

RESOLUTION NO. 21-_____

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept Funds And Execute Funding Agreement With The Alameda County Transportation Commission For The 40th Street Transit-Only Lanes And Multimodal Enhancements Project

WHEREAS, Alameda County Transportation Commission (“Alameda CTC”) administers funding programs consisting of 2000 Measure B, 2010 Vehicle Registration Fee, 2014 Measure BB, CMA-TIP, and Transportation Fund for Clean Air Programs for projects and programs that benefit the Alameda County transportation system (“Alameda CTC Administered Funds”); and

WHEREAS, on December 7, 2020, Alameda CTC issued a call for project nominations for its 2022 Comprehensive Investment Plan; and

WHEREAS, on January 19, 2021, City Council authorized the City Manager to submit applications for three projects in response to the call for project nominations:

1. Emery Go-Round Operating Expenses (FY2021-FY2025)
2. 40th Street Transit-Only Lanes and Multimodal Enhancements
3. Village Greens and Greenways Program – Shared Doyle Street (Phase 3); and

WHEREAS, the City of Emeryville (“City”) submitted a funding application to the Alameda CTC requesting \$2,000,000 of funding for the 40th Street Transit-Only Lanes And Multimodal Enhancements Project (“Project”) from the Alameda CTC’s programming and allocation process of Alameda CTC’s administered fund sources; and

WHEREAS, the Project includes the redesign of 40th Street and parts of San Pablo Avenue and Shellmound Street to improve conditions for bus riders, pedestrians, and cyclists by striping bus-only lanes in both directions, making bicycle improvements by creating a two-way Class 4 separated bikeway from Adeline Street to the Bay Bridge Trail, making pedestrian safety improvements at eleven intersections, adding bus boarding islands and shelters, and installing pedestrian/bicycle amenities; and

WHEREAS, in July 2021, Alameda CTC awarded \$2,000,000 in Alameda CTC Administered Funds for the implementation and delivery of the Project to the City; and

WHEREAS, per the Alameda CTC’s Small Cities Program Policy, the City is not required to provide matching funds; and

WHEREAS, as part of the requirements to receive Alameda CTC Administered Funds awarded to the Project, Alameda CTC requires a resolution adopted by the responsible funding recipient stating the following:

1. Commitment of City’s matching funds against the awarded Alameda CTC Administered Funds; and

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2. Confirmation of City's understanding that the amount of Alameda CTC Administered Funds awarded to the Project is capped at the amount awarded by Alameda CTC, and therefore any cost increase cannot be expected to be funded with additional Alameda CTC Administered Funds; and
3. Confirmation City shall complete the project as described in the funding application and the subsequent funding agreement between Alameda CTC and the City; and
4. Confirmation Project will comply with all the project-specific requirements set forth in the Alameda CTC Project Funding Agreement ("Agreement"); now, therefore, be it

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the City Manager to accept award of \$2,000,000 in Alameda CTC Administered Funds; and be it further

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

1. City understands that the amount of Alameda CTC Administered Funds funding for the project is capped at the amount awarded by Alameda CTC, and that any cost increases will be funded through other means by the City, and will not to be funded with additional Alameda CTC Administered Funds; and
2. Project will be implemented as described in the Application, Agreement, and in this resolution; and
3. City and the Project will comply with the requirements as set forth in the Agreement; and therefore, be it further

RESOLVED, that there is no pending or threatened litigation that might in any way adversely affect the City's ability to implement and deliver the proposed Project; and be it further

RESOLVED, that the City Council of the City of Emeryville, authorizes the City Manager to execute the attached Funding Agreement with Alameda CTC for Alameda CTC Administered Funds awarded to the Project as referenced in this resolution; and be it further

RESOLVED, that a copy of this resolution will be transmitted to Alameda CTC.

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ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, November 16, 2021, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:

DocuSigned by:
Andrea Visveshwara
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INTERIM CITY ATTORNEY