



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Jason Mitchell
Director, Public Works

SUBJECT: Department of Water Resources
USRP Grant for Courtland Creek
Restoration Project

DATE: 5/11/2020

City Administrator Approval

Date: May 26, 2020

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator Or Designee To Apply For, Accept, And Appropriate Grant Funds In An Amount Not-To-Exceed One Million Dollars (\$1,000,000.00) From The California Department of Water Resources (DWR) Urban Streams Restoration Program To Implement The Courtland Creek Restoration Project (Project), And To Enter Into A Grant Agreement With DWR To Implement The Project.

EXECUTIVE SUMMARY

Approval of this Resolution will authorize the City to use \$1,000,000 in grant funds from the Department of Water Resources (DWR), Proposition 68-funded Urban Streams Restoration Program (USRP) to fund implementation of the Courtland Creek Restoration Project in Courtland Creek Park (Project). The Project will improve water quality and habitat, stabilize creek banks, reduce flood risk, improve park safety, reduce illegal dumping, and improve access to the creek for recreation and educational opportunities. The City will collaborate on implementation of the Project with the Oakland Parks and Recreation Foundation (OPRF) who cosponsored the City's USRP grant application. The Project is also partially funded by Measure DD, the Oakland Trust for Clean Water and Safe Parks bond. Additional funding is still needed to complete the full scope of the project that is estimated at approximately \$4 million. Grant and Measure DD funds will be leveraged to obtain the additional funding.

BACKGROUND / LEGISLATIVE HISTORY

The Courtland Creek Restoration Project will restore three open creek sections that flow above-ground through Courtland Creek Park, parallel to High Street between Brookdale Avenue and 45th Avenue (see **Attachment A – Project Location Map** and **Attachment B – Conceptual Designs**). The Project will stabilize and repair steep and eroding creek banks to protect property, reduce flood risk, and improve water quality. The Project will also restore native vegetation to create habitat. Furthermore, it will incorporate some park enhancements to connect the community to the creek in a visually appealing way to increase recreation and provide education opportunities which will reduce illegal dumping.

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The Project was included in the 2005, Oakland City Council-adopted Prioritized Creek Restoration Project List (List) for the Measure DD Creek Restoration Program (see **Attachment C**). Measure DD has provided funding for initial Project design work and grant application support. On May 16, 2019, Oakland City Council approved a recommendation to award and execute a professional services agreement with FlowWest Engineering to begin designing the Project. Additional funding is needed to implement the full scope of the restoration project, which is estimated at approximately \$4 million.

ANALYSIS AND POLICY ALTERNATIVES

To begin filling the Project funding gap the City applied for the USRP grant from DWR. The City's USRP grant will be funded under the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 (Proposition 68), passed by California voters on June 5, 2018.

The grant requires the local agency grant sponsor to partner with a certified 501(c)(3) non-profit organization or local community group and to have a signed agreement between the partners. To meet this requirement, the City is partnering with OPRF to implement the Project and will delineate grant implementation responsibilities, funding, and management using the amended agreement between the City and OPRF, known as the *Agreement for the Cooperative Solicitation of Private and Public Funding to be Used for Capital Improvements for Office of Parks and Recreation Projects, Programs and Services Throughout the City of Oakland, and for the Improvement of City Owned Park Grounds and Facilities*. This Agreement and subsequent amendments were authorized by Oakland City Council-adopted Resolution No. 82214 (see **Attachment D**). The amended Agreement sets forth criteria allowing the City and OPRF to partner on projects funded by state and federal funding sources. This grant also requires a commitment to contribute in-kind services. To meet this requirement, staff proposed to commit \$30,000 in Measure DD Courtland Creek Project funding. If approved, USRP grant and Measure DD Project funds will be leveraged to raise the additional funding needed to complete the Project.

FISCAL IMPACT

Approval of the proposed resolution will authorize the City Administrator or designee to accept and appropriate USRP grant funds in an amount not to exceed one million dollars (\$1,000,000) USRP grant funds will be disbursed for costs incurred by the City to implement the Project in accordance with the grant agreement. To receive the grant award staff proposed to commit \$30,000 in Measure DD Courtland Creek Project funding to meet the in-kind contribution requirement, as detailed in the table below:

FUNDING SOURCE	IN-KIND CONTRIBUTION
Funds will be transferred into a newly established Courtland Creek Restoration Project (1005340) from Measure DD Fund (5322); Creek Restoration Project (1001190); Award (23146); Program (IN14)	\$30,000

PUBLIC OUTREACH / INTEREST

The Project will incorporate design and scope input from Courtland Creek Park neighbors and other community members and stakeholders. The City's design consultant team, City staff, and OPRF are currently working to develop and implement an equity-focused community engagement plan and will schedule community meetings for summer 2020. Meetings will be held using virtual engagement tools if the Covid-19 shelter-in-place order or other social-distancing requirements are still in effect at the time the meetings are planned. The Project team will hold public meetings periodically throughout the design process to ensure responsiveness to community concerns, build engagement in the project, and foster long-term stakeholders and stewards. Given the long history of community participation around this creek and park, staff anticipate strong community interest and participation in the Project.

COORDINATION

The work to be done under this contract will be coordinated with Oakland Parks and Recreation and Youth Development, Contract and Compliance Division, and appropriate divisions within Oakland Public Works.

This report and resolution have been reviewed for form and legality by the Office of the City Attorney, the Budget Bureau, and the Contracts and Compliance Division of the City Administrator's Office.

SUSTAINABLE OPPORTUNITIES

Economic: Implementation of the Project will generate business tax, sales tax, and other revenues for the City by those firms who work on the project. Local businesses will be utilized on the Project and will benefit directly.

Environmental: Implementation of the Project will improve and enhance habitat, water quality, flood protection, air quality, and climate change resilience. The Project will also be designed in accordance with requirements set by applicable environmental regulatory agencies as well as by the City of Oakland Creek Protection Ordinance.

Race & Equity: Implementation of the Project will benefit the surrounding underserved and disadvantaged neighborhoods by increasing the quality of Courtland Creek and Courtland Creek Park through enhanced access to natural amenities, reduced trash levels and illegal dumping, and expanded nature-based, hands-on educational opportunities for local students. The resulting Project will also comply with Americans with Disabilities Act (ADA) and enhance the enjoyment of Courtland Creek Park for all ages and abilities.

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CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Project has been reviewed by and is incorporated in the Measure DD programmatic EIR. The Project will meet all mitigation requirements that are outlined for Creek Restoration Projects in the Mitigation, Monitoring, and Reporting Plan of the Measure DD EIR.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution authorizing the City Administrator, or designee, to apply for, accept, and appropriate grant funds in an amount not-to-exceed one million dollars (\$1,000,000.00) from the Department of Water Resources (DWR) Urban Streams Restoration Program (USRP) to implement the Courtland Creek Restoration Project (Project), and to enter into a grant agreement with DWR to implement the project.

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For questions regarding this report, please contact Kristin Hathaway, Watershed and Stormwater Division and DD Program Manager, at (510) 238-7571.

Respectfully submitted,



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Attachments (5):

- A: Project Location Map
- B: Draft Conceptual Designs
- C: Oakland City Council Resolution No. 79649
- D: City and OPRF Amended Agreement