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OAKLAND

2009 JUN 11 PM 8:01

Approved as to Form and Legality

  
City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION No. 82136 C.M.S.

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

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND TO AUTHORIZE THE EXPENDITURE OF AN ADDITIONAL \$395,000.00 (THREE HUNDRED NINETY-FIVE THOUSAND DOLLARS) IN MEASURE DD CREEK RESTORATION FUNDS TO IMPLEMENT THE LION CREEK RESTORATION PROJECT**

**WHEREAS**, City Council has directed staff to implement the Lion Creek Restoration Project per Council Resolution No. 78750 C.M.S. on July 20, 2004 authorizing the expenditure of \$500,000.00 in Measure DD funds, and Council Resolution No. 78816 C.M.S. on September 21, 2004 authorizing staff to apply for, accept, and appropriate \$500,000.00 in grant funds from the Habitat Conservation Fund Program of the California Wildlife Protection Act of 1990, and Resolution No. 79018 C.M.S. on January 18, 2005 authorizing staff to accept and appropriate \$549,000.00 in funds from Union Pacific Railroad and \$70,000.00 in funds from the Oakland Army Base, and Resolution No. 79485 C.M.S. on September 20, 2005 authorizing staff to apply for, accept and appropriate \$200,000.00 in grant funds from the Habitat Conservation Fund Program of the California Wildlife Protection Act of 1990; and

**WHEREAS**, the Lion Creek Restoration Project is integrally connected to and requires modifications to the Alameda County Flood Control and Water Conservation District (District) concrete flood control channel facility; and

**WHEREAS**, the District has agreed to participate as a project partner on the Lion Creek Restoration Project through contribution of technical analysis, engineering, design-review, construction services, and \$2,610,000.00 in funding; and

**WHEREAS**, a Cooperative Agreement (Agreement) is required to formalize the partnership between the City of Oakland (City) and District in order to define division of responsibilities for funding, construction, and maintenance; and

**WHEREAS**, the City and District have completed design of a two-phase project and the project is construction-ready; and

**WHEREAS**, the District has agreed to construct the first phase of the project including modifications to the flood control channel, installation of a pedestrian bridge, and grading of the new creek and wetland area; and

**WHEREAS**, the City will construct the second phase of the project including landscaping, a pedestrian path, and interpretive signage; and

**WHEREAS**, the City requires \$395,000.00 in Measure DD Creek Restoration funding to complete construction of the project; now, therefore, be it

**RESOLVED:** That the City Council authorizes the City Administrator or his designee to enter into an Agreement with the District to implement the Lion Creek Restoration Project; and be it

**FURTHER RESOLVED:** That the City Council authorizes the expenditure of \$395,000.00 in Measure DD Creek Restoration funding for the purposes of implementing the Lion Creek Restoration Project. When they become available, these funds will be expended from Measure DD Fund (5320) Watershed and Storm Water Program (88345), Creek Restoration DD Project (C244810).

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 7 2009 2009

**PASSED BY THE FOLLOWING VOTE:**

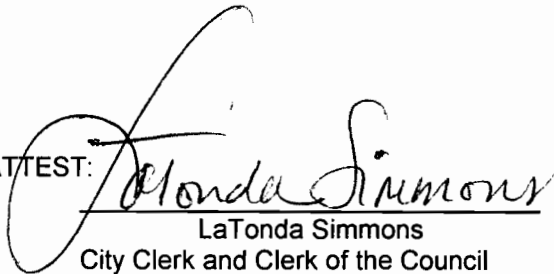
AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

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