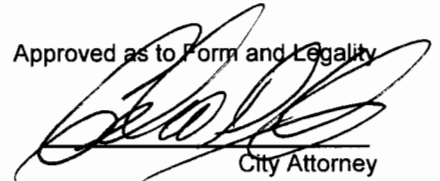


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2010 SEP -1 PM 12:23

RESOLUTION No. 82975 C.M.S.

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

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE \$3.617 MILLION IN FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) AND/OR CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT (CMAQ) FUNDING FROM THE ALAMEDA COUNTY TRANSPORTATION COMMISSION AND THE METROPOLITAN TRANSPORTATION COMMISSION FOR OAKLAND VARIOUS STREETS RESURFACING PROJECT; COMMITTING \$468,700 IN LOCAL MATCH FUNDS; STATING THE CITY'S ASSURANCE TO COMPLETE THE PROJECT**

**WHEREAS**, the City of Oakland ("the City") adopted a Five Year Prioritization Plan for Street Pavement Rehabilitation in 2007 (Resolution No. 81039 C.M.S.); and

**WHEREAS**, the City is submitting an application to the Alameda County Transportation Commission ("ACTC") and the Metropolitan Transportation Commission ("MTC") for \$3,617,000 in funding from the federal Surface Transportation Program ("STP") and/or Congestion Mitigation and Air Quality Improvement ("CMAQ") program for the Oakland Various Streets Resurfacing Project (herein referred to as "Project") for the MTC Resolution, No. 3925, New Federal Surface Transportation Act (FY 2009-10, FY 2010-11 and FY 2011-12) Cycle 1 STP/CMAQ Program: Project Selection Criteria, Policy, Procedures and Programming (herein referred to as "Program"); and

**WHEREAS**, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) authorized the Surface Transportation Program (23 U.S.C. § 133) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) through September 30, 2009; and

**WHEREAS**, SAFETEA has been extended through December 31, 2010 pursuant to Public Law 111-147, March 18, 2010 and may be subsequently extended pending enactment of successor legislation for continued funding; and

**WHEREAS**, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement Program (STP/CMAQ) funds for a project shall submit an application first with the appropriate Metropolitan 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 nine counties of the San Francisco Bay region; and

**WHEREAS**, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of STP/CMAQ funds; and

**WHEREAS**, the City is an eligible project sponsor for STP/CMAQ funds; and

**WHEREAS**, as part of the application for STP/CMAQ funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- 1) The commitment of necessary local matching funds of at least 11.47%; and
- 2) That the sponsor understands that the STP/CMAQ funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional STP/CMAQ funds; and
- 3) That the project will comply with the procedures specified in Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- 4) The assurance of the sponsor to complete the project as described in the application, and if approved, as included in MTC's TIP; and
- 5) That the project will comply with all the project-specific requirements as set forth in the Program; now, therefore, be it

**RESOLVED:** That the City is authorized to execute and file an application for funding for the Project under the Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) of SAFETEA, any extensions of SAFETEA or any successor legislation for continued funding; and be it

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

1. The City will provide \$ 468,700 in non-federal matching funds; and
2. The City understands that the STP/CMAQ funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the the City from other funds, and that the City does not expect any cost increases to be funded with additional STP/CMAQ funding; and
3. The City understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
4. Project will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and
5. the City and the Project will comply with the requirements as set forth in the program; and be it

**FURTHER RESOLVED:** That the City is an eligible sponsor of STP/CMAQ funded projects; and be it

**FURTHER RESOLVED:** That the City is authorized to submit an application for STP/CMAQ funds for the Project; and be it

**FURTHER RESOLVED:** That there is no legal impediment to the City making applications for the funds; 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 the City to deliver such Project; and be it

**FURTHER RESOLVED:** That the City authorizes the City Administrator, or designee to execute and file an application with MTC for STP/CMAQ funding for the Project as referenced in this resolution; 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 the MTC is requested to support the application for the Project described in the resolution and to include the Project, if approved, in MTC's TIP; and be it

**FURTHER RESOLVED:** That the City Council hereby appropriates any funds that are received for the Project under the ACTC and MTC grant program into the Metropolitan Transportation Commission Grant Fund (2163) under a project number to be established; and be it

**FURTHER RESOLVED:** That local match of \$468,700 will be provided by Measure B local streets and roads funds (Fund 2211), Capital Project - Streets and Structures Organization (92242), Street Construction Account (57411), Matching Funds for Grant Funded Projects (C370010); and be it

**FURTHER RESOLVED:** That should additional funds be received for these projects, the City Administrator, or his designee, is hereby authorized to accept and allocate the same for the purposes described above; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator or his designee to negotiate grant terms, execute, modify, amend and extend agreements, allocate revenues, make expenditures, and take all other actions with respect to the Project in accordance with this Resolution and its basic purposes; 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 (minor alterations to existing streets, sidewalks, and pedestrian and bicycle ways) of the CEQA guidelines; and be it

**FURTHER RESOLVED:** That the City Administrator or his 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 his designee; 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, SEP 21 2010, 20   

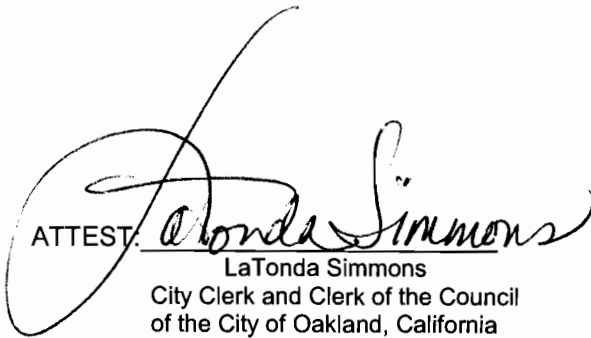
**PASSED THE FOLLOWING VOTE:**

AYES – BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~WILLIAMS~~, AND PRESIDENT BRUNNER – **7**

NOES – **0**

ABSENT – *Reid - 1*

ABSTENTION – **0**

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