

RESOLUTION NO. _____

Resolution Of The City Council Of The City Of Emeryville Authorizing The Filing Of An Application For Alameda County Transportation Commission Administered Funding For The 40th Street Multimodal Improvements Project Part II And Committing Any Necessary Matching Funds And Stating Assurances To Complete The Project

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, Congestion Management Agency Transportation Improvement Program (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 Alameda CTC adopted 2026 Comprehensive Investment Plan (“CIP”) Guidelines at its Commission meeting on May 23, 2024 which includes procedures governing the 2026 CIP application process, programming guidelines, and eligible uses of Alameda CTC Administered Funds; and

WHEREAS, the City of Emeryville (“Applicant”) is the project sponsor for 40th Street Multimodal Improvements Project Part II (“Project”); and

WHEREAS, the Project will implement pedestrian and transit improvements starting from the end of the 40th Street Multimodal Improvements Project Part I, then continuing along the Shellmound Street corridor beginning from the Ikea Entrance and ending at Christie Street; and

WHEREAS, as the Project Sponsor, Applicant has the legal authority to apply for funding for Project and plans to submit a 2026 CIP application (“Application”) to Alameda CTC for \$2,000,000; and

WHEREAS, there are no legal impediments to Applicant applying for funding and there is no active, pending or threatened litigation that may adversely affect the proposed Project or the ability of Applicant to deliver such Project; and

WHEREAS, Applicant authorizes its City Manager or designee to execute and file an application with Alameda CTC for discretionary Alameda CTC Administered Funds for the Project as referenced in this Resolution; and

WHEREAS, as part of the requirements to apply and receive Alameda CTC Administered Funds, Alameda CTC requires a resolution adopted by the responsible implementing agency stating the following:

1. Applicant will implement the Project as described in the Application; and
2. Applicant will have adequate staffing resources to deliver and complete the

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Project within the time period identified in the Application; and

3. Applicant understands it will enter into a Project Funding Agreement (“Agreement”) with Alameda CTC, and will comply with the Agreement’s requirements, including adherence to the agreed upon project scope, project delivery milestones, funding deadlines, project reporting and deliverable deadlines; and
4. Applicant is committed to deliver the Project consistently with the Commission approved CIP Programming Guidelines and CIP policies, as they may change, for the funds awarded by the Commission to the Project; and
5. Applicant is committed to secure matching funds as proposed in the Application required for awarded Alameda CTC Administered Funds, by phase; and
6. Applicant is committed to provide any additional funding that may be required beyond the original proposed Application match amount to deliver the phase of the Project that is awarded with Alameda CTC Administered Funds; and
7. Applicant understands that Alameda CTC Administered Funds awarded to the Project is limited to the Commission approved programmed amount by phase, and therefore any cost increases or unexpected funding shortfalls cannot be expected to be funded by shifting funds between phases, or by requesting additional Alameda CTC Administered Funds; and
8. Applicant understands that any cost savings in the Alameda CTC-funded phase(s) will be shared proportionally between Applicant and Alameda CTC; and
9. Applicant is committed to comply with the applicable requirements set forth in Alameda CTC’s Local Business Contract Equity (“LBCE”) Program and related exhibits, as applicable, for professional services and construction contracts funded with Measure B, Measure BB, and/or VRF funds, such as including LBCE Program goal(s) and provisions in applicable solicitations and resulting contracts, providing timely notification to Alameda CTC of applicable solicitations prior to advertisement, and adhering to reporting requirements; now, therefore, be it

RESOLVED, by the City Council of the City of Emeryville that Applicant is authorized to file an Application to Alameda CTC for funding for the Project; and, be it, further

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

RESOLVED, by the City Council of the City of Emeryville that Applicant authorizes its City Manager or designee to execute the funding Agreement with Alameda CTC; and, be it, further

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RESOLVED, by the City Council of the City of Emeryville that Applicant shall provide Alameda CTC with a fully-executed copy of this Resolution concurrently with submittal of the Application; and, be it, further

RESOLVED, by the City Council of the City of Emeryville that the City Council, by adopting this resolution, hereby confirms that:

1. Applicant will commit to implementing the Project as described in the Application; and
2. Applicant will have adequate staffing resources to deliver and complete the Project within the time period identified in the application; and
3. Applicant understands it will enter into an Agreement with Alameda CTC, and will comply with the Agreement 's requirements, including adherence to the completion of the agreed upon project scope, project delivery milestones, funding deadlines, project reporting and deliverable deadlines; and
4. Applicant commits to delivering the Project consistently with the Commission approved CIP Programming Guidelines and CIP policies, as they may change, for the funds awarded by the Commission to the Project; and
5. Applicant will commit matching funds as proposed in the Application against the awarded Alameda CTC Administered Funds by phase in the approximate amount of \$3,800,000, anticipated to be from the Active Transportation Infrastructure Investment Program(ATIIP) and the Active Transportation Program(ATP) Cycle 7; and
6. Applicant will provide any additional funding that may be required beyond the original proposed Application match amount to deliver the phase of the Project that is awarded with Alameda CTC Administered Funds; and
7. Applicant understands that Alameda CTC Administered Funds awarded to the Project are limited to the Commission approved programmed amount by phase, and therefore any cost increases or unexpected funding shortfalls cannot be expected to be funded by shifting funds between phases, or by requesting additional Alameda CTC Administered Funds; and
8. Applicant understands that any cost savings in the Alameda CTC-funded phase(s) will be shared proportionally between Applicant and Alameda CTC; and
9. Applicant will comply with the applicable requirements set forth in Alameda CTC's Local Business Contract Equity ("LBCE") Program and related exhibits, as applicable, for professional services and construction contracts funded with Measure B, Measure BB, and/or VRF funds, such as including LBCE Program goal(s) and provisions in applicable solicitations and resulting contracts, providing timely notification to Alameda CTC of applicable solicitations prior to advertisement, and adhering to reporting requirements.

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ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, October 15, 2024, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

MAYOR

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

DocuSigned by:
John Kennedy
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CITY ATTORNEY