

REVISED

REVISED AT 9/24/13 PUBLIC
WORKS COMMITTEE MEETING

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality

RESOLUTION NO. _____ **C.M.S.** _____
13 SEP 26 AM 9:22
Introduced by Councilmember _____


Office of the City Attorney

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE FRIENDS OF SAUSAL CREEK TO IMPLEMENT THE SAUSAL CREEK EROSION CONTROL AND RESTORATION PROJECT FUNDED BY A \$540,000.00 GRANT FROM THE DEPARTMENT OF WATER RESOURCES JOINTLY AWARDED TO THE CITY OF OAKLAND AND THE FRIENDS OF SAUSAL CREEK AND TO APPROPRIATE THE GRANT FUNDING FOR WHICH THE CITY WAS AUTHORIZED TO APPLY AND ACCEPT PER COUNCIL RESOLUTION NO. 81697 C.M.S.

WHEREAS, in 2008 City Council authorized, per Resolution 81697 C.M.S., the City Administrator or his designee to co-sponsor with the Friends of Sausal Creek a grant application to the Department of Water Resources Urban Streams Restoration Program for the Sausal Creek Erosion Control and Restoration Project (Project); and

WHEREAS, Council Resolution 81697 C.M.S., authorized the City Administrator or his designee to apply for and accept the grant, but did not authorize the appropriation of funding if received; and

WHEREAS, in 2012 the Department of Water Resources awarded a grant of \$540,000.000 to City of Oakland and the Friends of Sausal Creek (hereinafter known jointly as "co-sponsors") to implement the Project; and

WHEREAS, as a condition of the grant award the Department of Water Resources is requiring the co-sponsors to execute a Memorandum of Understanding (MOU) to formalize a division of roles and responsibilities for Project implementation; and

WHEREAS, executing an MOU ensures clear designation of the roles and responsibilities of each co-sponsor to facilitate successful implementation of the Project; and

WHEREAS, on April 1, 2008, the City Council approved Resolution No. 81180 C.M.S. certifying the Environmental Impact Report, SCH No. 2006122048, for the City of Oakland Trust for Clean Water, Safe Parks Bond Measure (Measure DD) Implementation Project; and

WHEREAS, the City Council hereby finds and determines on the basis of substantial evidence in the record that none of the circumstances necessitating preparation of additional environmental review, as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 or 15163 are present in that (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance," as

defined in CEQA Guidelines Section 15162(a)(3); and

WHEREAS, each as a separate and independent basis, this action is exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (existing facilities), 15304 (minor alterations to land), 15333 (small habitat restoration projects), and 15061(h)(3) (no significant effect on the environment); now, therefore be it

RESOLVED, that the City Administrator or her designee is authorized to appropriate up to \$540,000 in grant funds from the Department of Water Resources to the State of California Grant Fund (2159), Watershed and Stormwater Management Organization (30245), Watershed and Stormwater Management Program (NB34), and a project number will be created; and be it

FURTHER RESOLVED, that the City Administrator or her designee authorizes a local match of up to \$20,000.00 that is budgeted and available in Measure DD Creek Restoration Fund (5321); Watershed and Stormwater Management Organization (30245); Watershed and Stormwater Management Program (NB34); Creek Restoration Project (C395910); and be it

FURTHER RESOLVED, that should additional funds be received for this project, such funds are hereby appropriated to the above-named accounts and the City Administrator or her designee is hereby authorized to accept the same for the purposes described above; and be it

FURTHER RESOLVED, that the City Administrator or her designee is authorized to execute a Memorandum of Understanding with the Friends of Sausal Creek to implement the Sausal Creek Erosion Control and Restoration Project; and be it

FURTHER RESOLVED, that the City Administrator or her designee is hereby authorized to approve any subsequent amendments, modifications, or extensions of said MOU; and be it

FURTHER RESOLVED, that all documents shall be reviewed and approved by the City Attorney for form and legality prior to execution, and copies will be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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