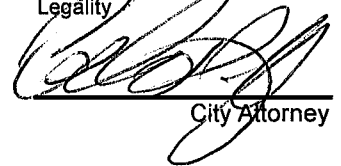


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2017 FEB -2 PM 4:47

# OAKLAND CITY COUNCIL

Approved as to Form and  
Legality



City Attorney

RESOLUTION No. 86602 = C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO: (1) NEGOTIATE AND EXECUTE AN AGREEMENT WITH EAST BAY MUNICIPAL UTILITY DISTRICT FOR COST-SHARING OF JOINT-BENEFIT PAVING PROJECTS THROUGHOUT OAKLAND, AND (2) ACCEPT AND APPROPRIATE FUNDS FROM EAST BAY MUNICIPAL UTILITY DISTRICT ON A CASE-BY-CASE BASIS PER THE EXECUTED AGREEMENT WITHOUT RETURNING TO COUNCIL**

**WHEREAS**, East Bay Municipal Utility District (EBMUD) provides Oakland residences water service and due to the aging infrastructure for water supply delivery throughout EBMUD's service locations, EBMUD continues to deliver capital improvement projects to upgrade water lines; and

**WHEREAS**, EBMUD is required to provide pavement restoration according to the Oakland Municipal Code (OMC) Excavation Requirements Section 12.12.112; and

**WHEREAS**, pavement restoration is part of utility trench work but it does not cover the entire roadway area; and

**WHEREAS**, as part of the City's paving program and EBMUD's improvements, there are potential opportunities for both the City and EBMUD to collaborate on comprehensive paving of roadway in Oakland; and

**WHEREAS**, in order to provide full-width paving, resources need to be combined in a cooperative manner between a utility company and the City in order to jointly extend paving beyond the utility work; and

**WHEREAS**, this agreement allows the City Administrator, or designee, to negotiate a cost-sharing agreement with EBMUD, on a case-by-case basis, for full-width paving of roadways as each opportunity may involve either EBMUD or the City to perform the work; and

**WHEREAS**, approval of this resolution will enable the City Administrator, or designee, to pay EBMUD for pavement restoration the portion of pavement outside EBMUD's required areas; and

**WHEREAS**, funds for the City's portion of pavement restoration work is budgeted and available in the Department of Transportation as it is intended to use existing appropriation through individual projects as opportunities arise, be it; and

**WHEREAS**, the locations to be chosen for cost-sharing opportunities will follow the City's paving policy adopted by City Council on October 2014 (Resolution No. 85227 C.M.S.) or paving policies adopted by City Council in the future; and

**WHEREAS**, this agreement does not obligate the City and EBMUD to participate in cost-sharing opportunities for paving; however, having a mechanism to share costs for pavement restoration between the two agencies improves paving conditions and is a direct benefit to the public; and

**WHEREAS**, approval of this resolution will enable the City Administrator, or designee, to accept and appropriate funds from EBMUD on a case-by-case basis without returning to Council; and

**RESOLVED:** That the City Administrator, or designee, is authorized to negotiate and execute an agreement with East Bay Municipal Utility District for cost-sharing of joint-benefit paving projects throughout Oakland; and

**FURTHER RESOLVED:** Approval of this resolution will enable the City Administrator or designee to accept and appropriate funds for cost sharing of joint-benefit paving projects from EBMUD on a case-by-case basis per the executed agreement without returning to Council; and be it

**FURTHER RESOLVED:**, funds will accepted and appropriated based on actual revenues received from EBMUD and will be placed in:-

- Miscellaneous Grants Fund (2999) Complete Streets Design Organization (35213);  
Project No. To be determined;

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 21 2017

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN,  
AND PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST LaTonda Simmons  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California