

2008 JAN 13 PM 3:35

Approved as to Form and Legality

  
Deputy City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. 81066 C. M. S.

---

**A RESOLUTION (1) AMENDING RESOLUTION NO. 80660 C.M.S. AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AN AMENDMENT TO THE CONSTRUCTION CONTRACT WITH SPOSETO ENGINEERING, INC. AND REDUCING THE CONTRIBUTION OF AGENCY FUNDS FOR THE BROADWAY PHASE II AND III SIDEWALK IMPROVEMENT PROJECT, AND (2) ACCEPTING AND APPROPRIATING A CONTRIBUTION OF \$100,000 FROM THE REDEVELOPMENT AGENCY UNDER THE COOPERATION AGREEMENT TO FUND STAFF COSTS FOR THE CENTRAL DISTRICT BASEMENT BACKFILL PROGRAM**

**WHEREAS**, on June 19, 2007, per Resolution 80660 C.M.S., a construction contract for the Broadway Phase II and III Sidewalk Improvement Project (C194920) was awarded to Sposeto Engineering, Inc. in accordance with the terms of the project plans and specifications prepared by the Director of Public Works and the contractor's bid dated April 9, 2007 in the amount of Two Million Six Hundred Fifty-One Thousand Three Hundred Seventy-Six Dollars And Forty-Five Cents (\$2,651,376.45); and

**WHEREAS**, the City desires to negotiate an amendment to the construction contract with Sposeto Engineering, Inc., and to reduce the contribution of Agency funds to an amount that reflects the change in scope of the Broadway Phase II and III Sidewalk Improvement Project; and

**WHEREAS**, the City and the Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Agency financial contributions and other assistance to support City public improvements; and

**WHEREAS**, the Redevelopment Agency of the City of Oakland is creating the Central District Basement Backfill Program to facilitate completion of the Broadway Phase II and III Sidewalk Improvement Project, and has authorized a contribution of \$100,000 to the City under the Cooperation Agreement to cover City staff costs associated with the Program; now, therefore, be it

**RESOLVED:** That Resolution No. 80660 C.M.S. is hereby amended to authorize the City Administrator to negotiate an amendment to the construction contract with Sposeto Engineering, Inc. for the Broadway Phase II and III Sidewalk Improvement Project; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized on behalf of the City negotiate and execute any change orders, amendments, extensions or modifications of said contract, within the limitations of the revised Project plans and specifications; and be it

**FURTHER RESOLVED:** That the revised contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the City Council hereby accepts a contribution of \$100,000 in Redevelopment Agency funds under the Cooperation Agreement to cover City staff costs associated with the Central District Basement Backfill Program, and appropriates such funds to the City of Oakland's Redevelopment Agency Projects Fund (7780), Capital Improvement Projects Organization (94800), in City Projects to be established for the Basement Backfill Program.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 19 2008, 2008

PASSED BY THE FOLLOWING VOTE:

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

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

  
LATONDA SIMMONS

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