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OAKLAND

2009 JUL -2 PM 7:57

CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Office of the City Administrator
Dan Lindheim
City Administrator

(510) 238-3301

July 7, 2009

Oakland City Council
Council President Brunner and Members of the Council

RE: Resolutions Authorizing The City Administrator Or His Designee To Enter Into Financial Assistance Agreements With The State Water Resources Control Board And To Accept And Appropriate: 1) Three Million Four Hundred Fifty Thousand Dollars (\$3,450,000) For The Removal Of Stormwater Pollutants At Lake Merritt And The Oakland Estuary Project, And 2) One Million Three Hundred Thousand Dollars (\$1,300,000) For The City Of Oakland Rainwater Harvesting Program, With Funds Received Through The American Recovery And Reinvestment Act Of 2009

SUMMARY

A resolution has been prepared for City Council to authorize the City Administrator, or his designee, to enter into a financial assistance agreement with the State Water Resources Control Board (SWRCB) and to accept and appropriate three million four hundred fifty thousand dollars (\$3,450,000) for the Removal of Stormwater Pollutants at Lake Merritt and the Oakland Estuary Project with funds received through the American Reinvestment and Recovery Act (ARRA) funds.

A second resolution has been prepared for City Council to authorize the City Administrator, or his designee, to enter into a financial assistance agreement with the State Water Resources Control Board and to accept and appropriate one million three hundred thousand dollars (\$1,300,000) for the City of Oakland Rainwater Harvesting Program with funds received through the ARRA.

The City of Oakland has submitted grant applications to the State Water Resources Control Board (SWRCB) for ARRA funds. Staff was recently informed that the funds will be awarded to eligible projects on a first-come, first-served basis. Council approval to enter into an agreement is required to complete the application and to be considered for funding.

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FISCAL IMPACT

Approval of the proposed resolutions will authorize the acceptance and appropriation of \$4,550,000 total in grant funds. If awarded, the grants will cover all project implementation costs including staff and overhead, consultant fees, and for purchasing and construction for the three year grant period beginning in FY 2009/2010. No matching funds are required.

The projects will be set up in the California Water Resource Board Fund (2136), Watershed and Stormwater Program Organization (88345) for funds received from the Water Board for the Removal of Stormwater Pollutants at Lake Merritt and the Oakland Estuary and the City of Oakland Rainwater Harvesting Program.

BACKGROUND

In April 2009, the City of Oakland submitted two clean water grant applications to the SWRCB for consideration. On June 19, 2009, the SWRCB notified staff that the City of Oakland's two grant requests have been tentatively placed on the list of projects to compete for funds. On June 25, 2009, the SWRCB notified staff that projects will be awarded on a first-come, first-serve basis. In order to finalize the application packet the City must provide an authorizing resolution from the Council that includes required language from the SWRCB, which was obtained by staff on June 29, 2009.

KEY ISSUES AND IMPACTS

The ARRA includes approximately \$283 million in formula allocations directly to the State of California in grant and loan funding. The SWRCB administers the ARRA funds committed to the Clean Water State Revolving Fund on behalf of the State.

If awarded, these funds will help the City of Oakland improve water quality at Lake Merritt and the Oakland Estuary, detain stormwater flows to prevent erosion, and comply with current regulations for trash removal and stormwater quality. The City is required to submit the attached resolutions in order to be eligible to receive the Clean Water funds.

PROJECT DESCRIPTION

The removal of stormwater pollutants at Lake Merritt and the Oakland Estuary Project includes installation of up to three stormwater separators in priority locations, installation of up to 400 inlet inserts, replacement of Lake Merritt trash booms and the Damon Slough trash curtain, and public outreach components.

The City's Rainwater Harvesting Program will provide public education, technical guidance and discounted rain barrels to allow residents to detain stormwater in order to mitigate high flow

stormwater impacts to local creeks, stormdrains and lakes, and also to re-use rainwater for irrigation purposes.

SUSTAINABLE OPPORTUNITIES

- **Economic** – The funding will support City of Oakland staff positions and stimulate the local economy through design, purchasing and construction contracts. These projects will help the City to meet water quality requirements and avoid enforcement action.
- **Environmental** - The projects will improve water quality and habitat.
- **Social Equity** - These projects will positively impact waterways throughout Oakland, including Lake Merritt, Damon Slough, the Estuary and numerous creeks and flood control channels, and will be enjoyed by persons of all socio-economic backgrounds.

DISABILITY AND SENIOR CITIZEN ACCESS

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

RECOMMENDATION

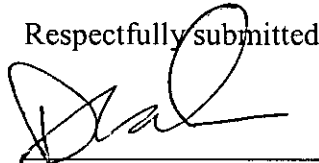
It is recommended the City Council adopt the resolutions to enter into an agreement with the State Water Resources Control Board for ARRA funds and to accept and appropriate the funds for the following grants:

- Three Million Four Hundred Fifty Thousand Dollars (\$3,450,000) for Removal of Stormwater Pollutants at Lake Merritt and the Oakland Estuary.
- One Million Three Hundred Thousand Dollars (\$1,300,000) for the City of Oakland Rainwater Harvesting Program.

ACTION REQUESTED OF THE CITY COUNCIL

The Council is requested to approve the resolutions.

Respectfully submitted,



Dan Lindheim
City Administrator

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OAKLAND CITY COUNCIL


City Attorney

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RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO ENTER INTO A FINANCIAL ASSISTANCE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD AND TO ACCEPT AND APPROPRIATE THREE MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$3,450,000) FROM THE STATE WATER RESOURCES CONTROL BOARD FUNDS FOR REMOVAL OF STORMWATER POLLUTANTS AT LAKE MERRITT AND THE OAKLAND ESTUARY WITH FUNDS RECEIVED THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA)

WHEREAS, the City of Oakland is authorized to enter into a financial assistance agreement with the State of California and the State Water Resources Control Board with funds received through the ARRA; and

WHEREAS, the City of Oakland authorizes the City Administrator, or his designee, to sign the financial assistance agreement, and any amendments thereto; and

WHEREAS, the City of Oakland agrees and further does authorize the City Administrator or his designee to certify that the City of Oakland has and will comply with all applicable federal and state statutory and regulatory requirements related to any financial assistance funds received; and

WHEREAS, the City of Oakland has applied for \$3,450,000 from the State Water Resources Control Board State Clean Water Revolving Fund for the removal of stormwater pollutants at Lake Merritt and the Oakland Estuary; and

WHEREAS, the Removal of Stormwater Pollutants at Lake Merritt and the Oakland Estuary Project integrates stormwater treatment elements which are eligible for funding including stormwater separators, inlet inserts, inlet baskets, booms, sea curtains, and public outreach; 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 project elements funded by this grant will improve water quality at Lake Merritt and the Oakland Estuary and comply with current trash removal and stormwater quality regulations; now, therefore be it

RESOLVED: that the City Council hereby approves application and acceptance of \$3,450,000 in grant money and approves the appropriation of this money to the California Water Resource Board Fund (2136), Watershed and Stormwater Management Organization (88345), and a project to be created; and be it

FURTHER RESOLVED: that the City Council authorizes the City Administrator or his designee to enter into an agreement 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, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

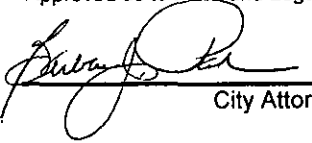
ABSENT -

ABSTENTION -

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

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OAKLAND CITY COUNCIL


City Attorney

RESOLUTION No. _____ C.M.S.
Introduced by Councilmember _____

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RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO ENTER INTO A FINANCIAL ASSISTANCE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD AND TO ACCEPT AND APPROPRIATE ONE MILLION THREE HUNDRED THOUSAND DOLLARS (\$1,300,000) FROM THE STATE WATER RESOURCES CONTROL BOARD FUNDS FOR THE CITY OF OAKLAND RAINWATER HARVESTING PROGRAM WITH FUNDS RECEIVED THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA)

WHEREAS, the City of Oakland is authorized to enter into a financial assistance agreement with the State of California and the State Water Resources Control Board with funds received through the ARRA; and

WHEREAS, the City of Oakland authorizes the City Administrator, or his designee, to sign the financial assistance agreement, and any amendments thereto; and

WHEREAS, the City of Oakland agrees and further does authorize the City Administrator or his designee to certify that the City of Oakland has and will comply with all applicable federal and state statutory and regulatory requirements related to any financial assistance funds received; and

WHEREAS, the City of Oakland has applied for \$1,300,000 from the State Water Resources Control Board State Clean Water Revolving Fund for the implementation of the City of Oakland Rainwater Harvesting Program; and

WHEREAS, the City of Oakland Rainwater Harvesting Program integrates stormwater source control, water conservation, and public outreach; 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 project elements funded by this grant will assist the City of Oakland to detain stormwater flows to prevent erosion and comply with current stormwater quality regulations; now, therefore be it

RESOLVED: that the City Council hereby approves application and acceptance of \$1,300,000 in grant money and approves the appropriation of this money to the California Water Resource Board Fund (2136), Watershed and Stormwater Management Organization (88345), and a project to be created; and be it

FURTHER RESOLVED: that the City Council authorizes the City Administrator or his designee to enter into an agreement 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, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

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