

**RESOLUTION NO. \_\_\_\_\_**

**Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept Funds From The Alameda County Transportation Commission’s 2024 CIP Call For Projects For The Emery Go-Round Operating Expenses (FY2024-FY2025), Doyle Bicycle Improvements – Phase 3, And 40th Street Multimodal Improvements; Appropriating \$8,204,000 Into Fund 254 (Project No. 22242002), \$172,000 Into Fund 254 (Project No. 22242002), \$354,000 Into Fund 254 For New CIP Project Number (Doyle Bicycle Improvements – Phase 3), And \$1,000,000 Into Fund 254 (Emery Go-Round Operating Expenses FY2024-FY2025)**

**WHEREAS**, the Alameda County Transportation Commission (“ALAMEDA CTC”) administers funding programs for projects and programs that benefit the Alameda County transportation system, consisting of 2000 Measure B, 2010 Vehicle Registration Fee (“VRF”), 2014 Measure BB, CMA-TIP, and Transportation Fund for Clean Air Programs, and such funding is collectively defined as and shall be referenced herein as the “ALAMEDA CTC ADMINISTERED FUNDS”; and

**WHEREAS**, the City of Emeryville (“FUND RECIPIENT”) submitted a funding application (“APPLICATION”) to the ALAMEDA COUNTY TRANSPORTATION COMMISSION (“ALAMEDA CTC”) for 40TH STREET MULTIMODAL IMPROVEMENTS (“PROJECT A”); and

**WHEREAS**, the PROJECT A will implement pedestrian and transit improvements along the 40th Street corridor including at the 40th/San Pablo Avenue transit hub and corridor bus stops; and

**WHEREAS**, by action of the ALAMEDA CTC Commission at its meeting held on May 25, 2023, ALAMEDA CTC awarded \$8,376,000 in ALAMEDA CTC ADMINISTERED FUNDS to the FUND RECIPIENT for the implementation and delivery of the CONSTRUCTION PHASE (“AWARDED PHASE”) of PROJECT A; and

**WHEREAS**, the City of Emeryville (“FUND RECIPIENT”) submitted a funding application (“APPLICATION”) to the ALAMEDA COUNTY TRANSPORTATION COMMISSION (“ALAMEDA CTC”) for DOYLE BICYCLE IMPROVEMENTS – PHASE 3 (“PROJECT B”); and

**WHEREAS**, the PROJECT B will implement bicycle improvements one block south on Doyle Street between 61st Street and 59th Street by converting the block to one-way automobile traffic and creating a shared street space with the newly allocated street space; and

**WHEREAS**, by action of the ALAMEDA CTC Commission at its meeting held on May 25, 2023, ALAMEDA CTC awarded \$354,000 in ALAMEDA CTC ADMINISTERED FUNDS to the FUND RECIPIENT for the implementation and delivery of the DESIGN PHASE AND CONSTRUCTION PHASE (“AWARDED PHASES”) of PROJECT B; and

Resolution No. \_\_\_\_\_  
Accepting Grant Funds – ACTC CIP 2024 (Various Projects)  
City Council Meeting | April 16, 2024  
Page 2 of 5

**WHEREAS**, the City of Emeryville (“FUND RECIPIENT”) submitted a funding application (“APPLICATION”) to the ALAMEDA COUNTY TRANSPORTATION COMMISSION (“ALAMEDA CTC”) for EMERY GO-ROUND OPERATING EXPENSES (FY2024-FY2025) (“PROJECT C”); and

**WHEREAS**, the PROJECT C will implement the Emery Go-Round program operations during fiscal years 2023/24 and 2024/25; and

**WHEREAS**, by action of the ALAMEDA CTC Commission at its meeting held on May 25, 2023, ALAMEDA CTC awarded \$1,000,000 in ALAMEDA CTC ADMINISTERED FUNDS to the FUND RECIPIENT for the implementation and delivery of the OPERATIONS PHASE (“AWARDED PHASE”) of PROJECT C; and

**WHEREAS**, prior to receipt of any ALAMEDA CTC ADMINISTERED FUNDS, FUND RECIPIENT shall be required to enter into a Project Funding Agreement with ALAMEDA CTC for PROJECT A, PROJECT B, AND PROJECT C (“AGREEMENTS”) based on ALAMEDA CTC’s form therefor, which AGREEMENTS shall set forth certain project-specific requirements applicable to PROJECT A, PROJECT B, AND PROJECT C; and

**WHEREAS**, as part of the requirements to receive ALAMEDA CTC ADMINISTERED FUNDS awarded to PROJECT A, PROJECT B, AND PROJECT C, ALAMEDA CTC requires a resolution accepting the awarded funding to be adopted by the FUND RECIPIENT’s governing body confirming the following:

1. FUND RECIPIENT’s commitment to secure matching funds against the awarded ALAMEDA CTC ADMINISTERED FUNDS; and
2. FUND RECIPIENT’s commitment to provide any additional funding required to deliver the AWARDED PHASE(S) OF PROJECT, with an understanding the same shall not be funded with additional ALAMEDA CTC ADMINISTERED FUNDS; and
3. FUND RECIPIENT’s commitment to implement the AWARDED PHASE(S) of PROJECT as described in the funding application and the subsequent funding agreement between ALAMEDA CTC and the FUND RECIPIENT; and
4. FUND RECIPIENT’s commitment to comply with the AGREEMENT; and
5. FUND RECIPIENT’s commitment to comply with the applicable requirements set forth in ALAMEDA CTC’s Local Business Contract Equity (“LBCE”) Program for professional services and construction contracts funded with Measure B, Measure BB, and/or VRF funds, and abide by the LBCE procedures in the applicable solicitations and contracts; and

Resolution No. \_\_\_\_\_  
Accepting Grant Funds – ACTC CIP 2024 (Various Projects)  
City Council Meeting | April 16, 2024  
Page 3 of 5

**WHEREAS**, ACTC’s Small Cities Program exempts Emeryville, Albany, and Piedmont from match requirements, but additional matching funds from the City were included to gain extra points on the applications; now, therefore, be it

**RESOLVED**, by the City Council of the City of Emeryville that FUND RECIPIENT agrees to accept award of \$8,376,000 in ALAMEDA CTC ADMINISTERED FUNDS for PROJECT A (40th Street Multimodal Improvements), \$354,000 for PROJECT B (Doyle Bicycle Improvements – Phase 3), and \$1,000,000 for PROJECT C (Emery Go-Round Operating Expenses (FY2024-FY2025)); and, be it, further

**RESOLVED**, by the City Council of the City of Emeryville that FUND RECIPIENT, by adopting this resolution, does hereby state that:

1. FUND RECIPIENT will provide a minimum of \$3,800,000 in matching funds for PROJECT A anticipated to be from State Funds (Fund 254 - AHSC Grant); and
2. FUND RECIPIENT will provide a minimum of \$119,000 in matching funds for PROJECT B anticipated to be from Local City Funds (Fund 475); and
3. FUND RECIPIENT will provide a minimum of \$8,600,000 in matching funds for PROJECT C anticipated to be from Local City Funds (Fund 805); and
4. FUND RECIPIENT understands that FUND RECIPIENT shall be responsible to provide any additional funding required to deliver the AWARDED PHASE(S) OF PROJECT A, PROJECT B, and PROJECT C, and the same shall not be funded with additional ALAMEDA CTC ADMINISTERED FUNDS; and
5. AWARDED PHASE(S) of PROJECT A, PROJECT B, and PROJECT C will be implemented as described in each APPLICATION, AGREEMENT, and in this resolution; and
6. FUND RECIPIENT will comply with each AGREEMENT; and
7. FUND RECIPIENT will comply with the applicable requirements set forth in ALAMEDA CTC’s LBCE Program; and therefore, be it further; and, be it, further

**RESOLVED**, by the City Council of the City of Emeryville that FUND RECIPIENT hereby confirms that there is no pending or threatened litigation that might in any way adversely affect FUND RECIPIENT’s ability to implement and deliver the proposed PROJECT A, PROJECT B, and PROJECT C; and, be it, further

**RESOLVED**, by the City Council of the City of Emeryville that FUND RECIPIENT authorizes its City Manager, or designee, to execute each AGREEMENT for PROJECT A, PROJECT B, and PROJECT C; and, be it, further

Resolution No. \_\_\_\_\_  
Accepting Grant Funds – ACTC CIP 2024 (Various Projects)  
City Council Meeting | April 16, 2024  
Page 4 of 5

**RESOLVED**, by the City Council of the City of Emeryville that FUND RECIPIENT shall provide ALAMEDA CTC with a fully-executed copy of this Resolution; and, be it, further

**RESOLVED**, by the City Council of the City of Emeryville that they appropriate \$8,204,000 into Fund 254 City Project No. 22242002 (ACTC – 2010 VRF) for 40TH STREET MULTIMODAL IMPROVEMENTS (“PROJECT A”); and be it further

**RESOLVED**, by the City Council of the City of Emeryville that they appropriate \$172,000 Into Fund 254 City Project No. 22242002 for DOYLE BICYCLE IMPROVEMENTS – PHASE 3 (“PROJECT B”); and be it further

**RESOLVED**, by the City Council of the City of Emeryville that they appropriate \$1,000,000 into Fund 254 for EMERY GO-ROUND OPERATING EXPENSES (FY2024-FY2025) (“PROJECT C”)

Resolution No. \_\_\_\_\_  
Accepting Grant Funds – ACTC CIP 2024 (Various Projects)  
City Council Meeting | April 16, 2024  
Page 5 of 5

**ADOPTED**, by the City Council of the City of Emeryville at a regular meeting held Tuesday, April 16, 2024, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY CLERK

DocuSigned by:  
*John Kennedy*  
\_\_\_\_\_  
CITY ATTORNEY

**ATTACHMENTS**

- Attachment A – Draft Funding Agreement A23-0040 (40th Street)
- Attachment B – Draft Funding Agreement A23-0041 (Doyle Street – Phase 3)
- Attachment C – Draft Funding Agreement A23-0042 (Emery Go-Round Operating Expenses FY2024-FY2025)