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OFFICE OF THE CITY CLERK  
OAKLAND

2005 JUN 28 PM 3:11

APPROVED AS TO FORM AND LEGALITY:

BY: *Shivis*  
AGENCY COUNSEL

REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND  
2005-0040  
RESOLUTION No. \_\_\_\_\_ C.M.S.

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**RESOLUTION REALLOCATING \$220,000 FROM THE BROADWAY/  
MACARTHUR/ SAN PABLO REDEVELOPMENT PROJECT TO THE  
CITY OF OAKLAND UNDER THE COOPERATION AGREEMENT TO  
FUND THE MACARTHUR TRANSIT HUB STREETScape  
IMPROVEMENT PROJECT AS MATCHING FUNDS FOR A  
METROPOLITAN TRANSPORTATION COMMISSION REGIONAL  
BICYCLE AND PEDESTRIAN PROGRAM GRANT**

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

**WHEREAS**, the MacArthur Transit Hub Streetscape Improvement Project is located on 40<sup>th</sup> Street within the boundaries of the Broadway/MacArthur/San Pablo Redevelopment Project Area and includes the following improvements (the "Project"):

- Intersection reconfiguration at the BART Frontage Road;
- New traffic signal at the BART Frontage Road;
- Bike Lanes;
- Bulb-outs at the BART Frontage Road, Martin Luther King, Jr. Way, and Telegraph Avenue;
- Additional lighting in the freeway underpass;
- Tiles or other surface treatment for the freeway underpass walls; and

**WHEREAS**, the Project Area Committee for the Broadway/MacArthur/San Pablo Redevelopment Project Area has reviewed the plan for streetscape improvements; and

**WHEREAS**, the City of Oakland (the "City") submitted an application to the Metropolitan Transportation Commission (MTC) for the MacArthur Transit Hub Streetscape Improvement Project and expects to receive a Regional Bicycle and Pedestrian Program (RBPP) capital grant in the amount of \$881,000; and

**WHEREAS**, the MTC RBPP grant requires a local match of \$370,000; and

**WHEREAS**, the City plans to fund \$150,000 of the required \$370,000 local match from Measure "B" (Fund 2212) Pedestrian Streetscape Safety Elements funds; and

**WHEREAS**, the Redevelopment Agency will provide \$220,000 to fund a portion of the required local match through a transfer of funds to the City; and

**WHEREAS**, the City and the Redevelopment 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 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

**WHEREAS**, the City Council is consenting to the use of Agency funds for the MacArthur Transit Hub Streetscape Improvement Project; and

**WHEREAS**, the Redevelopment Agency agrees that the City is the Lead Agency for the Project for purposes of environmental review under the California Environmental Quality Act of 1970 ("CEQA"); and

**WHEREAS**, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; and

**WHEREAS**, the execution of any documents legally committing the City to fund this Project shall be expressly conditioned upon compliance with the requirements of the National Environmental Protection Act ("NEPA"), as certified by the City Administrator or her designee; now therefore be it

**RESOLVED:** That the Redevelopment Agency hereby authorizes the reallocation of \$220,000 of Redevelopment Agency Broadway/MacArthur/San Pablo Project Area funds from (Fund 9529, Org. 88669, Project P187510) to Oakland Redevelopment Agency Project fund (7780), within the Public Works Agency under the Cooperation Agreement between the City and the Redevelopment Agency to fund the MacArthur Transit Hub Streetscape Improvement Project as matching funds

for a MTC RBPP grant; and be it further

**RESOLVED:** That the Agency Administrator is hereby authorized to negotiate and enter into an appropriate amendment to the repayment agreement with the City of Oakland, terms of which shall provide for the additional payment of \$220,000 to the City by the Agency for a portion of the City's local match for an MTC grant for streetscape improvements; and be it further

**RESOLVED:** That the Agency hereby finds and determines as follows:

1. That the funding of the MacArthur Transit Hub Streetscape Improvement Project will benefit the Broadway/MacArthur/San Pablo Project Area by improving the appearance, pedestrian and bicycle safety and access on 40<sup>th</sup> Street adjacent to the MacArthur BART Station;
2. That no other reasonable means of financing the MacArthur Transit Hub Streetscape Improvement Project are available to the City other than Redevelopment Agency funding; and
3. That the use of tax increment funds from the Broadway/MacArthur/San Pablo Project Area for the MacArthur Transit Hub Streetscape Improvement Project will assist in the elimination of blight through streetscape improvements along 40<sup>th</sup> Street in the Broadway/MacArthur/San Pablo Project Area and is consistent with the implementation plan adopted for the Broadway/ MacArthur/ San Pablo Project Area; and be it further

**RESOLVED:** That the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines, based on the information in the staff report accompanying this Resolution, that this action on the part of the Agency is exempt from CEQA pursuant to Section 15262 (feasibility and planning studies) of the CEQA guidelines; 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 the execution of any documents legally committing the City to fund this Project shall be expressly conditioned upon compliance with the requirements of NEPA, as certified by the City Administrator or her designee; and be it further

**RESOLVED:** That the Agency hereby authorizes the Agency Administrator, or her designee, to take all actions necessary with respect to the grant and the Agency funding in accordance with this resolution and its basic purposes; and be it further

**RESOLVED:** That all documents, as necessary, shall be reviewed and approved by the Office of the City Attorney as to form and legality prior to execution, and copies will be placed on file with the City Clerk.

**JUL 19 2005**

IN AGENCY, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

**PASSED BY THE FOLLOWING VOTE:**

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

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



LATONDA SIMMONS  
Secretary, Redevelopment Agency  
of the City of Oakland