

## **RESOLUTION NO. 21-74**

**Resolution Of The City Council Of The City Of Emeryville Transferring And Appropriating \$154,500.90 From T-01 (CIP Project No. 17240005) Fund 242 To T-13 (CIP Project No. NEW) Fund 242 And Upon Receipt From ACTC For Local Matching Funds, Returning Said Funds To T-01 (CIP Project No. 17240005) Fund 242**

**WHEREAS**, on March 3, 2020, the City Council adopted Resolution No. 20-17 approving the 40<sup>th</sup> and San Pablo Bus Hub Project concept design, with an estimated project cost of \$16,803,000; and

**WHEREAS**, the Project is listed in the Capital Improvement Program under T-13, 40<sup>th</sup>-San Pablo Transit Hub and 40<sup>th</sup> Street Reconstruction ("Project"); and

**WHEREAS**, in Resolution No. 20-17, the Project was found to be exempt from environmental review under State CEQA Guidelines Section 15301(c), which applies to minor alterations of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities; and the "general rule" at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment; and

**WHEREAS**, on March 25, 2020, Caltrans issued a call for Active Transportation Program grant applications and some of the funds are allocated to regional commissions (MTC for the Bay Area); and

**WHEREAS**, on September 1, 2020, the City Council adopted Resolution No. 20-97 authorizing the City Manager to submit applications to the California Department Of Transportation (Caltrans) and the Metropolitan Transportation Commission (MTC) for an Active Transportation Program Grant in the amount of \$13,915,000 for the bicycle and pedestrian portions of the Project; and

**WHEREAS**, on March 16, 2021, the City received notice that the MTC Regional ATP grant would be awarded. The California Transportation Committee (CTC) is scheduled to approve MTC's list into the formal Regional ATP program on June 23-24, 2021; and

**WHEREAS**, staff is working with MTC staff to gather necessary documentation and to execute ATP grant funding agreements and MTC requires a resolution of local support to be approved by the local agency to move forward with funding agreements; and

**WHEREAS**, the MTC Regional ATP Grant will provide \$1,347,000 of funds for the Design (PS&E) Phase of the Project and the grant requires 11.47% of local matching funds which equates to \$154,500.90; and

**WHEREAS**, in a support letter for the grant application, Alameda County Transportation Commission has indicated that they are in support of the Project and will provide the local match if the project is successfully recommended for ATP funds, subject to ACTC's Commission approval; and

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**WHEREAS**, in a support letter for the grant application, Alameda County Transportation Commission has indicated that they are in support of the Project and will provide the local match if the project is successfully recommended for ATP funds, subject to ACTC's Commission approval (tentatively in August/September 2021); and

**WHEREAS**, pending the approval from ACTC and to secure local match funds in the meantime, staff recommends that the City Council transfers and appropriates \$154,500.90 from T-01 (CIP Project No. 17240005) Fund 242 to T-13 (CIP Project No. NEW) Fund 242; and

**WHEREAS**, when the ACTC grant funds are secured by City Council resolution in August/September 2021, the funds being transferred and appropriated from T-01 (CIP Project No. 17240005) by this July 6<sup>th</sup> resolution will be transferred back to the original project; now, therefore, be it

**RESOLVED**, by the City Council of the City of Emeryville that \$154,500.90 from T-01 (CIP Project 17240005) Fund 242 be transferred and appropriated to T-13 (CIP Project No. NEW) Fund 242; and, be it, further

**RESOLVED**, by the City Council of the City of Emeryville that when the ACTC grant funds are accepted by City Council Resolution, the funds being transferred and appropriated from T-01 (CIP Project No. 17240005) by this July 6<sup>th</sup> resolution will be transferred back to the original project.

**ADOPTED**, by the City Council of the City of Emeryville at a regular meeting held Tuesday, July 6, 2021, by the following vote:

AYES:	4	Mayor Martinez, Vice Mayor Donahue, and Council Members Bauters and Medina
NOES:	0	
ABSTAIN:	0	
ABSENT:	0	

DocuSigned by:

*Dianne Martinez*

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MAYOR

ATTEST:

DocuSigned by:

*Sheri Hartz*

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CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:

*Andrea Visveshwara*

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INTERIM CITY ATTORNEY