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**RESOLUTION NO. 2024-74**

**A RESOLUTION OF THE ALBANY CITY COUNCIL AUTHORIZING  
THE FILING OF AN APPLICATION FOR ALAMEDA COUNTY  
TRANSPORTATION COMMISSION ADMINISTERED FUNDING FOR THE  
CLEVELAND AVENUE BIKEWAY PROJECT 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**, City of Albany (“Applicant”) is the project sponsor for the Cleveland Avenue Bikeway Project (“Project”); and

**WHEREAS**, the Project will implement a separated bicycle facility via a Class IV separated bikeway along Cleveland Avenue between the 755 Cleveland Avenue affordable housing project and Buchanan Street; and

**WHEREAS**, the Project, in conjunction with the Pierce-Cleveland Bikeway Connection Project (together as Phases 2 and 3 respectively of the Pierce Street Path Segment

1 II as identified in the Albany Active Transportation Plan) will close a facility gap connecting  
2 Pierce Street from the Richmond border to Buchanan Street; and

3  
4 **WHEREAS**, as the Project Sponsor, Applicant has the legal authority to apply for  
5 funding for Project and plans to submit a 2026 CIP application (“Application”) to Alameda  
6 CTC for \$515,000; and

7  
8 **WHEREAS**, there are no legal impediments to Applicant applying for funding and  
9 there is no active, pending or threatened litigation that may adversely affect the proposed  
10 Project or the ability of Applicant to deliver such Project; and

11  
12 **WHEREAS**, Applicant authorizes its City Manager or designee to execute and file an  
13 application with Alameda CTC for discretionary Alameda CTC Administered Funds for the  
14 Project as referenced in this Resolution; and

15  
16 **WHEREAS**, as part of the requirements to apply and receive Alameda CTC  
17 Administered Funds, Alameda CTC requires a resolution adopted by the responsible  
18 implementing agency stating the following:

- 19  
20 1. Applicant will implement the Project as described in the Application; and  
21 2. Applicant will have adequate staffing resources to deliver and complete the Project  
22 within the time period identified in the Application; and  
23 3. Applicant understands it will enter into a Project Funding Agreement  
24 (“Agreement”) with Alameda CTC, and will comply with the Agreement’s  
25 requirements, including adherence to the agreed upon project scope, project  
26 delivery milestones, funding deadlines, project reporting and deliverable deadlines;  
27 and

- 1           4. Applicant is committed to deliver the Project consistently with the Commission  
2           approved CIP Programming Guidelines and CIP policies, as they may change, for  
3           the funds awarded by the Commission to the Project; and
- 4           5. Applicant is committed to secure matching funds as proposed in the Application  
5           required for awarded Alameda CTC Administered Funds, by phase; and
- 6           6. Applicant is committed to provide any additional funding that may be required  
7           beyond the original proposed Application match amount to deliver the phase of the  
8           Project that is awarded with Alameda CTC Administered Funds; and
- 9           7. Applicant understands that Alameda CTC Administered Funds awarded to the  
10          Project is limited to the Commission approved programmed amount by phase, and  
11          therefore any cost increases or unexpected funding shortfalls cannot be expected to  
12          be funded by shifting funds between phases, or by requesting additional Alameda  
13          CTC Administered Funds; and
- 14          8. Applicant understands that any cost savings in the Alameda CTC-funded phase(s)  
15          will be shared proportionally between Applicant and Alameda CTC; and
- 16          9. Applicant is committed to comply with the applicable requirements set forth in  
17          Alameda CTC’s Local Business Contract Equity (“LBCE”) Program and related  
18          exhibits, as applicable, for professional services and construction contracts funded  
19          with Measure B, Measure BB, and/or VRF funds, such as including LBCE Program  
20          goal(s) and provisions in applicable solicitations and resulting contracts, providing  
21          timely notification to Alameda CTC of applicable solicitations prior to  
22          advertisement, and adhering to reporting requirements.

23  
24           **NOW, THEREFORE, BE IT RESOLVED**, that Applicant is authorized to file an  
25 Application to Alameda CTC for funding for the Project; and

26  
27           **BE IT FURTHER RESOLVED**, that Applicant hereby confirms that there is no  
28 pending or threatened litigation that might in any way adversely affect Applicant’s ability to  
29 implement and deliver the proposed Project; and

1  
2 **BE IT FURTHER RESOLVED**, that Applicant authorizes its City Manager or  
3 designee to execute the funding Agreement with Alameda CTC; and  
4

5 **BE IT FURTHER RESOLVED**, that Applicant shall provide Alameda CTC with a  
6 fully-executed copy of this Resolution concurrently with submittal of the Application; and  
7

8 **BE IT FURTHER RESOLVED**, that the Albany City Council of Applicant, by  
9 adopting this Resolution, hereby confirms that:  
10

- 11 1. Applicant will commit to implementing the Project as described in the Application;  
12 and
- 13 2. Applicant will have adequate staffing resources to deliver and complete the Project  
14 within the time period identified in the application; and
- 15 3. Applicant understands it will enter into an Agreement with Alameda CTC, and will  
16 comply with the Agreement's requirements, including adherence to the completion  
17 of the agreed upon project scope, project delivery milestones, funding deadlines,  
18 project reporting and deliverable deadlines; and
- 19 4. Applicant commits to delivering the Project consistently with the Commission  
20 approved CIP Programming Guidelines and CIP policies, as they may change, for  
21 the funds awarded by the Commission to the Project; and
- 22 5. Applicant will commit matching funds as proposed in the Application against the  
23 awarded Alameda CTC Administered Funds by phase in the amount(s) of \$0 per  
24 the Alameda CTC's Small Cities Program Policy which waives the minimum local  
25 matching requirement for the City of Albany; and
- 26 6. Applicant will provide any additional funding that may be required beyond the  
27 original proposed Application match amount to deliver the phase of the Project that  
28 is awarded with Alameda CTC Administered Funds; and  
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- 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.

  
\_\_\_\_\_  
JOHN MIKI, MAYOR



# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • [www.albanyca.org](http://www.albanyca.org)

## RESOLUTION NO. 2024-74

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 21st day of October, 2024, by the following votes:

AYES: Council Members Hansen-Romero, Jordan, López, Tiedemann and

Mayor Miki

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 22nd

day of October, 2024.

Anne Hsu  
CITY CLERK