

CITY OF OAKLAND
Agenda Report

07/01/07 11:45

To: Council President Ignacio De La Fuente and
Members of the Rules and Legislation Committee
From: Lupe Schoenberger, City Council Legislative Analyst
Date: March 1, 2007
Re: Final State Legislative Agenda for 2007

SUMMARY

On January 16, 2007, the City Council adopted a State Legislative Agenda for 2007. Subsequent to that action, the City's state lobbyist, Townsend Public Affairs (TPA) received legislative proposals from the Mayor and City Attorney for inclusion in the City's 2007 agenda.

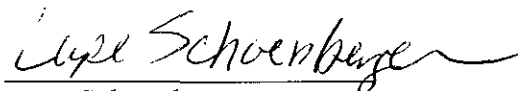
The attached report from TPA includes the legislative proposals from the Mayor and City Attorney.

This agenda does not include every issue of concern that may arise through the course of the year; therefore TPA will continue to identify and monitor other important legislative issues and submit them to the City Council for consideration.

ACTION REQUESTED

Staff requests that the Council accept the Townsend report.

Respectfully submitted,



Lupe Schoenberger
City Council Legislative Analyst



MEMORANDUM

To: Bob Brauer, Dir. of Intergov. Relations, Office of the Mayor, City of Oakland
Alex Nguyen, Chief of Staff, City Attorney, City of Oakland
Lupe Schoenberger, Legislative Analyst to the City Council, City of Oakland

From: Townsend Public Affairs, Inc.

Date: January 29, 2007

Subject: 2007 State Government Advocacy Priorities for the City of Oakland

This state government advocacy agenda was developed by City staff in conjunction with Townsend Public Affairs, Inc. (TPA) incorporating feedback from the Mayor, City Council, City Attorney, and Department Heads of the City of Oakland.

This agenda is meant to capitalize on the strongest opportunities for the City of Oakland in the first half of the 2007-2008 state legislative session while addressing the many funding and policy support needs of the City and community of Oakland. This is a plan that will likely evolve throughout the year based on changing threats opportunities at the state level and the changing needs of the City. We look forward to working with the leadership of the City on an on-going basis to refine, improve, and adapt this agenda to reap the maximum benefit for the City of Oakland.

The agenda is separated into three major sections.

1. The first focuses on **Legislative & Regulatory Priorities**, beginning with top priorities that were identified based on major issues we are forecasting for Sacramento in the next legislative session that are important to Oakland. This section concludes with an extensive list of legislative priorities to continually monitor.
2. Second, are **Legislative Proposals** that the City would like to sponsor. These are major issues for Oakland that the City would like to take a leadership role in pursuing as individual proposals or as significant amendments to existing proposals.
3. The third and final part of the agenda addresses **Funding Priorities**. A list of current state funding opportunities and potential Oakland projects is attached for the Council's information. City staff will work with the Council to prioritize projects for these funding opportunities as deadlines approach. TPA will work to monitor and support grant proposals submitted by the City.

If anyone has any questions, suggestions, or would like additional information regarding any of the content of this agenda, please do not hesitate to contact Isaac Kos-Read at ikos-read@townsendpa.com or 510-535-6907.

2007 STATE GOVERNMENT ADVOCACY PRIORITIES FOR THE CITY OF OAKLAND

LEGISLATIVE & REGULATORY PRIORITIES:

IMPLEMENTING LEGISLATION FOR THE 2006 STATEWIDE INFRASTRUCTURE BONDS:

Ensure that the City of Oakland's priorities are met by any legislation that would implement, amend, or affect any of the potential funding opportunities from the \$43 billion in statewide infrastructure bond measures approved by California voters in November 2006. Advocate for incentives to cities that accommodate affordable housing development. Advocate for a greater share of funds for cities with aging infrastructure and a disparate proportion of poverty.

Background: On November 7, 2006, the voters of California approved approximately \$43 billion in general obligation bond funding to invest in the infrastructure of the state. Propositions 1B, 1C, 1D, and 1E will provide \$37.3 billion for transportation, housing and urban infill infrastructure including parks and transit-oriented developments, schools, and flood protection. Proposition 84, an initiative placed on the ballot by voter initiative, also authorizes \$5.4 billion for water quality, conservation, and park programs. Some of this funding will be allocated by formula, some through existing programs, and some will be spent according to programs and criteria that are yet to be defined and will be defined in the coming session by the Governor and Legislature. There will be significant opportunities to ensure that the funding formula addresses the needs of Oakland, that grants are secured to the benefit of Oakland, and that if any funding can be earmarked for the City, that its needs are also addressed with this funding. Given the magnitude of opportunities at the state level and the need in Oakland, securing funds from these measures must be the top priority for the City in the 2007/2008 legislative session.

CALIFORNIA ENTERPRISE ZONE PROGRAM: Ensure the continuation of the designation of Oakland as a California Enterprise Zone and the benefits associated with this designation.

Background: The California Enterprise Zone Program has been subject to extensive legislative, regulatory, and executive scrutiny and modifications in recent years. The California Department of Housing & Community Development (HCD) just concluded a process of redesignating 23 zones that expired in 2006 or will expire in 2007. Oakland's designation is scheduled to expire September 27, 2008, and since the EZ Program represents one of the City's strongest economic tools to attract and retain businesses, it is critical that Oakland be redesignated as well in the next application cycle. In 2006, we worked to pass AB 1550 (Arambula), increasing flexibility, standardization and reporting requirements at the local and state level. HCD is also nearing approval of new regulations amending the vouchering requirements and approval process for new zones. The regulatory changes and new zone application requirements are significant for the City of Oakland's economic development strategy. The City must ensure the continuation of its designation as an EZ and the optimal benefits and flexibility that come with the designation. There are already several proposals on the table to modify the benefits of the program and the process for becoming and administering a zone. We are actively ensuring that the benefits derived from the designation remain to the maximum extent possible, that Oakland continues as a zone, and that there is optimal flexibility for administering the zone.

LEGISLATIVE WATCH LIST:

The following topics are of importance to the City of Oakland and any legislation related to these topics will immediately be added to the schedule of legislation and regulatory actions that TPA tracks for the City of Oakland. Once added to the list, the City may choose to take a position in support, opposition, or watch, and determine if any further response or reaction is needed.

- **State Budget:** Monitor and advocate for the City in the state budget process, including all relevant trailer bills.
- **Redevelopment and Eminent Domain:** Advocate for the City regarding proposals to modify redevelopment agency and eminent domain law.
- **Transit Oriented Development:** Support legislation that appropriates funds and/or offsets the cost for Transit Village planning, implementation, and construction, particularly replacement parking at the villages in the process of development and construction.
- **Urban Infill:** Support specifically defined CEQA exemption legislation without compromising environmental due diligence.
- **Flood Control and Storm Water Fees:** Support legislation that would allow local governments more flexibility to achieve reductions in storm water and urban runoff pollution.
- **Incentives for Green Business:** Support legislation to create incentives for green business including energy and environmental technology and recycled material product development.
- **Crime and Violence Prevention:** Support legislation that appropriates funds for violence prevention programs, which includes, but is not limited to, youth empowerment and after-school program-related legislation.
- **Utility User Taxes:** Monitor legislation that addresses utility users taxes relative to intrastate, interstate and/or international telephone, cellular or wireless communication services.
- **Affordable Housing:** Support legislation that expands affordable housing opportunities.
- **Funding Priority for Housing Element Compliance:** Support legislation that links a jurisdiction's eligibility for state funding to compliance with housing element policies.
- **Residential Care Facilities:** Support legislation that would grant the City more local control over certain residential care facilities. Oakland is the site of a disproportionate share of transitional housing. Some facilities are poorly run, causing problems for the neighborhoods in which they operate. The City of Oakland has limited control over their regulation and with more control could ensure that these facilities operate safely and effectively.
- **Oakland Unified School District:** Advise the Council of opportunities to support legislation to improve the quality of public education in Oakland schools and ensure local control.
- **Franchise Tax:** Oppose legislation that hampers the City's ability to generate franchise taxes. TPA will advise the Council on developments related to implementation of AB 2987.

TPA will update the City regularly and proactively on all of these issues to help inform the decision-making process of the City leadership.

DEVELOPMENT OF LEGISLATION:

Certain issues currently faced by the City can only be addressed with changes to existing state law. The following list includes the priority issues for City of Oakland sponsored legislation for the coming session. TPA is and will continue to meet with various individuals, including the League of California Cities, other municipal government advocates, and related interest groups with convergent and competing interests, to evaluate, develop, and promote the City's legislative proposals for the 2007 Legislative Session regarding the following:

Public safety:

1. **Sideshows:** Develop legislation that strengthens the ability of local jurisdictions to curb reckless driving exhibitions, commonly referred to as "sideshows". Renewing AB 1489 (Perata), which will sunset in January 2007, will continue to allow law enforcement to impound vehicles involved in sideshows.
2. **Sexually-exploited minors:** The following legislative proposals will be explored to address the pervasive and growing problem of prostitution and sexual exploitation in the City of Oakland: 1) Develop legislation that creates a definition for "sexually exploited minors" in order to facilitate data collection and tracking. 2) Develop legislation that extends a sexually exploited minor's holding time in Juvenile Hall to allow more opportunity for counseling intervention. 3) Develop legislation that allows sexually exploited minors the right to have an advocate such as the advocates that sexual assault victims are entitled to have 4) Develop legislation to clarify sections of Penal Codes 647 (a), 647 (b) and 236.1 as recommended by our District Attorney.
3. **Power to prosecute misdemeanors:** Develop legislation to authorize a deputy city attorney to act as city prosecutor and prosecute misdemeanor offenses arising out of violations of state laws or municipal codes. Prosecutions would be strategic and focused on Community Policing efforts and improving the quality of life for Oakland residents.
4. **Nuisance Liquor Stores:** Develop legislation that would provide local jurisdictions additional powers to mitigate or shut down nuisance liquor stores and to limit the types of products sold.

Restorative Justice:

5. **Support for parolees:** Develop legislation that restores certain benefits and rights to parolees that provide crucial support during the transition from incarceration to working productive citizen including legislation to allow for ex-offenders to receive TANF and Food Stamps. Federal law denies eligibility for TANF and Food Stamps for anyone who is convicted of a drug related felony. However, federal law allows states to "opt out" of the lifetime drug felony conviction ban by statute. Currently, twelve states have overturned this ban completely (NY, ID, ME, MI, NH, NM, OH, OR, OK, PA, UT, VT) while twenty-one others have modified the severity of the ban. Until a few months ago, California was one of only seventeen states to implement the full force of this ban. In September, a law was passed lifting the Food Stamp (but not the TANF) ban only to former drug offenders who are on a waiting list for, enrolled in, or graduated from a government recognized drug treatment program. Food stamps are still not available to those convicted of selling, distributing or manufacturing controlled substances. The ban not only denies people with past drug convictions (but not convictions for any other offenses) basic subsistence when unemployed, it deprives residential alcohol and drug programs of much needed funding. It is estimated by state parole officials that 90% of the 3000 parolees released to Oakland annually have a substance abuse problem.
6. **Dellums Commission Recommendations on Juvenile and Criminal Justice:** Develop legislation to implement the juvenile and criminal justice recommendations of The Way Out, the Final Report of the Dellums Commission of the Joint Center for Political and Economic Studies.

Additional Social, Economic, and Political Justice Priorities:

7. **Universal Healthcare:** Develop and promote legislative language within pre-existing legislative proposals to expand and improve the healthcare system in the State of California, focused first and foremost on ensuring coverage for all children in Oakland, then on additionally covering the poor and working poor, though ideally on achieving universal coverage. Build upon the health policy recommendations of *The Way Out*, the Final Report of the Dellums Commission of the Joint Center for Political and Economic Studies.
8. **Public Education Opportunities:** Develop legislation to implement the education policy recommendations of *The Way Out*, the Final Report of the Dellums Commission of the Joint Center for Political and Economic Studies.
9. **Anti-Predatory Lending:** Develop legislation to clarify that state law sets a minimum protection level and is not meant to preempt local law from being more progressive in cracking down on predatory lenders and pending practices.
10. **Amendment to Election Law:** Secure passage of legislation that would ensure that local petition efforts such as the one recently led by the League of Women Voters regarding the "Oak-to-Ninth" project are facilitated and can expeditiously comply with the law to ensure their validity.

If it is possible to achieve a solution to any of these issues of interest to the City without legislation but rather through regulation or other administrative action, this will also be explored and pursued with the Council's approval.

FUNDING PRIORITIES:

Attached for your information, are all the current State funding sources and a list of all projects that could potentially qualify for each funding source. City staff will work with the City Council to prioritize the projects submitted to the state for funding and TPA will advocate for those approved projects as appropriate.

Attachment One
California State Grant Programs
and Potential Oakland Projects

2-8-07

California Cultural and Historical Endowment Grant (CCHE) (March 1, 2007 application deadline)

- Staff will return to Council in the early 2007 to receive direction regarding this source of funding.

Potential Projects for CCHE

DISTRICT	PROPOSED PROJECT	FUNDING NEEDED	MATCHING FUNDS AVAILABLE
2	Kaiser Convention Center (library re-use)	\$117,000.000	no
3	Fox Theatre	\$3,000,000	yes
3	Children's Fairyland	?	?
4	Chabot Space & Science Center	\$2,800,000	no
5	Peralta Hacienda Park	\$5,000,000	yes
5	Fruitvale Development Corporation	\$2,800,000	no
6	Carter Gilmore Park	\$800,000	
6	City Stables Master Plan	\$17,522,869	no
7	East Bay Zoological Society	\$10,000,000	yes

- **Grant Description/Purpose:**
 - The purpose of the CCHE Program is to preserve, document and interpret California history within the 20th century that demonstrates the evolvement of cultural, social, and economic changes. In particular, CCHE is interested in projects that provide discovery and appreciation of California's rich, diverse and changing cultures, especially of those periods and locations of history that have been traditionally under-represented or absent. CCHE is also interested in projects that interpret recent history which has not been well represented.
- **Eligible Project:** CCHE calls for projects that illustrate and interpret an historic thread of California history, especially non-traditional or under-represented groups. Project must have significant private donor support and community involvement.
- **Grant Fund:** The CCHE grant had a total of \$122 million available for the entire competitive grant program. Round one and Round two have been completed. The next round will allocate

an estimated \$43.5 million, but the deadline has not been announced nor have new guidelines. Grant amounts are expected to be a minimum of \$25,000 up to a maximum of \$3 million, similar to the second round.

- **Match Requirement:** Dollar for Dollar match required by applications sponsored by the City.
- **Application Deadline:** First round deadline was Oct. 1, 2004. Second round deadline was Jan. 31, 2006. Third Round deadline is March 1, 2007.

Habitat Conservation Fund

A prioritized list of Creek Restoration and Watershed Preservation and Acquisition projects was approved by City Council on December 20, 2005, Resolution No. 79649 C.M.S. Staff uses this list to evaluate grant opportunities. Criteria for grant approval are typically unknown until the request for proposals are released. In some cases, requests for grant proposals are unscheduled and are released by various agencies throughout the year

Potential Projects for Habitat Conservation Fund

PROPOSED PROJECT	FUNDING NEEDED	MATCHING FUNDS AVAILABLE	
Watershed Preservation and Acquisition	\$7,700,000	\$4,500,000	Measure DD
Creek Restoration	\$6,930,000	\$4,500,000	Measure DD

- **Grant Description/Purpose:**
 - The Habitat Conservation Fund is for the preservation, acquisition and restoration of the wildlife areas. Four funding categories are:
 - Deer/Mountain Lion Habitat
 - Rare, Threatened, Endangered, or Fully Protected Species Habitat
 - Wetland Habitat
 - Riparian Habitat
 - Restoration and Enhancement projects apply to wetlands, aquatic habitat for spawning and rearing of anadromous salmonids and trout resources, and riparian habitats.
 - The grant also provides funds for project that provide programs for interpretation of the State's park and wildlife resources and programs that bring urban residents into park and wildlife areas, including those proposals designed to provide opportunities for urban residents to use parks and wildlife areas, and nature interpretation programs designed to increase people's awareness and appreciation for park and wildlife resources.
- **Grant Fund:**
 - Total Funds Available for California annually (to 2020): \$2 million
- **Match Requirement:** Dollar for Dollar, 50% state and 50% local.

- **Application Deadline:**

- Next Application Deadline: October 2, 2006 (Annual Appropriation required). Grant workshops are being held in June 2006.

Land and Water Conservation Program

A prioritized list of Creek Restoration and Watershed Preservation and Acquisition projects was approved by City Council on December 20, 2005, Resolution No. 79649 C.M.S. Staff uses this list to evaluate grant opportunities. Criteria for grant approval are typically unknown until the request for proposals are released. In some cases, requests for grant proposals are unscheduled and are released by various agencies throughout the year

Potential Projects for Land and Water Conservation Program

PROPOSED PROJECT	FUNDING NEEDED	MATCHING FUNDS AVAILABLE
Watershed Preservation and Acquisition	7,700,000	\$4,500,000 Measure DD

- **Grant Description/Purpose:**

- The Land and Water Conservation Fund program provides funds to federal agencies, and to the 50 states and 6 territories. The money allocated to the states may be used for statewide planning, and for acquiring and developing outdoor recreation areas and facilities.
- The program, which is administered nationally by the National Park Service was established in September 1964, initially authorized for a 25-year period, and has been extended for another 25 years, to January 2015.
- Under the provisions of the California Outdoor Recreation Resources Plan Act of 1967, the expenditure of funds allocated to California is administered by the State Liaison Officer, who is the Director of the State Department of Parks and Recreation.
- LWCF funds can be used for Acquisition or development of outdoor recreation areas and facilities. Priority development projects include trails, campgrounds, picnic areas, natural areas and cultural areas for recreational use. Associated support facilities (i.e. restrooms, utilities) are eligible; however the ratio of support facilities to the main project purpose/use should remain relatively low. Indoor Facilities which support outdoor recreation activities in the immediate vicinity are also eligible. Property acquired or developed under the program must be retained in perpetuity for public outdoor recreation use.

- **Eligible Projects:**

- Acquisition Projects: Acquisition Projects shall be for public outdoor recreation. These can be new areas, additions to existing areas, wildlife areas, beaches, open spaces, or similar properties.
- Development Projects: Development Projects shall include the construction of new and/or renovation of existing Facilities for outdoor recreation. Associated support Facilities such as lighting, parking, and restrooms are eligible. Indoor Facilities which support outdoor

recreation activities in the Project area are also eligible, e.g. visitor information centers, buildings that interpret resources of the project area.

- **Ineligible Projects:** *Ineligible for funding are Projects such as,*
 - Combination Acquisition *and* Development Projects
 - Multiple Project sites under one Application
 - Restoration or preservation of historic structures
 - Construction of employee residences
 - Interpretive Facilities which go beyond interpreting the Project site and its immediate surrounding area
 - Development of convention Facilities
 - Commemorative exhibits and monuments
 - Construction of Facilities marginally related to outdoor recreation
 - Indoor Facilities such as community centers and gymnasiums
 - Facilities used primarily for spectator sports

PRIORITY RECREATION VENUE CHART

PRIORITY	RECREATION VENUES	POINTS
1	Trails	15
2	Campgrounds, Picnic Areas	14
3	Natural areas and cultural areas with public access for recreational use, Outdoor nature museums, Zoos Arboretums, Outdoor cultural sites	12
4	Open turf, Sports fields and courts, Event areas, Festivals Fairs Concerts Outdoor theaters	11
5	Aquatic -based Facilities and access	10
6	Playground equipment, Tot lots	8
7	Golf Facilities	6
8	Snow play areas	4

9	Skate park areas	2
OTHER		

• **Grant Fund:**

- About \$2 million has been available in past years for northern California. For FY05/06, \$1.2 million of the \$2 million allocation is available for competitive grants. Northern California allocation is \$480,000 out of the \$1.2 million. This is a reimbursement program. The Grantee is expected to finance the entire Project. Fifty percent of the actual project expenditures up to the Grant amount will be refunded when the Project has been completed. The Grantee's original estimate of the Project costs will determine the support ceiling. Grantees should allow for cost increases.

- **Match Requirements:** The Match is one applicant dollar to one federal dollar for all LWCF grants (50%/50%).

• **Application Deadline:**

- May 1 Application deadline (No annual appropriation for FY06/07.)
- October NPS approves Projects
- November DPR sends Contracts for approved Projects to agencies

Save America's Treasures (National Park Service):

Potential Projects for Save American's Treasures

DISTRICT	PROPOSED PROJECT	FUNDING NEEDED	MATCHING FUNDS AVAILABLE
3	Moss House – rehab of building. Project needs to obtain landmark status	cost estimates pending	Pay-Go
3	Lake Merritt Wild Duck Refuge	Unknown	Pay-Go
3	Paramount Theatre	Unknown	Pay-Go
3	The Potomac	Unknown	Pay-Go
3	Lightship Relief	Unknown	Pay-Go
4	Joaquin Miller Abbey	Unknown	Pay-Go

- **Grant Description/Purpose:**

- Grants are available for preservation and/or conservation work on nationally significant intellectual and cultural artifacts and nationally significant historic structures and sites. Intellectual and cultural artifacts include artifacts, collections, documents, sculpture, and works of art. Historic structures and sites include historic districts, sites, buildings, structures, and objects. Projects must meet the program Selection Criteria. Selection Criteria requires documentation of urgent preservation/conservation need, clear public benefit for the project, feasible to complete within proposed schedule, and matching fund available. Grants are awarded through a competitive process to eligible applicants.
- The quality of national significance is ascribed to collections and historic properties that possess exceptional value or quality in illustrating or interpreting the intellectual and cultural heritage and the built environment of the United States, that possess a high degree of integrity and that:
 - Are associated with events that have made a significant contribution to, and are identified with, or that outstandingly represent the broad patterns of United States history and culture and from which an understanding and appreciation of those patterns may be gained; or,
 - Are associated importantly with the lives of persons nationally significant in the United States history or culture; or,
 - Represent great historic, cultural, artistic or scholarly ideas or ideals of the American people; or,
 - Embody the distinguishing characteristics of a resource type that:
 - Is exceptionally valuable for the study of a period or theme of United States history or culture; or
 - Represents a significant, distinctive and exceptional entity whose components may lack individual distinction but that collectively form an entity of exceptional historical, artistic or cultural significance (e.g., an historic district with national significance), or
 - Outstandingly commemorates or illustrates a way of life or culture; or,
 - Have yielded or may yield information of major importance by revealing or by shedding light upon periods or themes of United States history or culture.
- **Collections Projects:** The application must describe and document the national significance of the collection using the definition of "National Significance" listed above.
- **Historic Property Projects:** The historic property will be considered to be nationally significant according to the definition of "National Significance" listed above if it meets one of the following criteria:
 - Designated as a National Historic Landmark or located within and contributing to a historic district that is designated as a National Historic Landmark District.
 - Listed in the National Register of Historic Places for national significance or located *within and contributing to a historic district that is listed in the National Register for its national significance*. Please note that properties can be listed in the National Register for significance at the local, state, or national level; most properties are not listed for national significance. The level of significance can be found in Section 3 -

State/Federal Agency Certification of the property's approved National Register nomination.

- **Grant Fund:**

- The minimum grant request for collections projects is \$25,000 Federal share; the minimum grant request for historic property projects is \$125,000 Federal share. The maximum grant request for all projects is \$700,000 Federal share. In 2005, the average Federal grant award to collections was \$179,000, and the average award to historic properties was \$299,000.

- **Match Requirements:** A dollar-for-dollar, non-Federal match is required.

- **Application Deadline:** Save America's Treasures grant is an annual grant with grant applications due in spring each year.

Workforce Housing Reward Grant (WFH)

No projects have been currently identified for this funding source.

- **Grant Description/Purpose:**

- This incentive grant program from the State Department of Housing and Community Development offered \$23 million for calendar year 2005 and is available for eligible cities and counties who meet the threshold requirements specified. Workshops for next year's grant will be held in July and August 2006.
- The WFH Program rewards cities and counties that approve building permits for housing affordable to lower-income households.¹ The grant award is based on a formula of set dollars for each bedroom in an affordable unit permitted during the calendar year by the City. The WFH Program was established, pursuant to Chapter 482, Statutes of 2002, and funded through Proposition 46, the Housing and Emergency Shelter Trust Fund Act of 2002. The WFH Program does not use a competitive process to award funds; all cities and counties who meet the eligibility requirements will be funded.
- Eligible Projects: The WFH Program provides grant funds for capital asset projects that benefit the community and add to the community's quality of life. To develop livable vibrant communities, WFH Program funds can be used for a variety of projects including those related to safety, education and recreation.

- **Grant Fund:**

- Funds available for program year 2005 total \$23 million, comprised of \$20 million for the WFH Program and \$3 million for the Jobs Housing Balance (JHB) incentive bonus.

- **Match Requirements:** No match required.

- **Application Deadline:**

- Last application Final Filing Date was March 2006. Grant award announcements are anticipated to be made in June 2006. Next year cycle anticipated release in December 2006 with applications due in March 2007 and awards made in June 2007.

Recreational Trails Program (October '07)

¹ The initial occupancy of the units must be restricted to households whose incomes are within the income limits for lower-income or very low-income households pursuant to Health and Safety Code Sections 50079.5 and 50105, respectively. The units must be available at an affordable housing cost that does not exceed amounts allowed by common federal or State housing assistance programs, generally 30 percent of gross income.

On July 18th, 2006 Council voted to submit the Waterfront Trail, Peralta Hacienda-DeAnza Trail and the Joaquin Miller School Trail to the State for the 2006 funding cycle. Staff will return to Council before the 2007 application deadline to receive project approval for this new round of funding.

Potential Projects for Recreational Trails Program

DISTRICT	PROPOSD PROJECT	FUNDING NEEDED	MATCHING FUNDS AVAILABLE
Citywide	Waterfront Trail (received \$450,000 in '04 & '05)	\$10,000,000	Measure DD
1	Skyline Trail – Improve trail from Caldecott to Skyline	cost estimates pending	private land contribution and Pay Go
4	Park Blvd. Trail - provide a safe pathway from Leimert Bridge to Monterey Blvd. for both pedestrians and bicycles going up hill.	cost estimates pending	Pay Go
4	Joaquin Miller School Pathway - Improve trail from Ascot to Scout Road along Mountain Blvd. to the OUSD trail at Ascot up to Joaquin Miller School	\$250,000	Pay Go
5	Peralta Hacienda-DeAnza Trail - The project includes a trail, an interpretive ADA ramp, outdoor classroom (amphitheatre), improved stairway, lighting, informational signage, seating, irrigation, landscaping and associated trail elements.	\$450,000	ADA funds

7	King Estates Trail – trail improvements & associated drainage improvement	cost estimates pending	Pay - Go

- **Grant Description/Purpose:**

- The Recreational Trails Program (RTP) provides funding for developing and acquiring trails and trail-related projects.
 - For non-motorized use, RTP funds can be used for development and rehabilitation of trailside, trailhead and trail linkages for recreational trails, construction of new recreational trails, acquisitions of easements and fee simple title to property for trails/trail corridors.
 - Only motorized trails are eligible for non-capital expenditures projects (maintenance and restoration of existing recreational trails, equipment purchase, safety education).

- **Grant Fund:**

- Past Funds Available for California (from 1999 to 2003): \$3.2 million annually.
- Grant amount for 2006 is \$3.3 million for Non-motorized trails, and \$1.4 million for motorized trails.

- **Match Requirement:** 12% local match required.

- **Application Deadline:**

- Next Application Deadline: October 2, 2006 (Annual Appropriation required)

The California Integrated Waste Management Board (CIWMB) Tire Recycling, Clean-up and Enforcement Grant Program (These grants are usually offered annually, depending on allocations made.)

Tire Derived Product Program (November 2007)

On July 18th, 2006 Council voted to submit Raimondi Field to the State for 2006 funding cycle.

Potential Projects for Tire Derived Product Program

DISTRICT	PROPOSED PROJECT	FUNDING NEEDED	MATCHING FUNDS AVAILABLE
1	Bushrod Park Soccer Field	cost estimates pending	Pay Go
2	Lincoln Park – synthetic	\$229,140	Pay Go

	<i>turf field</i>		
3	Raimondi Field	\$100,000	yes
4	<i>Brookdale Park Field</i>	cost estimates pending	Pay Go
5	Carmen Flores Synthetic Turf Field	\$725,000	Pay Go

Rubberized Asphalt Concrete Grant

No projects currently identified.

Targeted Rubberized Asphalt Concrete Incentive Grant

No projects currently identified

• **Grant Description/Purpose:**

- The grants are to promote markets for recycled-content products derived from waste tires generated in California. These are competitive grant programs. Available Grants are:
- Tire Derived Product Program replaced the Waste Tire Playground Cover Grant Program and The Waste Tire Track and Other Recreational Surfacing Grant Program (in 2005). The grant is available for project that use finished products made from recycled 100% California waste tires. The grant reimburses only the material cost. Tire-derived products (TDP) are final or finished products ready for sale to the public that were made from recycled 100 percent California waste tires. Some examples of TDPs are:
 - Guard Rails or Components
 - Railroad Ties
 - Sound Barriers
 - Traffic Cones or Barriers
 - Truck Bed Liners
 - Mulch or Soil Amendment
 - Weed Abatement Coverings
 - Lumber (Includes: Decking, Fencing, Benches, Chairs, Tables)
 - Tree Wells
 - Sports Fields
 - Tennis Courts
 - Tracks
 - Playgrounds
 - Sidewalks/Pathways

- Resilient Flooring

- Rubberized Asphalt Concrete Grant: A project must use a minimum of 2500 tons of Rubberized Asphalt Concrete (RAC) to be eligible. The grant reimburses only the material cost. Eligible projects must use a minimum of 2,500 tons of RAC and may use unlimited amounts of RAC, but reimbursement is only available for up to 20,000 tons of RAC. The project must also use twenty (20) pounds or more of crumb rubber made from California waste tires per ton of RAC.
- Targeted Rubberized Asphalt Concrete Incentive Grant for FY05/06 and FY06/07 are on-going. Applications are accepted on a continuous basis and awarded on a monthly basis. Eligible projects must use a minimum of 3,500 tons of RAC within the jurisdiction. The RAC material must meet American Society for Testing and Materials (ASTM) D 6114-97 "Standard Specification for Asphalt-Rubber Binder" and use crumb rubber derived from 100 percent California waste tires. Grant funds are issued based on actual amount of rubberized asphalt concrete (RAC) material calculated against the differential cost of RAC used in lieu of conventional asphalt concrete.

- **Grant Fund:**

- Tire Derived Product Program Total Funds allocated for FY 05/06 was \$1,792,818 and each public entity may apply up to \$100,000. Match Requirement: Dollar for Dollar, 50% state and 50% local.
- Rubberized Asphalt Concrete Grant: was allocated \$1,663,000 for FY 05/06 with grant funds range from \$6,500 to \$50,000. No current allocation information for FY06/07. A jurisdiction is limited to \$150,000 maximum. No match requirement, however, grant will only fund for material costs.
- Targeted Rubberized Asphalt Concrete Incentive Grant: \$3,577,000 is allocated for FY05/06 and \$2,182,818 for FY06/07. There is a limit of \$175,000 per jurisdiction for Northern California applicants. No match requirement, however, grant will only fund for material costs.

- **Match Requirement:**

- Tire Derived Product Program: Match Requirement: Dollar for Dollar, 50% state and 50% local.
- Rubberized Asphalt Concrete Grant: No match requirement, however, grant will only fund for material costs.
- Targeted Rubberized Asphalt Concrete Incentive Grant: No match requirement, however, grant will only fund for material costs.

- **Application Deadline:**

- Tire Derived Product Program Tentative application period for FY06/07 is in July/August 2006 with application deadline of Sept. 15, 2006. Fund availability is scheduled to be announced on July 19, 2006.
- Rubberized Asphalt Concrete Grant The application deadline was 2/24/06 for FY05/06. Application period for FY06/07 anticipated occurring in September 2006.
- Targeted Rubberized Asphalt Concrete Incentive Grant: This grant application is on-going. Applications are accepted and awarded on a monthly basis.

Proposition 49 – After School Initiative (Due date TBD)

PROPOSED PROJECT	FUNDING NEED	MATCHING FUNDS AVAILABLE
Adult Literacy Programs	?	?
Oakland After School Initiative (Oakland Public Schools is the applicant)	\$10,000,000	Kids First Fund

Funding Description

The No Child Left Behind Act authorizes the California Department of Education (CDE) to administer the 21st Century Community Learning Centers (21st CCLC) program. President Bush has proposed no increase in program funding for FY 07, leaving the funding below what was available in 2002 when the program was established. Proposition 49, passed by voters in 2002, will provide increased After School Education and Safety (ASES) funding for K-9 after-school programs. SB 638 (Torlakson), signed by the Governor in September, provides the implementing legislation for Prop. 49 which would raise the amount of money paid to after-school providers and allow for increased provider flexibility while ensuring that there is no gap in after-school program funding due to federal budget cuts. The increased ASES after school funding for grades K-9 will free up 21st CCLC funding for high school after school programs. Guidelines and application deadlines have not been established for the 21st CCLC grant program yet, although those should be forthcoming in the near future. TPA will be continually obtaining updates from our contracts in the California Department of Education regarding this opportunity. The City of Oakland would support the lobbying efforts of the Oakland Unified School District

PROPOSITION 84 - Water Quality, Safety and Supply, Flood Control, Natural Resources Protection, Park Improvements Bond Initiative Statute. (November '06 State Ballot)

Projects highlighted in bold letters are ready for application. Those listed in italics do not have fully developed plans and/or secured matching funds.

DISTRICT	PROPOSED PROJECT	FUNDING NEEDED	MATCHING FUNDS AVAILABLE
2	San Antonio Park – facility improvements	1,000,000	
3	Lake Merritt – 12th Street Reconstruction	\$5,000,000	Measure DD
3	Renovation & Reinstallation of Oakland Museum Gallery of California Nature & Science	\$2,000,000 to \$4,000,00	Measure G
3	Clinton Park – facility	1,000,000	

	improvements		
3	Raimondi Park – restroom, picnic, tot lot, putting green, track	\$4,000,000	Pay Go
3	Lake Merritt Channel	\$8,000,000	Measure DD
3	Sailboat House Classroom Renovation	4,000,000	Measure DD
4	Lion Creek Crossing Park	2,500,000	
5	Peralta Hacienda Park	\$5,000,000	yes
5	Cryer Boatworks Site	\$4,000,000	Measure DD
6	Sobrante Park – facility improvement	1,000,000	
7	East Oakland Sports Complex	\$37,000,000	Measure DD and Measure I
7	Tassafioranga – facility improvement	1,000,000	
City wide	Waterfront Trail – trail projects under & adjacent to 3 Alameda bridges	\$10,000,000	Measure DD
City wide	Watershed Preservation Acquisition *	\$7,700,000	\$4,500,000 Measure DD
City wide	Creek Restoration *	\$6,930,000	\$5,500,000 Measure DD
Citywide	Flood Control – replace/rehab deteriorated system, capacity correction, Add new facilities in flood-prone, floodplane areas	2,000,000	
<i>Citywide</i>	<i>Tot lot Resurfacing</i>	<i>\$1,600,000</i>	<i>Pay Go / ADA</i>
<i>1</i>	<i>Linden Park – general improvements</i>	<i>cost estimates pending</i>	<i>Pay Go</i>
<i>1</i>	<i>Bushrod Park – general improvements</i>	<i>cost estimates pending</i>	<i>Pay Go</i>
<i>1</i>	<i>Carter Middle School-development of playing</i>	<i>Cost estimates</i>	<i>Pay Go</i>

	<i>fields & park improvements</i>	<i>pending</i>	
2	<i>Madison Square Park - improvements</i>	<i>cost estimates pending</i>	<i>Pay Go</i>
2	<i>Lincoln Park – multi-purpose use open space, outdoor class space, picnic tables, tot lot</i>	<i>\$2,000,000</i>	<i>Pay Go</i>
2	<i>Clinton Park – update community plan</i>	<i>cost estimates pending</i>	<i>Pay Go</i>
2	<i>Morcum Rose Garden – improvements and upgrades</i>	<i>cost estimates pending</i>	<i>Pay Go</i>
2	<i>Chinese Garden – irrigation & landscape improvements</i>	<i>cost estimates pending</i>	<i>Pay Go</i>
3	<i>Jefferson Square – demo of storage building & other improvements</i>	<i>cost estimates pending</i>	<i>Pay Go</i>
3	<i>Urban Mini Park-- Durant Park</i>	<i>cost estimates pending</i>	<i>Pay Go</i>
3	<i>25th Street Mini Park – Tot Lot</i>	<i>\$650,000</i>	<i>Pay Go</i>
4	<i>Montclair Park – ADA accessible path</i>	<i>cost estimates pending</i>	<i>Pay-Go / ADA</i>
4	<i>Dimond Park – entry way improvements for ADA accessibility</i>	<i>cost estimates pending</i>	<i>Pay Go / ADA</i>
5	<i>Coolidge House – improvements and upgrades</i>	<i>cost estimates pending</i>	<i>Pay Go</i>
5	<i>William Wood Park – dog park</i>	<i>cost estimates pending</i>	<i>Pay Go</i>
6	<i>Rainbow Recreation Center Expansion</i>	<i>cost estimates pending</i>	<i>Pay Go</i>
6	<i>Leona Lodge Upgrade – Upgrade and update, remediate mold and dry rot problems</i>	<i>cost estimates pending</i>	<i>Pay Go / ADA</i>
6	<i>City Stables – improvements, grading,</i>	<i>cost estimates pending</i>	<i>Pay Go</i>

	<i>open space</i>		
6	<i>Greenman Field</i>	<i>\$1,000,000</i>	<i>State grants, Pay Go</i>
7	<i>Dunsmuir House –misc. repairs and upgrades</i>	<i>cost estimates pending</i>	<i>Pay Go</i>
7	<i>Officer Willie Wilkins Park – Safety and esthetic park improvements</i>	<i>cost estimates pending</i>	<i>Pay Go</i>
7	<i>Tassafarongo Rec. Center – upgrades and improvements</i>	<i>cost estimates pending</i>	<i>Pay Go</i>

- **Initiative Description/Purpose**

This initiative, supported by environmental groups and others, authorizes approximately \$5.39 billion in general obligation bonds to fund projects relating to safe drinking water, water quality and supply, flood control, waterway and natural resource protection, water pollution and contamination control, state and local park improvements, public access to natural resources, and conservation efforts.

- A prioritized list of Creek Restoration and Watershed Preservation and Acquisition projects was approved by City Council on December 20, 2005, Resolution No. 79649 C.M.S. Staff uses this list to evaluate grant opportunities. Criteria for grant approval are typically unknown until the request for proposals are released. Request for grant proposals are unscheduled and are released by various agencies throughout the year

Proposition 1B, Transportation (Infrastructure Bond Initiative – November’06)

District	PROPOSED PROJECT	FUNDING NEEDED	MATCHING FUNDS AVAILABLE
	International Streetscape	\$500,000	yes
	Telegraph Avenue Streetscape	\$3,000,000	yes
	40th Street Streetscape	\$300,000	yes
1	MacArthur Transit Village – public transportation improvements & replacement parking	\$12,000,000	Redevelopment
2	23rd Avenue Streetscape	\$1,300,000	Redevelopment
3	7th Street Streetscape	\$2,000,000	yes

3	West Oakland – public transportation improvements & replacement parking	\$14,000,000	Redevelopment
5	Fruitvale (CCE & Coliseum) Streetscape	\$2,800,000	Redevelopment
6	Foothill/Seminary Streetscape	\$1,100,000	Redevelopment
7	Oakland Airport Connector Project (part of gap amount will be funded thru private contract for financing, operations & maintenance)	Gap of up to \$140,000,000	yes
7	Coliseum –public transportation improvements & replacement parking	\$13,000,000	yes
7	Hegenberger Streetscape	\$750,000	yes
Citywide	Street Resurfacing – preventive maintenance and full reconstruction targeting streets in 2 PCI ranges (Fair & Good)	\$1,320,000	\$100K-300,000/yr Measure B
Citywide	Sidewalk Repair (only in conjunction with street resurfacing project)	\$100,000,000	\$250,000/yr Measure B
Citywide	Curb Repair (only in conjunction with street resurfacing project)	\$35,000,000	\$200,000/yr Measure B & TDA grants

- **Initiative Description/Purpose**

\$19.925 billion for transportation corridor improvements, including \$1 billion for cities to spend on local transportation projects, which amounts to a maximum of \$13.2 million for the City of Oakland.

Proposition 1C, Housing Bond (Infrastructure Bond Initiative – November '06)

Initiative Description/Purpose

\$2.85 billion in funding for affordable housing construction and infill incentives.

DISTRICT	PROPOSED PROJECT	FUNDING NEEDED	MATCHING FUNDS AVAILABLE
1	MacArthur BART Transit Dev.	\$4,000,000	\$38,000,000 Tax Increment and State & Federal Grants

2	Oak to Ninth – affordable housing sites	\$27,000,000	yes
3	West Oakland	\$2,000,000	Redevelopment
3	Wood Street –for homeownership units	\$40,000,000	yes
5	Fruitvale Transit Village Phase II Infrastructure Build Out	\$3,000,000	Redevelopment
7	Coliseum BART Transit Dev.	\$3,000,000	\$17,000,00 ORA Tax Increment and State & Federal Grants
7	Tassaforanga Phase IV	\$1,000,000	yes
Citywide	Construct up to 100 new permanent supportive housing units	\$8,000,000	yes
Citywide	Oakland Year Round Shelter for Homeless	\$1,000,000	yes
Citywide	Homeless Youth Collaborative Shelter Housing	\$1,000,000	yes

- **Initiative Description/Purpose**

\$2.85 billion in funding for affordable housing construction and infill incentives.

Proposition 1D, Education Facilities – Kindergarten – University

Infrastructure Bond Initiative – November '06

Initiative Description/Purpose

\$10.4 billion for the 2006 State School Facilities fund, which will be used for the capital needs of higher educational facilities, to finance grants for construction and renovation of schools, including charter schools and facilities for career technical education programs, for joint-use projects, and to relieve overcrowded schools.

- The City will support Oakland Public Schools lobbying efforts.

Proposition 1E Disaster Preparedness and Flood Prevention (Infrastructure Bond Initiative – November '06

Initiative Description/Purpose

\$4.09 billion to prevent flooding by repairing levees and other flood control infrastructure in the Sacramento-San Joaquin River Delta and elsewhere.

- If trailer legislation creates opportunities for Oakland, potential projects will be brought to the Council.