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OFFICE OF THE CITY CLERK  
OAKLAND

# CITY OF OAKLAND

## AGENDA REPORT

2009 MAY 28 PM 2: 17

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: June 9, 2009

RE: **An Update on Measure DD, the Oakland Trust for Clean Water and Safe Parks, and a Resolution (1) Approving the Allocation and Appropriation of Measure DD Bond Series 2009B Proceeds, (2) Approving the Reallocation of Measure DD Bond Series 2003A Proceeds, and (3) Authorizing the City Administrator, or the City Administrator's Designee, to Make Final Adjustments to the Allocations of Measure DD Series 2003A Bond Proceeds as the City Administrator Deems Necessary for the Timely Completion of Measure DD Projects.**

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### SUMMARY

Measure DD, the Oakland Trust for Clean Water and Safe Parks is a \$198,250,000 general obligation bond measure passed by Oakland voters in November 2002. The bond funds construction projects related to parks and clean water in five broad categories: Lake Merritt, Estuary Waterfront, Lake Merritt Channel, Youth and Recreation Facilities, and Creeks. Bond Series 2003A in the amount of \$70,579,000 was issued in August 2003, and many projects have been successfully completed, as shown in *Attachment A*. It is now time to issue bond Series 2009B in order to continue work for the next three years. This report reviews the work completed so far, and proposes an expenditure plan for Series 2009B and final reallocation of Series 2003A funds.

### FISCAL IMPACT

Measure DD authorizes the issuance of general obligation bonds in the amount of \$198,250,000. The initial bond Series 2003A was in the amount of \$70,579,000, and an expenditure plan was approved by Resolution No. 77965 CMS, and modified by various resolutions thereafter. It was initially planned that all Series 2003A funds would be expended within three years of issuance, but various issues beyond the City's control, including lawsuits, recalcitrant public and private property owners, and sluggish State and Federal agencies, caused unforeseen delays to the projects. As of April 30, 2009, expenditures totaled \$59,572,165, and all Series 2003A funds are projected to be expended by October 2009.

In order to get on the Alameda County tax rolls for next year, the bond must be sold in July and final tax rate values filed with the County by August 8.

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Although Measure DD totals \$198.25 million, the actual cost of the proposed projects was estimated in 2002 to be \$362 million. Measure DD was originally intended to provide matching funds for outside grants, leveraging our local money. Toward that end, staff has been aggressively pursuing outside grants at every opportunity. Considerable success has been achieved, with \$35 million raised to date, as listed in *Attachment B*. However, both State and Federal budgets have been in poor shape for several years, and the outlook continues to be gloomy. In cases where sufficient matching funds have not been available, the project scope has been reduced in order to fit the budget, making sure to keep the key elements of the projects intact.

The total net bond amount for Series 2009B is approximately \$62 million, and the proposed individual project appropriations are shown in *Attachment C*. These appropriations have been chosen to allow projects that are currently underway to proceed without interruption, and to move forward new projects in areas that the City can realistically be expected to obtain site control within the next three years. As with Series A, 1.5% is set aside for Public Art, in accordance with the Percent for Public Art Ordinance. This money is used for public art located at Measure DD projects. As with Series A, five percent (5%) is set aside for necessary indirect costs such as DD program administration, contract compliance, miscellaneous contract services, etc.

The Series 2003A allocations shown in *Attachment C* represent the actual funds spent on the projects to date plus the funds projected to be needed until Series 2003A funds are exhausted. If some projects are delayed over the next few months, it will be necessary for the City Administrator to quickly make final adjustments to the allocations in order to spend the bond principal in a timely manner and efficiently move the projects forward.

Interest income from the Series 2003A bond has accrued in the amount of approximately \$7.5 million. City Council has allocated a portion of this money as follows: Studio One \$2 million, Sailboat House \$181,000 (to backfill funds reallocated to Fairyland), and Municipal Boathouse \$1.9 million. The remaining funds, approximately \$3.4 million, will remain in the interest account until all Series 2003A principal funds are spent. Staff will return to City Council later with recommendations for appropriation of these funds to Measure DD projects.

## **BACKGROUND**

Measure DD, the Oakland Trust for Clean Water and Safe Parks, is a \$198,250,000 general obligation bond measure passed by Oakland voters in November 2002. The bond provides funds for construction projects related to parks and clean water in five categories:

- Lake Merritt - \$88.25 million
- Estuary Waterfront - \$53 million
- Lake Merritt Channel - \$27 million
- Youth and Recreation Facilities - \$20 million

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- Creek Restoration and Acquisition - \$10 million

In July 2003, City Council approved an implementation plan for Measure DD, and appropriated funds from bond series 2003A in the amount of \$70,579,000 to a variety of projects. Many of these projects have been completed, and others are ongoing. As the Series 2003A funds approach exhaustion, Series 2009B bonds must be sold in order to continue work.

## KEY ISSUES AND IMPACTS

### *Project Accomplishments*

The Measure DD program has achieved exceptional success, completing many projects and bringing many more into the construction stage and final design stage. The following project list demonstrates how much has been accomplished:

#### Completed Projects (*Attachment A*)

- Studio One Art Center renovation
- Union Point Park
- Lake Merritt Municipal Boathouse renovation
- Lake Merritt Pergola renovation
- Waterfront Trail at Alameda Avenue
- 66<sup>th</sup> Avenue Gateway to Waterfront Trail
- Historic E. 18<sup>th</sup> Street Pier reconstruction
- Watershed acquisitions in Butters Canyon
- Creek restoration in Butters Canyon
- Watershed acquisition in Beaconsfield Canyon
- Lakeside Park Fire Protection System
- Children's Community Theater at Children's Fairyland
- Puppet Theater and other set renovations at Children's Fairyland
- Lake Merritt Aeration Fountains
- Lake Merritt Stormwater Filters
- Creek Restoration of Arroyo Viejo at Oakland Zoo
- Creek Restoration at Rockridge Greenbelt
- Creek native plantings of Shepherd Creek at Escher Drive
- Creek Restoration at Cinderella Creek in Joaquin Miller Park

#### Projects Under Construction

- El Embarcadero and Lakeshore Ave. street and park improvements
- Lakeside Drive street and park improvements
- Lake Merritt Retaining Wall restoration and repair
- Waterfront Trail from Derby Ave. to Lancaster Street

- Waterfront Trail and Park at the former Cryer Boatworks site
- East Oakland Sports Center

#### Projects in the Design Phase

- 12<sup>th</sup> Street Reconstruction at Lake Merritt (design complete, awaiting Federal funding)
- Lake Merritt Channel Improvements at 10<sup>th</sup> Street
- Waterfront Trail at 10<sup>th</sup> Avenue Marina
- Waterfront Trail at Livingston Pier
- Waterfront Trail between Fruitvale Avenue and High Street
- Lion Creek Restoration at Lion Creek Crossings
- Shepherd Creek restoration at Shepherd Canyon Park
- Claremont Creek tributary restoration at Garber Park
- Sausal Creek restoration at Dimond Park
- Cleveland Cascade renovation

#### Other Ongoing Projects or New Projects

- Real estate negotiations for waterfront trail at Brooklyn Basin
- Real estate negotiations for waterfront trail boardwalks at Alameda bridges
- Real estate negotiations for waterfront trail easements at privately-owned parcels
- Real estate negotiations for watershed preservation
- Snow Park and 20<sup>th</sup> St/Harrison St. improvements
- Lake Merritt Channel improvements at 7<sup>th</sup> Street

#### ***Project Delays***

Progress on some Measure DD projects has been swift, while others have lagged behind their original schedule. Major unforeseen delays include:

- Resolution of tree removal issues at Lake Merritt, including successfully defending against a lawsuit, delayed park projects around Lake Merritt for two years.
- Extraordinary high bids on the 12<sup>th</sup> Street Improvement Project necessitated application for Federal funding to close the budget gap. This funding process, administered by Caltrans, has taken over two years so far, and is not yet over. The impact on the project schedule has been significant, but the result will be the addition of nearly \$15 million in State and Federal funds to the project.
- Property easements for the Estuary Waterfront Trail, even from public owners who were thought to be accommodating (the Port of Oakland, East Bay Regional Park District, and the U.S. Army Corps of Engineers), have been very difficult to obtain. This has resulted in delay to many segments of the trail, including Brooklyn Basin, 66<sup>th</sup> Avenue Gateway, Livingston Pier, U.S. Audio site, and boardwalks at the three bridges to Alameda.
- At the Cryer Site portion of the waterfront trail, the State Water Board permit process for contaminated soil remediation took two years to complete.

- The Oak to 9<sup>th</sup> private development at the Estuary Waterfront has benefited the program by shifting the cost of park development of the Meadows Park and 9<sup>th</sup> Avenue Terminal Park to a private developer. However, this change has delayed the expansion of Estuary Park for several years to accommodate the developer's schedule for cleanup of the site.

In order to continue progress on the Measure DD program as a whole, unspent funds from delayed projects have been shifted to other projects that are moving ahead. Funds for the delayed projects will be provided by the Series 2009B and 2012C bonds.

### ***Fundraising***

Measure DD was originally intended to provide matching funds for outside grants for many projects, leveraging our local money. Toward that end, staff has been aggressively pursuing outside grants at every opportunity. Considerable success has been achieved, with \$35 million raised to date (***Attachment B***). However, both State and Federal budgets have been in poor shape for several years, and the outlook continues to be gloomy. In cases where sufficient matching funds have not been available, the project scope has been reduced in order to fit the budget, making sure to keep the key elements of the projects intact.

### ***Project Maintenance***

General obligation bond money can only be used for capital improvements and real property acquisition, and cannot be used for ongoing maintenance costs. The maintenance of Oakland's parks and buildings has been underfunded for many years, and in the upcoming budget cycle will be further reduced, reflecting flat revenues in the Lighting and Landscape Assessment District.

In many cases, Measure DD projects address deferred maintenance issues by bringing worn parks and buildings up to a like-new condition. Measure DD also creates some brand-new parks and buildings, such as Union Point Park and the East Oakland Sports Center. The expectation of the public is that these new and upgraded parks and buildings will be maintained to preserve their top-quality condition. However, the reality is that maintenance funds in recent years continue to be further reduced. The Fiscal Year 2009-11 Proposed Budget calls for an additional 21.85 FTE's to be reduced for LLAD-eligible activities. This is coupled with 46.58 FTE's who were reduced as part of the October Revised Mid-cycle. The Measure DD program helps mitigate the situation by designing projects with low maintenance needs, efficient energy and irrigation systems, and a project-funded plant establishment period (with low maintenance and drought-resistant plants where possible). But without adequate ongoing maintenance (at least double the current amount), the new projects may fall into disrepair.

## **SUSTAINABLE OPPORTUNITIES**

***Economic:*** Measure DD projects will provide construction jobs for local residents, enhance business and residential development opportunities along Oakland's waterfront, increase

property values and improve the business climate around Lake Merritt, and promote Oakland's image as an environmentally sustainable and clean city, which will boost tourism, attract new residents, and lead to job creation.

**Environmental:** Measure DD projects are at the forefront of environmentally sustainable design. LEED certification of buildings, energy efficient design, use of reclaimed water, daylighting and restoration of creeks, preservation of watershed lands, treatment of stormwater runoff, creation of new wetlands, traffic calming, and promotion of pedestrian and bicycle use are all integral elements of the Measure DD program.

**Social Equity:** Measure DD projects improve and expand accessible parkland, trails, and open space City-wide, including underserved areas such as the San Antonio and East Oakland neighborhoods.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

All Measure DD projects are built in accordance with the standards of the Americans with Disabilities Act (ADA), providing improved access to the affected parks, trails, and buildings.

## **RECOMMENDATION AND RATIONALE**

Staff recommends that City Council approve the Resolution appropriating funds from the Measure DD Series 2009B bond, reallocating funds from the Measure DD Series 2003A bond, and authorizing the City Administrator, or his designee, to make final adjustments to Series 2003A allocations as necessary for the timely completion of Measure DD projects.

Reallocation of the Series A funds will allow current projects that have not been delayed to proceed quickly towards completion. Appropriation of the Series 2009B funds will allow Measure DD projects to move forward for the next three years without interruption. Authorizing the City Administrator to make final adjustments to the Series 2003A allocations, as necessary, will provide the discretion needed to spend down the Series 2003A balance in a timely manner, as some projects will move forward more quickly than others over the next few months. Any necessary adjustments will be reported to City Council as part of the next Measure DD update.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that City Council approve the Resolution.

Respectfully submitted,

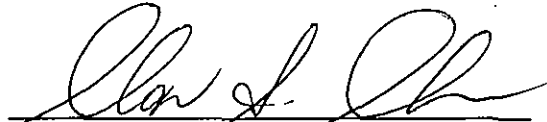


Walter S. Cohen, Director  
Community and Economic Development Agency

Reviewed by:  
Michael Neary, Deputy Director  
Department of Engineering and Construction

Prepared by:  
Joel Peter, Measure DD Program Manager

APPROVED AND FORWARDED TO THE  
FINANCE AND MANAGEMENT COMMITTEE:



Office of the City Administrator

Item: \_\_\_\_\_

Finance and Management Committee  
June 9, 2009

# MEASURE DD

*Oakland Trust for Clean Water and Safe Parks*



## COMPLETED PROJECTS

**STUDIO ONE**  
Historic Building  
Renovation



**LAKE MERRITT**  
Stormwater Filters



**LAKE MERRITT**  
Pergola Renovation



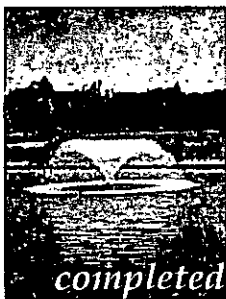
**ARROYO VIEJO**  
Creek Restoration



**WATERSHED  
PRESERVATION**  
Property acquired  
along Peralta Creek



**WATERFRONT  
TRAIL**  
66th Avenue  
Gateway



**LAKE MERRITT**  
Aeration Fountains



**UNION POINT PARK**  
New Waterfront Park



**FAIRYLAND**  
Puppet Theater



# MEASURE DD

Oakland Trust for Clean Water and Safe Parks

## COMPLETED PROJECTS



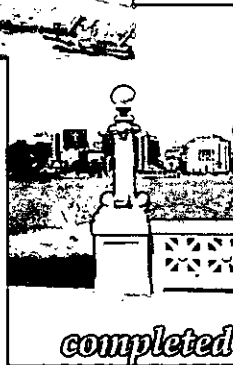
**FAIRYLAND**  
Children's  
Community  
Theater



**LAKESIDE  
PARK**  
Fire Protection  
System



**LAKE MERRITT**  
Historic E 18th  
Street Pier  
Reconstruction



**MUNICIPAL  
BOATHOUSE**  
Historic Building  
Renovation



**WATERFRONT  
TRAIL**  
Alameda Avenue



**WATERSHED  
PRESERVATION**  
Property acquired at  
Beaconsfield Canyon

# MEASURE DD

*Oakland Trust for Clean Water and Safe Parks*

## PROJECTS UNDER CONSTRUCTION



### LAKESIDE DRIVE

Park, street and path improvements



### LAKESHORE AVENUE

Park, street and path improvements



**WATERFRONT TRAIL**  
Derby Avenue to Lancaster Street

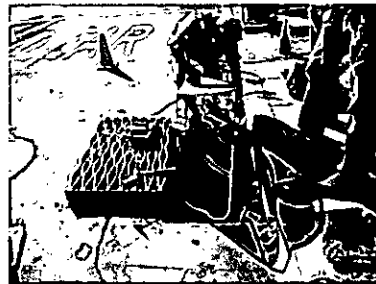


**WATERFRONT TRAIL**  
Cryer Boatworks Site

### EAST OAKLAND SPORTS CENTER



**LAKE MERRITT**  
Storm drain inlet screens



**Measure DD Fundraising Status – April 2009**

Grants received:

Prop 40 Urban Stormwater \$577,900 -- 12th St. project  
Rotary Club \$100,000 -- Municipal Boathouse entry stairs  
Prop 50 Coastal Conservancy \$8.million -- 12th St. project  
Prop 50 Coastal Conservancy \$1 million – Lake Merritt Water Quality  
State Parks Habitat Conservation Fund \$700,000 -- Lion Creek project  
Prop 40 Roberti-Z'berg \$400,000 -- Arroyo Viejo creek at Zoo  
Prop 12 Murray-Haden \$473,000 -- Studio One  
StopWaste.org \$30,000 -- Studio One  
Prop 40 Urban Parks Act \$3 million -- East Oakland Sports Center  
Prop 12 \$500,000 – Waterfront Trail  
State Recreational Trails Program 2004 \$450,000 -- Waterfront Trail  
State Recreational Trails Program 2005 \$450,000 -- Waterfront Trail  
Transportation Development Act \$253,621 -- Waterfront Trail  
SF Bay Trail (ABAG) \$193,000 -- Waterfront Trail  
Congestion Management Agency \$598,000 -- Waterfront Trail  
Bay Area Air Quality Mgmt District \$350,000 -- Lakeshore bike lanes/trail  
State Rivers and Parkways 2007 \$1.8 million – Sausal Creek restoration  
SF Bay Trail (ABAG) 2007 \$400,000 -- Waterfront Trail  
State Recreational Trails Program 2007 \$600,000 -- Waterfront Trail  
State Transportation Fund for Clean Air 2008 \$125,000 – Waterfront Trail

Approved pending completion of Federal application process:

Federal Highway Administration, Highway Bridge Program \$13.8 million and  
State Prop 1B approx. \$1.1 million -- 12th Street project

**Total \$35.2 million**

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Measure DD Project Allocations

Attachment C

Project Number	2003 Project Name	Series 2003 A Allocation	2009 Project Name	Series 2009 B Allocation	Series 2012 C Allocation	Total DD Bond Allocation	Interest Allocation
	<b>LAKE MERRITT</b>	<b>\$ 40,702,408</b>		<b>\$ 35,264,758</b>	<b>\$ 12,282,834</b>	<b>\$ 88,250,000</b>	<b>\$ 2,081,000</b>
C241610	12th Street	\$ 7,700,000	12th Street	\$ 28,406,417	\$ 3,893,583	\$ 40,000,000	
C241710	Lake Merritt Water Quality (Storm drain filters, trash barriers, aeration, etc.)	\$ 1,830,000	Lake Merritt Water Quality (Storm drain filters, trash barriers, aeration, etc.)	\$ 1,818,182	\$ 851,818	\$ 4,500,000	
C241810	Children's Fairyland	\$ 3,181,000		\$ -	\$ -	\$ 3,181,000	
C241910	Municipal Boathouse (1520 Lakeside Drive)	\$ 10,900,000		\$ -		\$ 10,900,000	\$ 1,900,000
C242010	Sailboat House restoration	\$ 80,000	Sailboat House restoration	\$ 339,000	\$ -	\$ 419,000	\$ 181,000
C242110	Lake Merritt Systemwide Projects (landscaping, docks, restrooms, etc.)	\$ 4,611,408	Lake Merritt Systemwide Projects (landscaping, docks, restrooms, etc.)	\$ 1,638,592	\$ -	\$ 6,250,000	
C242210	Lake Merritt Retaining Walls	\$ 3,000,000	Lake Merritt Retaining Walls	\$ 1,000,000	\$ -	\$ 4,000,000	
C242310	Widen and improve pedestrian and bicycle paths and lanes around Lake Merritt	\$ 7,400,000	Widen and improve pedestrian and bicycle paths and lanes around Lake Merritt.	\$ 962,567	\$ 137,433	\$ 8,500,000	
C242410	El Embarcadero reconfiguration	\$ 2,000,000		\$ -	\$ -	\$ 2,000,000	
			Snow Park / 20th / Harrison	\$ 1,000,000	\$ 4,500,000	\$ 5,500,000	
			Bellevue Avenue reconfiguration	\$ 100,000	\$ 2,900,000	\$ 3,000,000	
	<b>ESTUARY WATERFRONT ACCESS, PARKS AND CLEAN-UP (BAY TRAIL)</b>	<b>\$ 9,565,163</b>		<b>\$ 7,247,548</b>	<b>\$ 36,995,436</b>	<b>\$ 53,000,000</b>	<b>\$ -</b>
-	Alice Street to Estuary Park					\$ -	
C242510	Estuary Park	\$ 267,647	Estuary Park	\$ 100,000	\$ 17,632,353	\$ 18,000,000	\$ -
-	Meadows Park					\$ -	
-	9th Avenue Terminal Park					\$ -	
-	Oyster Reef restaurant trail		Oyster Reef restaurant trail	\$ 50,000	\$ 200,000	\$ 250,000	
C242610	10th Avenue Marina	\$ 50,000	10th Avenue Marina	\$ 150,000	\$ -	\$ 200,000	
C242710	Brooklyn Basin and Marine Max	\$ 613,793	Brooklyn Basin	\$ 823,529	\$ 1,862,678	\$ 3,300,000	
C242810	Brooklyn Basin to Embarcadero Cove	\$ 4,482	Embarcadero Cove vicinity	\$ 50,000	\$ 445,518	\$ 500,000	
-	Harbormaster's Office trail						
-	Embarcadero trail						
-	British Marine trail						
-	Village at Embarcadero Cove trail						
C242910	Livingston Pier	\$ 57,000	Livingston Pier	\$ 143,000	\$ -	\$ 200,000	
C243010	Cryer Site	\$ 790,687	Cryer Site	\$ 588,235	\$ 1,621,078	\$ 3,000,000	
C243110	Union Point Park	\$ 4,000,000		\$ -	\$ -	\$ 4,000,000	

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Measure DD Project Allocations

Attachment C

Project Number	2003 Project Name	Series 2003 A Allocation	2009 Project Name	Series 2009 B Allocation	Series 2012 C Allocation	Total DD Bond Allocation	Interest Allocation
C243210	Park Street Bridge	\$ 143,112	Waterfront Trails at Bridges (around 3 bridges to Alameda)	\$ 1,000,000	\$ 8,856,888	\$ 10,000,000	
C243410	Pier 29 Restaurant	\$ 33,980					
C243710	Lancaster to Fruitvale	\$ 7,005					
C243810	Fruitvale Bridge	\$ 163,312					
C244110	High Street Bridge	\$ 160,000					
C243310	Park Street Triangle (Traffic Study)	\$ 44,668		\$ -	\$ -	\$ 44,668	
C243510	Derby Avenue	\$ 150,191	Derby Avenue to Lancaster Street	\$ 171,123	\$ -	\$ 321,314	
C243610	Oakland Museum Women's Bd. Lancaster Street	\$ 443,850					
C243910	Alameda Ave. south of Fruitvale	\$ 200,000		\$ -	\$ -	\$ 200,000	
C244010	US Audio/ NEU	\$ 377,117	Fruitvale Ave. to High St. trail	\$ 2,438,503		\$ 2,815,619	
C244210	Gallagher & Burk and Hanson Aggregate	\$ 68,252	Gallagher & Burk and Hanson Aggregate	\$ 50,000	\$ 1,881,748	\$ 2,000,000	
C244310	66th Avenue Gateway	\$ 790,066	66th Avenue Gateway	\$ 50,000		\$ 840,066	
C244410	Environmental Remediation	\$ 1,200,000	Environmental Remediation	\$ 1,583,158	\$ 1,545,174	\$ 4,328,332	
-	ConAgra Site		ConAgra to 23rd Ave.	\$ 50,000	\$ 2,950,000	\$ 3,000,000	
-	Kennedy St. to Park St.						
	<b>LAKE MERRITT TO ESTUARY CONNECTION (LAKE MERRITT CHANNEL)</b>	<b>\$ 2,408,021</b>		<b>\$ 11,515,000</b>	<b>\$ 13,076,979</b>	<b>\$ 27,000,000</b>	<b>\$ -</b>
C244510	7th Street Flood Control Pump Station	\$ 1,100,000	Lake Merritt Channel at 7th St	\$ 500,000	\$ 9,400,000	\$ 11,000,000	\$ -
C277110	10th Street Bridge	\$ 1,300,000	Lake Merritt Channel at 10th St	\$ 11,000,000	\$ 1,700,000	\$ 14,000,000	\$ -
C277010	Pedestrian and bicycle access, wetlands restoration, and other Channel and Shoreline improvements	\$ 8,021	Lake Merritt Channel - General (Ped and bike access, wetlands restoration, and other Channel and Shoreline improvements)	\$ 15,000	\$ 1,976,979	\$ 2,000,000	\$ -
	<b>YOUTH AND PUBLIC RECREATION FACILITIES</b>	<b>\$ 13,403,407</b>		<b>\$ 6,596,593</b>	<b>\$ -</b>	<b>\$ 20,000,000</b>	<b>\$ 2,000,000</b>
C244610	East Oakland Sports Center	\$ 3,403,407	East Oakland Sports Center	\$ 6,596,593	\$ -	\$ 10,000,000	
C244710	Studio One	\$ 10,000,000		\$ -	\$ -	\$ 10,000,000	\$ 2,000,000
	<b>CREEKS AND WATERWAYS RESTORATION</b>	<b>\$ 4,500,000</b>		<b>\$ 3,919,505</b>	<b>\$ 1,580,495</b>	<b>\$ 10,000,000</b>	<b>\$ -</b>
C244810	Creek Restoration Projects	\$ 2,000,000	Creek Restoration	\$ 2,235,294	\$ 1,264,706	\$ 5,500,000	\$ -
C244910	Watershed Acquisition	\$ 2,500,000	Watershed Acquisition	\$ 1,684,211	\$ 315,789	\$ 4,500,000	\$ -
	<b>Totals</b>	<b>\$ 70,579,000</b>		<b>\$ 64,543,403</b>	<b>\$ 63,935,745</b>	<b>\$ 198,250,000</b>	<b>\$ 4,081,000</b>

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2009 MAY 28 PM 2:17

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 (1) APPROVING THE ALLOCATION AND APPROPRIATION OF MEASURE DD BOND SERIES 2009B PROCEEDS, (2) APPROVING THE REALLOCATION OF MEASURE DD BOND SERIES 2003A PROCEEDS, AND (3) AUTHORIZING THE CITY ADMINISTRATOR, OR THE CITY ADMINISTRATOR'S DESIGNEE, TO MAKE FINAL ADJUSTMENTS TO THE ALLOCATIONS OF MEASURE DD SERIES 2003A BOND PROCEEDS AS THE CITY ADMINISTRATOR DEEMS NECESSARY FOR THE TIMELY COMPLETION OF MEASURE DD PROJECTS.**

**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 authorizing the City to sell bonds to raise funds for a variety of park and water projects; and

**WHEREAS**, the City intends to issue Measure DD general obligation bonds in three issuances (Series 2003A, Series 2009B, and Series 2012C); and

**WHEREAS**, Series 2003A bonds were issued in the amount of \$70,579,000 and the proceeds appropriated in FY 2003-04 per Resolution No. 77965 C.M.S.; and

**WHEREAS**, Series 2009B bonds in the approximate amount of \$65,000,000 will be issued and appropriated in FY 2009-10 in order to continue progress on Measure DD projects; and

**WHEREAS**, changes in project cost and schedule has required reallocation of Series 2003A bond proceeds among projects within the originally appropriated amount; and

**WHEREAS**, further unforeseen changes in project schedule will require final adjustment of Series 2003A allocations in order to complete projects and spend principal funds in a timely manner; now, therefore, be it

**RESOLVED:** That the City Administrator, or his designee, is authorized to allocate and appropriate \$64,543,403 of Measure DD Series 2009B proceeds into a Fund No. to be determined after the bonds are sold in FY 09-10 as follows:

2009 Project Name	Series 2009 B Allocation
<b>LAKE MERRITT</b>	<b>\$35,264,758</b>
12th Street	\$28,406,417
Lake Merritt Water Quality (Storm drain filters, trash barriers, aeration, etc.)	\$1,818,182
Sailboat House restoration	\$339,000
Lake Merritt Systemwide Projects (landscaping, docks, restrooms, etc.)	\$1,638,592
Lake Merritt Retaining Walls	\$1,000,000
Widen and improve pedestrian and bicycle paths and lanes around Lake Merritt.	\$962,567
Snow Park / 20th / Harrison	\$1,000,000
Bellevue Avenue reconfiguration	\$100,000
<b>ESTUARY WATERFRONT ACCESS, PARKS AND CLEAN-UP (BAY TRAIL</b>	<b>\$7,247,548</b>
Estuary Park	\$100,000
Oyster Reef Restaurant Trail	\$50,000
10th Avenue Marina	\$150,000
Brooklyn Basin	\$823,529
Embarcadero Cove vicinity	\$50,000
Livingston Pier	\$143,000
Cryer Site	\$588,235
Waterfront Trails at Bridges (around 3 bridges to Alameda)	\$1,000,000
Derby Avenue to Lancaster Street	\$171,123
Fruitvale Ave. to High St. trail	\$2,438,503
Gallagher & Burk and Hanson Aggregate	\$50,000
66th Avenue Gateway	\$50,000
Environmental Remediation	\$1,583,158
ConAgra to 23rd Ave.	\$50,000
<b>LAKE MERRITT TO ESTUARY CONNECTION (LAKE MERRITT CHANNEL)</b>	<b>\$11,515,000</b>
Lake Merritt Channel at 7th St	\$500,000
Lake Merritt Channel at 10th St	\$11,000,000
Lake Merritt Channel - General (Ped and bike access, wetlands restoration, and other Channel and Shoreline improvements)	\$15,000
<b>YOUTH AND PUBLIC RECREATION FACILITIES</b>	<b>\$6,596,593</b>
East Oakland Sports Center	\$6,596,593
<b>CREEKS AND WATERWAYS RESTORATION</b>	<b>\$3,919,505</b>
Creek Restoration	\$2,235,294
Watershed Acquisition	\$1,684,211
<b>Total Series 2009B</b>	<b>\$64,543,403</b>

; and be it

**FURTHER RESOLVED:** That the City Council hereby re-allocates \$70,579,000 of Measure DD Series 2003A proceeds (Fund 5320) as follows:

2003 Project Name	Series 2003A Allocation
<b>LAKE MERRITT</b>	<b>\$40,702,408</b>
12th Street	\$7,700,000
Lake Merritt Water Quality (Storm drain filters, trash barriers, aeration, etc.)	\$1,830,000
Children's Fairyland	\$3,181,000
Municipal Boathouse (1520 Lakeside Drive)	\$10,900,000
Sailboat House restoration	\$80,000
Lake Merritt Systemwide Projects (landscaping, docks, restrooms; etc.)	\$4,611,408
Lake Merritt Retaining Walls	\$3,000,000
Widen and improve pedestrian and bicycle paths and lanes around Lake Merritt	\$7,400,000
El Embarcadero reconfiguration	\$2,000,000
<b>ESTUARY WATERFRONT ACCESS, PARKS AND CLEAN-UP (BAY TRAIL)</b>	<b>\$9,565,163</b>
Estuary Park	\$267,647
10th Avenue Marina	\$50,000
Brooklyn Basin and Marine Max	\$613,793
Brooklyn Basin to Embarcadero Cove	\$4,482
Livingston Pier	\$57,000
Cryer Site	\$790,687
Union Point Park	\$4,000,000
Park Street Bridge	\$143,112
Pier 29 Restaurant	\$33,980
Lancaster to Fruitvale	\$7,005
Fruitvale Bridge	\$163,312
High Street Bridge	\$160,000
Park Street Triangle (Traffic Study)	\$44,668
Derby Avenue	\$150,191
Oakland Museum Women's Bd.	\$443,850
Alameda Ave. south of Fruitvale	\$200,000
US Audio/ NEU	\$377,117
Gallagher & Burk and Hanson Aggregate	\$68,252
66th Avenue Gateway	\$790,066
Environmental Remediation	\$1,200,000
<b>LAKE MERRITT TO ESTUARY CONNECTION (LAKE MERRITT CHANNEL)</b>	<b>\$2,408,021</b>
7th Street Flood Control Pump Station	\$1,100,000
10th Street Bridge	\$1,300,000
Pedestrian and bicycle access, wetlands restoration, and other Channel and Shoreline improvements	\$8,021
<b>YOUTH AND PUBLIC RECREATION FACILITIES</b>	<b>\$13,403,407</b>
East Oakland Sports Center	\$3,403,407
Studio One	\$10,000,000
<b>CREEKS AND WATERWAYS RESTORATION</b>	<b>\$4,500,000</b>
Creek Restoration Projects	\$2,000,000
Watershed Acquisition	\$2,500,000
<b>Total Series 2003A</b>	<b>\$70,579,000</b>

; and be it

**FURTHER RESOLVED:** That the City Administrator, or the City Administrator's designee, shall make final adjustments to the allocations of Measure DD Series 2003A bond proceeds as the City Administrator deems necessary for the timely completion of Measure DD projects, with any such adjustments reported to City Council at the next Measure DD update report; and be it



**FURTHER RESOLVED:** That up to 1-1/2% of the bond proceeds will be allocated to Public Art in accordance with Ordinance No. 11086 C.M.S. and up to 5% of the bond proceeds will be allocated to Measure DD Administration costs, and be it

**FURTHER RESOLVED:** That the City Attorney's Office has reviewed this resolution as to form and legality and a copy is kept on file with the City Clerk.

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

**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