

  
City Attorney

**FILED**  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

2015 JUL -2 AM 11:01

RESOLUTION NO. 85710 C.M.S.

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

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO 1) AMEND THE AGREEMENT WITH THE EAST BAY MUNICIPAL UTILITY DISTRICT FOR CONSTRUCTION OF A 30-INCH WATER MAIN AND AN 8-INCH RECYCLED WATER MAIN RELOCATION AS PART OF THE LAKE MERRITT CHANNEL IMPROVEMENT AT 10<sup>TH</sup> STREET AND TO INCREASE THE REIMBURSABLE AGREEMENT AMOUNT BY UP TO TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00), FROM ONE MILLION ONE HUNDRED SEVENTY THOUSAND DOLLARS (\$1,170,000.00) TO A TOTAL NOT-TO-EXCEED AMOUNT OF ONE MILLION FOUR HUNDRED TWENTY THOUSAND DOLLARS (\$1,420,000.00), AND 2) APPROPRIATE ADDITIONAL FUNDS UP TO TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) TO THE LAKE MERRITT CHANNEL IMPROVEMENT AT 10<sup>TH</sup> STREET – MISCELLANEOUS GRANTS (PROJECT NO. C395630)**

**WHEREAS**, on April 16, 2013, the City Council approved the award of a construction contract for the Lake Merritt Channel Improvements at 10<sup>th</sup> Street and authorized executing an agreement with East Bay Municipal Utility District (EBMUD) to reimburse the City of Oakland for relocation of a 30-inch water main and an 8-inch recycled water main lines as part of the project in Resolution No. 84304 C.M.S.; and

**WHEREAS**, on April 17, 2013, the City entered into an agreement with the East Bay Municipal Utility District (EBMUD) for the said agreement in accordance with Resolution No. 84305 C.M.S.; and

**WHEREAS**, during the relocation of the 30-inch water line in November 2014, EBMUD made design changes to the water line necessary to withstand the anticipated settlement and movement of the bridge; and

**WHEREAS**, the construction cost estimate for the design changes exceeded the limit of the EBMUD agreement and additional funds are required to cover the additional cost as well as City's project and contract administrative costs for City staff oversight; and

**WHEREAS**, an amendment is needed to increase the contract limit and funds for the additional construction and City costs; now, therefore, be it

**RESOLVED**, That the City Council hereby authorizes the City Administrator, or designee, to execute an amendment to the agreement with EBMUD to increase the reimbursable amount from one million one hundred seventy thousand dollars (\$1,170,000.00) to a total not-to-exceed amount of one million four hundred twenty thousand dollars (\$1,420,000.00); and be it

**FURTHER RESOLVED**, That the City Council authorizes the appropriation of additional funds up to two hundred fifty thousand dollars (\$250,000.00) for the amendment to the following project:

- EBMUD Water Main Relocation Agreement – Miscellaneous Grants Fund (2999); Engineering and Design; Streets & Structures Organization (92242); Street Construction Account (57411); Lake Merritt Channel Improvement at 10<sup>th</sup> Street Project (C395630); and be it

**FURTHER RESOLVED**, that the amendment to the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk.

**JUL 21 2015**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - ~~BROOKS~~, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY **-7**

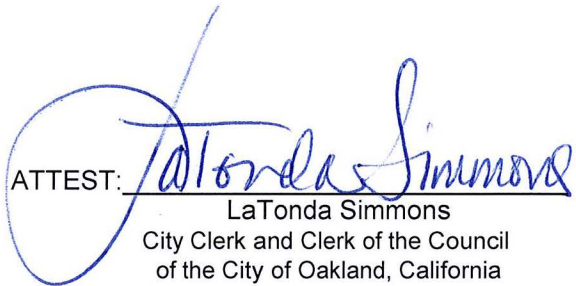
NOES - **0**

ABSENT - **0**

ABSTENTION - **0**

**Excused - Brooks - 1**

ATTEST:



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