

CITY OF OAKLAND

AGENDA REPORT

OFFICE OF THE CITY CLERK

2006 JUN 16 PM 12:14

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: June 27, 2006

RE: **1) A Resolution Authorizing The City Administrator To Apply For, Accept And Appropriate Metropolitan Transportation Commission's Federal Congestion Mitigation And Air Quality ("MTCFCMAQ") Funding For The Coliseum Transit Hub Streetscape Project Of Eighty Nine Thousand Dollars (\$89,000.00) And The West Oakland Bay Trail Gap Closure Project Of Seven Hundred Seventy Thousand Dollars (\$770,000.00), To Accept Additional MTCFCMAQ Funds If They Become Available Without Return To Council, And Assuring The City Of Oakland Will Complete The Projects If Awarded The Grant Funds; And**
2) A Redevelopment Agency Resolution Authorizing A Contribution Of Up To \$16,000.00 In Redevelopment Agency Funds To The City Of Oakland Under The Cooperation Agreement For The Coliseum Transit Hub Streetscape Project

SUMMARY

A resolution has been prepared that authorizes the City Administrator, or her designee, to apply for, accept and appropriate grant funds totaling \$859,000.00 from the Metropolitan Transportation Commission's (MTC) Federal Congestion Mitigation and Air Quality (CMAQ) Improvement Program for the Coliseum Transit Hub Streetscape Project and the West Oakland Bay Trail Gap Closure Project. The CMAQ funds will be used to: 1) provide streetscape improvements along San Leandro St. from 66th to 73rd Avenues; and 2) close a bicycle and pedestrian facility gap along the Bay Trail in West Oakland to create a continuous facility.

A companion Redevelopment Agency resolution authorizes the use of up to \$16,000.00 in matching funds from the Redevelopment Agency for the Coliseum project and authorizes an amendment to the Cooperation Agreement with the Redevelopment Agency for this basic purpose.

The projects fulfill the Mayoral and City Council goal and objective to "Build Community and Foster Livable Neighborhoods" by providing for clean, well-maintained and accessible streets, sidewalks and trees, and by improving bike and pedestrian safety. The Coliseum Transit Hub project is located in Council District 7 and the West Oakland Bay Trail project is located in Council District 3.

FISCAL IMPACT

Approval of these resolutions will enable the City to receive \$859,000.00 of federal transportation funds available in FY 2006-2007, which must be obligated by May 31, 2007. The grant funds will be appropriated into the MTC Grant Fund (2163) under project numbers to be established. The City shall be required to provide a minimum 11.5 percent local match. The \$16,000.00 in local match for the

Item: _____
Public Works Committee
June 27, 2006

Coliseum Transit Hub Streetscape Project will come from the Coliseum Tax Allocation Bond, Series 2003 Fund (9453), CIP Economic Development Organization (94800), Coliseum Tax Allocation Bond, Series 2003 Project (P233410); and \$102,500.00 in local match for the West Oakland Bay Trail Gap Closure Project will come from Measure B Fund (2210), Capital Project Management Organization (92270), District 3 Pay-Go Project (B246630).

The CMAQ award of \$89,000.00 to the Coliseum Transit Hub Streetscape Improvement Project will provide the necessary additional funds to cover added construction associated improvements, materials and related contingency costs. The overall project will provide new streetscape amenities such as new sidewalks, crosswalks, wheelchair ramps, landscaped medians, new streetlights and bus shelters. The following table summarizes funding allocated to date:

Coliseum Transit Hub Streetscape - Summary of Total Funding			
Fund	Project No.	Description	Orig. Amount
2163	G234510	MTC-TLC Capital Grant	\$1,000,000.00
9453	P233440	ORA Local Match- TLC Grant	\$130,000.00
2999	G234530	FTA AC Transit	\$600,000.00
2166	G234520	TFCA Local Grant - ACCMA	\$192,000.00
2159	C291210	TFCA Regional Grant - BAAQMD	\$130,000.00
2163	TBD	MTC CMAQ Grant	\$89,000.00
9453	TBD	ORA Local Match- CMAQ Grant	\$16,000.00
TOTAL			\$2,157,000.00

The CMAQ award of \$770,000.00 to the West Oakland Bay Trail Gap Closure Project will supplement existing project funds and will be used to cover the increased cost of construction, cover anticipated material price escalation, and provide an adequate construction contingency on the project. The table below summarizes total funding allocated to this project to date. Potential increases in maintenance costs from implementing this project will be addressed in a subsequent report to award a construction contract.

West Oakland Bay Trail Gap Closure - Summary of Total Funding			
Fund	Project No.	Description	Orig. Amount
2116	G199010	TEA-21 Grant	\$902,080.00
2210	G199020	Measure B Local Match	\$125,000.00
5500	C181110	Capital Improvement Project	\$85,750.00
2159	TBD	ABAG Bay Trail Grant	\$60,000.00
2163	TBD	MTC CMAQ Grant	\$770,000.00
2210	B246630	District 3 Pay-Go	\$102,500.00
TOTAL			\$2,045,330.00

PROJECT DESCRIPTION

These two projects will help improve the City's transportation infrastructure:

- **Coliseum Transit Hub Streetscape Project (No. G234510):** The project features pedestrian improvements on San Leandro Street between 66th to 73rd Avenues that include new sidewalks, crosswalks, wheelchair ramps, landscaped medians, increased pedestrian lighting, traffic signal improvements, ornamental fencing, lighted bollards, and bus shelters.
- **West Oakland Bay Trail Gap Closure Project (No. G199010):** The project will close a bicycle and pedestrian facility gap on Mandela Parkway between 7th to 8th Streets and on 8th St. from Union St. to Mandela Parkway by providing new bike lanes; sidewalk, crosswalk and wheelchair ramp repairs; new pedestrian lights; street trees; traffic signal improvements; and roadway realignment on Mandela Parkway.

BACKGROUND

The Alameda County Congestion Management Agency (ACCMA) issued a Request for Information (RFI) on March 20, 2006 for projects that could use federal CMAQ funds. Submittals, which were due by March 31, 2006, were open to bicycle/pedestrian projects and to projects that met the eligibility requirements under the Transportation For Clean Air (TFCA) program. Based upon an overwhelming response to the RFI from project sponsors, the ACCMA decided to make the CMAQ funds available on an expedited program cycle. In accordance with ACCMA's criteria for recommending an award, projects must demonstrate "project readiness" either in terms of a completed design, having obtained federal environmental clearance (NEPA), and/or being ready to construct in FY 2006-2007.

Twelve projects were submitted by the City of Oakland for consideration of the grant funding. These twelve projects competed against other cities and transportation agencies throughout Alameda County for a share of the \$5.2 million in available funds (see Attachment A). Ten of the twelve projects were not recommended for an award and fell into one of the following categories:

1. The projects were already under construction and the work would be complete prior to the award of the CMAQ funds; or
2. The projects did not have NEPA clearance, and would not be able to obligate the funds in time.

Two projects (Coliseum Transit Hub and West Oakland Bay Trail) from the City were recommended by ACCMA for funding by MTC's CMAQ program.

Coliseum Transit Hub Streetscape Project: Per Resolution No. 79364 CMS, McGuire and Hester were awarded the contract in the amount of \$1,378,195.00 for the project. The contract specifications limit change orders to 20% of the contract dollar amount. However, since the start of construction on April 18, 2006, the City already issued change orders up to 15% of the contract amount due to unforeseen scope changes. The CMAQ funds will be used to cover the anticipated change order work and fund project contingency in order to successfully complete the project.

West Oakland Bay Trail Gap Closure Project: Two bids, one for \$1,197,057.00 and the other for \$1,249,715.89, were received in October 2005 for the West Oakland Bay Trail Gap Closure Project. Due in part to the energy crisis in 2005, plus unprecedented increases in the cost of construction materials, and increased labor and insurance costs, the bids exceeded the engineer's estimate of \$640,000.00 by \$557,000.00 and \$610,000.00 respectively. The CMAQ funds will be used to cover the increased cost of construction, cover any material price escalation, and provide an adequate construction contingency amount.

KEY ISSUES AND IMPACTS

MTC requires that an approved City Council resolution be submitted by July 24, 2006 in order to meet its funding approval deadlines. Due to the timing of the award notification to the City, the earliest opportunity to bring this resolution to the City Council is the June 27, 2006 Public Works Committee and the July 18, 2006 full City Council meetings.

Coliseum Transit Hub Streetscape Project: This project requires additional work because of delays on a corresponding PG&E Rule 20B utility undergrounding project. As a result, the original scope of work for the utility undergrounding project has been programmatically shifted into this project. The new scope of work includes furnishing and installing signals, poles, lights, and trenching and miscellaneous conduits. With the CMAQ award of \$89,000.00, the City will be able to incorporate any additional unforeseen scope changes since the project contingency will be increased accordingly.

West Oakland Bay Trail Gap Closure Project: After bids were received in October 2005, the administering agency for the TEA-21 grant of \$902,080.00, Caltrans, advised the City that it would risk losing eligibility for the TEA-21 grant if the project were substantially reduced in scope without first seeking additional funding. As a last resort, Caltrans would consider allowing a scope reduction, though there was no guarantee. Therefore, staff could not immediately reject bids, redesign the project to reduce scope and cost, and rebid the project until it was determined whether the project might qualify for additional funding. With the CMAQ award of \$770,000.00, the City can implement the project without deleting scope from the project. Staff will return to Council with a request to reject the initial bids and rebid this project.

SUSTAINABLE OPPORTUNITIES

Economic: The projects will generate business tax, sales tax, and other revenues for the City for work on the project. The projects will provide the opportunity to use local contractors, which offer employment to Oakland residents, thereby strengthening the local economy.

Environmental: The projects promote the use of public transit, and include bicycle and pedestrian improvements. The use of these alternative modes of transportation will reduce vehicle emissions thereby contributing to improved air quality.

Social Equity: The projects provide greater accessibility and safety to persons who depend upon non-motorized transportation and public transit to access jobs and services.

DISABILITY AND SENIOR CITIZEN ACCESS

All new physical improvements will comply with the Americans with Disabilities Act. The projects will reconstruct curb ramps and provide detectable warning tiles, making them safer for senior citizens and persons with disabilities. Traffic calming elements will add to this benefit as well.

RECOMMENDATIONS AND RATIONALE

It is recommended that the City Administrator, or her designee, be authorized to apply for, accept and appropriate grant funds totaling \$859,000.00 from the MTC's CMAQ Improvement Program for the Coliseum Transit Hub Streetscape Project and the West Oakland Bay Trail Gap Closure Project. It is further recommended that the use of up to \$16,000.00 in matching funds from the Redevelopment Agency for the Coliseum project be approved.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council and Redevelopment Agency approve the resolutions.

Respectfully submitted,

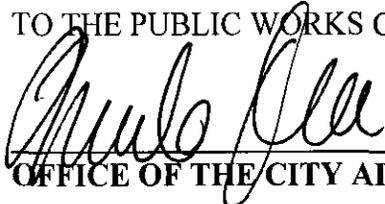


RAUL GODINEZ II, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, P.E.
Assistant Director, Public Works Agency
Design & Construction Services Department

Prepared by:
Calvin Hao, AIA
CIP Coordinator, Project Delivery Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:



OFFICE OF THE CITY ADMINISTRATOR

ATTACHMENT: Attachment A - Summary of FY 06/07 CMAQ RFI

Attachment A - Summary of FY 06/07 CMAQ RFI

PPC Agenda Item 3.2 and 3.3
Meeting Date: May 8, 2006

Index	Sponsor	Project	Project Type: (Bike/Ped or Other)	Requested Fund Source(s):				Anticipated FY	Funding Requested (\$X1,000)	Total Project Cost (\$X1,000)	Comments/ Notes	
				ACTIA Meas. B	CMAQ (RBPP)	CMAQ (TFCA) ¹	CMA TIP					
Previously Approved Projects for CMAQ(TFCA) Funding:												
1	ACCMA (w/TALC)	Exchange - TravelChoice Program	Other			X	D		06/07	\$ 150	\$ 150	Approved by CMA Board 10/2005 - Exchange for local funds required
2	ACCMA (w/corridor partners)	SMART Corridor O & M (w/multiple partners)	Other			X	G		06/07	\$ 50	\$ 50	Approved by CMA Board 4/2006; Exchange for local funds required; Funded with shares from various agencies
Proposed Candidates for 06/07 CMAQ(TFCA) Funding:												
3	ACCMA (w/corridor partners)	Ala County Incident Management(w/ Ala County Fire)	Other			X	G		06/07	\$ 153	\$ 153	Funded with shares from various agencies; Exchange for local funds required
4	ACCMA (w/ AC Transit)	I-880 Maritime St (Phase 1: Grand-MacArthur Bus Rapid Transit Corridor)	Other			X	D	X	06/07	\$ 500	\$ 3,720	Construction Start Fall 2006
ACCMA Subtotal:										\$ 653	\$ 3,873	
5	Alameda	Electric Fleet Vehicles and Charging Stations	Other			X	G		06/07	\$ 99	\$ 112	Purchase vehicles in Spring 2007
6	Alameda	Otis Drive/ Doolittle Dr/ Island Drive Signal Coordination	Other			X	G		06/07	\$ 59	\$ 66	Construction Start Winter 2007
Alameda Subtotal:										\$ 158	\$ 178	
7	Alameda County	Traffic Operations Center	Other			X	G		06/07	\$ 80	\$ 80	Proposed to be implemented with assistance from the CMA
8	BART	Operations of Bicycle Stations at Downtown Berkeley and Fruitvale BART Stations	Other		X	X	D	X	06/07	\$ 260	\$ 612	Contingent on receiving additional information prior to the Board Meeting
9	LAVTA	Shuttle Services from the Pleasanton ACE Station	Other			X	D		06/07	\$ 88	\$ 492	Existing TFCA grant will cover Route 54 operations through FY 06/07; New funds for Rte 54 in FY 07/08 and Rte 53 in FY 06/07 and 07/08
10	LAVTA	East Dublin/Pleasanton BART Station Community Circulation Shuttle	Other			X	D		06/07	\$ 102	\$ 358	Original request for \$268K for two years of service; \$102K will provide operations for FY 06/07
LAVTA Subtotal:										\$ 190	\$ 850	
11	Oakland	West Oakland Bay Trail Gap Closures	Bike/Ped			X	G		06/07	\$ 770	\$ 867	CWTP identified TOD area; Construction Start Fall 2006; Env Docs Complete; Need to identify match
12	Oakland	Coliseum Transit Hub Streetscape	Bike/Ped; Other	X	X	X	G	X	06/07	\$ 89	\$ 3,752	CWTP identified TOD area; Project will be completed in early fall 2007; Initial request for \$1.4M, propose remainder of CMAQ (TFCA) to supplement project contingency budget
Oakland Subtotal:										\$ 859	\$ 4,619	
13	Piedmont	Exchange - Signalization project at the intersection of Grand Ave/Rose Ave/Arroyo Ave	Bike/Ped			X	G		06/07	\$ 38.7	\$ 38.7	Approved by CMA Board 1/2006 - Exchange for local funds required
Total Candidate Projects for 06/07 CMAQ (TFCA) Funding:										\$ 2,239	\$ 10,251	

Attachment A - Summary of FY 06/07 CMAQ RFI

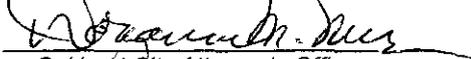
PPC Agenda Item 3.2 and 3.3
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				ACTIA Meas. B	CMAQ (RBPP)	CMAQ (TFCA) ¹	CMA TIP				
Potential Candidates for a Future Coordinated Programming Call For Projects:											
1	ACCMA	Guaranteed Ride Home Program, 07/08	Other			X		07/08	\$ 150	\$ 150	
2	ACCMA	Alameda County Bicycle Signing Program	Bike/Ped	X				07/08	\$ 150	\$ 150	
ACCMA Subtotal :									\$ 300	\$ 300	
3	AC Transit	Pedestrian Improvements on Bus Route Corridors	Bike/Ped; Other	X	X	X	D	07/08	\$ 1,100	\$ 1,100	
4	Alameda	Bike/Ped Estuary Crossing Feasibility Study	Bike/Ped	X	X			06/07	\$ 150	\$ 200	
5	Alameda County	Western Blvd Corridor Study	Bike/Ped	X				07/08	\$ 250	\$ 275	
6	Alameda County	Lewelling Blvd	Bike/Ped	X	X	X	G	07/08	\$ 1,148	\$ 13,500	
Alameda County Subtotal :									\$ 1,398	\$ 13,775	
7	Albany	Pierce Street Class I Bicycle Lanes	Bike/Ped	X				06/07	\$ 200	\$ 245	
8	Berkeley	Transportation Enhancements to Ashby BART Station. Ed Roberts Campus	Bike/Ped	X	X			06/07	\$ 1,800	\$ 3,000	
9	Dublin	East Dublin BART Station Corridor Enhancements	Bike/Ped; Other			X	G	07/08	\$ 200	\$ 2,200	
10	Emeryville	Emeryville South Bay Front Bicycle and Pedestrian Overcrossing	Bike/Ped	X	X	X	G	07/08	\$ 1,000	\$ 6,000	
11	Fremont	Fremont Blvd to Dixon Landing Road Class I Trail Connector Env/ Engineering Study	Bike/ Ped	X	X			07/08	\$ 125	\$ 125	
12	Fremont	Citywide ADA Transition Plan	Bike/Ped	X				07/08	\$ 180	\$ 180	
13	Fremont	CNG Refueling Station	Other			X	G	07/08	\$ 100	\$ 100	
Fremont Subtotal :									\$ 405	\$ 405	
14	Hayward	Second Street New Sidewalk	Bike/Ped	X	X	X	G		\$ 337	\$ 588	City anticipates requesting 07/08 funds in upcoming Call for Projects
15	Hayward	Cannery Area Bicycle/ Pedestrian Bridge	Bike/Ped	X	X	X	G	06/07	\$ 1,748	\$ 1,975	Includes 250K for design in 07/08
Hayward Subtotal :									\$ 2,085	\$ 2,563	
16	Livermore	Iron Horse Regional Trail Feasibility Study	Bike/Ped	X				07/08	\$ 180	\$ 180	
17	Livermore	Isabel Interchange Multi-Use Trail	Bike/Ped	X	X	X	G	07/08	\$ 3,300	\$ 3,300	
Livermore Subtotal :									\$ 3,480	\$ 3,480	

Attachment A - Summary of FY 06/07 CMAQ RFI

PPC Agenda Item 3.2 and 3.3
Meeting Date: May 8, 2006

Index	Sponsor	Project	Project Type: (Bike/Ped or Other)	Requested Fund Source(s):				Anticipated FY	Funding Requested (\$X1,000)	Total Project Cost (\$X1,000)	Comments/ Notes	
				ACTIA Meas. B	CMAQ (RBPP)	CMAQ (TFCA) ¹	CMA TIP					
Potential Candidates for a Future Coordinated Programming Call For Projects, continued:												
18	Oakland	Latham Square and Telegraph Ave Streetscape/Ped Improvements	Bike/Ped	X		X	G	X	06/07	\$ 1,134	\$ 10,386	Project advertised prior to TIP approval; Project advertised prior to a NEPA Env Doc
19	Oakland	Old Oakland Streetscape/Pedestrian Improvements	Bike/Ped	X		X	G	X	06/07	\$ 426	\$ 1,065	NEPA Doc. required;
20	Oakland	Broadway Phase II/ III Streetscape/ Pedestrian Improvements	Bike/Ped	X		X	G	X	06/07	\$ 743	\$ 3,336	Project advertised prior to TIP approval; Project advertised prior to a NEPA Env Doc
21	Oakland	Coliseum Transit Hub Streetscape	Bike/Ped; Other	X	X	X	G	X	06/07	\$ 1,438	\$ 3,752	CWTP identified TOD area; Project will be completed in early fall 2007
22	Oakland	Downtown Oakland TOS, Signal Coordination, & GPS/WW Clock Installation, Phase 1	Other			X	G		06/07	\$ 825	\$ 825	No match Identified; \$208k for PSE;
23	Oakland	Alameda Ave Bay Trail Extension	Bike/Ped	X					06/07	\$ 300	\$ 666	
24	Oakland	MacArthur Blvd Bikeway from Park to Lincoln	Bike/Ped	X				X	07/08	\$ 400	\$ 570	
25	Oakland	Derby to Lancaster Bay Trail Gap Closure	Bike/Ped	X	X				07/08	\$ 1,000	\$ 1,500	
26	Oakland	Telegraph Streetscape Project-Phase I	Bike/Ped	X	X			X	07/08	\$ 2,000	\$ 2,500	
27	Oakland	Revive Chinatown Pedestrian Oriented Improvements	Bike/Ped; Other			X	G		07/08	\$ 500	\$ 2,500	
Oakland Subtotal :										\$ 8,766	\$ 27,100	
28	Pleasanton	Vineyard Corridor Pedestrian/ Equestrian Trail (Class I)	Bike/Ped	X	X	X	G	X	06/07	\$ 260	\$ 650	Project Construction scheduled prior to TIP approval; General funds identified for project; Identified in CWBP as a Class II Route
29	Union City	Replacement -Fixed Route Buses	Other			X	D		07/08	\$ 750	\$ 2,210	\$150K per bus
30	Union City	Replacement -Paratransit Vans	Other			X	D		07/08	\$ 237	\$ 473	\$79K per vehicle
Union City Subtotal :										\$ 987	\$ 2,683	
Total Potential Candidates for Coordinated Programming Call For Projects:										\$ 22,131	\$ 63,701	
Total for Candidate Projects for 06/07 and all other funding requests:										\$ 24,370	\$ 73,952	
Notes: ¹ A "G" denotes TFCA Guaranteed Funds, "D" denotes TFCA Discretionary Funds.												


Oakland City Attorney's Office

OFFICE OF THE CITY CLERK
OAKLAND

2006 JUN 14 PM 12:14

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT AND APPROPRIATE METROPOLITAN TRANSPORTATION COMMISSION'S FEDERAL CONGESTION MITIGATION AND AIR QUALITY ("MTCFCMAQ") FUNDING FOR THE COLISEUM TRANSIT HUB STREETScape PROJECT OF EIGHTY NINE THOUSAND DOLLARS (\$89,000.00) AND THE WEST OAKLAND BAY TRAIL GAP CLOSURE PROJECT OF SEVEN HUNDRED SEVENTY THOUSAND DOLLARS (\$770,000.00), TO ACCEPT ADDITIONAL MTCFCMAQ FUNDS IF THEY BECOME AVAILABLE WITHOUT RETURN TO COUNCIL, AND ASSURING THE CITY OF OAKLAND WILL COMPLETE THE PROJECTS IF AWARDED THE GRANT FUNDS

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) continues the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149); and

WHEREAS, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive CMAQ Improvement Program grants for a project shall submit an application first with the appropriate metropolitan transportation planning organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (MTC) is the MPO for the San Francisco Bay region and the City of Oakland is an eligible project sponsor for CMAQ Improvement Program funds; and

WHEREAS, The City of Oakland wishes to submit an application to MTC for funds from the CMAQ Improvement Program in fiscal years 2006-07 for the following two projects:

- 1) Coliseum Transit Hub Streetscape Project: This project features pedestrian improvements that include new walkways along both sides of San Leandro Street with new landscaping, increased pedestrian lighting, and new signalized crosswalks, and
- 2) West Oakland Bay Trail Gap Closure Project: This project will close a bicycle and pedestrian facility gap on Mandela Parkway between 7th and 8th Streets and on 8th St. from Union St. to Mandela Parkway by providing new bike lanes; sidewalk, crosswalk and ramp repairs; new pedestrian lights; street trees; traffic signal improvements; and roadway alignment on Mandela Parkway; and

WHEREAS, MTC requires, as part of the application, a resolution stating the following: The commitment of necessary local matching funds of at least 11.47%; the sponsor understands that the CMAQ Improvement Program funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with CMAQ Improvement Program funds; the assurance of the sponsor to complete the project as described in the application, and if approved, as programmed in MTC's Transportation Improvement program; and the sponsor understands that funds

must be obligated by May 31 of the year that the project is programmed for in the TIP, or the project may be removed from the program; now, therefore, be it

RESOLVED: That the City Administrator is authorized to apply for, accept and appropriate Congestion Mitigation and Air Quality Improvement Program funds for the Coliseum Transit Hub Streetscape Project for eighty nine thousand dollars (\$89,000.00) and the West Oakland Bay Trail Gap Closure Project for seven hundred seventy thousand dollars (\$770,000.00) on behalf of the City of Oakland; and be it

FURTHER RESOLVED: That the City Council by adopting this resolution does hereby state that:

- 1) The Oakland Redevelopment Agency will provide a local match not to exceed sixteen thousand dollars (\$16,000.00) towards the Coliseum Transit Hub Streetscape Project from the Coliseum Tax Allocation Bond, Series 2 (Fund 9453), and the City of Oakland will provide the one hundred two thousand five hundred dollars (\$102,500.00) in non-federal matching funds from Council District 3 Pay-Go (Fund 2210) for the West Oakland Bay Trail Gap Closure Project; and
- 2) The City of Oakland understands that the CMAQ Improvement Program funding for the projects is fixed at eight hundred fifty nine thousand dollars (\$859,000.00), and that any cost increases must be funded by the City of Oakland from local matching funds, and that the City of Oakland does not expect any cost increases to be funded with Surface Transportation Program or CMAQ Improvement Program funds; and
- 3) The Coliseum Transit Hub Streetscape and the West Oakland Bay Trail Gap Closure projects will be built as described in this resolution and, if approved, for the amount shown in the MTC's TIP with obligation occurring within the timeframe established below; and
- 4) The program funds are expected to be obligated by May 31, 2007; and be it

FURTHER RESOLVED: That the proposed Coliseum Transit Hub Streetscape Improvement project is within the boundaries of the Coliseum Redevelopment Project Area and its development will contribute to the Agency's goals and objectives for the Project Area; and be it

FURTHER RESOLVED: That Section 33445 of the California Health and Safety Code requires the consent of the legislative body when the cost of installation or construction of publicly owned facilities is paid for with redevelopment agency funds, upon certain findings by the legislative body; and be it

FURTHER RESOLVED: That the City and the Redevelopment Agency have entered into a Cooperation Agreement for the Coliseum Redevelopment Project Area providing for the provision of funding and services by the City and the Agency to support redevelopment activities in the Coliseum Project Area; and be it

FURTHER RESOLVED: That there is no legal impediment to the City of Oakland making applications for CMAQ Improvement Program funds; and be it

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

FURTHER RESOLVED: That a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it

FURTHER RESOLVED: That MTC is requested to support the application for the projects described in the resolution and to program the projects, if approved, in MTC's TIP; and be it

FURTHER RESOLVED: That the City Council hereby appropriates any funds that are received for these projects under the CMAQ program into the MTC Grant Fund (Fund 2163) under project numbers to be established; and be it

FURTHER RESOLVED: That should additional funds be received for these projects, 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 the City Council hereby authorizes the City Administrator, or her designee, to negotiate grant terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures, and take all other actions with respect to the CMAQ program and these projects in accordance with this resolution and its basic purposes with the exception of professional services, procurement and construction contracts in excess of the the City Administrator's contract authority; and be it

FURTHER RESOLVED: That the execution of any documents legally committing the City to fund these projects 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 all documents shall be reviewed and approved by the City Attorney's Office prior to execution for form and legality, and all copies will be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

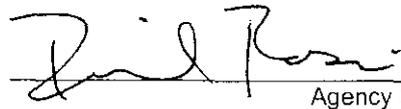
ABSTENTION-

ATTEST:

LATONDA SIMMONS
CITY CLERK AND CLERK OF THE COUNCIL OF
THE CITY OF OAKLAND, CALIFORNIA

2006 JUN 14 PM 12: 14

APPROVED AS TO FORM AND LEGALITY:


Agency Counsel

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION NO. _____ C. M. S.

RESOLUTION AUTHORIZING A CONTRIBUTION OF UP TO \$16,000.00 IN REDEVELOPMENT AGENCY FUNDS TO THE CITY OF OAKLAND UNDER THE COOPERATION AGREEMENT AS MATCHING FUNDS FOR A METROPOLITAN TRANSPORTATION COMMISSION'S CONGESTION MANAGEMENT AIR QUALITY GRANT TO FUND THE COLISEUM TRANSIT HUB STREETScape IMPROVEMENT PROJECT

WHEREAS, the City of Oakland is considered eligible for an \$89,000.00 grant from the Metropolitan Transportation Commission's Federal Congestion Management Air Quality program for the Coliseum Transit Hub Streetscape project; and

WHEREAS, a local matching fund of 11.5 percent is required; and

WHEREAS, the proposed Coliseum Transit Hub Streetscape project is within the boundaries of the Coliseum Redevelopment Project Area and its development will contribute to the Agency's goals and objectives for the Project Area; and

WHEREAS, the Redevelopment Agency wishes to fund the local match in an amount not to exceed \$16,000 for the project; and

WHEREAS, the project matching fund of \$16,000 will be allocated from the Redevelopment Agency Coliseum Project Area Tax Allocation Bond, Series 2, Fund (9453), Capital Improvement Project- Economic Development Organization (94800), Coliseum ORA TAB Series 2003 Project (P233410); and

WHEREAS, the Redevelopment Agency has authorized funding for construction costs to the project under Section 33445 of the California Health and Safety Code; and

WHEREAS, Section 33445 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 and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which governs the provision of assistance and the payment of funds between the two agencies; now, therefore, be it

RESOLVED: That the Redevelopment Agency hereby authorizes up to \$16,000 in matching funds from Coliseum Redevelopment Project Area funds for the Coliseum Transit Hub Streetscape Improvement project under the Cooperation Agreement; and be it further

RESOLVED: That the matching funds of \$16,000 will be allocated from the Redevelopment Agency Coliseum Project Area Tax Allocation Bond, Series 2, Fund (9453), Capital Improvement Project- Economic Development Organization (94800), Coliseum ORA TAB Series 2003 Project (P233410); and be it further

RESOLVED: That the Coliseum Transit Hub Streetscape Improvement project will benefit the Coliseum Project Area by improving public transit amenities, improving pedestrian and vehicular conditions, and enhancing the aesthetic and functional appeal of the Project Area for public use; and be it further

RESOLVED: That the use of tax increment funds from the Coliseum Project Area for the Coliseum Transit Hub Streetscape Improvement project will assist in the elimination of blight and is consistent with the implementation plan adopted for the Coliseum Project; and be it further

RESOLVED: That the Agency Administrator or her designee is hereby authorized to take whatever action is necessary with respect to this allocation of funds and the Coliseum Transit Hub Streetscape project consistent with this Resolution and its basic purpose.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
Secretary of the Redevelopment
Agency of the City of Oakland