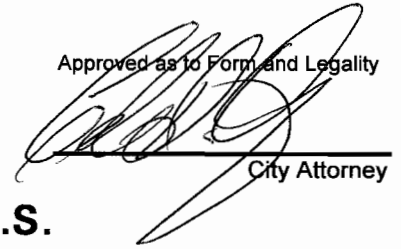


2013 MAY 16 PM 4:01 OAKLAND CITY COUNCIL



City Attorney

RESOLUTION No. 84431 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO APPLY FOR, ACCEPT AND APPROPRIATE GRANT FUNDS UP TO FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) FROM THE ALAMEDA COUNTY TRANSPORTATION COMMISSION (ACTC) MEASURE B AND/OR VEHICLE REGISTRATION FEE (VRF) GRANT FUNDING FOR THE LAKE MERRITT CHANNEL TO BAY TRAIL CONNECTOR PROJECT (NO. C242510)

WHEREAS, the City of Oakland (“APPLICANT”) has submitted an application to the Alameda County Transportation Commission (“Alameda CTC”) for up to Four Hundred Thousand Dollars (\$400,000.00) from one or more of the following funding sources administered by the Alameda CTC and programmed at Alameda CTC’s discretion as part of the Alameda CTC FY 2012/13 Coordinated Program (“PROGRAM”): Measure B Bicycle/Pedestrian Countywide Discretionary Fund, Measure B Express Bus Service fund, VRF Pedestrian and Bicyclist Access and Safety Program, and/or VRF Transit Congestion Relief Program funding (collectively, “FY 2012/13 COORDINATED PROGRAM FUNDING”), for the Lake Merritt Channel Bicycle Pedestrian Bridge (“PROJECT”); and

WHEREAS, Alameda CTC is a joint powers authority resulting from the merger of the Alameda County Congestion Management Agency and Alameda County Transportation Improvement Authority (ACTIA) and is responsible for distributing to local jurisdictions certain Measure B and VRF revenues for bicycle and pedestrian safety, local streets and roads, local transportation technology, mass transit, paratransit, and transit center development programs; and

WHEREAS, APPLICANT represents that APPLICANT is an eligible grant recipient for such Measure B and/or VRF funds; and

WHEREAS, prior to entering into a funding agreement for FY 2012/13 COORDINATED PROGRAM FUNDING, Alameda CTC requires the responsible grant recipient to adopt a resolution confirming the following:

- 1) APPLICANT commits to provide the amount of matching funds specified in the grant funding agreement; and
- 2) APPLICANT understands that the amount of FY 2012/13 COORDINATED PROGRAM FUNDING is capped at the amount approved by the Alameda CTC Commission, and therefore APPLICANT cannot anticipate any PROJECT cost increase to be funded with additional Measure B and/or VRF grant funds; and

- 3) APPLICANT shall complete the project as described in the grant funding agreement; and
- 4) APPLICANT will comply with all the project-specific requirements as set forth in the PROGRAM Guidelines and grant funding agreement; now, therefore be it

RESOLVED, That APPLICANT is authorized to enter into a funding agreement for FY 2012/13 COORDINATED PROGRAM FUNDING for PROJECT; and be it

FURTHER RESOLVED, That the APPLICANT by adopting this resolution does hereby confirm and agree that:

1. APPLICANT will provide four hundred thousand dollars (\$400,000.00) in matching funds;
2. APPLICANT understands that the amount of FY 2012/13 COORDINATED PROGRAM FUNDING for the project is capped at the amount approved by the Alameda CTC Commission, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional Measure B/VRF grant funding;
3. PROJECT will be implemented as described in the application, grant funding agreement and in this resolution;
4. APPLICANT and the PROJECT will comply with the requirements as set forth in the PROGRAM Guidelines and grant funding agreement; and be it

FURTHER RESOLVED, That APPLICANT is an eligible sponsor of Measure B and/or VRF funded projects; and be it

FURTHER RESOLVED, That there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it

FURTHER RESOLVED, That the City Council hereby authorizes the City Administrator, or his designee, to apply for, accept and appropriate up to \$400,000.00 and execute a funding agreement with Alameda CTC for FY 2012/13 COORDINATED PROGRAM FUNDING for the PROJECT as referenced in this resolution; and be it

FURTHER RESOLVED, That said funding will be appropriated to the ACTIA Reimbursable Grants Fund (2214), Project Delivery Organization (92270) under project numbers to be established and that the City of Oakland has additional funds from the following sources: Bond Measure DD (Fund 5321) and can finance the feasibility study; and be it

FURTHER RESOLVED, That the City of Oakland certifies that the Project is compatible with the land use plans of those jurisdictions immediately surrounding the Project; and be it

FURTHER RESOLVED, That the City Administrator, or her designee, is authorized, on behalf of the City of Oakland, to negotiate, apply for, accept, submit and execute all documents, including, but not limited to, applications, contracts, amendments, payment requests, and related actions for the completion of this project without return to Council; and be it

FURTHER RESOLVED, That should additional funds become available and/or received for this

project, the City Administrator, or her designee, is hereby authorized to accept and appropriate the same for the purposes described above without return to Council; and be it

FURTHER RESOLVED, That a copy of this Resolution will be transmitted to Alameda CTC by June 30, 2013, and another copy of this resolution be placed on file with the City Clerk.

JUN 4 2013

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

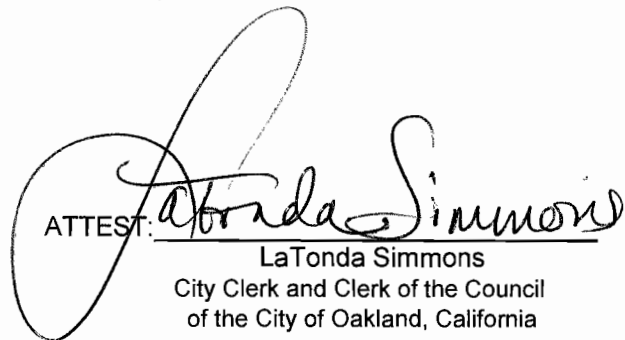
AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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