

*DRAFT*

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

**RESOLUTION NO. \_\_\_\_\_ C.M.S.**

**INTRODUCED BY COUNCILMEMBER [IF APPLICABLE]**

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**RESOLUTION: (1) AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE GRANT FUNDS FROM THE PROPOSITION 68 – PER CAPITA PROGRAM GRANT FOR THE 85TH AVENUE MINI PARK TOT LOT REPLACEMENT PROJECT (NO. 1006223) FOR AN AMOUNT NOT-TO-EXCEED SEVENTY-SEVEN THOUSAND DOLLARS (\$77,000) AND THE HOLLY MINI PARK RENOVATION PROJECT (NO. 1004866) FOR AN AMOUNT NOT-TO-EXCEED ONE HUNDRED THOUSAND NINE HUNDRED FIFTY-TWO DOLLARS (\$100,952); AND (2) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

**WHEREAS**, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Per Capita Grant Program pursuant to Proposition 68, setting up necessary procedures governing application(s); and

**WHEREAS**, said procedures established by the State Department of Parks and Recreation require the grantee's Governing Body to certify by resolution the approval of project application(s) before submission of said applications to the State; and

**WHEREAS**, Oakland Public Works staff, in collaboration with the Oakland Parks, Recreation and Youth Development Department, used a multi-pronged approach to identify eligible projects among existing capital projects and unfunded projects that could meet the requirements outlined in the Per Capita Guide; and

**WHEREAS**, the 85th Avenue Mini Park and Holly Mini Park projects (Projects) were determined to be the most suitable projects that met all the grant criteria and could be completed by December 31, 2023; and

**WHEREAS**, a project to fully renovate the 85th Avenue Mini Park earned a Capital Improvement Program (CIP) prioritization score of 50 during the FY 2021-23 CIP budget process and was placed on the unfunded list; and

**WHEREAS**, approximately 4,600 people live in the neighborhood served by the 85th Avenue Mini Park, including People of Color (97.9%), Low-Income People (53.8%), People with

Low Educational Attainment (92.4%), Households with Limited English Proficiency (16.8%), and Single Parents (35.5%), where the ethnic demographic of this community is primarily Latino (64 percent) and African American (27 percent); and



**WHEREAS**, there are sufficient funds to replace the tot lot component of the 85th Avenue Mini Park, by leveraging existing Measure Q maintenance funds with the Proposition 68 Per Capita grant; and

**WHEREAS**, the Holly Mini Park renovation project earned a CIP prioritization score of 54.25 during the FY 19-21 CIP budget process and received an allocation of Measure KK (General Obligation Bond) and Measure HH (Sugar-Sweetened Beverages Tax) funds, and the Proposition 68 Per Capita grant are needed to close a construction funding gap; and

**WHEREAS**, approximately 12,000 people live within a 0.5-mile radius of the Holly Mini Park, including roughly 3,400 children under 18 where the population is primarily Latino (58%) and African American (28%) and 62% of households earn less than \$50,000 annually; and

**WHEREAS**, the Projects are located in a High Priority Neighborhood defined by the Oakland Equity Map developed by the Oakland Department of Transportation giving Oakland neighborhoods a level of priority between lowest and highest determined by seven demographic factors (People of Color; Low-Income Households; People with Disability; Seniors 65 Years and Over; Single Parent Families; Severely Rent-Burdened Households; and Low Educational Attainment); and

**WHEREAS**, the Projects are exempt from CEQA pursuant to CEQA Guidelines Sections 15268 (Ministerial Projects), 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance; and

**WHEREAS**, the City of Oakland as grantee will enter into a contract(s) with the State of California to complete the Projects; now, therefore, be it

**RESOLVED:** That the City Council hereby approves the filing of applications for the 85th Avenue Mini Park Tot Lot Replacement and Holly Mini Park Renovation projects, and

1. Certifies that said grantee has or will have available, prior to commencement of project work utilizing Per Capita funding, sufficient funds to complete the Project(s); and
2. Certifies that the grantee has or will have sufficient funds to operate and maintain the Projects; and
3. Certifies that the Projects proposed will be consistent with the park and recreation element of the City of Oakland's general or recreation plan; and
4. Certifies that these funds will be used to supplement, not supplant, local revenues in existence as of June 5, 2018; and

5. Certifies that it will comply with the provisions of §1771.5 of the State Labor Code; and
6. To the extent practicable, as identified in the “Presidential Memorandum—Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters,” dated January 12, 2017, the City of Oakland will consider a range of actions that include, but are not limited to, the following:
  - (A) Conducting active outreach to diverse populations, particularly minority, low income, and disabled populations and tribal communities, to increase awareness within those communities and the public generally about specific programs and opportunities.
  - (B) Mentoring new environmental, outdoor recreation, and conservation leaders to increase diverse representation across these areas.
  - (C) Creating new partnerships with state, local, tribal, private, and nonprofit organizations to expand access for diverse populations.
  - (D) Identifying and implementing improvements to existing programs to increase visitation and access by diverse populations, particularly minority, low-income, and disabled populations and tribal communities.
  - (E) Expanding the use of multilingual and culturally appropriate materials in public communications and educational strategies, including through social media strategies, as appropriate, that target diverse populations.
  - (F) Developing or expanding coordinated efforts to promote youth engagement and empowerment, including fostering new partnerships with diversity-serving and youth-serving organizations, urban areas, and programs.
  - (G) Identifying possible staff liaisons to diverse populations.
7. Agrees that to the extent practicable, the Projects will provide workforce education and training, contractor and job opportunities for disadvantaged communities.
8. Certifies that the grantee shall not reduce the amount of funding otherwise available to be spent on parks or other projects eligible for funds under this division in its jurisdiction. A one-time allocation of other funding that has been expended for parks or other projects, but which is not available on an ongoing basis, shall not be considered when calculating a recipient’s annual expenditures.
9. Certifies that the grantee has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Procedural Guide for the Proposition 68 Per Capita Grant Program.
10. Delegates the authority to the City Administrator to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements,

amendments, and payment requests, which may be necessary for the completion of the grant scope.

11. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines; and, be it

**FURTHER RESOLVED:** That, if awarded, grant funds in an amount not-to-exceed Seventy-Seven Thousand Dollars (\$77,000) for the 85th Avenue Project and an amount not-to-exceed One Hundred Thousand Nine Hundred Fifty-Two Dollars (\$100,952) for the Holly Mini Park Renovation Project, will be deposited in a new award number for California Parks and Recreation Fund (2134) within Capital Project Organization (30551), Project No. 1006223 for 85th Avenue Mini Park, and within Capital Project Organization (92270), Project No. 1004866 for Holly Mini Park; and, be it

**FURTHER RESOLVED:** That the Council finds that these Projects are exempt from CEQA pursuant to CEQA Guidelines Sections 15268 (Ministerial Projects), 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance; and be it

**FURTHER RESOLVED:** That the City Administrator shall file a Notice of Determination/Notice of Exemption with the Clerk of the County of Alameda on each of the two Projects named in this resolution if necessary; and, be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to approve any subsequent amendments to or extensions of said agreement with the exception of those related to an increase in the total dollar amount of the agreement; and, be it

**FURTHER RESOLVED:** That a copy of the agreement will be on file in the City Clerk's Office and will be reviewed and approved for form and legality by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

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