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**RESOLUTION NO. 2024-68**

**A RESOLUTION OF THE ALBANY CITY COUNCIL AUTHORIZING  
THE CITY MANGER TO ACCEPT THE IMPROVEMENTS COMPLETED UNDER  
CONTRACT NO. C23-26 FOR PHASE IV OF THE LOWER CODORNICES  
CREEK RESTORATION PROJECT (CIP NO. 43001) AND  
AUTHORIZING STAFF TO FILE THE NOTICE OF COMPLETION**

**WHEREAS**, the City of Albany has partnered with the City of Berkeley and the University of California since the late 1990s to restore the portion of lower Codornices Creek between San Pablo Avenue and the train tracks as a vital riparian habitat and a resource to the community; and

**WHEREAS**, in November 2020, the City Council approved Resolution No. 2020-108, adopting the FY2019/20 – 2023/24 Capital Improvement Plan and appropriating funds for the first three fiscal years of the Plan, including \$620,000 in Measure R LLAD (Landscape and Lighting Assessment District) 1996-1 funding for the Lower Codornices Creek Restoration Project (CIP No. 43001); and

**WHEREAS**, in December 2020, the City Council approved Resolution No. 2020-123, authorizing submission of the Phase IV project for consideration for funding as part of the Alameda County Transportation Commission’s 2022 Comprehensive Investment Plan; and

**WHEREAS**; in 2021, City staff received notification that funding had been awarded to the Phase IV Project in the sum of \$826,000 in combined Alameda County Measure B and State Transportation Fund for Clean Air (TFCA) transportation dollars; and

**WHEREAS**, in October 2021, the City Council approved Resolution No. 2021-97, accepting the \$826,000 award and authorizing City staff to administer the grant; and

1       **WHEREAS**, on July 17, 2023, the City Council approved Resolution No. 2023-54,  
2 awarding Phase IV of the Lower Codornices Creek Restoration Project (Contract No. C23-26)  
3 to Bay Construction Co. in the not-to-exceed amount of \$1,360,000 and appropriating \$90,000  
4 from Measure B Bicycle & Pedestrian Funds and \$182,000 in Measure BB Bicycle and  
5 Pedestrian Funds to increase the project budget accordingly; and  
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7       **WHEREAS**, on June 5, 2024, the City Manager executed unilateral Change Order #1  
8 and unilateral Change Order #2 to Contract No. C23-26 for ameliorating compensation  
9 disputes; and  
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11       **WHEREAS**, on July 22, 2024, the City Manager executed Change Order #3 to Contract  
12 No. C23-26 for resolving final compensation disputes and for final quantity adjustments,  
13 resulting in a revised, final contract amount of \$1,349,640.39; and  
14

15       **WHEREAS**, the project is now complete and a Notice of Completion is required to be  
16 filed with the County Recorder’s Office.  
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18       **NOW, THEREFORE, BE IT RESOLVED**, that the Albany City Council hereby  
19 authorizes the City Manager to accept the improvements completed in Contract No. C23-26  
20 and file the Notice of Completion with the Alameda County Recorder’s Office.  
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26       JOHN MIKI, MAYOR  
27  
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# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • [www.albanyca.org](http://www.albanyca.org)

## RESOLUTION NO. 2024-68

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 3rd day of September, 2024, by the following votes:

AYES: Council Members Hansen-Romero, Jordan, López, Tiedemann and

Mayor Miki

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 4th

day of September, 2024.

Anne Hsu  
CITY CLERK