



RESOLUTION NO. 2009-140

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO AUTHORIZING THE ACCEPTANCE OF THE 2009 AMERICAN RECOVERY AND REINVESTMENT ACT TRANSPORTATION ENHANCEMENT (ARRA-TE) FUNDS AMENDED BY THE COUNCIL OF FRESNO COUNTY GOVERNMENTS TO REPLACE THE 2006 COMPETITIVE STATE TRANSPORTATION IMPROVEMENT PROGRAM TRANSPORTATION ENHANCEMENT (STIP-TE) GRANT FUNDS TO ACCELERATE THE CLOVIS AVENUE MEDIAN ISLAND LANDSCAPING PROJECT AND AUTHORIZING THE EXECUTION OF DOCUMENTS

WHEREAS, the State Transportation Improvement Program (STIP) provides for several aspects of surface transportation which is administered locally through the Regional Surface Transportation Program (RSTP), Congestion Mitigation and Air Quality Program (CMAQ) and the Transportation Enhancements Program (TE); and

WHEREAS, the Council of Fresno County Governments (Fresno COG) has been delegated the responsibility for the administration of the programs under the STIP, including establishing the necessary procedures governing local project applications and the evaluation of each submitted project; and

WHEREAS, the original application contains assurances that the applicant must comply with; and

WHEREAS, the City of Fresno has previously authorized the applications for and acceptance of Transportation Enhancement funds for the project in 2006 as STIP-TE funds; and

WHEREAS, the City has or will have appropriations available to meet the program matching requirements; and

Adopted 6/25/09
Approved 6/25/09
Effective 6/25/09

2009-140



WHEREAS, the Fresno COG has accepted the Clovis Avenue Median Island Landscaping Project (from McKinley Avenue to the State Route 180 Freeway) to receive 2009 ARRA-TE funds and officially amends the funds; and

WHEREAS, the City of Fresno will now authorize the substitution of funds through the acceptance of 2009 ARRA-TE funds to accelerate the Clovis Avenue Median Island Landscaping Project as amended by Fresno COG;

WHEREAS, the applicant will enter into (an) agreement(s) with the Fresno COG, and any collaborating local agencies and entities to complete the projects upon the terms and conditions herein, following approval as to form by City Attorney and Council approval of the agreement(s).

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF FRESNO HEREBY:

SECTION 1. Approves the acceptance of 2009 ARRA-TE funds to replace the previously approved 2006 STIP-TE funds to accelerate the construction of the Clovis Avenue Median Island Landscaping Project and participation therein, consistent with constitutional and local law requirements and this resolution; and

SECTION 2. Certifies, consistent with constitutional and local law requirements and his resolution that the City has or will have sufficient funds for the project; and

SECTION 3. Certifies that the City has reviewed, understands and, to the extent consistent with all constitutional and local law requirements and this resolution, agrees to the provisions contained in the ARRA-TE program guidelines, manual and related documents; and

SECTION 4. Authorizes the Department of Public Works Director or Designee as the agent for the City of Fresno to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments, payment requests and so on which may be necessary

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for the completion of the aforementioned project, subject to prior approval as to form by the City Attorney's Office.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the 25th day of June, 2009.

AYES: Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling
NOES: None
ABSENT: None
ABSTAIN: None

REBECCA E. KLISCH
City Clerk

By: Rebecca Klisch
~~Deputy~~

Dated: 6-26-09

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

By: R
Robert R. Coyle, Senior Deputy

Dated: 6-12-09
RRC:sn [49632sn/RESO] 6/12/09