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OFFICE OF THE CITY CLERK
OAKLAND

2009 MAY 14 PM 4:22

CITY OF OAKLAND

AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: May 26, 2009

RE: **Resolution Authorizing The City Administrator, or His Designee, To Apply For, Accept, And Appropriate Two Million Dollars (\$2,000,000.00) In Grant Funding From The State Resources Agency Under The California River Parkways Grant Program For The Lake Merritt Channel Improvements At 10th Street Project**

SUMMARY

A resolution has been prepared authorizing the City Administrator, or his designee, to apply for, accept, and appropriate \$2,000,000.00 in funding from the State Resources Agency under the River Parkways Grant Program for the Lake Merritt Channel Improvements at 10th Street Project.

The Project is part of the Measure DD projects identified in support of the Lake Merritt Master Plan. The work is located in Council District 2.

FISCAL IMPACTS

These additional funds will complement the current \$14 Million in Measure DD funding allocation authorized on March 1, 2005. The total project cost is estimated at \$16,000,000.00.

Local funds are provided by Measure DD – The Oakland Trust for Clean Water and Safe Parks.

Award of this grant is contingent upon how quickly the State bond programs can be resumed after the current freeze is lifted. The River and Parkways Grant Committee continues to evaluate and process grant applications. If received, funds will be appropriated into the State of California Grant Fund (2159), Street and Structures Organization (88342), and a project to be created.

BACKGROUND

The project site is located on the south end of Lake Merritt along the Lake Merritt Channel at 10th Street. The project area is surrounded by a number of well known civic buildings, including: the Henry J. Kaiser Convention Center and the Oakland Museum. Adjacent to the project, other important facilities include The Alameda County Court House, Peralta Park,

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Lake Merritt Channel Park, Laney College, Peralta Community College District offices, Oakland Unified School District offices, and the Lake Merritt BART station.

KEY ISSUES AND IMPACTS

The project will implement a large component of the Lake Merritt Master Plan. The Lake Merritt Master Plan identified this area as a major component in the implementation of the goals of Measure DD, the Oakland Trust for Clean Water and Safe Parks bond measure.

The Lake Merritt Channel Improvements at 10th Street project was covered as part of the Environmental Impact Report for the City of Oakland Bond Measure DD projects. This EIR was certified April 1, 2008.

Implementation of the project will improve channel banks, water quality, recreation, and provide much needed pathway connectivity under 10th Street.

PROJECT DESCRIPTION

The Lake Merritt Channel is a waterway that connects Lake Merritt with the Oakland Estuary and San Francisco Bay. Culverted sections of the Channel at 10th Street and 12th Street constrict flood flows, prevent small boat navigation, and interrupt waterside trails. As a key part of a community-driven vision to transform the south end of Lake Merritt, the 10th Street project will dig out the culverts and reestablish the historic open channel that will be spanned by a new roadway bridge. New waterside pedestrian/bike paths will run under the new bridge, connecting the existing trails in the parks on either side into a continuous river parkway.

The new open channel will allow flood flows to leave Lake Merritt more quickly, helping to prevent flooding of the residential and business districts upstream. The increased flow will also improve the effectiveness of the Alameda County Flood Control District's flood control pump station located downstream at 7th Street. The City has collaborated closely with the Alameda County Flood Control District in the design of this project.

The new open channel will also provide recreational benefits by allowing canoe and kayak navigation towards the Bay, and providing uninterrupted waterside trails for pedestrians and bicyclists. In addition the project provides habitat and water-quality benefits by increasing open water areas, adding tidal marsh, and improving dissolved oxygen levels through tidal mixing. A similar project at 12th Street, already funded by the City of Oakland, State Coastal Conservancy, and others, will complete the connection. Finally, the new open channel will increase water flow into and out of Lake Merritt, improving water quality in the Lake.

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The new trails beneath the bridge will connect existing trails that are currently blocked by the roadway. Together with the adjacent 12th Street project, this will create a continuous river parkway from Lake Merritt to Laney College, fulfilling a major goal of the City's Lake Merritt Master Plan, Bicycle Master Plan, and Estuary Policy Plan. It is also a major step towards a longer-term goal to connect this parkway to the regional San Francisco Bay Trail downstream.

SUSTAINABLE OPPORTUNITIES

Economic: The Lake Merritt Channel Improvements at 10th Street will enhance the physical appearance of the channel, which will attract more visitors to the neighborhood, providing the potential for further economic development in the area.

Environmental: Lake Merritt is currently considered an impaired water body due to low dissolved oxygen. The proposed channel widening will significantly improve the natural tidal circulation into Lake Merritt and enhance wildlife habitat and water quality.

Social Equity: Direct pedestrian, bicycle, and boat access from Lake Merritt along the Lake Merritt Channel Park will be provided, allowing eventual easy access to the Bay Trail and waterfront and increasing the social connection between these neighborhoods.

DISABILITY AND SENIOR CITIZEN ACCESS

The design for the Lake Merritt Channel Improvements at 10th Street will include new pathways along the channel to improve access from Laney College to Lake Merritt. All new pathways will be in compliance with the physical access requirements of the Americans with Disabilities Act (ADA), providing equal opportunity and access along the Lake Merritt Channel.

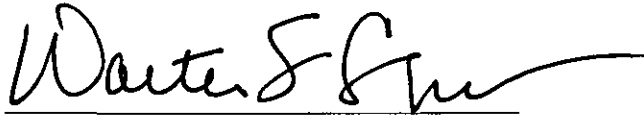
RECOMMENDATION AND RATIONALE

Staff recommends that Council authorize the City Administrator, or designee, to apply for, accept, and appropriate \$2,000,000.00 from the State Resources Agency under the California River Parkways Grant Program to complement the Measure DD funds allocated for the Lake Merritt Channel Improvements at 10th project.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



Walter S. Cohen, Director
Community & Economic Development Agency

Reviewed by:
Michael Neary, P.E., Deputy Director,
CEDA, Department of Engineering and Construction

Prepared by:
Jaime Heredia, P.E., Supervising Civil Engineer,
Engineering Design & R.O.W. Management Division

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:



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Approved as to Form and Legality

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.


City Attorney

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO APPLY FOR, ACCEPT, AND APPROPRIATE TWO MILLION DOLLARS (\$2,000,000.00) IN GRANT FUNDING FROM THE STATE RESOURCES AGENCY UNDER THE CALIFORNIA RIVER PARKWAYS GRANT PROGRAM FOR THE LAKE MERRITT CHANNEL IMPROVEMENTS AT 10TH STREET PROJECT

WHEREAS, the Legislature and the Governor of the State of California have provided Funds for the California River Parkways Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84); and

WHEREAS, the State Resources Agency has been delegated the responsibility for the administration of this grant program; and

WHEREAS, procedures established by the State Resources Agency require a resolution certifying the approval of an application for said funds; and

WHEREAS, the City if selected will enter into an agreement with the State of California for the development and implementation of the Lake Merritt Channel Improvements at 10th Street as specified in the project proposal; now, therefore be it

RESOLVED: That the City Council hereby approves filing of an application for funds and the accepting of funds from the State of California in the amount of \$2,000,000.00 for the Lake Merritt Channel Improvements at 10th Street Project, and approves the appropriation of this funding to the State of California Grant Fund (2159), Street and Structures Organization (88342), and a project will be created; and be it

FURTHER RESOLVED: That the City understands the assurances and certification in the application; and be it

FURTHER RESOLVED: That the City will have sufficient funds to operate and maintain the Project or will secure the resources to do so; and be it

FURTHER RESOLVED: That the City will comply with provisions of Section 1771.5 of the California Labor Code regarding payment of prevailing wages on projects awarded Proposition 84 Funds; and be it

FURTHER RESOLVED: That the Project will comply with any laws and regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, and that prior to commencement of constructions, all applicable permits will have been obtained; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator or his designee to enter into an agreement with the State Resources Agency to accept the grant funds provided that said agreement shall be reviewed and approved by the City Attorney's Office and shall be filed with the Office of the City Clerk; and be it

FURTHER RESOLVED: That the City Administrator or his designee is hereby authorized to approve any subsequent amendments or extensions of said agreement, provided that such amendments or extensions shall be approved by the City Attorney's Office and shall be filed with the Office of the City Clerk. Should additional grant funds be received, the City Administrator is hereby authorized to appropriate the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California