

2023 NOV -3 AM 11:00

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

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OAKLAND CITY COUNCIL

RESOLUTION NO. 90010 C.M.S.

A RESOLUTION TO:

(1) ADOPT A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A COOPERATIVE AGREEMENT BETWEEN THE CITY OF OAKLAND AND THE PORT OF OAKLAND FOR THE FREIGHT INTELLIGENT TRANSPORTATION SYSTEM PROGRAM; AND,

(2) ADOPT NATIONAL ENVIRONMENTAL POLICY ACT AND CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the Alameda County Transportation Commission (“ACTC”), as implementing agency, has been working with the City of Oakland (“City”), the Port of Oakland (“Port”), and the State of California, Department of Transportation (“Caltrans”) to develop and implement a suite of freight transportation projects known as the Global Opportunities at the Port of Oakland Program (“GoPort Program”), which includes the Freight Intelligent Transportation System Program, which is a comprehensive transportation technology and congestion management project that involves the use of intelligent transportation systems (communication system enhancements, traffic signal system improvements, and a new Emergency Operations Center/Traffic Management Center) that provides real-time traffic information to truckers within the jurisdictional boundaries of the Port and areas adjacent to the Port; and

WHEREAS, the Port and City are parties to a Memorandum of Understanding (“MOU”) dated July 1, 1983, wherein the City agrees to provide the Port certain general services, including, but not limited to, general services of the City’s Police, Fire, and Public Works departments, and the Port agrees to reimburse to the City the cost thereof, as most recently amended/supplemented by the Eighteenth Supplemental Agreement (General Services), dated June 5, 2014 (the original MOU together with all exhibits, attachments, and supplements are collectively referred to as the “General Services Agreement”); and

WHEREAS, the City, the ACTC, and the Port have executed various Agreements to collaborate, develop, and implement the GoPort Program projects; and

WHEREAS, on November 25, 2019, ACTC entered into ACTC Agreement A20-0006 with Aldridge Electric, Inc. to construct the Freight Intelligent Transportation System Program. Subsequently, the City issued permits to Aldridge Electric, Inc. for the construction of the Freight Intelligent Transportation System Program within the City's right of way; and

WHEREAS, on August 26, 2019, and amended June 1, 2021, June 2, 2023, and July 6, 2023, ACTC and the City entered into Agreement No. A19-0028 (as amended, the "Reimbursement Agreement") to compensate the City for its reimbursable design oversight services and permit fees for the Project; and

WHEREAS, the California Department of Transportation, as the lead agency, working collaboratively with ACTC, obtained approvals and clearance for the Project under the National Environmental Policy Act ("NEPA") and issued a NEPA Categorical Exclusion on October 25, 2018 and the Project was included in the 2002 Oakland Army Base Redevelopment Environmental Impact Report ("OAB EIR") and its addenda, as certified by the City and the Port in June 2012. In November 2019, a California Environmental Quality Act ("CEQA") determination pursuant to CEQA Guidelines section 15164 was made that the Project would not result in any new significant environmental effects beyond those identified in the OAB EIR, nor would result in a substantial increase in the severity of previously identified significant effects; now, therefore, be it

RESOLVED: That the City Administrator is hereby authorized to execute a Cooperative Agreement between the City and the Port of Oakland for the Freight Intelligent Transportation System Program; and be it,

FURTHER RESOLVED: That the City Council has independently considered and finds that the Project obtained California Department of Transportation approvals, including a NEPA Categorical Exclusion on October 25, 2018. The City Council also finds that the Project complies with CEQA pursuant to CEQA Guidelines section 15164 since the Project would not result in any new significant environmental effects beyond those identified in the OAB EIR, nor would it result in a substantial increase in the severity of previously identified significant effects; and be it

FURTHER RESOLVED: That the City Administrator shall file a Notice of Determination/Exemption with the Clerk of the County of Alameda for this Project; and be it

FURTHER RESOLVED: That the City Administrator is authorized to conduct all negotiations and execute all documents which may be necessary and consistent with the basic intent and purpose of this Resolution, including without limitation, to approve any subsequent amendments, modifications to or extensions of said agreement, or issue any notices, and take any related actions provided that any such amendments or extensions shall be reviewed by the City Attorney and filed with the City Clerk's Office; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality, and a copy of this resolution will be placed on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Administrator is authorized on behalf of the City to execute and submit all documents, payment requests, and related actions consistent with the authorizations set forth in this Resolution.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **DEC 05 2023**

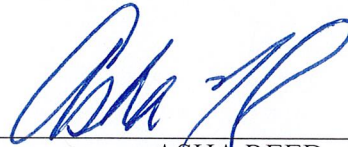
AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS -8

NOES ~~0~~

ABSENT ~~0~~

ABSTENTION ~~0~~

ATTEST:



ASHA REED

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