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Approved as to Form and Legality


Celso Ortiz (Jul 7, 2022 18:33 PDT)

City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 89328 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE FUNDS FROM THE STATE COASTAL CONSERVANCY PROPOSITION 68 CLIMATE ADAPTATION GRANT PROGRAM FOR THE ESTUARY PARK RENOVATION AND EXPANSION PROJECT IN AN AMOUNT UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FOR RESILIENT LIVING SHORELINE DESIGN (DESIGN GRANT) FOR THE ESTUARY PARK PROJECT (NO. 1000858).

WHEREAS, the renovation and expansion of Estuary Park is a critical part of Oakland's mission to restore and enhance the ecological health of and improve public access to its shoreline, and the existing site requires careful planning and design to develop a vision for shoreline improvements that accommodate future sea level rise; and

WHEREAS, additional design and construction funds are needed to further develop the resilient shoreline approach and create a living shoreline that supports intertidal and subtidal habitats, while also encouraging public access to the waterfront; and

WHEREAS, State Coastal Conservancy Proposition 68 San Francisco Bay Area Conservancy Program Climate Adaptation Funds current grant round (Design Grant) will award competitive grants for projects that plan, develop, and implement climate adaption and resiliency projects, and after review of a preproposal application the grant representatives have encouraged the City to apply for a grant for Estuary Park shoreline design; and

WHEREAS, the State Coastal Conservancy has approximately \$11.5 million of Proposition 68 San Francisco Bay Climate Funds- \$5.7 million is available now, with the remainder available in the coming three years, and if awarded, the Design Grant would provide the City an opportunity to design a resilient living shoreline for Estuary Park and be positioned to apply for a future round of the grant for construction funding; and

WHEREAS, the Legislature of the State of California has established the State Coastal Conservancy (Conservancy) under Division 21 of the California Public Resources Code, and has authorized the Conservancy to award grants to public agencies and nonprofit organizations to implement the provisions of Division 21; and

WHEREAS, the Conservancy awards grants for projects that it determines are consistent with Division 21 of the Public Resources Code and with the Conservancy's Strategic Plan and that best achieve the Conservancy's statutory objectives, in light of limited funding; and

WHEREAS, The City of Oakland (City) intends to apply for Conservancy grant funding for Estuary Park; and

WHEREAS, the Conservancy awards grants for projects that it determines are consistent with Division 21 of the Public Resources Code and with the Conservancy's Strategic Plan and that best achieve the Conservancy's statutory objectives, in light of limited funding; and

WHEREAS, if the Design Grant is awarded, the City will complete design of the resilient living shoreline and intends to apply for a future round of grant funding for construction; now, therefore, be it

RESOLVED: that the City hereby:

1. Approves the filing of an application for funding by the Conservancy.
2. Has or will have sufficient funds to complete and, following completion, to operate and maintain any property acquired under the project or to operate and maintain any facilities funded as part of the project for a reasonable period, not less than the useful life of the facilities.
3. Agrees to provide any funds beyond the Conservancy grant funds necessary to complete the project.
4. Authorizes any of the following named officers or employees of the applicant to act as a representative of the applicant and to negotiate and execute on behalf of the grantee all agreements and instruments necessary to comply with the Conservancy's grant requirements, including, without limitation, the grant agreement: Director of Public Works or Assistant Director of Public Works-Bureau of Design and Construction.

FURTHER RESOLVED: That the City Administrator is hereby authorized to apply for, accept, and appropriate funds from the State Coastal Conservancy Proposition 68 Climate Adaptation Grant Program for the Estuary Park Renovation and Expansion Project in an amount up to five hundred thousand dollars (\$500,000.00) for Resilient Living Shoreline Design (Design Grant) for the Estuary Park Project (No. 1000858), without return to Council; and be it

FURTHER RESOLVED: That the grant funds, if awarded, would be appropriated to the project State of California Grant, Fund (2159); Award (TBD) Capital Projects Organization (92270); Consultant Contract Account (54411); Waterfront Trails – Estuary Park Project (1000858); Project Delivery Program (IN06); 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 the City Administrator is hereby authorized to delegate the grant application submission authorization to either the Director of Public Works or Assistant Director of Public Works-Bureau of Design and Construction; and be it

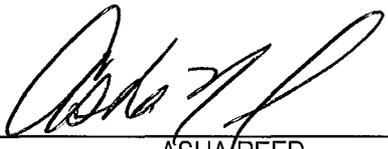
FURTHER RESOLVED: That a copy of the agreements will be on file in the City Clerk's Office and will be reviewed and approved for form and legality by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 19 2022

PASSED BY THE FOLLOWING VOTE:

AYES - ~~MM~~ GALLO, KALB, ~~MM~~ REID, TAYLOR, THAO AND PRESIDENT FORTUNATO BAS - 6
NOES - 0
ABSENT - 0
ABSTENTION - 0

2 Excused - FPR & Kaplan

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