \$215,000 of RBPP program funds for the MacArthur Transit Hub Streetscape Improvement Project; and

WHEREAS, on March 22, 2007, ACTIA staff made a recommendation to their board to request programming of \$215,000 of Measure B funding for Cycle 3 of the Bike/Pedestrian Countywide Discretionary Program for the MacArthur Transit Hub Streetscape Improvement Project; and

WHEREAS, the voters of Alameda County, pursuant to the provisions of the Local Transportation Authority and Improvement Act, California Public Utilities Code

Section 180000 et seq., approved the reauthorization of Measure B at the General Election held on November 7, 2000, thereby authorizing that ACTIA be given the responsibility to administer the proceeds from the continued one-half cent transaction and use tax. The duration of the tax will be 20 years from the initial year of collection that began April 1, 2002, with said tax to terminate/expire on March 31, 2022; and

WHEREAS, the City represents that it is an eligible grant recipient for Measure B funds; and

WHEREAS, as part of the application for Measure B funding, ACTIA requires a resolution adopted by the responsible grant recipient stating the following:

- 1) The commitment of the amount of project sponsor matching funds specified in the grant funding agreement; and
- 2) That the City understands that the amount of Measure B funding is capped at the amount awarded as specified in the grant funding agreement, and therefore any cost increase cannot be expected to be funded with additional Measure B funds; and
- 3) The assurance of the City to complete the project as described in the grant funding agreement; and
- 4) That the project will comply with all the project-specific requirements as set forth in the grant funding agreement; and

WHEREAS, on December 7, 2004, the Redevelopment Agency of the City of Oakland (the "Agency") adopted a Five Year Implementation Plan for the Broadway/ MacArthur/ San Pablo Redevelopment Project (Resolution No. 2004-66 C.M.S.) that includes streetscape improvements within the project area; and

WHEREAS, the City and the 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 Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33421 of the California Health and Safety Code authorizes a redevelopment agency to construct streets, sidewalks, utilities and other public improvements necessary to implement a redevelopment plan, and Section 33445 authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities; and

WHEREAS, the Agency has authorized a grant of \$125,000 to the City to fund the local match for the grant awards; and

WHEREAS, the grant funds and local match will provide the necessary additional funding required for the following improvements on 40th Street between Telegraph and Martin Luther King, Jr. Way for the MacArthur Transit Hub Streetscape improvement project:

- Intersection reconfiguration at the BART Frontage Road;
- New traffic signal at the BART Frontage Road;
- Bike lanes on 40th Street between Telegraph and Martin Luther King, Jr. Way;
- A bus bulb-out at the intersection of 40th Street and Telegraph Avenue;
- Pedestrian streetlights outside of the freeway underpass;

- New lighting and surface treatments for the freeway underpass walls; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("CEQA"), the CEQA Guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now, therefore, be it

RESOLVED: That the City of Oakland, by adopting this resolution, does hereby agree that:

1. The City of Oakland will provide \$125,000 in non-Measure B matching funds; and
2. The City of Oakland understands that the amount of Measure B funding for the project is capped at the amount awarded, as specified in the grant funding agreement, and that any cost increases must be funded by the City of Oakland from other funds, and that the City of Oakland does not expect any cost increases to be funded with additional Measure B funding; and
3. The MacArthur Transit Hub Streetscape Improvement Project will be implemented as described in the grant funding agreement and in this resolution; and
4. The City of Oakland and the MacArthur Transit Hub Streetscape Improvement Project will comply with the requirements as set forth in the grant funding agreement; and be it

FURTHER RESOLVED: That the City is an eligible sponsor of Measure B funded projects; and be it

FURTHER RESOLVED: That there is no pending or threatened litigation that might in any way adversely affect the proposed MacArthur Transit Hub Streetscape Improvement Project, or the ability of the City to deliver such project; and be it

FURTHER RESOLVED: That the City authorizes the City Administrator or her designee to execute a funding agreement with ACTIA for Measure B funding for the project as referenced in this resolution; and be it

FURTHER RESOLVED: That a copy of this resolution will be transmitted to ACTIA in conjunction with an executed grant funding agreement; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to accept \$215,000 and any additional funds awarded in Federal CMAQ funds under MTC's RBPP grant program and hereby appropriates such funds to the Metropolitan Transit Commission Program Grant Fund (2163), CIP Street and Structures Organization (92242), MacArthur BART RBPP Grant Project (G283010); and be it

FURTHER RESOLVED: that the City Council authorizes the City Administrator to accept \$215,000 and any additional funds awarded from ACTIA's Measure B funding for Cycle 3 of the Bike/Pedestrian Countywide Discretionary program and hereby appropriates such funds in the Measure B ACTIA Grant Fund (2211), CIP Street and Structures Organization (92242), under a project number to be established; and be it

FURTHER RESOLVED: that the City Council hereby consents to accept \$125,000 of Agency funds from the Broadway/MacArthur/San Pablo Redevelopment Project Area under the Cooperation Agreement for use as matching funds, and appropriates such funds to the City repayment account in Redevelopment Agency Projects Fund (7780), Redevelopment Projects Organization (88669), 40th Street Streetscape City Project (G283050); 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, make expenditures, and take all other actions with respect to the grant funding and this project in accordance with this resolution and its basic purposes; and be it

FURTHER RESOLVED: That should additional funds be received for this project, such funds are hereby appropriated to the above named accounts, and the City Administrator, or her designee, is hereby authorized to accept the same for the purposes described above; 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 (improvements to existing facilities) of the CEQA guidelines; and be it

FURTHER RESOLVED: That the City of Oakland certifies that the project is in compliance with the requirements of the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et seq. and the applicable regulations thereunder; and be it

FURTHER RESOLVED: That the City Administrator 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 all documents shall be reviewed and approved by the City Attorney's Office prior to execution, and all copies will be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 19 2007, 2007

PASSED BY THE FOLLOWING VOTE:

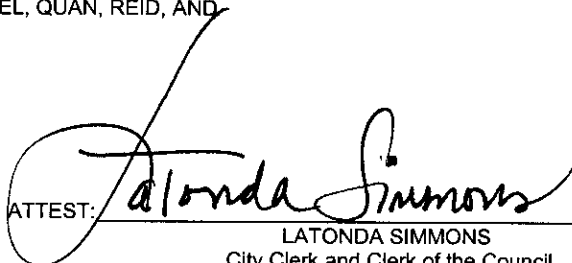
AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



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