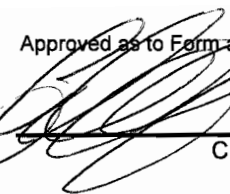


OFFICE OF THE CITY CLERK
OAKLAND, CALIFORNIA

OAKLAND CITY COUNCIL

Approved as to Form and Legality

City Attorney

RESOLUTION NO. 83846 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE UP TO THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) IN FISCAL YEAR 2012-2013 STATE TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 FUNDS AS FOLLOWS: (1) CITYRACKS BICYCLE PARKING PROGRAM, SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00); (2) STORM DRAIN INLET GRATES PROJECT, FIFTY THOUSAND DOLLARS, (\$50,000.00); AND (3) PEDESTRIAN STAIRS AND PATHS REHABILITATION PROJECTS, ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$175,000.00).

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, 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

WHEREAS, the City of Oakland desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in the Agenda Report accompanying this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists; 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 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 three projects meet MTC's criteria for eligibility; and

WHEREAS, the City's Bicycle and Pedestrian Advisory Committee (BPAC) reviewed and endorsed the list of projects at their monthly meetings in January, February and March, 2012; 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 three (3) projects described in the City Administrator's agenda report accompanying this item: (1) CityRacks Bicycle Parking Program, (2) Storm Drain Inlet Grates Project, and (3) Pedestrian Stairs and Paths Rehabilitation Projects, 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), and/or 15304(h);

FURTHER RESOLVED, that the City Council hereby authorizes the application, acceptance, and appropriation of Fiscal Year 2012-13 TDA Article 3 funds in the amount not to exceed \$300,000.00 to be deposited and appropriated as follows: (1) \$75,000.00 for CityRacks Bicycle Program into Transportation Development Act (TDA) Article 3 Fund (2162), Infrastructure Planning & Programming Organization (92260), Miscellaneous Supplies Account (52920), and a new project number to be established; (2) \$50,000.00 for Storm Drain Inlet Grates Project into Transportation Development Act (TDA) Article 3 Fund (2162), Storm Drain Maintenance Organization (30532), Miscellaneous Supplies Account (52919), and a new project number to be established (3) \$175,000.00 for Pedestrian Stairs and Paths Rehabilitation Projects 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; 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 her 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 three (3) projects, the City Administrator, or her designee, is hereby authorized to accept and appropriate the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 15 2012, 20

PASSED BY THE FOLLOWING VOTE:

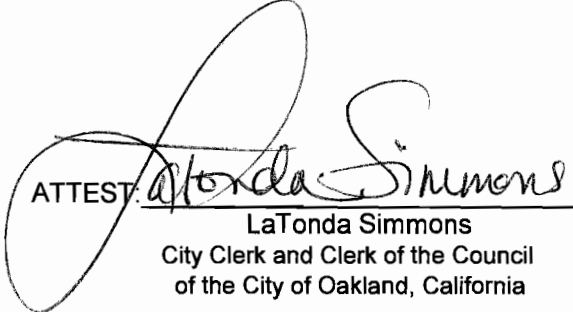
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT

REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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