

RESOLUTION NO. 74720

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AND SUBMIT APPLICATIONS TO THE STATE RESOURCES AGENCY OF CALIFORNIA FOR ENVIRONMENTAL ENHANCEMENT AND MITIGATION GRANT FUNDS FOR THE LOWER GUADALUPE RIVER TRAIL (SKYPORT DRIVE TO AIRPORT PARKWAY) PROJECT IN AN AMOUNT NOT TO EXCEED \$350,000, AND FOR THE HIGHWAY 237 BIKEWAY (ZANKER ROAD TO COYOTE CREEK) PROJECT IN AN AMOUNT NOT TO EXCEED \$350,000, TO ACCEPT ANY GRANTS IF AWARDED, AND TO EXECUTE ALL RELATED DOCUMENTS

WHEREAS, Senate Bill 117 (Statutes of 1999, Chapter 739) established the Environmental Enhancement and Mitigation (“EEM”) Program as a permanent program funded at \$10 million annually by the California State Legislature for grant funds to local, State and federal governmental agencies, and nonprofit organizations for projects to enhance the environment and mitigate the environmental impacts of modified or new public transportation facilities; and

WHEREAS, the State Resources Agency of California has established the procedures and criteria for reviewing grant proposals and is required to submit to the California Transportation Commission a list of recommended projects from which the grant recipients will be selected; and

WHEREAS, the City of San José (“City”) desires to submit grant applications for two EEM Program projects, including the Lower Guadalupe River Trail (Skyport Drive to Airport Parkway) Project in an amount not to exceed \$350,000, and the Highway 237 Bikeway (Zanker Road to Coyote Creek) Project in an amount not to exceed \$350,000; and

WHEREAS, the procedures and criteria established by the State Resources Agency of California require a resolution certifying the approval of application(s) by the applicant's governing body before submission of the application to the State; and

WHEREAS, the application(s) contains assurances with which the applicant must comply; and

WHEREAS, the applicant, if selected, will be required to enter into an agreement with the State of California, Department of Transportation, to carry out the EEM project(s);

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The filing of an application for the Lower Guadalupe River Trail (Skyport Drive to Airport Parkway) Project is approved, and the City Manager, or designee, is authorized to execute and submit an application to the State Resources Agency for a grant for the Project in an amount not to exceed \$350,000.
2. The filing of an application for the Highway 237 Bikeway (Zanker Road to Coyote Creek) Project is approved, and the City Manager, or designee, is authorized to execute and submit an application to the State Resources Agency for a grant for the Project in an amount not to exceed \$350,000.
3. The City will make adequate provisions for operation and maintenance of the Project(s).
4. The City Manager, or designee, is authorized to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements,

payment requests, etc., which may be necessary for the completion of the Project(s), and to accept the grant(s) on behalf of the City.

ADOPTED this 16th day of December, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE,
LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS,
REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk