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Approved as to Form and Legality


Celso Ortiz (Apr 19, 2022 10:00 PDT)
City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 89231 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO (1) APPLY FOR, ACCEPT, AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT-TO-EXCEED TWO MILLION THIRTY-THREE THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS (\$2,033,575.00) FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION CLEAN CALIFORNIA LOCAL GRANT PROGRAM (CCLGP) TO IMPLEMENT THE COURTLAND CREEK RESTORATION PROJECT (COURTLAND PROJECT); (2) ENTER INTO A RESTRICTED CCLGP GRANT AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) TO IMPLEMENT THE COURTLAND PROJECT (NO. 1005340); (3) ACCEPT AND APPROPRIATE CALTRANS FUNDS IN AN AMOUNT NOT-TO-EXCEED ONE HUNDRED NINETY THOUSAND DOLLARS (\$190,000.00) TO IMPLEMENT THE COURTLAND PROJECT AS MITIGATION FOR ITS UNION PACIFIC RAILROAD LAKE MERRITT CHANNEL BRIDGE REPLACEMENT PROJECT (CALTRANS PROJECT), (4) ENTER INTO A CONTRACTUAL AGREEMENT WITH CALTRANS TO IMPLEMENT THE COURTLAND PROJECT UTILIZING CALTRANS PROJECT MITIGATION FUNDS, AND (5) ADOPT APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.

WHEREAS, on November 5, 2002, Oakland voters passed Measure DD, The Oakland Trust for Clean Water and Safe Parks, a \$198,250,000 general obligation bond; and

WHEREAS, the Courtland Creek Restoration Project (Courtland Project) in Courtland Creek Park is a prioritized project on the list of Council-adopted Measure DD Creek Restoration Projects; and

WHEREAS, the City has initiated design of the Courtland Project that will stabilize and restore three open creek sections that flow above-ground through Courtland Creek Park to improve water quality, flood control, habitat, safety, and community benefit features; and

WHEREAS, the Courtland Project has secured funding to-date from Measure DD in the amount of \$530,000.00, from a California Department of Water Resources, Urban Streams Restoration Program Proposition 68 grant in the amount of \$1,000,000.00, from the U.S. Environmental Protection Agency, Region 9, San Francisco Bay Water Quality Improvement Fund (No. 98T15701) in the amount of \$1,500,000.00, from the Alameda County Flood Control and Water Conservations District Agreement Related to the Clean Creek and Collaborative Creek Improvement Program (88565 C.M.S.) in the amount of \$240,000.00, and from the City Sewer Service Fund (3100) in the amount of \$355,000.00 for the project; and

WHEREAS, the California Department of Transportation (Caltrans) Clean California Local Grant Program (CCLGP) is providing over one billion dollars to invest in beautification programs across the state in five program areas: litter abatement; state beautification projects; local beautification projects; public education; and project design, construction, local support and engagement; and

WHEREAS, a working group consisting of representatives from the City Administrator's Office, Oakland Public Works Department, Department of Transportation, Oakland Parks, Recreation and Youth Department), and Oakland Public Library (OPL) was convened to develop project ideas to compete for this grant and the group coalesced around two projects, including the Courtland Project; and

WHEREAS, the City submitted a grant proposal for the Courtland Project on January 31, 2022, and on March 1, 2022 was awarded a CCLGP grant from Caltrans in the amount of two million thirty-three thousand five hundred seventy-five dollars (\$2,033,575.00) to implement the Courtland Project; and

WHEREAS, the Courtland Project CCLGP grant requires a cost-share match of \$1,016,788.00 that will be provided by Award 24130, Environmental Protection Agency Fund (2125), Watershed and Stormwater Division Organization (30245), and Courtland Creek Restoration Project (1005340); and

WHEREAS, Caltrans is implementing the Union Pacific Railroad Lake Merritt Channel Bridge Replacement Project (Caltrans Project); and

WHEREAS, to mitigate the impact of the Caltrans Project, the San Francisco Bay Regional Water Quality Control Board (RWQCB) is allowing Caltrans to contribute mitigation funds to a creek enhancement project, such as the Courtland Project, within the City of Oakland; and

WHEREAS, Caltrans sent a Letter of Intent offering to enter into a Contractual Agreement with the City to contribute Caltrans Project mitigation funds to the Courtland Project in an amount not to exceed one hundred ninety thousand dollars (\$190,000.00); and

WHEREAS, combined, the awarded CCLGP grant funds and the Caltrans Project mitigation funds fill the remaining funding gap of \$2,223,575.00 for the Courtland Project; and

WHEREAS, California Environmental Quality Act (CEQA) review has been completed for the Courtland Project through review and incorporation into the Measure DD programmatic Environmental Impact Report (EIR); and

WHEREAS, the Courtland Project will meet all mitigation requirements that are outlined for creek restoration projects in the Mitigation, Monitoring, and Reporting Plan of the EIR; now, therefore, be it

RESOLVED: That the City Administrator is hereby authorized and directed to execute a Caltrans Restricted Grant Agreement issued under the CCLGP for the Courtland Project; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized and directed to execute a Caltrans and City of Oakland Contractual Agreement for the mitigation funding transfer from Caltrans to the City for the Courtland Project; and be it

FUTHER RESOLVED: That pursuant and subject to all the terms and provisions of the Caltrans CCLGP Restricted Grant Agreement, the City Council authorizes the City Administrator to apply for, accept, and appropriate grant funds from the Caltrans CCLGP not to exceed two million thirty-three thousand five hundred seventy-five dollars (\$2,033,575.00) for the Courtland Project; and be it

FURTHER RESOLVED: That pursuant and subject to all the terms and provisions of the Caltrans and City of Oakland Contractual Agreement for Caltrans to contribute funds to the Courtland Project as mitigation for the Caltrans Project, the City Council authorizes the City Administrator to accept and appropriate mitigation funds from Caltrans not to exceed one hundred ninety thousand dollars (\$190,000.00) for the Courtland Project; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to approve any subsequent amendments to or extensions of said agreements, provided that such amendments or extensions shall be approved for form and legality by the City Attorney and a copy shall be kept on file with the City Clerk; and be it

FURTHER RESOLVED: That the Council finds that CEQA review has been completed for the Courtland Project through review and incorporation into the Measure DD programmatic Environmental Impact Report (EIR); and be it

FURTHER RESOLVED: That state grant funds for the Courtland Project will be deposited and appropriated in California Department of Transportation Fund (2140), Watershed and Stormwater Division Organization (30245), and in Courtland Restoration Project (1005340); and be it

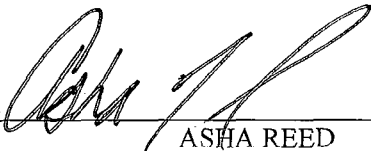
FURTHER RESOLVED: That Caltrans mitigation funds for the Courtland Project will be deposited and appropriated in California Department of Transportation Fund (2140), Watershed and Stormwater Division Organization (30245), and in Courtland Restoration Project (1005340).

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 07 2022

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, ~~AMM~~ REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS → 7

NOES - 0
ABSENT - Kaplan
ABSTENTION - 0

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