

OAKLAND CITY COUNCIL



City Attorney

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A PROJECT DELIVERY AGREEMENT (PDA) AND ANY AMENDMENTS THERETO WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE COMPLETION OF THE LEIMERT BOULEVARD BRIDGE SEISMIC RETROFIT PROJECT IN ACCORDANCE WITH THE SCOPE, COST AND DEVELOPMENT SCHEDULE AS DELINEATED IN THE PROJECT DELIVERY AGREEMENT

WHEREAS, the California State Legislature enacted the Local Bridge Seismic Safety Retrofit Program as part of the statewide Seismic Safety Retrofit program after the October 1989 Loma Prieta Earthquake; and

WHEREAS, the purpose of the program is to provide funding assistance to local agencies for remedying structural seismic design deficiencies of public bridges on local street and roads in California; and

WHEREAS, the Leimert Boulevard Bridge was identified by the California Department of Transportation (Caltrans) for need of seismic retrofit; and

WHEREAS, the City accepted Federal Highway Administration (FHWA) grant funds under the Highway Bridge Program (HBP) for the seismic retrofit design of the Leimert Bridge in 2015, Resolution No. 85917 C.M.S.; and

WHEREAS, The State of California Transportation Commission (CTC) adopted new 1B Local Bridge Seismic Retrofit Account Guidelines on October 9, 2019; and

WHEREAS, CTC’s new Guidelines require that Caltrans and the local agency responsible for the delivery of the local seismic retrofit project execute a project delivery agreement for all projects that did not advance to the construction phase by December 31, 2019; and

WHEREAS, The Leimert Boulevard Bridge Seismic Retrofit Project is currently in the design phase and will advance to the construction phase in according with the dates shown in the PDA.

WHEREAS, a PDA between Caltrans and the City of Oakland will supersede existing baseline agreements and will set forth for the Leimert Boulevard Bridge Seismic Retrofit Project scope, cost and delivery schedule; and

WHEREAS, CTC’s Guidelines state that executed project delivery agreements must be delivered to CTC by August 31, 2020; and

WHEREAS, CTC's Guidelines state that local agencies that fail to meet a milestone in an executed project delivery agreement will be deemed ineligible to receive new funding obligations in the Highway Bridge Program (HBP) until the conditions of the project delivery agreement are met; and

WHEREAS, Execution of a PDA is a condition for receiving FHWA grant funds that are necessary for the completion of the Leimert Boulevard Seismic Retrofit Project.

WHEREAS, CTC's Guidelines requires project delivery agreements to be adopted by the governing board responsible for approval of projects for the local agency; and

WHEREAS, this action is exempt from the California Environmental Quality Act (CEQA) pursuant to the following CEQA Guidelines Sections: Section 15162 and 15163 (no further environmental review required); Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); Section 15061(b)(3) (no significant effect on the environment); Section 15183 (projects consistent with a community plan, general plan, or zoning), Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), and Section 15309 (inspections), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

RESOLVED, that the City of Oakland agrees to enter a PDA and any amendments Thereto with Caltrans for completing Leimert Boulevard Bridge Seismic Retrofit Project; and be it

FURTHER RESOLVED, the City Council has reviewed the proposed amendments to the Oakland Municipal Code and independently finds and determines that this action is exempt from CEQA pursuant to the following CEQA Guidelines Sections: Section 15162 and 15163 (no further environmental review required); Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); Section 15061(b)(3) (no significant effect on the environment); Section 15183 (projects consistent with a community plan, general plan, or zoning), Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), and Section 15309 (inspections), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

FURTHER RESOLVED, that the City Administrator or his designee is hereby authorized to finalize and execute the PDA; and be it

FURTHER RESOLVED, that the City Administrator or her designee is hereby authorized to approve any subsequent amendments or extensions of the PDA, 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.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES – FORTUNATE BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR THAO
AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

Asha Reed
Acting City Clerk and Clerk of the Council
of the City of Oakland, California