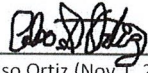


2023 NOV 20 PM 5:15

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY


Celso Ortiz (Nov 1, 2023 18:40 PDT)

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89993 C.M.S.

INTRODUCED BY COUNCILMEMBER [IF APPLICABLE]

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE ALAMEDA COUNTY FLOOD CONTROL DISTRICT TO COMPLETE THE DESIGN OF THE PEDESTRIAN AND BIKE CROSSING AT HEGENBERGER ROAD IN THE CITY OF OAKLAND'S RIGHT-OF-WAY AT A COST NOT-TO-EXCEED SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00) AND ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the City Council can authorize the City Administrator to enter into Agreements with governmental entities pursuant to Charter section 504(1); and

WHEREAS, the Alameda County Flood Control District (ACFCD) previously designed what is known as the final traffic signals and civil plans for ACFCD's San Leandro Creek Trail Project, and specifically the crossings at Hegenberger Road, 98th Avenue, and Empire Road and submitted the plans for comment to the City on September 22, 2022; and

WHEREAS, the City provided review comments on the ACFCD's San Leandro Creek Trail Project, including the crossing at Hegenberger Road on November 2, 2022, which were discussed by the Parties on November 9, 2022; and

WHEREAS, ACFCD offered responses to the City's review comments by letter dated November 10, 2022, explaining that the City's review comments would necessitate the Project, including a reassessment of underground utility location, reapplication for a San Francisco Bay Area Rapid Transit District (BART) permit, design and construction costs, and delay of ACFCD's San Leandro Creek Trail Project; and

WHEREAS, the City understands the issues identified by ACFCD and wishes to proceed with the Project; and

WHEREAS, City provided ACFCD with recommendations and direction for the Project; and

WHEREAS, the Parties have identified efficiencies to be gained from using ACFCF's consultant for the San Leandro Creek Trail Project to complete the Project; and

WHEREAS, the Parties agree that seventy-five thousand dollars is a fair estimate of the Project cost; and

WHEREAS, City will reimburse ACFCF for the costs of the Project, which is being implemented to resolve the City's comments, including any and all costs associated with BART's review and approval of the redesign, utility potholing costs, and utility relocation costs incurred to implement the Project; and

WHEREAS, the Project and ACFCF's San Leandro Creek Trail Project may be put on hold if additional funding is not available to complete the project; and

WHEREAS, City understands that its failure to reimburse Costs will cause ACFCF to be at risk of losing the San Leandro Creek Trail Project grant funding; and

WHEREAS, City will own and maintain both traffic signal systems at Hegenberger Road and 98th Avenue upon construction completion and acceptance by the City and shall be solely responsible for such systems; now, therefore, be it

RESOLVED: That the City Administrator is hereby authorized to enter into an Agreement with the Alameda County Flood Control District for the City of Oakland to provide up to \$75,000.00 in eligible expenses for completing the design of the pedestrian and bike crossing at Hegenberger Road in the City of Oakland's right-of-way; and be it

FURTHER RESOLVED: That the Council hereby finds and determines that Categorically Exempt as described in the State Guidelines (Sec. 15301) Class 1: Existing Facilities, consisting of the operation, repair, maintenance, or minor alteration of existing structures or facilities involving negligible or no expansion of use; and be it

FURTHER RESOLVED: That the City Administrator or designee shall file a Notice of Determination/Exemption with the Clerk of the County of Alameda for this Project; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to take any and all actions necessary for the completion of the Project, without further return to the City Council.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

DEC 05 2023

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND PRESIDENT FORTUNATO BAS - 8

NOES 0
ABSENT 4
ABSTENTION 4

ATTEST: 