

OFFICE OF THE CITY CLERK  
OAKLAND

2006 SEP 27 PM 12:23



Oakland City Attorney's Office

**OAKLAND CITY COUNCIL**  
**RESOLUTION No. 80210 C.M.S.**

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A LICENSE AGREEMENT WITH EAST BAY MUNICIPAL UTILITY DISTRICT ("EBMUD") FOR THE AMOUNT OF ZERO DOLLARS ("\$0") FOR THE PURPOSE OF PERMITTING THE CITY TO PLACE A PUBLIC SAFETY RADIO TOWER, PORTABLE STRUCTURE AND ASSOCIATED EQUIPMENT AT THE GWIN RESERVOIR SITE, LOCATED OFF GRIZZLY PEAK BOULEVARD NEAR MARLBOROUGH TERRACE.**

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**WHEREAS**, the Finance and Management Agency is working to update and improve the service and reliability of the City's Public Safety Radio system; and

**WHEREAS**, on February 7, 2006, the City Council passed Resolution No. 79706 C.M.S. authorizing a construction contract for project engineering, radio replacement and upgrades to the City's radio infrastructure; and

**WHEREAS**, the installation of an additional radio site will improve mobile and portable radio coverage in north Oakland, will provide needed coverage for the Public Safety Mobile Data systems, and will improve officer safety; and

**WHEREAS**, the use of the East Bay Municipal Utility District ("EBMUD") property at the Gwin Reservoir, located off Grizzly Peak Boulevard near Marlborough Terrace, will provide the City will an economical solution for Radio site placement; and

**WHEREAS**, the City Council authorized acquisition of a new radio site at the Gwin Reservoir and such acquisition requires execution of a license agreement with EBMUD; and

**WHEREAS**, the EBMUD license agreement requires that the City accept responsibility for and reimburse EBMUD for any damage to or destruction of its pipelines and aqueducts that is caused by the City's use of its property; and

**WHEREAS**, the requirements of the California Environmental Quality Act ("CEQA") the CEQA guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now, therefore, be it

**RESOLVED:** That the City Council authorizes the City Administrator or her designee to execute a license agreement for a zero dollar (“\$0”) fee with EBMUD for the placement of a public safety radio tower, portable structure and associated equipment which license, among other things, requires that the City accept responsibility for the damage or loss to EBMUD’s pipelines and aqueducts caused by the City’s use of the Gwin Reservoir ; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is hereby authorized to execute and deliver any and all agreements, and is hereby authorized to approve any subsequent amendments to or extensions of said agreements with the exception of those related to an increase in the contract price or the allocation of additional funds provided that such amendments or extensions shall be filed with the City Clerk’s office; and be it

**FURTHER RESOLVED:** That the City Council has independently reviewed and considered this environmental determination, and the Council finds and determines that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Section 15303 (small structures) of the CEQA guidelines, and the Council directs the City Administrator to file a Notice of Exemption with the County of Alameda; and be it

**FURTHER RESOLVED:** That in accordance with the requirements of City Charter Article IV, the Agreement shall be reviewed and approved by the City Attorney’s Office for form and legality prior to execution, and a copy shall be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,           OCT 17 2006          , 2006

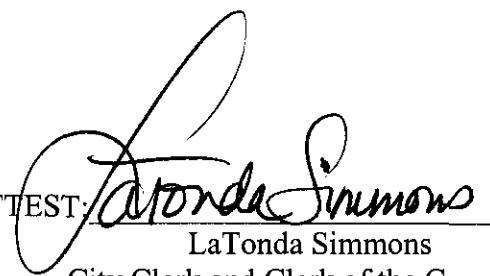
**PASSED BY THE FOLLOWING VOTE:**

AYES-BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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