


Celso Ortiz (May 18, 2022 10:37 PDT)
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION:

(1) AUTHORIZING THE CITY ADMINISTRATOR TO:

(A) APPLY FOR, ACCEPT, AND APPROPRIATE FUNDING FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE CARY AVENUE FULL TRASH CAPTURE PROJECT (PROJECT) IN AN AMOUNT NOT TO EXCEED THREE MILLION, TWO HUNDRED THOUSAND DOLLARS (\$3,200,000.00) AND

(B) ENTER INTO A COOPERATIVE IMPLEMENTATION AGREEMENT WITH CALTRANS TO IMPLEMENT THE PROJECT; AND

(2) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the City of Oakland (City) is subject to the San Francisco Bay Regional Water Quality Control Board's (Water Board) 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 will be required to reduce the amount of trash discharging from their storm drain system by 90% by June 30, 2023 and by 100% by June 30, 2025, from baseline levels established in 2009; and

WHEREAS, one of the principal and most effective ways that NPDES permittees can meet trash reduction targets is through the installation of devices approved by the Water 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 three million, two hundred thousand dollars (\$3,200,000.00) to the City for the implementation of the Cary Avenue Full Trash Capture Project (Project) near Edes Avenue; and

WHEREAS, subject to the terms and conditions of a Cooperative Implementation Agreement 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 Full Trash Capture facility project is a cost-effective, mutually-beneficial approach to meeting NPDES trash capture and trash load reduction requirements; and

WHEREAS, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Alteration/Minor Addition to Existing Facilities) because it is a minor alteration project to an existing, publicly owned utility involving negligible or no expansion of an existing use; now therefore be it

RESOLVED: That the City Council in accord section 504 (l) of the City Charter authorizes the City Administrator to enter into a Cooperative Implementation Agreement with Caltrans for the purpose of constructing the Project; and be it

FURTHER RESOLVED: That the Oakland City Council hereby approves of the proposed form of the Cooperative Implementation Agreement as presented 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 CEQA pursuant to CEQA Guidelines Section 15301 (Alteration/Minor Addition to Existing Facilities) because it is a minor alteration project to an existing, publicly owned utility involving negligible or no expansion of an existing use; 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 Three Million, Two Hundred Thousand Dollars (\$3,200,000.00); and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to finalize and execute the Cooperative Implementation Agreement; 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 Cooperative Implementation Agreement, 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 - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –
ABSENT –
ABSTENTION –

ATTEST: _____

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