

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND 2003 JUL 10 PM 6:36
AGENDA REPORT

TO: Office of the City Manager
ATTN: Robert C. Bobb
FROM: Public Works Agency
DATE: July 22, 2003

RE: **RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO CO-SPONSOR WITH THE URBAN CREEKS COUNCIL A CREEK RESTORATION PROJECT ON ARROYO VIEJO CREEK AT THE HOLY REDEEMER SITE AND AUTHORIZING AN AGREEMENT WITH THE DEPARTMENT OF WATER RESOURCES AND THE URBAN CREEKS COUNCIL FOR THIS PROJECT**

SUMMARY

A resolution has been prepared authorizing the City of Oakland's co-sponsorship with the Urban Creeks Council for a creek restoration project on Arroyo Viejo Creek at the Redemptorist Society of California site. The resolution also authorizes the City to enter into the appropriate agreements with the Department of Water Resources and the Urban Creeks Council for this project, to provide for the respective roles and responsibilities of each party, explicitly limit the City's role and responsibilities, and for the Urban Creeks Council to receive the funds for the project design. There are no expenditures of City funds associated with this project. The proposed creek restoration project is a collaboration of community partners including the Urban Creeks Council, the Redemptorist Society of California, the Friends of Arroyo Viejo Creek, and the City of Oakland.

The Urban Creeks Council, with the City of Oakland as a co-sponsor, applied for and received a \$125,000 grant from the Department of Water Resources to design the creek restoration. The City co-signed the grant application and also submitted a letter pledging its support for the project. A City Council resolution and a formal agreement are now required by the State in order for the Urban Creeks Council to receive the grant. The City of Oakland and the Urban Creeks Council will each be required to sign an agreement with the Department of Water Resources. The Urban Creeks Council will be designated as the responsible agency for administering and managing the grant funds. No City funds are needed for this project.

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The City's co-sponsorship of this project will further the goals of its Watershed and Waterways Program, the Open Space, Conservation and Recreation Element (OSCAR) of the General Plan, the City's Creek Protection and Stormwater Management and Discharge Ordinance, and meet Mayor and City Council goals of **Developing a Sustainable City, Improving Oakland's Neighborhoods, and Maintaining and Enhancing Oakland's Physical Assets**. These goals will be met through daylighting and restoring a significant section of Arroyo Viejo Creek and improving water quality and riparian habitat. The project will create a model for additional daylighting projects in Oakland and provide an outdoor classroom for natural science classes from nearby schools.

Staff recommends that this resolution be approved.

FISCAL IMPACT

The funding for this project is a grant from the State Department of Water Resources. The Urban Creeks Council will manage the project budget and administer the grant. No City resources are required.

BACKGROUND

Arroyo Viejo Creek transitions from a natural meandering creek into a straight, buried, concrete box-culvert on the grounds of the Holy Redeemer Retreat and Conference Center at 8945 Golf Links Rd. in Oakland. The creek was culverted in the mid-1900s to make room for ball fields in the pre-existing floodplain. Currently, the fields are not in use and the Center would like to restore the creek to its natural functioning condition.

Urban Creeks Council applied for a grant from the Department of Water Resources on March 5, 2002. At that time the City Manager issued a letter stating the City's intent to support and collaborate on this project and to formalize its approval by approving an appropriate resolution.

KEY ISSUES AND IMPACTS

Council's approval of the City's co-sponsorship of this project pursuant to a formal resolution and authorizing the City to enter in the appropriate agreements with the Department of Water Resources and the Urban Creeks Council is necessary in order to provide for the respective roles and responsibilities of each party, explicitly limit the City's role and responsibilities, and for the Urban Creeks Council to receive the funds for the project design. As cosponsor of this project the City will provide assistance with permitting and community outreach.

The project is strongly supported by surrounding community groups including the Oak Knoll Neighborhood Improvement Association, Golf Links Road Neighbors and the Oakland Zoo.

PROJECT DESCRIPTION

The proposed creek restoration project is a collaboration of community partners including the Urban Creeks Council, the Redemptorist Society of California, the Friends of Arroyo Viejo Creek, and the City of Oakland.

The project will remove 1,000 feet of culvert on Arroyo Viejo Creek at the Holy Redeemer Retreat Center site to restore the creek to natural conditions. Bringing this creek back to the surface into the “daylight” will create productive habitat for birds and other wildlife of this creek while allowing important filtration processes to take place in the creek and along its banks, improving water quality throughout the watershed. Additionally, this project will create an outdoor classroom for natural science classes from nearby schools. The project will also include installation of fencing along Golf Links Road to prevent illegal dumping into the creek. Additionally, the project will create an outdoor classroom for natural science classes from nearby public and private schools.

SUSTAINABLE OPPORTUNITIES

Economic - This project will bring in state funding to help improve Oakland’s creeks, while enhancing riparian habitat, improving water quality, and increasing land value in Oakland.

Environmental - The City’s co-sponsorship of this project will increase the amount of open creek, providing for additional riparian habitat and improved water quality.

Social Equity – Enhancement of Oakland’s creeks improves the quality of life in surrounding neighborhoods. It also increases safety and access to public open spaces. This project will provide an outdoor classroom for natural science classes in the East Oakland area where opportunities for outdoor learning are limited.

DISABILITY AND SENIOR CITIZEN ACCESS

State and Federal disability regulations will be considered in the development of the restoration project.

RECOMMENDATION

Staff recommends that the resolution be approved.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the resolution authorizing the City to enter into an agreement with the Department of Water Resources and to co-sponsor the creek restoration project on Arroyo Viejo Creek at the Redemption Society of California site be approved.

Respectfully submitted,



CLAUDETTE R. FORD
Director, Public Works Agency

Reviewed by:
Raul Godinez, II, P.E.
Assistant Director, Public Works Agency

Prepared by:
Alison Schwarz
Watershed Improvement Program Specialist

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:



OFFICE OF THE CITY MANAGER

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

FILED
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OAKLAND
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INTRODUCED BY COUNCILMEMBER

RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO CO-SPONSOR WITH THE URBAN CREEKS COUNCIL A CREEK RESTORATION PROJECT ON ARROYO VIEJO CREEK AT THE HOLY REDEEMER SITE AND AUTHORIZING AN AGREEMENT WITH THE DEPARTMENT OF WATER RESOURCES AND THE URBAN CREEKS COUNCIL FOR THIS PROJECT

WHEREAS, the Department of Water Resources, Division of Planning and Local Assistance, Urban Streams Restoration Program, awarded a grant in the amount of \$125,000 to the Urban Creeks Council, as the sponsor, and the City of Oakland, as the co-sponsor, for the design of a creek restoration project on Arroyo Viejo Creek at the Holy Redeemer Retreat and Conference Site; and

WHEREAS, the State of California requires that Urban Creeks Council obtain the co-sponsorship of the City of Oakland to qualify for this grant and the City of Oakland in fact co-sponsored this project with the Urban Creeks Council; and

WHEREAS, the State of California further requires the City of Oakland, as the co-sponsor, to enter into an agreement with the Department of Water Resources and the Urban Creeks Council providing for the respective roles of each party and for the Urban Creeks Council to receive the funds for this project; and

WHEREAS, the Urban Creeks Council, as the sponsor, will be the primary agency with sole responsibility for the design, construction and financing of this project and the City of Oakland, as the co-sponsor, will play only a limited role consisting of limited assistance with permitting and CEQA review process and with community outreach and education; and

WHEREAS, the State of California, the Urban Creeks Council and the Redemptorist Society of California understand and agree, and all agreements for this project will reflect, that the City of Oakland is a mere co-sponsor and shall incur no liability or financial obligation in relation to the project; and

WHEREAS, the project will involve the Urban Creeks Council first designing this project and, upon identifying further sources of funding, ultimately restoring approximately 1000 linear feet of Arroyo Viejo Creek, which will improve water quality and enhance the riparian habitat in Oakland; and

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WHEREAS, the project is environmentally beneficial and will comply with all requirements of CEQA prior to implementation of the project; and

WHEREAS, the project will help the City further the goals of its Watershed and Waterways Program, Developing a Sustainable City and Enhancing Oakland's Physical Assets; now, therefore, be it

RESOLVED: That the City Council authorizes the City to co-sponsor the Urban Creeks Council creek restoration project on Arroyo Viejo Creek at the Redemptorist Society of California Site; and be it

FURTHER RESOLVED: That the City Council authorizes the City Manager or his designee to enter into an agreement with the State of California and the Urban Creeks Council, as required by the State, so that the Urban Creeks Council may obtain the funds for this project; and be it

FURTHER RESOLVED: That the City Attorney's Office has reviewed this resolution as to form and legality and a copy of this resolution shall be filed with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20 _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

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