

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

2017 JUN -1 PM 4:03

RESOLUTION No. 86791 C.M.S.

  
City Attorney

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

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO APPLY FOR, ACCEPT AND APPROPRIATE NINE MILLION SIX HUNDRED EIGHTY SEVEN THOUSAND DOLLARS (\$9,687,000) IN ONE BAY AREA GRANT FUNDS FROM THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE OAKLAND LOCAL STREETS AND ROADS (LSR) PAVING PROGRAM PROJECT AND THE LAKESIDE FAMILY STREETS PROJECT; COMMIT MATCHING FUNDS OF UP TO ONE MILLION TWO HUNDRED FIFTY SEVEN THOUSAND DOLLARS (\$1,257,000); AND ASSURE COMPLETION OF THE PROJECTS**

**WHEREAS**, the City of Oakland (City) is submitting an application to the Metropolitan Transportation Commission (MTC) for Nine Million Six Hundred Eighty Seven Thousand Dollars (\$9,687,000) in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Block Grant Program (STP) funding, Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding, Transportation Alternatives (TA) set-aside/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as Regional Discretionary Funding) for the Oakland LSR Paving Program Project and the Lakeside Family Streets Project (Projects) for the One Bay Area Grant Program (Program); and

**WHEREAS**, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the Federal Transportation Act) including, but not limited to the Surface Transportation Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133); and

**WHEREAS**, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

**WHEREAS**, pursuant to the Federal Transportation Act, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

**WHEREAS**, MTC is the MPO and RTPA 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 Regional Discretionary Funding; and

**WHEREAS**, the City is an eligible sponsor for Regional Discretionary Funding; and

**WHEREAS**, as part of the application Regional Discretionary Funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the Regional Discretionary Funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional Regional Discretionary Funding; and
- that the Projects will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- the assurance of the sponsor to complete the Projects as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the Projects will have adequate staffing resources to deliver and complete the Projects within the schedule submitted with the project application; and
- that the Projects will comply with all project-specific requirements as set forth in the Program; and
- that the City has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by the City; and

**WHEREAS**, that the City is authorized to submit an application for Regional Discretionary Funding for the Project; and

**WHEREAS**, there is no legal impediment to the City making applications for the funds; and

**WHEREAS**, there is no pending or threatened litigation that might in any way adversely affect the proposed Projects, or the ability of the City to deliver such Projects; and

**WHEREAS**, the City authorizes its City Administrator or designee to execute and file an application with MTC for Regional Discretionary Funding for the Projects as referenced in this resolution; and

**WHEREAS**, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application; now, therefore be it

**RESOLVED** that the City is authorized to execute and file an application for funding for the Projects for Regional Discretionary Funding under the Federal Transportation Act or continued funding; and be it

**FURTHER RESOLVED** that the City will provide any required matching funds; and be it

**FURTHER RESOLVED** that City understands that the Regional Discretionary Funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the City from other funds, and that City does not expect any cost increases to be funded with additional Regional Discretionary Funding; and be it

**FURTHER RESOLVED** that 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, revised) and City has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by the City; and be it

**FURTHER RESOLVED** that the Projects will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and be it

**FURTHER RESOLVED** that the City has reviewed the Projects and has adequate staffing resources to deliver and complete the Projects within the schedule submitted with the project application; and be it

**FURTHER RESOLVED** that Projects will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the Program; and be it

**FURTHER RESOLVED** that the City is an eligible sponsor of Regional Discretionary Funding funded projects; and be it

**FURTHER RESOLVED** that the City is authorized to submit an application for Regional Discretionary Funding for the Projects; 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 Projects, or the ability of the City to deliver such Projects; and be it

**FURTHER RESOLVED** that the City authorizes its City Administrator or her designees, the Director of Transportation or Assistant Director of Transportation, to execute and file an application with MTC for Regional Discretionary Funding for the Projects as referenced in this resolution; and be it

**FURTHER RESOLVED** that the City authorizes its City Administrator or her designees, the Director of Transportation or the Assistant Director of Transportation, to negotiate grant terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures, and take all other actions with respect to the Program and these Projects in accordance with this Resolution and its basic purposes; 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 Projects described in the resolution, and if approved, to include the Projects in MTC's federal TIP upon submittal by the project sponsor for TIP programming; and be it

**FURTHER RESOLVED** that the City Council hereby appropriates any funds that are received for these Projects into the Metropolitan Transportation Commission Grant Fund (2116) under project numbers to be established; and be it

**FURTHER RESOLVED** that the City Council hereby consents to the use of up to \$1,257,000 in funds, from sources as follows for each project:

- 1) Oakland LSR Paving Program:
  - \$95,000 from Measure B/BB Matching Funds in FY 17/18 for engineering phase
  - \$540,000 from Measure B/BB Matching Funds in FY 18/19 for construction phase;
- 2) Lakeside Family Streets Project:
  - \$53,000 from Measure BB Grant Matching Funds in FY 17/18 for engineering phase;
  - \$569,000 from Measure B/BB Grant Matching Funds in FY 18/19 for construction phase

**FURTHER RESOLVED** that should additional funds be received for these Projects, the City Administrator, or her designees the Director of Transportation or Assistant Director of Transportation, is hereby authorized to accept and allocate the same for the purposes stated above, including necessary matching funds from the aforementioned sources.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 20 2017

**PASSED BY THE FOLLOWING VOTE:**

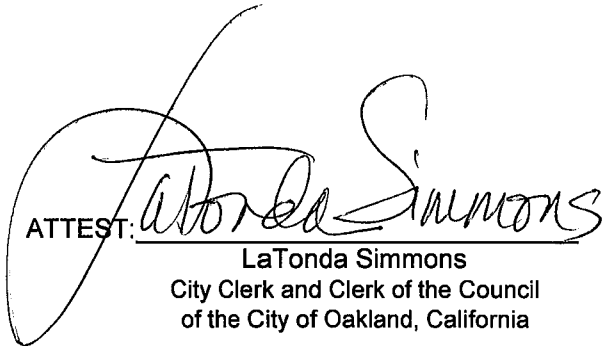
AYES - ~~XXXXXX~~, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 - Brooks

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