

2005 NOV 28 PM 2:50

Approved as to Form and Legality

  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. 79649 C.M.S.

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION AUTHORIZING THE EXPENDITURE OF PREVIOUSLY APPROPRIATED AND ALLOCATED FUNDS IN THE AMOUNT OF \$1,000,000 FOR PHASE II OF THE IMPLEMENTATION PLANS FOR THE OAKLAND TRUST FOR CLEAN WATER AND SAFE PARKS, MEASURE DD, CREEK RESTORATION, WATERSHED PRESERVATION AND ACQUISITION, AND LAKE MERRITT WATER QUALITY PROGRAMS**

**WHEREAS**, the Oakland Trust for Clean Water and Safe Parks, (Measure DD) was passed in November 2002 with 80% voter approval; and

**WHEREAS**, Measure DD provides \$5.5 million for Creek Restoration, \$4.5 million for Watershed Preservation and Acquisition, and \$4.5 million for Lake Merritt Water Quality Programs; and

**WHEREAS**, the Measure DD, Series 2003A Bond sale in August 2003 provided \$1.7 million for the Creek Restoration Program, \$3 million for the Watershed Preservation and Acquisition Program, and \$1 million for the Lake Merritt Water Quality Program, which have already been appropriated and allocated by City Council; and

**WHEREAS**, Council previously approved the Phase I Implementation Plans for the Creek Restoration Program, the Watershed Preservation and Acquisition Program, and the Lake Merritt Water Quality Program; and

**WHEREAS**, prioritized lists of properties for both the Creek Restoration and Watershed Preservation and Acquisition Programs have been developed based on the previously approved prioritization criteria and prioritization process; and

**WHEREAS**, the Lake Merritt Water Quality Technical Committee, comprised of staff from the City of Oakland, City of Piedmont, Alameda County, the Coastal Conservancy, and the Lake Merritt Institute, was formed in December of 2000 to develop a plan to research and identify technical alternatives to address the excess trash and nutrient enrichment/low dissolved oxygen levels in Lake Merritt; and

**WHEREAS**, the Creek Restoration Program Phase II Implementation Plan calls for the adoption of the Prioritized Creek Restoration Project List Creek and the expenditure of \$630,000 from Project: C244810, previously appropriated and allocated by City Council, to

be dedicated for design development of up to six projects and immediate implementation of one restoration project; and

**WHEREAS**, the Watershed Preservation and Acquisition Program Phase II Implementation Plan calls for the adoption of the Prioritized Watershed Preservation and Acquisition Project List and the expenditure of \$190,000 from Project: C244910, previously appropriated and allocated by City Council, to be dedicated to completing due diligence for top priority sites; and

**WHEREAS**, the Lake Merritt Water Quality Program Phase II Implementation Plan calls for the expenditure of \$180,000 from Project: C241710, previously appropriated and allocated by City Council, to be dedicated to a pilot Restorer project, a pilot tide-flap project, and "Please Don't Feed the Birds" signage at Lake Merritt; and

**WHEREAS**, staff will return to the City Council for the approval of the remaining Measure DD, 2003 Series A funds for the Creek Restoration, Watershed Preservation and Acquisition, and Lake Merritt Water Quality Programs; and

**WHEREAS**, the Phase II Implementation Plans for the Measure DD Creek Restoration, Watershed Preservation and Acquisition, and Lake Merritt Water Quality Programs will further advance Mayor/City Council goals and objectives: #1 (Develop a Sustainable City) and #2 (Build Community and Foster Livable Neighborhoods); now, therefore be it

**RESOLVED:** that the City Council approves the Phase II Implementation Plans for the Measure DD Creek Restoration, Watershed Preservation and Acquisition, and Lake Merritt Water Quality Programs;

DEC 20 2005

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

**PASSED BY THE FOLLOWING VOTE:**

AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG, AND PRESIDENT DE LA FUENTE - 7

NOES - *brunner - 1*

ABSENT - *Ø*

ABSTENTION - *Ø*

ATTEST:

*Latonda Simmons*

LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California

**CITY OF OAKLAND**  
**AGENDA REPORT**

OFFICE OF THE CITY CLERK  
2005 NOV 13 PM 2:49

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Public Works Agency  
DATE: December 13, 2005

RE: RESOLUTION AUTHORIZING THE EXPENDITURE OF PREVIOUSLY APPROPRIATED AND ALLOCATED FUNDS IN THE AMOUNT OF \$1,000,000 FOR PHASE II OF THE IMPLEMENTATION PLANS FOR THE OAKLAND TRUST FOR CLEAN WATER AND SAFE PARKS, MEASURE DD, CREEK RESTORATION, WATERSHED PRESERVATION AND ACQUISITION, AND LAKE MERRITT WATER QUALITY PROGRAMS

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**SUMMARY**

Measure DD, passed in November 2002, provides funding for programs to restore creeks, preserve and acquire watersheds, and improve water quality at Lake Merritt.

The Implementation Plans approved by City Council on July 20, 2004 in Resolution No.78750, authorized feasibility studies for each proposed project and the development of a prioritized project list for both the Creek Restoration Program and the Watershed Preservation and Acquisition Program. Staff was directed to return to City Council with the prioritized project lists (Exhibit A) and the Phase II Implementation Plans for approval.

A resolution has been prepared authorizing Phase II of the Implementation Plans for the Oakland Trust for Clean Water and Safe Parks, Measure DD, Creek Restoration, Watershed Preservation and Acquisition, and Lake Merritt Water Quality Programs (Phase II Implementation Plans). The Phase II Implementation Plans further develop the objectives and proposed next steps identified in the Implementation Plans (herein referred to as the "Phase I Implementation Plans") previously approved by City Council.

The following is a summary of proposed next steps:

The Phase II Implementation Plan for the Measure DD **Creek Restoration Program** includes:

- Adoption of the Prioritized Creek Restoration Project List
- Recommendations for fund allocations for design development of up to six projects
- Recommendations for fund allocations for one creek restoration project to be implemented immediately

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Public Works Committee  
December 13, 2005

The Phase II Implementation Plan for the **Watershed Preservation and Acquisition Program** includes:

- Adoption of the Prioritized Watershed Preservation and Acquisition Project List
- Pursue preservation strategies for prioritized sites
- Recommendations for fund allocation for due diligence for prioritized sites
- Authorize initiation of negotiations with property owners

The Phase II Implementation Plan for the **Lake Merritt Water Quality Program** includes:

- A Restorer Technology pilot project (to improve dissolved oxygen levels)
- A Tide Flap pilot project (a tide valve to keep water out of stormdrain)
- Design and installation of "Please Don't Feed the Birds" signage around Lake Merritt

The Phase II Implementation Plans for the Measure DD Creek Restoration, Watershed Preservation and Acquisition, and Lake Merritt Water Quality Programs are Citywide projects consistent with the following Mayor/City Council goals: Develop a Sustainable City (Goal #1) and Build Community and Foster Livable Neighborhoods (Goal #2).

Staff requests that Council approve the Phase II Implementation Plans and a resolution authorizing the expenditure of Measure DD, Series 2003A funds according to the Phase II Implementation Plans for each program.

## **FISCAL IMPACT**

Approval of the attached resolution will authorize staff to implement the Phase II Implementation Plans described in this report for the Creek Restoration, Watershed Preservation and Acquisition, and Lake Merritt Water Quality Programs funded by the Measure DD general obligation bonds.

Measure DD, passed in November 2002, provides a total of \$5.5 million for the Creek Restoration Program, \$4.5 million for the Watershed Preservation and Acquisition Program, and \$4.5 million for Lake Merritt Water Quality Program. From the proceeds of the August 2003 Measure DD, Series 2003A bond sale, City Council appropriated \$1.7 million to the Creek Restoration Program, \$3 million to the Watershed Preservation and Acquisition Program, and \$1 million to the Lake Merritt Water Quality Program.

The amounts of Measure D, Series 2003A funds to be allocated to the Phase II Implementation Plans are shown below. Staff will aggressively pursue outside grant funds and State and Federal appropriations to match these Measure DD funds.

### **Creek Restoration Program**

Up to \$630,000 from the Measure DD Capital Improvement Clean Water, Safe Parks & Open Space Trust Fund (Fund: 5320) and the Creek Restoration DD Project (Project: C244810;

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December 13, 2005

Organization: 30685) will be dedicated to the design of up to six sites on the Prioritized Creek Restoration Project List and to the immediate implementation of the Arroyo Viejo Creek Restoration Project at Knowland Park/ Oakland Zoo.

#### **Watershed Preservation and Acquisition Program**

Up to \$190,000 from the Measure DD Capital Improvement Clean Water, Safe Parks & Open Space Trust Fund (Fund: 5320) and the Watershed Preservation and Acquisition DD Project (Project: C244910; Organization: 30685) will be dedicated to due diligence for top priority sites on the Prioritized Watershed Preservation and Acquisition Project List.

#### **Lake Merritt Water Quality Program**

Up to \$180,000 from the Measure DD Capital Improvement Clean Water, Safe Parks & Open Space Trust Fund (Fund: 5320) and the Lake Merritt Water Quality DD Project (Project: C241710; Organization: 30685) will be dedicated to a pilot Restorer Project, a pilot Tide Flap project and "Please Don't Feed the Birds" signage at Lake Merritt.

Staff has determined there will be no net increase in maintenance costs to the City as a result of the recommended expenditures for the Creek Restoration, Watershed Preservation and Acquisition, and Lake Merritt Water Quality Programs. The East Bay Zoological Society will be responsible for maintenance of the Arroyo Viejo Creek Restoration at Knowland Park. Monitoring will be included in the construction contract for the Restorer Pilot Project at Lake Merritt. Other expenditures do not have maintenance requirements.

### **BACKGROUND**

In July 20, 2004, Council approved the Phase I Implementation Plans defined within Resolution No. 78750 for the Creek Restoration, Watershed Preservation and Acquisition, and Lake Merritt Water Quality Programs funded by Measure DD.

#### **Creek Restoration and Watershed Preservation and Acquisition Programs**

A key component of the Phase I Implementation Plans for the Creek Restoration and Watershed Preservation and Acquisition Programs was adoption of the project lists, prioritization criteria, and the project scoring process, developed in collaboration with community participants and stakeholders. These elements of the Phase I Plans have formed the basis for the Phase II Implementation Plans presented in this report.

The Project lists were adopted in Resolution No. 78750 on July 20, 2004 for the purpose of project prioritization and project selection. Since that time, staff, in collaboration with hydrology and biology consultants Jones & Stokes, has conducted an evaluation of each site according to adopted criteria (Exhibit B).

**Lake Merritt Water Quality Program**

Lake Merritt was listed as an “impaired waterbody” on the EPA's 303(d) list in May 1999 because of excess trash and organic enrichment/low dissolved oxygen. The State requires that the City address these issues to avoid Clean Water Act violations and possible penalties. In addition to being a violation of the Clean Water Act, the highly visible trash causes many citizen complaints and has a negative impact to water quality and to Oakland’s image.

The Lake Merritt Water Quality Technical Committee (Committee) continues to research capital improvement projects that meet Measure DD funding requirements and address the water quality issues in Lake Merritt. The Committee, comprised of staff from the City of Oakland, City of Piedmont, Alameda County, the Coastal Conservancy, and the Lake Merritt Institute has researched technical alternatives to improve the organic enrichment/dissolved oxygen levels and reduce the amount of trash in Lake Merritt.

Several technologies have been implemented or are currently being evaluated as pilot projects at Lake Merritt to determine their effectiveness and maintenance requirements. These technologies include the installation of stormwater treatment units, aeration fountains, and an aeration system pilot project.

**KEY ISSUES AND IMPACTS**

Measure DD, Series 2003A funding for each program must be spent by July 2006 for the second bond sale to occur. The Implementation Plans for Measure DD Creek Restoration, Watershed Preservation and Acquisition, and Lake Merritt Water Quality Programs were developed with community participants and stakeholders. To meet the July 2006 deadline for expenditure of the Measure DD, Series 2003A funds, staff must continue to implement plans for the Creek Restoration, Watershed Preservation and Acquisition, and Lake Merritt Water Quality Programs at this time.

**PROGRAM DESCRIPTION****Creek Restoration Program Phase II Implementation Plan**

The Creek Restoration Program enables the City to restore stretches of creek owned by the City to improve wildlife habitat, water quality, and recreational opportunities. The Phase II Implementation Plan includes the following:

1. Adopt the Prioritized Creek Restoration Project List (Exhibit A). Each project has been ranked according to criteria previously approved by Council. The Prioritized Project List was generated for the purpose of identifying the top ranked projects to move forward with full designs.

2. Recommendations for fund allocations for design development of up to six projects not to exceed \$500,000. Staff will return to Council to authorize grant requests, appropriation of matching funds, and construction contracts associated with installation of restoration projects.
3. Immediate implementation of the Arroyo Viejo Creek Restoration Project at Knowland Park/Oakland Zoo. This project was studied for feasibility, has matching funds, and scored high on the prioritized project list. The project is fully designed and includes bank stabilization, habitat enhancement, improved public access and five outdoor classrooms equipped with informal seating and *interpretive signage informing the public about aspects of creek ecology such as water quality, wildlife, and native riparian plants*. A total of \$800,000 has been secured in grants from the California Coastal Conservancy, Resource Enhancement Program and the Roberti-Z'berg-Harris, Urban Open Space and Recreation Grant Program, part of the 2002 Resource Bond Act (Proposition 40). Additionally, the Oakland Zoo will contribute over \$30,000 in-kind construction management services and will be responsible for maintenance. An allocation of up to \$130,000 of Measure DD funds is recommended for this project.
4. There is a need for ongoing updates of the Prioritized Project List in order to be responsive to the receipt of new project proposals or to changes to existing projects that could cause a shift in approved prioritization. Staff will return annually to City Council for approval of the updated Prioritized Project List. As projects receive Measure DD funding, they move off the Prioritized Project List and onto the Funded Projects List (Exhibit C).

#### **Watershed Preservation and Acquisition Program Phase II Implementation Plan**

The Watershed Preservation and Acquisition Program enables the City and its partners to secure ecologically valuable lands in and around Oakland's waterways through acquisition of properties and conservation easements, third party donations, and partnering with developers to protect creek property through proposed development plans. The program is intended to offer an additional mechanism for the City of Oakland as it strives to protect existing habitats and natural resources as outlined in the Open Space, Conservation and Recreation Element (OSCAR) of the City's General Plan. *Preservation of creek areas will improve water quality, create new open space and recreational opportunities, and protect valuable wildlife habitats and unique natural resources.* The Phase II Implementation Plan includes the following:

1. Adopt the Prioritized Watershed Preservation and Acquisition Project List (Exhibit A). Each project has been ranked according to criteria previously approved by Council. The Prioritized Project List was generated for the purpose of identifying top ranked projects for which to determine and pursue appropriate property preservation strategies.

2. Identify and pursue preservation strategies for top priority sites. Desirable corridor widths, preferred densities, restoration requirements, and feasibility will be identified. Preservation strategies such as easement or property acquisition and/or donation will be generated.
3. Recommendations for fund allocations to complete due diligence on prioritized sites not to exceed \$190,000. This will include property surveys, environmental review, appraisals, and other steps required to evaluate properties and to determine market value.
4. Initiate negotiations with property owners of top priority sites. Staff will return to City Council for expenditure of Measure DD funds on specific preservation easements and/or property acquisition.
5. There is a need for ongoing updates of the Prioritized Project List in order to be responsive to the receipt of new project proposals or to changes to existing projects that could cause a shift in approved prioritization. Staff will return annually to City Council for approval of the updated Prioritized Project List. As projects receive Measure DD funding, they move off the Prioritized Project List and onto the Funded Projects List (Exhibit C).

#### **Lake Merritt Water Quality Program Phase II Implementation Plan**

The Lake Merritt Water Quality Technical Committee (Committee) was established in January 2000. The goal of the Committee is to select technical alternatives to reduce organic enrichment, improve the dissolved oxygen in Lake Merritt, and reduce the amount of trash and debris flowing into the Lake.

The Committee has identified three new measures to assist with these goals. These include the following:

1. Restorer Technology Pilot Project: This project includes construction and installation of one Restorer unit in Lake Merritt. The Restorer is a planted, floating island designed to raise oxygen levels, reduce sediment depths, increase water clarity and provide habitat for aquatic life. The Restorer will be monitored to evaluate the technology's potential to provide water quality benefits and to determine plant viability and biofouling impacts. Staff is recommending up to \$110,000 of Measure DD funding be allocated to this project
2. Tide Flap Pilot Project: This project includes installation of a donated Tideflex tide valve on a small storm drain outfall pipe that drains to Lake Merritt. The pilot will demonstrate if the Tideflex valve will enable installation of Storm Drain Treatment units at outfalls that were previously considered infeasible. It is recommended that up to \$5,000 of Measure DD funds be allocated to this project for installation and monitoring costs.



3. "Please Don't Feed the Birds" signage at Lake Merritt: This project includes the design and installation of signage to be installed around Lake Merritt to discourage bird feeding. Bird feeding has been identified as a cause of increased amounts of organic material in the Lake. It is recommended that up to \$65,000 of Measure DD funds be allocated to this project.

## **SUSTAINABLE OPPORTUNITIES**

Economic: The projects of the Creek Restoration, Watershed Preservation and Acquisition, and Lake Merritt Water Quality Programs 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 projects to the fullest extent possible and will benefit directly.

Environmental: The Creek Restoration, Watershed Preservation and Acquisition, and Lake Merritt Water Quality programs will improve ecological value of the City's waterways and protect additional open space. The specific projects recommended will protect and improve wildlife habitat and water quality of Oakland's creeks, wetlands, and Lake Merritt.

Social Equity: The Creek Restoration, Watershed Preservation and Acquisition, and Lake Merritt Water Quality Programs will enhance the usage and quality of waterways in all parts of Oakland. Watershed-based planning of these programs will improve the social connections between the upstream and downstream neighborhoods. Recreational opportunities and quality of life improvements for Oakland residents will be realized through the provision of additional open space and restored wildlife habitat throughout the City.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

State and Federal disability regulations will be considered in the design and development of all Measure DD Creek Restoration, Watershed Preservation and Acquisition, and Lake Merritt Water Quality Program projects.

## **RECOMMENDATION**

Staff recommends that the City Council approve the Phase II Implementation Plans for the Measure DD Creek Restoration, Watershed Preservation and Acquisition, and Lake Merritt Water Quality Programs, and the resolution authorizing the expenditure of Measure DD funds from the Measure DD, Series 2003A funds.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that City Council approve the resolutions.

Respectfully submitted,

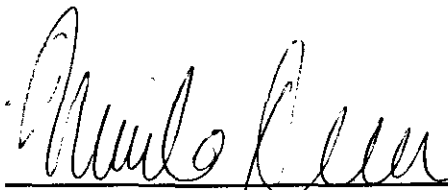


**RAUL GODINEZ II, P.E.**  
Director, Public Works Agency

Reviewed by:  
Brooke A. Levin  
Assistance Director, Public Works Agency  
Department of Facilities & Environment

Prepared by:  
Ali Schwarz  
Acting Watershed Improvement Program Supervisor  
Environmental Services Division

APPROVED AND FORWARDED  
TO THE PUBLIC WORKS COMMITTEE



**OFFICE OF THE CITY ADMINISTRATOR**

## EXHIBIT A

Following are the Prioritized Project Lists for the Creek Restoration and Watershed Preservation and Acquisition Programs. These lists have been generated through a prioritization process that utilizes the criteria and "point" or weighting factors previously adopted by Council. Scoring guidelines were developed for each criteria specifying the site characteristics and then scored on a scale of 1 through 5. These scores were then multiplied by the criteria-weighting factor to generate a Total Score.

### PRIORITIZED CREEK RESTORATION PROJECT LIST

| Priority | Total Score | Project Name & Description   | Notes   | District |
|----------|-------------|--|---|----------|
| 1        | 208         | <b>Arroyo Viejo Creek Restoration at Knowland Park</b> Design completed. Remove non-native vegetation, implement bank stabilization, restore native habitat, and install outdoor "classrooms" with interpretative signage on watershed ecology.  | Design is 100% complete. \$400,000 has been secured from the Coastal Conservancy and an additional \$400,000 from the Roberti -Z'Berg-Harris Block Grant Program of Prop. 40. The Oakland Zoo is contributing \$30,000 in in-kind construction management and will be responsible for maintenance. This project is supported by the Friend of Arroyo Viejo Creek who participate in regular stewardship activities in the area. | 7        |
| 2        | 206         | <b>Sausal Creek Restoration, Dimond Park</b> Remove failing concrete spillway, repair eroding banks create new trout habitat, and possible daylighting of creek in Dimond Park.  | The failing concrete spillway in Dimond Park is causing erosion that is undermining a concrete retaining wall and threatening the stability of the neighboring private property. This project would include the removal of the concrete spillway, restoration of the creek banks and possible daylighting of a culverted section of the creek.  | 4        |
| 3        | 164         | <b>Shepherd Creek at Shepherd Canyon Park</b> Shepherd Creek is a tributary of Sausal Creek. Restore natural channel in former dump site. Create a trail to connect the surrounding residential area to the park, restore the natural channel, and plant native vegetation.  | This project would include restoration of Shepherd Canyon Creek from Escher Rd. down to the soccer field. The Shepherd Canyon Neighborhood Association has completed a Master Plan for the Park that includes creek restoration. The community is very committed to this project and regularly participates in stewardship activities, including fundraising. Some matching funds for trails have been secured.                 | 4        |
| 4        | 158         | <b>Claremont Creek Garber Park</b> Restore creek banks, revegetate with riparian plants, and create public access and recreational opportunities.  | This project would involve removal of non-native vegetation, creation of a riparian vegetation buffer in the creek area and possible installation of a bridge where the trail currently crosses the creek. Trail crossing at creek is currently being undermined by erosion.  | 1        |
| 5        | 153         | <b>Peralta Creek, Butters Canyon</b> Develop and implement restoration plan for lots previously acquired by Butters Land Trust, and additional lots purchased and/or preserved via conservation easements by the City of Oakland. Project is located at the headwaters of Peralta Creek.   | Butters Land Trust has received a \$2,000 restoration grant from the Bella Vista Foundation and \$2,500 planning grant from the County Clean Water Program. The project is supported by members of BLT and the neighborhood, who already conduct regular restoration work and clean-ups along the creek.  | 4        |
| 6        | 151         | <b>Glen Echo Creek at Oak Glen Park</b> The main goal of this project is to improve the riparian habitat encompassing the creek and to improve the overall park and creek aesthetics. Secondary benefits could include improved flood control management, water quality, lower crime and community involvement.                      | This project includes native habitat restoration, repair of existing historic bridge and fountain dating to the early 1900's, and is strongly supported by the Friends of Oak Glen Park an active community group that regularly participates in stewardship activities.  | 3        |
| 7        | 146         | <b>Courtland Creek, Courtland Creek Park (between Brookdale and Fairfax Avenues)</b> Remove of non-native vegetation, open up view of the creek, restore native plants, implement bank stabilization, and install safety rails along two existing stairways down to the creek and replace wood rail in areas at the top of the bank. | This project is supported by the High Street Neighborhood Alliance and would continue the ongoing efforts to improve the accessibility and safety of the creek in this area. The community conducts regular clean-ups at this site.   | 4        |
| 8        | 145         | <b>Temescal Creek Restoration at North Oakland Sports Field (SE of Hwy 13/24 interchange)</b> Riparian restoration project at the City owned North Oakland Sports Field to enhance habitat function and educational opportunities.   | The North Oakland Sports Field is used frequently by groups from all over Oakland and the East Bay. The North Oakland Phoenix Association, an active community group in this area that has participated in stewardship activities at the park, supports this project and is likely to participate in stewardship activities to support the creek restoration.   | 1        |

## EXHIBIT A

### PRIORITIZED CREEK RESTORATION PROJECT LIST CONTINUED

|    |     |   |   |   |
|----|-----|---|---|---|
| 9  | 139 | <b>Horseshoe Creek Restoration/Leona Open Space (Between Redwood Rd. and Merritt College)</b> This project would include the removal of a long concrete channel and implementation of restoration measures and trail improvements. Additionally, the site is on a high use trail area in an Oakland park. | The restoration site (concrete channel lined with highly invasive and unsightly weeds) is directly above a pristine redwood and laurel wooded area of creek with waterfalls and pools that are home to one of two native rainbow trout populations in Oakland. The transition between the natural area and the concrete channel is abrupt.  | 6 |
| 10 | 136 | <b>Palo Seco Daylighting at Joaquin Miller Park</b> Daylight 1000 feet of streambed. Restore riparian habitat. Retain existing picnic areas and provide bridges to link picnic areas to existing trails.  | Palo Seco Creek is one of the tributaries of Sausal Creek. The Palo Seco Creek watershed is in a natural condition through magnificent second growth redwood forest, except through the "Meadow" in Joaquin Miller Park where 1000 feet of streambed was culverted and filled to build a grassy field.  | 4 |
| 11 | 135 | <b>Peralta Creek, Peralta Hacienda Park</b> Improve habitat and water quality along Peralta Creek in Peralta Hacienda Park. This project would include removal of non-native plants, and revegetation with riparian native plants.  | The City has had a discussion with the Friends of Peralta Hacienda regarding plans for park improvements at this site.  | 5 |
| 12 | 132 | <b>Coliseum Slough Restoration (between San Leandro Blvd and the Bay at the Oakland Coliseum)</b> Enhance habitat function, trail access to the Bay Trail, recreational facilities and trash/debris removal at the mouth of Lion and Arroyo Viejo Creeks.   | This project would enhance a blighted area, as well as add to the regional recreational facilities of Arrowhead Marsh, the Bay Trail, and the San Leandro Regional Shoreline.   | 7 |
| 13 | 130 | <b>Lion Creek at McCrea Memorial Park (casting ponds)</b> Restoration of channel and native habitat, improve connection between the park and the creek.   | This is a strong candidate for creek restoration provided that part of the Park is used for the meander belt and vegetation corridor. Safety and security could be addressed through improved lighting and other design solutions.  | 4 |
| 14 | 127 | <b>Glen Echo Creek Restoration (at 3020 Richmond)</b> Native habitat restoration project at Oak Glen Park and at new pocket park. The project would remove non-native vegetation, establish native plants, create new trails, install park improvements and stabilize banks.                              | The pocket park is a newly acquired creekside property and no improvements have been made. \$70,000 in grant funds are currently available for the pocket park and must be spent by the end of 2006.  | 3 |
| 15 | 125 | <b>Sausal Creek Restoration, Hawthorne School</b> Daylight creek to enhance water quality, restore native riparian vegetation and create a new creek open space behind Hawthorne School and connect to Sanborn Park.  | This project would provide an outdoor science classroom opportunity for Hawthorne school. The property at this site is owned by the School District, the City and some private property. The site is constrained by the school on the north and private property on south. A daylighting project would most likely not be feasible without the use of the School District Property. | 5 |
| 16 | 120 | <b>Sausal Creek, 27th Street at Barry Place</b> Revegetate creek banks and install improvements to create a new public park.  | Project provides access to Sausal Creek. Support from Friends of Sausal Creek.  | 5 |
| 17 | 113 | <b>Sausal Creek, Beaconsfield Open Space</b> Daylight creek from deteriorating culvert, restore habitat and address severe erosion.   | The Beaconsfield Open Space provides valuable flood storage area. Due to a deteriorating culvert, and upstream erosion the creek is currently degraded. Consequently, restoration of the stream channel would improve hydrologic conditions and increase water quality functioning.   | 4 |
| 18 | 109 | <b>San Leandro Creek at Sobrante Park</b> Restore creek by removing concrete channel and layback the north creek bank to provide flow capacity, revegetate north bank and connect creek to Park and Washington Middle School through landscaping design.  | A portion of the School and Park property would be used to provide for meander belt and capacity flow. This project would involve multiple jurisdictions including: Cities of Oakland and San Leandro, Oakland Unified School District, EBMUD, and Alameda County.  | 7 |
| 19 | 102 | <b>Seminary Creek at Rainbow Recreation Center</b> Remove concrete channel and restore creek meander and riparian vegetation.   | Restoration would require use of a portion of the Park to create a functional channel. The site is constrained by private property directly at the top of the north bank.   | 6 |
| 20 | 100 | <b>Glen Echo Creek Restoration at Mosswood Park</b> Daylight (remove from underground culvert) approximately 600 feet of creek and restore to natural condition.  | This project would require use of a large grass area currently used by the public for picnicking and outdoor events.  | 3 |

## EXHIBIT A

### PRIORITIZED WATERSHED PRESERVATION AND ACQUISITION PROJECT LIST

| Priority | Total Score | Project Name & Description                          | Notes   | District |
|----------|-------------|---|---|----------|
| 1        | 179         | Arroyo Viejo Creek, Rifle Range Branch at Oak Knoll | Preservation of riparian corridor; Opportunity for restoration, corridor enhancement and daylighting exists.  | 7        |
| 2        | 177         | Temescal Creek, Tunnel Branch at Grizzly Peak       | Preservation of property with potential for trail connection to public lands. Potential partnership with local neighborhood organizations for funding and on-going stewardship.                   | 1        |
| 3        | 173         | San Leandro Creek in the South Hills                | Preservation of undeveloped parcels to connect parklands and preserve riparian corridor.  | 7        |
| 4        | 157         | Arroyo Viejo Creek, Main Branch                     | Preservation of riparian habitat. Project could provide trail access, habitat protection and hydrological connectivity.   | 7        |
| 5        | 146         | Sausal Creek in Beaconsfield Open Space             | Preservation of land parcel adjacent to public open space.  | 4        |
| 6        | 135         | Peralta Creek, Main Branch at Rettig Avenue         | Preservation of riparian corridor along main branch of Peralta Creek with potential for restoration. Project could provide trail access. Potential for partnership with local creek organization. | 4        |
| 7        | 134         | Palo Seco Creek, Main Branch                        | Preservation of riparian corridor adjacent to public open space. Project would maintain hydrologic connectivity.  | 4        |
| 8        | 133         | Vicente Creek Tributaries                           | Preservation of riparian corridor along two branches of Vicente Creek. Potential partnership with local neighborhood organizations for funding and on-going stewardship.                          | 1        |
| 9        | 106         | Temescal Creek, Tunnel Branch at Tunnel Road        | Preservation of property with potential for daylighting, habitat enhancement and slope stabilization. Potential for partnership with local neighborhood organizations.                            | 1        |
| 10       | 101         | Peralta Creek, Berlin Branch                        | Preservation of land along Berlin Branch. Project offers potential for restoration and development of a pocket park.  | 4        |
| 11       | 88          | Arroyo Viejo Creek, 73rd Avenue Branch              | Preservation of land along Arroyo Viejo tributary for re-vegetation of creek banks. Project supported by neighbors.   | 6        |

## **EXHIBIT B**

### **Creeks and Waterways Restoration and Acquisition Programs Oakland's Trust for Clean Water and Safe Parks (Measure DD)**

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The following are the required project criteria and the prioritization criteria developed at public meetings using a consensus process to assist in the prioritization of creek restoration and watershed acquisition projects that will receive Measure DD funding.

#### **Required Criteria for Creek Restoration and Watershed Acquisition Projects**

- **Potential for water quality improvements**  
Helps meet State water regulations
- **Public accessibility**  
Provides access to the public
- **Feasibility**  
Physical features of the site allow for restoration, cost of project is feasible
- **Balance of projects throughout the City**  
Projects distributed throughout the City
- **Consideration of long-term maintenance**  
Project has some type of commitment to long-term maintenance, i.e. community volunteers, existing maintained area or other maintenance resources available

**Exhibit B:**  
**Creek Restoration Criteria**

| Criteria   | Points   |
|--|----------|
| <ul style="list-style-type: none"> <li>• Potential for hydrological improvements and flooding prevention<br/>Increase flow capacity, improve/restore creek meander and pools etc.</li> </ul>                 | <b>5</b> |
| <ul style="list-style-type: none"> <li>• Potential for plant and wildlife habitat improvements<br/>Restoration of diverse native plant population, amphibian, birds etc. is feasible</li> </ul>              |          |
| <ul style="list-style-type: none"> <li>• Urgency<br/>Opportunity will be missed, will lose existing funding etc.</li> </ul>  |          |
| <ul style="list-style-type: none"> <li>• <i>Community desire/interest/support</i><br/>Local community supports the project, has raised matching funds for the project</li> </ul>                             |          |
| <ul style="list-style-type: none"> <li>• Potential opportunities to leverage private and public funding<br/>Project meets criteria of other funding sources</li> </ul>                                       |          |
| <ul style="list-style-type: none"> <li>• Public safety and Health Risk<br/>Conditions of the site pose a health and safety hazard such as unstable bank, erosion that threatens a structure, etc.</li> </ul> |          |
| <ul style="list-style-type: none"> <li>• Trail connections<br/>Provides opportunity for installation of trails that would connect to existing trail network</li> </ul>                                       | <b>3</b> |
| <ul style="list-style-type: none"> <li>• Potential for creating community stewardship<br/>Project would provide a catalyst for developing community stewardship</li> </ul>                                   |          |
| <ul style="list-style-type: none"> <li>• Readiness<br/>Already designed, partial funding, etc.</li> </ul>  |          |
| <ul style="list-style-type: none"> <li>• Properties with native rainbow trout population</li> </ul>  |          |
| <ul style="list-style-type: none"> <li>• Potential for creating new social and economic community benefit<br/>Project would provide a significant improvement to the local area</li> </ul>                   |          |
| <ul style="list-style-type: none"> <li>• Education/Interpretation<br/>Project allows for educational opportunities and/or interpretive signage</li> </ul>  | <b>1</b> |
| <ul style="list-style-type: none"> <li>• Balance among local, citywide and regional projects<br/>Project helps to maintain a balance among local, citywide and regional projects</li> </ul>                  |          |
| <ul style="list-style-type: none"> <li>• Bang for Buck<br/>Project provides a good value</li> </ul>  |          |
| <ul style="list-style-type: none"> <li>• Inclusion of ADA element<br/>Project includes facilities appropriate for use by disabled people</li> </ul>  |          |
| <ul style="list-style-type: none"> <li>• Daylighting<br/>Site features would allow for the creek to be removed from a culvert</li> </ul>   |          |
| <ul style="list-style-type: none"> <li>• Projects with citywide and regional significance<br/>Projects that will be used by people from all over the City and region</li> </ul>                              |          |

**Exhibit B:**  
**Watershed Acquisition Criteria**

| Criteria   | Points   |
|--|----------|
| <ul style="list-style-type: none"> <li>• <b>Urgency</b><br/>Opportunity will be missed, property will be sold or developed, no alternative to acquisition exists, etc.</li> </ul>  | <b>5</b> |
| <ul style="list-style-type: none"> <li>• <b>Properties in headwater areas that provide water quality protection value to downstream areas</b><br/>Properties at the very top of a creek that may not have an obvious creek bed but are the beginning of a creek</li> </ul> |          |
| <ul style="list-style-type: none"> <li>• <b>Properties that provide critical linkages to other open space and or habitat</b></li> </ul>  |          |
| <ul style="list-style-type: none"> <li>• <b>Properties with existing creekside native wildlife and habitat</b><br/>Plants, amphibians, birds, etc. native to creek areas (riparian plant and wildlife) already occurring at site</li> </ul>                                |          |
| <ul style="list-style-type: none"> <li>• <b>Education/Interpretation</b><br/>Site allows for educational opportunities and/or interpretive signage</li> </ul>  | <b>3</b> |
| <ul style="list-style-type: none"> <li>• <b>Properties that provide significant hydrological, flood control, erosion, undermining, or water quality protection value</b></li> </ul>  |          |
| <ul style="list-style-type: none"> <li>• <b>Properties that provide valuable new open space and recreation opportunities</b></li> </ul>  |          |
| <ul style="list-style-type: none"> <li>• <b>Properties with native rainbow trout populations</b></li> </ul>  |          |
| <ul style="list-style-type: none"> <li>• <b>Community desire/interest/support</b><br/>Local community supports acquisition, has raised matching funds for the project</li> </ul>   |          |
| <ul style="list-style-type: none"> <li>• <b>Readiness - ease of purchase or donation</b><br/>Property owner is supportive or interested in selling or donating land</li> </ul>   |          |
| <ul style="list-style-type: none"> <li>• <b>Properties that have potential opportunities to leverage funding</b><br/>Project meets criteria of other private and public funding sources</li> </ul>   |          |
| <ul style="list-style-type: none"> <li>• <b>Properties with potential for high value creek habitat restoration</b><br/>Area where native plants natural to creek areas could be established</li> </ul>   | <b>1</b> |
| <ul style="list-style-type: none"> <li>• <b>Balance among local, citywide and regional projects</b><br/>Project helps to maintain a balance among local, citywide and regional projects</li> </ul>   |          |
| <ul style="list-style-type: none"> <li>• <b>Projects with citywide and regional significance</b><br/>Projects that will be used by people from all over the City and region</li> </ul>   |          |
| <ul style="list-style-type: none"> <li>• <b>Properties that provide trail connection</b><br/>Provides opportunity for installation of trails that would connect to existing trail network</li> </ul>   |          |
| <ul style="list-style-type: none"> <li>• <b>Bang for Buck</b><br/>Site provides a good value</li> </ul>  |          |
| <ul style="list-style-type: none"> <li>• <b>Daylighting</b><br/>Site features would allow for the creek to be removed from a culvert</li> </ul>  |          |



## EXHIBIT C : FUNDED PROJECT LIST

### CREEK RESTORATION PROJECTS

| Dist | Project Name   | Implementation Phase                               | Measure DD Funds  | Matching Funds  | Total Project Budget                                 |
|------|--|--|---|---|--|
| 6    | Lion Creek Restoration at 66th Ave. and San Leandro Blvd.                                      | Design 25% complete; Construction to begin 2006    | \$500,000 of Measure DD funds allocated by Council in July 2004 | \$600,000 in mitigation funds and a \$500,000 Habitat Conservation grant has been secured; Staff has submitted another grant for \$200,000 status is undetermined | Total project budget estimated at \$1,800,000        |
| 4    | Planting along Shepherd Canyon Creek in Upper Meadow in Shepherd Canyon Park                   | Completed December 2005                            | \$8,000 of Measure DD funds allocated by Council in July 2004   |   | Project budget for this task not to exceed \$8,000   |
| 4    | Cinderella Creek Watershed east of Highway 13 in Joaquin Miller Park                           | Design 10% complete; Construction to begin in 2006 | \$150,000 of Measure DD funds allocated by Council in July 2004 | \$170,000 in matching funds have been secured from Proposition 40 funding   | Total project budget estimated at \$320,000          |
| 1    | Temescal Creek, FROG Greenbelt Phase II, off Claremont Ave. through Hudson St. to Redondo Park | Project 100% Designed; Construction to begin 2005  | \$140,000 of Measure DD funds allocated by Council in July 2004 | \$493,500 in Prop 12 Funding; \$112,000 from ADA funds; \$74,300 from Pay/Go Funding  | Total Phase II project budget estimated at \$819,800 |

### COMPLETED CREEK RESTORATION PROJECTS LIST

| Dist | Project Name  | Implementation Phase   | Measure DD Funds                                   | Matching Funds  | Project Budget                       |
|------|---|------------------------|--|---|--------------------------------------|
| 1    | Glen Echo Creek Restoration Phase I and II (at Monte Vista) | Project Completed 2003 | No Measure DD funds were allocated to this project | Funded by the County of Alameda Flood Control and Water Conservation District at the request of the City of Oakland   | Total project budget was \$900,000   |
| 6    | Arroyo Viejo Park Creek Restoration Phase I and II          | Project Completed 2004 | No Measure DD funds were allocated to this project | Funded by the California Coastal Conservancy, California Department of Parks and Recreation, and the Alameda County Flood Control and Water Conservation District | Total project budget was \$1,250,000 |
| 4    | Sausal Creek Restoration Project in Dimond Canyon           | Project Completed 2001 | No Measure DD funds were allocated to this project | Funded by the California Coastal Conservancy and the Alameda County Flood Control and Water Conservation District   | Total project budget was \$537,000   |
| 5    | Peralta Creek at Cesar Chavez Park                          | Project Completed 2004 | No Measure DD funds were allocated to this project | Funded by the Department of Water Resources, Alameda County Flood Control and Water Conservation District   | Total project budget was \$931,000   |

## EXHIBIT C : FUNDED PROJECT LIST

### WATERSHED PRESERVATION AND ACQUISITION PROJECTS

| Dist | Project Name  | Implementation Phase  | Measure DD Funds  | Matching Funds  | Project Budget  |
|------|---|---|---|---|---|
| 4    | Peralta Creek, Butters Branch, Preservation of riparian habitat within Butters Canyon | Two properties purchased by City in 2005; Additional easement and/or property acquisitions are being negotiated | \$350,000 of Measure DD funds allocated by Council in July 2004 | Over \$755,000 of real estate holdings held by Butters Land Trust; In-kind maintenance being provided by Land Trust | Over \$1,105,000 committed to project to date, value of remaining easment and/of property acquisitions yet to be determined |

### COMPLETED WATERSHED AND ACQUISITION PROJECTS

| Dist | Project Name                            | Implementation Phase           | Measure DD Funds                                   | Matching Funds  | Project Budget                 |
|------|---|--------------------------------|--|---|--------------------------------|
| 3    | Glen Echo Creek, at 3020 Richmond Blvd. | One property purchased in 2003 | No Measure DD funds were allocated to this project | \$300,000 funded by the County of Alameda Flood Control and Water Conservation District at the request of the City of Oakland | Total project budget \$300,000 |

### LAKE MERRITT WATER QUALITY PROJECTS

| Dist | Project Name   | Implementation Phase  | Measure DD Funds  | Matching Funds | Project Budget   |
|------|--|---|---|----------------|--|
| 2    | New fountain in Lake Merritt near Grand Avenue and Harrison Street | Contract being processed by Facilities Services                                   | \$20,000 of Measure DD funds allocated by Council in July 2004  |                | Total project budget is \$20,000                                       |
| 2    | Upgrade electrical service for existing fountain at El Embarcadero | Maintenance needs on-going; Repairs underway                                      | \$22,000 of Measure DD funds allocated by Council in July 2004  |                | Total project budget is \$22,000                                       |
| 2    | Air diffuser system pilot  | Project Completed 2005  | \$17,000 of Measure DD funds allocated by Council in July 2004  |                | Total project budget is \$17,000                                       |
| 2    | Stormwater Treatment Unit Installation                             | Installation of two units 75% complete; Installation to be completed January 2006 | \$750,000 of Measure DD funds allocated by Council in July 2004 |                | Total project budget for two units is currently estimated at \$625,000 |

2005 NOV 28 PM 2:50

Approved as to Form and Legality

  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION AUTHORIZING THE EXPENDITURE OF PREVIOUSLY APPROPRIATED AND ALLOCATED FUNDS IN THE AMOUNT OF \$1,000,000 FOR PHASE II OF THE IMPLEMENTATION PLANS FOR THE OAKLAND TRUST FOR CLEAN WATER AND SAFE PARKS, MEASURE DD, CREEK RESTORATION, WATERSHED PRESERVATION AND ACQUISITION, AND LAKE MERRITT WATER QUALITY PROGRAMS**

**WHEREAS**, the Oakland Trust for Clean Water and Safe Parks, (Measure DD) was passed in November 2002 with 80% voter approval; and

**WHEREAS**, Measure DD provides \$5.5 million for Creek Restoration, \$4.5 million for Watershed Preservation and Acquisition, and \$4.5 million for Lake Merritt Water Quality Programs; and

**WHEREAS**, the Measure DD, Series 2003A Bond sale in August 2003 provided \$1.7 million for the Creek Restoration Program, \$3 million for the Watershed Preservation and Acquisition Program, and \$1 million for the Lake Merritt Water Quality Program, which have already been appropriated and allocated by City Council; and

**WHEREAS**, Council previously approved the Phase I Implementation Plans for the Creek Restoration Program, the Watershed Preservation and Acquisition Program, and the Lake Merritt Water Quality Program; and

**WHEREAS**, prioritized lists of properties for both the Creek Restoration and Watershed Preservation and Acquisition Programs have been developed based on the previously approved prioritization criteria and prioritization process; and

**WHEREAS**, the Lake Merritt Water Quality Technical Committee, comprised of staff from the City of Oakland, City of Piedmont, Alameda County, the Coastal Conservancy, and the Lake Merritt Institute, was formed in December of 2000 to develop a plan to research and identify technical alternatives to address the excess trash and nutrient enrichment/low dissolved oxygen levels in Lake Merritt; and

**WHEREAS**, the Creek Restoration Program Phase II Implementation Plan calls for the adoption of the Prioritized Creek Restoration Project List Creek and the expenditure of \$630,000 from Project: C244810, previously appropriated and allocated by City Council, to

be dedicated for design development of up to six projects and immediate implementation of one restoration project; and

**WHEREAS**, the Watershed Preservation and Acquisition Program Phase II Implementation Plan calls for the adoption of the Prioritized Watershed Preservation and Acquisition Project List and the expenditure of \$190,000 from Project: C244910, previously appropriated and allocated by City Council, to be dedicated to completing due diligence for top priority sites; and

**WHEREAS**, the Lake Merritt Water Quality Program Phase II Implementation Plan calls for the expenditure of \$180,000 from Project: C241710, previously appropriated and allocated by City Council, to be dedicated to a pilot Restorer project, a pilot tide-flap project, and "Please Don't Feed the Birds" signage at Lake Merritt; and

**WHEREAS**, staff will return to the City Council for the approval of the remaining Measure DD, 2003 Series A funds for the Creek Restoration, Watershed Preservation and Acquisition, and Lake Merritt Water Quality Programs; and

**WHEREAS**, the Phase II Implementation Plans for the Measure DD Creek Restoration, Watershed Preservation and Acquisition, and Lake Merritt Water Quality Programs will further advance Mayor/City Council goals and objectives: #1 (Develop a Sustainable City) and #2 (Build Community and Foster Livable Neighborhoods); now, therefore be it

**RESOLVED:** that the City Council approves the Phase II Implementation Plans for the Measure DD Creek Restoration, Watershed Preservation and Acquisition, and Lake Merritt Water Quality Programs;

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California