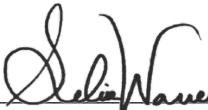


APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION (1) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A DELEGATED MAINTENANCE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) TO INCLUDE MAINTENANCE ACTIVITIES SUCH AS WEED ABATEMENT, LITTER, AND DEBRIS REMOVAL ON SPECIFIED CALTRANS HIGHWAY ON-RAMPS AND OFF-RAMPS; (2) ACCEPTING AND APPROPRIATING UP TO THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$375,000) FROM CALTRANS IN CONNECTION WITH THE AGREEMENT; AND (3) MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

WHEREAS, the California Department of Transportation (Caltrans) seeks to enter into a Delegated Maintenance Agreement (Agreement) with the City of Oakland (City) to perform beautification activities on Caltrans freeway and highway areas situated within the City of Oakland's jurisdictional limits as authorized under Streets and Highways Code Section 130; and

WHEREAS, the City shall perform maintenance operations at the locations set forth in the Agreement to keep the facilities in a safe and operational condition; and

WHEREAS, the maintenance operations include activities such as weed abatement, litter and debris removal; and

WHEREAS, this Agreement will yield up to Three Hundred Seventy-Five Thousand Dollars (\$375,000) in funds from CalTrans and the Council wishes to accept and appropriate these funds; and

WHEREAS, the funds will be deposited into Fund 2140, Project # TBD; and

WHEREAS, this Agreement does not supersede any prior Delegated Maintenance Agreement, Freeway Maintenance Agreement or any other agreement between the City and Caltrans, such prior agreements remain in full force and effect; and

WHEREAS, pursuant to Oakland Charter Article V, Section 504 (1), the City Administrator, when directed by the Council, may represent the City in intergovernmental relations and negotiate contracts for joint governmental actions, subject to Council approval; and

WHEREAS, this action involves routine, ongoing maintenance of existing transportation facilities and appurtenant landscaped areas, including trash and debris removal, vegetation trimming, weed abatement, and similar custodial and maintenance work, and does not include any expansion of use, increase in roadway capacity, new construction, or ground-disturbing activities beyond minor surface disturbance; and

WHEREAS, the proposed activities involved in this action will occur entirely within previously disturbed and developed Caltrans freeway and highway rights-of-way and will not result in the removal of mature trees, impacts to sensitive habitats, or alteration of drainage patterns; and

WHEREAS, this action qualifies for an exemption from the California Environmental Quality Act (“CEQA”) pursuant to the following CEQA Guidelines sections, each of which, both collectively and independently, exempt the action from CEQA: (a) 15301 (“existing facilities”), which exempts the operation, repair, maintenance, and minor alteration of existing public facilities involving negligible or no expansion of an existing use; (b) 15304 (“minor alterations to land”); and (c) 15061(b)(3) (“the common sense exemption”); and

WHEREAS, none of the exemptions set forth in CEQA Guidelines section 15300.2 apply to this action; now, therefore, be it

RESOLVED: That the City Administrator is hereby authorized to negotiate and execute a Delegated Maintenance Agreement between the City and Caltrans to include maintenance activities such as weed abatement, litter, and debris removal on specified Caltrans freeway and highway areas situated within the City of Oakland’s jurisdictional limits; and be it

FURTHER RESOLVED: That the City Council hereby accepts and appropriates up to Three Hundred Seventy-Five Thousand Dollars (\$375,000) from Caltrans in connection with the Agreement; and be it

FURTHER RESOLVED: That the City Council finds and determines that this action is exempt from CEQA, both collectively and independently, pursuant to the following CEQA Guidelines sections: (a) 15301 (“existing facilities”); (b) 15304 (“minor alterations to land”); and (c) 15061(b)(3) (“the common sense exemption”); and directs the City Administrator or designee to file a Notice of Exemption (“NOE”) if appropriate.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES -

ABSENT -

ABSTENTION -

ATTEST:_____

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

3453149v1/SW