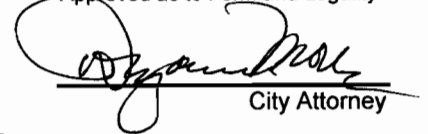


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 APR 29 PM 7:43

# OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. 82749 C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE UP TO FOUR HUNDRED AND FIFTEEN THOUSAND DOLLARS (\$415,000.00) IN FY 2010-11 STATE TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 FUNDS AS FOLLOWS: (1) ARDLEY AVENUE/16TH AVENUE BIKEWAY (MACARTHUR BOULEVARD TO EMBARCADERO), NINETY THOUSAND DOLLARS (\$90,000.00); (2) BICYCLE DETECTION AT ACTUATED TRAFFIC SIGNALS, ONE HUNDRED THOUSAND DOLLARS (\$100,000.00); (3) CASTLEMONT STAIRS REHABILITATION (MACARTHUR BOULEVARD TO THERMAL STREET), ONE HUNDRED THOUSAND DOLLARS (\$100,000.00); (4) CITYRACKS VIII BICYCLE PARKING PROJECT, SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00); AND (5) SCHOOL SAFETY IMPROVEMENTS AT VARIOUS LOCATIONS, FIFTY THOUSAND DOLLARS (\$50,000.00)**

**WHEREAS**, Article 3 of the Transportation Development Act (TDA), Public Utilities Code 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**, staff has determined that there are no legal impediments or other factors that would affect the City's ability to deliver the projects, that there is sufficient availability of City staff resources and adequate funding to complete the projects, that environmental and right-of-way issues have been reviewed and that fund obligation deadlines will not be jeopardized; and

**WHEREAS**, these determinations verify that the five projects meet MTC's criteria for eligibility; 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 that the Alameda County Public Works Department coordinates this claim for Alameda County; 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 \$415,000.00 in FY 2010-11 TDA Article 3 Funds for five (5) projects, as follows: (1) Ardley Avenue/16<sup>th</sup> Avenue Bikeway (MacArthur Boulevard to Embarcadero), Ninety Thousand Dollars (\$90,000.00); (2) Bicycle Detection at Actuated Traffic Signals, One Hundred Thousand Dollars (\$100,000.00); (3) Castlemont Stairs Rehabilitation (MacArthur Boulevard to Thermal Street), One Hundred Thousand Dollars (\$100,000.00); (4) CityRacks VIII Bicycle Parking Project, Seventy-Five Thousand Dollars (\$75,000.00); and (5) School Safety Improvements at Various Locations, Fifty Thousand Dollars (\$50,000.00); and

**WHEREAS**, the project areas are described in more detail in the City Administrator's agenda report accompanying this resolution; and

**WHEREAS**, the requirements of the California Environmental Quality Act (CEQA) have been satisfied; now, therefore, be it

**RESOLVED:** That based on the determinations contained in the City Administrator's report accompanying this resolution the City Council of the City of Oakland finds as follows:

1. The City of Oakland is eligible to request an allocation of TDA Article 3 Funds pursuant to Section 99234 of the Public Utilities Code; and
2. There is no known pending or threatened litigation that might adversely affect any of the five (5) projects described in the City Administrator's agenda report accompanying this item, as follows: (1) Ardley Avenue/16<sup>th</sup> Avenue Bikeway (MacArthur Boulevard to Embarcadero); (2) Bicycle Detection at Actuated Traffic Signals; (3) Castlemont Stairs Rehabilitation (MacArthur Boulevard to Thermal Street); (4) CityRacks VIII Bicycle Parking Project; and (5) School Safety Improvements at Various Locations, or that might impair the ability of the City of Oakland to carry out these projects; and be it

**FURTHER RESOLVED:** That based on the determinations contained in the City Administrator's report accompanying this resolution the City Council of the City of Oakland hereby attests to the accuracy of and approves the findings in "Exhibit A: Findings" to this resolution; and be it

**FURTHER RESOLVED:** That the projects are exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3), 15301(c), 15301(f), and/or 15304(h); and on a separate and independent basis, the City is relying on the previously certified and adopted Environmental Impact Report for the Bicycle Master Plan (2007) for the following projects: Ardley Avenue/16<sup>th</sup> Avenue Bikeway (MacArthur Boulevard to Embarcadero), Bicycle Detection at Actuated Traffic Signals, and CityRacks VIII Bicycle Parking Project; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the application, acceptance, and appropriation of FY 2010-11 TDA Article 3 funds in the amount not to exceed \$415,000.00 to be deposited and appropriated as follows: (1) \$90,000.00 for the Ardley Avenue/16th Avenue Bikeway (MacArthur Boulevard to Embarcadero) into Transportation Development Act (TDA) Article 3 Fund (2162), Traffic Engineering Organization (92246), Street Construction Account (57411), and a new project number to be established; (2) \$100,000.00 for the Bicycle Detection at Actuated Traffic Signals into the Transportation Development Act (TDA) Article 3 Fund (2162), Capital Projects–Electrical Projects Organization (92228), Electrical and Plumbing Supplies Account (52511), and a new project number to be established; (3) \$100,000.00 for Castlemont Stairs Rehabilitation (MacArthur Boulevard to Thermal Street) 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; (4) \$75,000.00 for CityRacks VIII Bicycle Parking Project into the Transportation Development Act (TDA) Article 3 Fund (2162), Traffic Engineering Organization (92246), Supplies and Equipment Account (52920), and a new project number to be established; and (5) \$50,000.00 for School Safety Improvements at Various Locations into the Transportation Development Act (TDA) Article 3 Fund (2162), Traffic Engineering Organization (92246), Street Construction Account (57411), and a new project number to be established; and be it

**FURTHER RESOLVED:** That a certified copy of this resolution and its Exhibit, 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 be it

**FURTHER RESOLVED:** That should additional funds be received for these five (5) 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 18 2010          , 20          

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

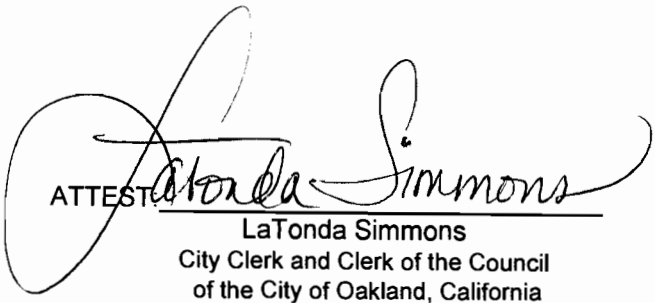
ATTEST:   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

EXHIBIT A1 TO RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$90,000.00 IN FY 2010-11 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR THE **ARDLEY AVENUE/16TH AVENUE BIKEWAY (MACARTHUR BOULEVARD TO EMBARCADERO)**

**Findings**

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2010-11 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 Wlascowski

Date:

4/13/10

EXHIBIT A2 TO RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$100,000.00 IN FY 2010-11 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR **BICYCLE DETECTION AT ACTUATED TRAFFIC SIGNALS**

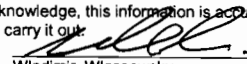
Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2010-11 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 Wlascowski

Date:

4/12/10

EXHIBIT A3 TO RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$100,000.00 IN FY 2010-11 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR **CASTLEMONT STAIRS REHABILITATION (MACARTHUR BOULEVARD TO THERMAL STREET)**

**Findings**

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2010-11 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 Wlassowski

Date:

4/13/10

EXHIBIT A4 TO RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$75,000.00 IN FY 2010-11 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR THE **CITYRACKS VIII BICYCLE PARKING PROJECT**

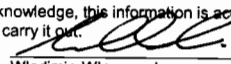
Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2010-11 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 Wlassowski

Date:

4/13/10



EXHIBIT A5 TO RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$50,000.00 IN FY 2010-11 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR **SCHOOL SAFETY IMPROVEMENTS AT VARIOUS LOCATIONS**

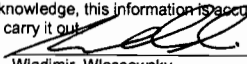
**Findings**

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2010-11 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:

4/13/10