

Farrah Hussein
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO: (1) APPLY FOR, ACCEPT, AND APPROPRIATE FUNDING IN AN AMOUNT NOT-TO-EXCEED EIGHT MILLION DOLLARS (\$8,000,000.00) FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) COOPERATIVE IMPLEMENTATION AGREEMENT (CIA) PROGRAM TO DESIGN AND MANAGE THE THREE LARGE TRASH CAPTURE DEVICES PROJECT (PROJECT) IN EAST OAKLAND AT 45TH AVENUE AND SAN LEANDRO STREET, 47TH AVENUE AND THE UNION PACIFIC RAILROAD TRACKS (UPRR), AND 85TH AVENUE AND G STREET, (2) ENTER INTO A CIA WITH CALTRANS TO IMPLEMENT THE PROJECT, (3) APPLY FOR, ACCEPT, AND APPROPRIATE FUNDING IN AN AMOUNT NOT-TO-EXCEED TWENTY MILLION DOLLARS (\$20,000,000.00) FROM THE CALTRANS 2026 STATE HIGHWAY OPERATION AND PROTECTION PROGRAM TO CONSTRUCT THE PROJECT, (4) ENTER INTO A FINANCIAL CONTRIBUTION ONLY (FCO) AGREEMENT WITH CALTRANS TO IMPLEMENT THE PROJECT, AND (5) MAKE APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

WHEREAS, the City of Oakland (City) is subject to the San Francisco Bay Regional Water Quality Control Board's (Regional Water Board's) National Pollutant Discharge Elimination System (NPDES) Municipal Regional Stormwater Discharge Permit (MRP) that regulates the discharge of stormwater; and

WHEREAS, all cities regulated by the MRP are required to reduce the amount of trash discharging from their storm drainage systems by 100%. For Oakland the deadline to reduce trash discharges by 100% is December 31, 2025, from baseline levels established circa 2009; and

WHEREAS, one of the principle and most effective ways that MRP permittees can meet trash reduction targets is through the installation of devices certified by the State Water Resources Control Board that meet the definition of Full Trash Capture; and

WHEREAS, subject to the terms and conditions of a Cooperative Implementation Agreement, the California Department Of Transportation (Caltrans) has agreed to provide an amount not-to-exceed eight million dollars, (\$8,000,000.00) to the City for the design and management of the Three Large Trash Capture Devices Project (Project) In East Oakland At 45th Avenue And San Leandro Street, 47th Avenue And The Union Pacific Railroad Tracks (UPRR), And 85th Avenue And G Street; and

WHEREAS, subject to the terms and conditions of a Financial Contribution Only (FCO) Agreement Caltrans has agreed to provide an amount not-to-exceed twenty million dollars, (\$20,000,000.00) to the City for the construction of the Project; and

WHEREAS, subject to the terms and conditions of the CIA Agreement and the FCO Agreement, hereinafter referred to as the Agreements, to fund the Project, the City has agreed to implement the Project and to assume the operation and maintenance of three large Full Trash Capture facilities; and

WHEREAS, subject to the terms and conditions of Agreements, the City has agreed to implement the Project and to assume the operation and maintenance of the Full Trash Capture facility; and

WHEREAS, the City and Caltrans find that collaborating on the implementation of a project that will install three Full Trash Capture devices in East Oakland is a cost-effective, mutually-beneficial approach to meeting NPDES stormwater permit trash capture and trash load reduction requirements; and

WHEREAS, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land), as the Project involves the construction of small-scale, subsurface trash capture infrastructure within existing rights-of-way and minor trenching and backfilling with surface restoration and no removal of protected trees or impacts to sensitive resources; now therefore be it

WHEREAS, the City will conduct public outreach during design and construction of the Project to minimize impacts to adjacent properties, businesses, and community members during construction; now, therefore, be it

RESOLVED: That the City Council in accord with section 504 (1) of the City Charter authorizes the City Administrator to enter into the final Agreements with Caltrans for the purpose of designing and constructing the Project; and be it

FURTHER RESOLVED: That the Oakland City Council hereby approves of the proposed form of the Agreements as presented in draft form in the accompanying report (a copy of which is on file with the City Clerk); and be it

FURTHER RESOLVED: That the City Council finds that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land), as the Project involves the construction of small-scale, subsurface trash capture infrastructure within existing rights-of-way and minor trenching and backfilling with surface restoration and no removal of protected trees or impacts to sensitive resources.; and be it

FURTHER RESOLVED: That the City Council directs the City's Environmental Review Officer to file a Notice of Exemption; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to apply for, accept, and appropriate funding from Caltrans for the Project in an amount not to exceed twenty-eight million dollars, (\$28, 000,000.00); and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to finalize and execute the Project's funding Agreements with Caltrans; and be it

FURTHER RESOLVED: That the funds will be appropriated in Watershed Engineering and Design Organization (92245), State of California, Department of Transportation Fund (2140), Storm Drainage Account (57414) and Project (TBD); and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to approve any subsequent amendments or extensions of the Agreements provided that such amendments or extensions shall be approved by the City Attorney's Office and shall be filed with the Office of the City Clerk; and be it

FURTHER RESOLVED: That should additional funds be received for the Project, the City Administrator is hereby authorized to appropriate the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST:_____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California