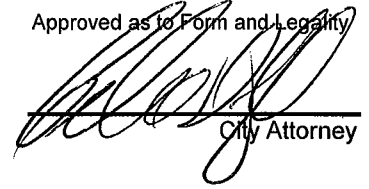


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

2010 DEC 14 PM 2:39

RESOLUTION No. 87415 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH THE ALAMEDA COUNTY TRANSPORTATION COMMISSION (ACTC) FOR THE REIMBURSEMENT OF CITY COSTS INCURRED IN THE REVIEW AND APPROVAL OF DESIGN OF THE GLOBAL OPPORTUNITIES AT THE PORT OF OAKLAND (GOPORT) PROJECTS, AND TO ACCEPT AND APPROPRIATE UP TO ONE MILLION DOLLARS (\$1,000,000) FROM ACTC FOR THOSE COSTS

WHEREAS, The Global Opportunities at the Port of Oakland is a collection of investment in public infrastructure at the Port of Oakland and within the City of Oakland, including the 7th Street Grade Separation West (7SGSW), 7th Street Grade Separation East (7SGSE), Freight Intelligent Transportation System (FITS), and Port Utility Relocation (PUR); and

WHEREAS, the GoPort Projects represent a significant investment in and benefit to the City of Oakland (“the City”) and Port of Oakland (“the Port”); and

WHEREAS, the Alameda County Transportation Commission (ACTC) is the sponsoring agency for delivering these projects on behalf of the City and Port; and

WHEREAS, ACTC has secured lead has secured funding for the design and construction of projects; and

WHEREAS, the assets to be constructed under these projects will, upon completion, be transferred to the City for ownership, operation and maintenance; and

WHEREAS, the City will incur costs in the design, review and approval of the plans for these projects; and

WHEREAS, ACTC has offered to reimburse the City for its direct costs incurred in the design, review and approval of the plans for these projects; and

WHEREAS, the action to negotiate and execute a reimbursement agreement is not in and of itself a “Project” as defined by the California Environmental Quality Act, California Public Resources Code Section 21000 *et seq* (“CEQA”) since it does not result in a physical change in

the environment, but is part of a larger "Project" that will be subject to environmental review in accordance with CEQA at "the earliest feasible time" prior to "approval" consistent with CEQA Guidelines Sections 15004 and 15352. The larger "Project" is the GoPort Projects, and the Port, acting as Lead Agency for purposes of CEQA, plans to bring back an addendum to the City's 2002 Oakland Army base EIR and its addenda prior to any discretionary project approvals; now, therefore, be it

RESOLVED: That the City Council authorizes the City Administrator, or her Designee, to negotiate and execute a Reimbursement Agreement with ACTC in an amount not to exceed one million dollars (\$1,000,000) for the reimbursement of direct staff and consultant costs incurred in the design, review and approval of construction documents for the GoPort projects; and

BE IT FURTHER RESOLVED, that the City Administrator, or her designee, upon execution of the agreement, is authorized to accept and to appropriate up to one million dollars (\$1,000,000) from ACTC, into the Alameda County Transportation Commission Reimbursable Grant Fund (2214), Great Streets Delivery Administration (35211), and Project To Be Determined; and be it

FURTHER RESOLVED, that should additional funds become available from ACTC for these purposes, the City Administrator or Her Designee is hereby authorized to accept and appropriate these funds for the purposes described above through June 30, 2022; and be it

FURTHER RESOLVED, that the City Administrator, or Her Designee, is authorized to negotiate with ACTC and execute all necessary applications, contracts, agreements, amendments and extensions of the same for the GoPort Project, subject to the review and approval of the City Attorney's Office; and be it

FURTHER RESOLVED, that the City Attorney's Office has reviewed this resolution as to form and legality and a copy of this resolution shall be filed with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 27 2018

PASSED BY THE FOLLOWING VOTE:

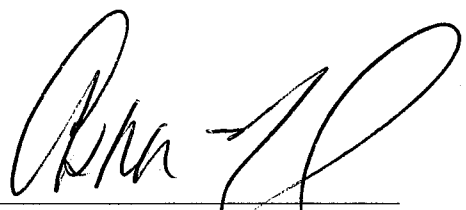
AYES - ~~██████~~, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID - 7

NOES - 0

ABSENT - 0

ABSTENTION 0

Excused - Brodus - 1

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