

CITY OF OAKLAND

AGENDA REPORT

OFFICE OF THE CITY CLERK
2006 NOV 15 PM 12:55

TO: Office of the City Administrator
ATTN: Deborah A. Edgerly
FROM: Public Works Agency
DATE: November 28, 2006

RE: **Resolutions Authorizing the City Administrator to Apply for, Accept and Appropriate Five Hundred Seventy-Seven Thousand Nine Hundred Dollars (\$577,900) from the State Water Resources Control Board Consolidated Grants Program for Lake Merritt Stormwater Treatment and One Million Dollars (\$1,000,000) from the State Coastal Conservancy for the Lake Merritt Bird Islands Restoration and Demonstration Wetlands Project**

SUMMARY

Two resolutions have been prepared for City Council to authorize the City Administrator, or her designee, to apply for, accept and appropriate five hundred seventy-seven thousand nine hundred dollars (\$577,900) from the State Water Resources Control Board Consolidated Grants Program for Lake Merritt stormwater treatment and one million dollars (\$1,000,000) from the State Coastal Conservancy for the Lake Merritt Bird Islands Restoration and Demonstration Wetlands Project.

The State Water Resources Control Board (SWRCB) Consolidated Grants Program provides funds for capital projects focusing on stormwater pollution treatment and pollution reduction. The grant will be used for the Integrated Stormwater Element of the 12th Street Reconstruction Project. Specifically, the grant will fund a system of swales, small detention basins, a stormwater separator, and associated monitoring costs.

The State Coastal Conservancy (Conservancy) will provide funding for the Lake Merritt Bird Islands Restoration and Demonstration Wetlands Project. This project will restore roosting, nesting, and foraging habitat on the five bird islands near Lakeside Park and create a demonstration marsh along 100 feet of shoreline across from the islands.

Approval is sought by the City Council to apply for, accept and appropriate these grant funds that will improve habitat and water quality at Lake Merritt and the Lake Merritt Channel.

These projects are consistent with the following Mayor/City Council goals: Develop a Sustainable City (Goal #1) and Build Community and Foster Livable Neighborhoods (Goal #2).

Staff recommends approval of the resolutions.

Item: _____
Public Works Committee
November 28, 2006

FISCAL IMPACT

There is no fiscal impact to the City's General Fund associated with this requested action.

A project will be set up in the California Water Resource Board Fund (2136), Streets and Structures Organization (30242) for funds received from the Consolidated Grants Program for elements of the 12th Street Restoration Project. A project will be set up in the State of California Fund (2159), Capital Environmental Services Organization (92280) for funds received from the Conservancy for the Bird Islands Restoration and Demonstration Wetlands Project.

The SWRCB's Consolidated Grants Program requires the applicant to provide a funding match from non-state sources that is a minimum of 25% of the total project cost. Staff has proposed a 29.7% share cash match of \$243,900 from the Measure DD Fund (5320). This \$243,900 includes \$221,900 in matching funds from the 12th Street Reconstruction Project (C241610) and \$22,000 in matching funds from the Lake Merritt System-wide Project (C242110).

No matching funds are required for the Lake Merritt Bird Islands Restoration and Demonstration Wetlands Project.

Maintenance for the 12th Street Reconstruction will be addressed in future agenda reports that focus on the entire 12th Street Reconstruction project. Three years of adaptive management activities are included within the scope of work for the Lake Merritt Bird Islands Restoration and Demonstration Wetlands Project. Following this three-year period, maintenance of the Lake Merritt Bird Islands will continue to be provided by staff of the Lake Merritt Rotary Nature Center.

BACKGROUND

Storm water runoff from the watershed's high-density residential and commercial areas generates water quality impacts. Under current conditions, untreated storm water runoff from these areas drains to the Channel and Lake. The Integrated Stormwater Element of the 12th Street Reconstruction Project will treat stormwater runoff within the project area. The treatment provided is required by the Regional Water Control Board's (RWCB) Water Quality Certification for the 12th Street Reconstruction Project.

The application for the Consolidated Grants funding was submitted in June 2006. The application was accepted and the SWRCB awarded Proposition 40 funds from the Urban Stormwater Program. These funds are directed to the implementation of urban stormwater capital improvement projects to be completed by September 2008.

The Lake Merritt Bird Island Restoration and Demonstration Wetlands Project is the culmination of a long-term partnership with the Conservancy to improve habitat values at Lake Merritt. The

Item: _____
Public Works Committee
November 28, 2006

Lake's five bird islands, located at the northern end of the Lake, are in need of a significant capital infusion. The islands were constructed between 1925 and 1956 to enhance the Lake Merritt Bird Refuge by providing nesting and roosting sites for hundreds of herons, egrets, Canada geese and other bird species.

Today the condition of the Bird Islands is greatly impaired. Over the years the City has installed a fresh water system to supply freshwater ponds on the islands to provide an additional source of water for the birds. The fresh water system is now deteriorated and in need of renovation. In the last couple of years, excessive amounts of guano (bird feces) and other factors have caused most of the large nesting trees on the islands to die. Also, the spread of non-native plant species such as pampas grass, threaten to displace other shrubbery that provide shelter, nesting and roosting habitat.

The application for the Conservancy funding was submitted in August 2006. The project was presented to the Conservancy's Board on October 5, 2006. The Board voted unanimously to award the City \$1,000,000 in Proposition 50 funds awarded to the Conservancy by the Wildlife Conservation Board.

These Proposition 50 funds are directed specifically to wetland habitat restoration projects that meet the priority of the Conservancy and that will be completed by 2010. The \$1 million was originally set aside by the Conservancy for the Lake Merritt Wetlands Project, a project initiated in 1999 to create improved habitat and wetlands at Lake Merritt. Study of this project's feasibility and impact suggested that alternatives be considered. Alternatives were considered through a visioning process with the Coastal Conservancy and that process led to conceptual development of the Lake Merritt Bird Island Restoration and Demonstration Wetlands Project. The Coastal Conservancy then made the determination to earmark these funds for the Lake Merritt Bird Island Restoration and Demonstration Wetlands Project.

KEY ISSUES AND IMPACTS

Work under the Consolidated Grants will allow the City to fulfill the requirements of the RWCB's Water Quality Certification for the 12th Street Reconstruction Project and improve the water quality of the Bay and Lake Merritt.

Work under the Conservancy funds will improve habitat values at Lake Merritt and increase educational opportunities at the Lake.

PROJECT DESCRIPTION

The Integrated Stormwater Element of the 12th Street Reconstruction Project includes new drainage systems designed to collect storm water and safely convey it to new discharge points. The construction of two biofiltration basins, a system of swales, and a stormwater separator will provide water quality treatment prior to discharge. The detention basins will provide treatment of at least 85 percent of the average annual runoff from more than 60 percent of the Project area that drains into the Channel. The stormwater separator will treat a 4.6-acre catchment area. Construction of the 12th Street Project is scheduled to begin in 2007. Project completion is expected in 2008.

The Lake Merritt Bird Island Restoration and Demonstration Wetlands Project will improve soil conditions to allow vegetation to succeed, remove invasive plants such as pampas grass and ivy, and install a new freshwater irrigation system. A new 100-foot demonstration wetland is proposed along the Lake's shoreline. This project also includes the installation of a railing along the upper edge of the proposed marsh, educational signage, viewing scopes, and benches. In addition to providing improved bird habitat, the project will provide educational opportunities. Design for the project is underway with design completion expected Summer 2007. Project completion, including the three-year adaptive management program, is expected in 2010.

SUSTAINABLE OPPORTUNITIES

Economic:

Improving water quality and habitat values at Lake Merritt will enhance beneficial uses of the Lake including economic activities such as boating and tourism.

Environmental:

The projects will positively impact water quality and habitat within Lake Merritt.

Social Equity:

Lake Merritt is a public resource open to a wide diversity of Oakland's residents and visitors. It is expected that these projects will result in cleaner and more attractive experience for the thousands of people who visit Lake Merritt on a daily basis.

DISABILITY AND SENIOR CITIZEN ACCESS

State and Federal disability regulations will be implemented in the design and development of these projects.

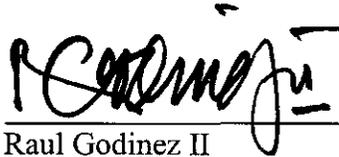
RECOMMENDATION

Staff recommends that the City Council authorize the City Administrator, or her designee, to apply for, accept and appropriate \$577,900 from the SWRCB's Consolidated Grants Program for Lake Merritt stormwater treatment and \$1,000,000 from the Conservancy for the Lake Merritt Bird Islands Restoration and Demonstration Wetlands Project.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolutions.

Respectfully submitted,

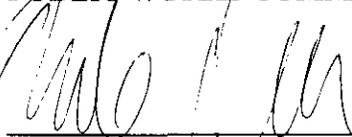


Raul Godinez II
Director, Public Works Agency

Reviewed by:
Brooke A. Levin,
Assistant Director, Public Works Agency

Prepared by:
Lesley Estes,
Watershed Improvement Program Supervisor

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:

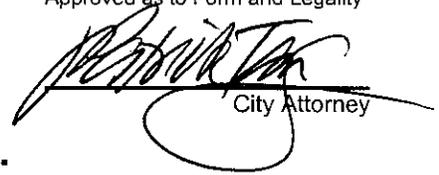


Office of the City Administrator

Item: _____
Public Works Committee
November 28, 2006

OAKLAND CITY COUNCIL

OFFICE OF


City Attorney

RESOLUTION No. _____ C.M.S.

2006 NOV 16 PM 12:55

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT AND APPROPRIATE FIVE HUNDRED SEVENTY - SEVEN THOUSAND NINE HUNDRED DOLLARS (\$577,900) FROM THE STATE WATER RESOURCES CONTROL BOARD CONSOLIDATED GRANTS PROGRAM FOR LAKE MERRITT STORMWATER TREATMENT

WHEREAS, the City of Oakland has been awarded \$577,900 from the State Water Resources Control Board Consolidated Grant; and

WHEREAS, the 12th Street Reconstruction Project has integrated several stormwater treatment elements which are eligible for funding including swales, basins, and a vortex separator; and

WHEREAS, the activities in the agreement will help meet Council goals to develop a sustainable city and to foster livable neighborhoods; and

WHEREAS, State of California protocol for these monies requires that the City of Oakland provide matching cash funds in excess of 25 percent of the project total; and

WHEREAS, these matching funds in the amount of \$243,900 will be expended from the Measure DD Fund (5320), 12th Street Reconstruction Project (C241610) and Lake Merritt System-wide Project (C242110); and

WHEREAS, the project elements funded by this grant are required by the Regional Water Board's Water Quality Certification for the 12th Street Reconstruction Project; now, therefore be it

RESOLVED: that the City Council hereby approves application and acceptance of \$577,900 in grant money from the State of California and approves the appropriation of this money to the California Water Resource Board Fund (2136), Streets and Structures Organization (30242), and a project to be created; and be it

FURTHER RESOLVED: that the City Council authorizes the City Administrator or her designee to enter into an agreement with the State of California to accept the grant funds provided that said agreement shall be reviewed and approved by the City Attorney's Office and shall be filed with the Office of the City Clerk; and be it

FURTHER RESOLVED: that the City Council authorizes the use of \$243,900 from Measure DD funds previously allocated for this purpose; and be it

FURTHER RESOLVED: that the City Administrator or her designee is hereby authorized to approve any subsequent amendments or extensions of said agreement, provided that such amendments or extensions shall be approved by the City Attorney's Office and shall be filed with the Office of the City Clerk. Should additional grant funds be received, the City Administrator is hereby authorized to appropriate the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

OAKLAND CITY COUNCIL


City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT AND APPROPRIATE ONE MILLION DOLLARS (\$1,000,000) FROM THE STATE COASTAL CONSERVANCY FOR THE LAKE MERRITT BIRD ISLANDS RESTORATION AND DEMONSTRATION WETLANDS PROJECT

WHEREAS, the City of Oakland has been awarded \$1,000,000 from the State Coastal Conservancy for the Lake Merritt Bird Islands Restoration and Demonstration Wetlands Project; and

WHEREAS, the City of Oakland and the State Coastal Conservancy have been working in partnership to improve habitat and water quality values at Lake Merritt; and

WHEREAS, the Lake Merritt Bird Islands are currently in a dilapidated state and require an investment of capital; and

WHEREAS, the activities in the agreement will help meet Council goals to develop a sustainable city and to foster livable neighborhoods; and

WHEREAS, the State Coastal Conservancy provides State assistance to local governments to protect and improve wetlands, streams, and watersheds in the San Francisco Bay and other coastal landscapes; and

WHEREAS, no matching funds are required; and

WHEREAS, the grant funds will enhance and improve habitat, water quality, and educational opportunities in Lake Merritt, and, if granted, would benefit the citizens of Oakland; now, therefore be it

RESOLVED: that the City Council hereby approves application and acceptance of \$1,000,000 in grant money from the State Coastal Conservancy and approves the appropriation of this money to the State of California Grants - Other Fund (2159), Capital Environmental Services Organization (92280), and a project to be created; and be it

FURTHER RESOLVED: that the City Council authorizes the City Administrator or her designee to enter into an agreement with the State Coastal Conservancy to accept the grant funds provided that said agreement shall be reviewed and approved by the City Attorney's Office and shall be filed with the Office of the City Clerk; and be it

FURTHER RESOLVED: that the City Administrator or her designee is hereby authorized to approve any subsequent amendments or extensions of said agreement, provided that such amendments or extensions shall be approved by the City Attorney's Office and shall be filed with the Office of the City Clerk. Should additional grant funds be received, the City Administrator is hereby authorized to appropriate the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California