

Approved as to Form and Legality



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 88143 C.M.S.

INTRODUCED BY COUNCILMEMBER [IF APPLICABLE]

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO APPLY FOR, ACCEPT, AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT-TO-EXCEED ONE MILLION DOLLARS (\$1,000,000) FROM THE CALIFORNIA DEPARTMENT OF WATER RESOURCES (DWR) URBAN STREAMS RESTORATION PROGRAM TO IMPLEMENT THE COURTLAND CREEK RESTORATION PROJECT (PROJECT), AND TO ENTER INTO A GRANT AGREEMENT WITH DWR TO IMPLEMENT THE PROJECT.

WHEREAS, on November 5, 2002 Oakland voters passed Measure DD, The Oakland Trust for Clean Water and Safe Parks, a \$198,250,000 general obligation bond; and

WHEREAS, the Courtland Creek Restoration Project in Courtland Creek Park, is a prioritized project on the list of Council-adopted Measure DD Creek Restoration Projects; and

WHEREAS, the City has developed a conceptual engineering design for the Project that will stabilize and restore three open creek sections that flow above-ground through Courtland Creek Park to improve water quality, flood control, habitat, safety, and community benefit features; and

WHEREAS, Measure DD has provided funding for initial Project design work and grant application support, however additional funding is needed to implement the full scope of the Project that is estimated at approximately \$4 million; and

WHEREAS, on June 5, 2018, California voters passed the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 (Proposition 68); and

WHEREAS, on July 1, 2019, the California Department of Water Resources' (DWR) opened a grant solicitation for the DWR Urban Streams Restoration Program (USRP), funded under Proposition 68 to provide local assistance grants for urban stream restoration projects; and

WHEREAS, the USRP grant requires the local agency grant sponsor to partner with a certified 501(c)(3) non-profit organization or local community group on proposed projects; and

WHEREAS, on August 30, 2019, the City of Oakland (City) and Oakland Parks and Recreation Foundation (OPRF) submitted a grant proposal under the DWR USRP grant to raise additional funding for the Project; and

WHEREAS, on April 13, 2020, the City and OPRF were awarded a grant of one million dollars (\$1,000,000) for the Project; and

WHEREAS, a required City local in-kind contribution of \$30,000 will be provided with Measure DD funding; and

WHEREAS, the Project has been reviewed by and is incorporated in the Measure DD programmatic Environmental Impact Report (EIR) and will meet all mitigation requirements that are outlined for Creek Restoration Projects in the Mitigation, Monitoring, and Reporting Plan of the EIR; now, therefore, be it

RESOLVED: That the City Council authorizes the City Administrator, or designee, to accept and appropriate state grant funds in an amount not to exceed one million dollars \$1,000,000; and be it

FURTHER RESOLVED: That pursuant and subject to all of the terms and provisions of the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Pub. Resources Code, § 75001 et seq.) and the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (Pub. Resources Code, § 80000 et seq.), the City Administrator, or designee, is hereby authorized and directed to prepare and file an application for funding with the Department of Water Resources, and take such other actions as necessary or appropriate to obtain grant funding; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized and directed to execute the funding agreement with the Department of Water Resources for the USRP grant awarded to the City on April 13, 2020, and any amendments thereto; and be it

FURTHER RESOLVED: That the City Administrator, or designee is hereby authorized and directed to submit any required documents, invoices, and reports required to obtain grant funding; and

FURTHER RESOLVED: That said state reimbursable grant funds for the Project will be deposited and appropriated in a new Award (number to be determined) for the State of California Fund (2159), Watershed and Stormwater Division Organization (30245), and in project number 1001190; and be it

FURTHER RESOLVED: That the said required City local in-kind contribution of \$30,000 will be transferred to the newly established Courtland Creek Restoration Project (1005340) from Measure DD Fund (5322); Creek Restoration Project (1001190); Award (23146); Program (IN14); and be it

FURTHER RESOLVED: That the City Council authorizes the implementation of the Courtland Creek Restoration Project; and be it

FURTHER RESOLVED: That the City Administrator, or designee shall file the Measure DD EIR required Mitigation, Monitoring and Reporting Plan documents with the clerk of the County of Alameda and the Office of Planning and Research for this Project; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to take all necessary actions to apply for, accept, and appropriate grant funds in an amount not-to-exceed one million dollars (\$1,000,000) from the DWR USRP with respect to the Project listed above consistent with the Resolution and its basic purpose and to enter into a grant agreement with DWR to implement the Project and to execute subsequent amendments to the grant agreement and accept additional funding through the DWR USRP should additional funding become available for the Project; and be it

FURTHER RESOLVED: That all agreements will be reviewed and approved for form and legality by the Office of the City Attorney and that a copy of the agreements will be on file with the Office of the City Clerk

IN COUNCIL, OAKLAND, CALIFORNIA,

JUN 02 2020

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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