

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 DEC 22 AM 11:21

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: January 13, 2009

RE: **Resolution Authorizing The City Administrator To Accept And Appropriate Nine Million Dollars (\$9,000,000.00) From The State Coastal Conservancy For The 12th Street Reconstruction Project, The 10th Street Project And The Lake Merritt Water Quality Technology Project**

SUMMARY

A resolution has been prepared for City Council to authorize the City Administrator, or his designee, to accept and appropriate \$9,000,000.00 from the State Coastal Conservancy for the 12th Street Reconstruction Project, the 10th Street Project and the Lake Merritt Water Quality Technology Project. The grant funds are required to complete these projects that will improve water quality and habitats at Lake Merritt and the Lake Merritt Channel.

The Oakland City Council approved application for these funds on February 8, 2005 in Resolution No.79085 C.M.S. The Coastal Conservancy's Board approved the City of Oakland's application for funding on December 4, 2008. Staff now seeks City Council approval to accept and appropriate these grant funds.

FISCAL IMPACT

A project will be set up in the State of California Fund (2159), Engineering Design: Street and Structure Organization (92242) for funds received for elements of the 12th Street Restoration and 10th Street Projects. A project will be set up in the State of California Fund (2159), Watershed and Stormwater Program Organization (88345) for funds received for the Lake Merritt Water Quality Technology Project.

The State Coastal Conservancy suggests that applicants provide a funding match from non-state sources equal to 50% of the total project cost. Matching funds in excess of the 50% requirement are provided by the Measure DD Fund (5320) as follows: \$40,000,000.00 in matching funds from the 12th Street Reconstruction Project (C241610), \$14,000,000.00 in matching funds from the 10th Street Project (C277110), and \$4,500,000.00 in matching funds from the Lake Merritt Water Quality Technology Project (C241710).

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Although new landscaping will be maintained by the construction contractor during a long initial plant establishment period, the projects will eventually require additional maintenance resources beyond the current baseline. This issue will be discussed in a staff report at the time of the construction contract award.

BACKGROUND

In February 2005, City Council approved Resolution No. 79085 C.M.S. authorizing staff to apply for the California Coastal Conservancy Prop. 50 funds to widen the Lake Merritt Channel and install water quality technologies at Lake Merritt. Staff was asked to return to Council for authorization to accept and appropriate funds awarded through this application process.

Upon successful completion of CEQA documentation in Spring 2008 for Measure DD projects, staff applied for \$9,000,000.00 in funding, which was equivalent to the full amount of funding available. The project was presented to the Conservancy's Board on December 4, 2008. The Board voted to award the City \$9,000,000.00 for the 12th Street Reconstruction Project, the 10th Street Project and the Lake Merritt Water Quality Technology Project, indicating their strong support for these important projects.

KEY ISSUES AND IMPACTS

On November 5, 2002, Oakland voters overwhelmingly passed, by an 80% percent margin, Measure DD, (Oakland Trust for Clean Water and Safe Parks). The measure allows the City to sell bonds in order to raise funds for a variety of parks, clean-water protection and youth recreation projects.

Measure DD dedicates specific amounts of funding for various projects in Oakland. The Measure DD funding available for the 12th Street Reconstruction Project, the 10th Street Project and the Lake Merritt Water Quality Technologies Project is not sufficient to complete these projects. Funds from the Conservancy will contribute significantly toward fully funding these projects.

The City is committed to leveraging Measure DD funds to attract outside funding sources such as these Conservancy funds. Work under the Conservancy funds will allow the City to fulfill its commitment to Oakland voters to implement several Measure DD projects at Lake Merritt and the Lake Merritt Channel. These projects will improve water quality and habitat values at Lake Merritt and increase educational opportunities at the Lake.

PROJECT DESCRIPTION

The Conservancy funding is to be dedicated to water quality and habitat improvements at Lake Merritt and the Lake Merritt Channel. Specifically, the funding will be dedicated to the following project elements:

- Widening the Lake Merritt Channel through the removal of existing culverts and the construction of 100' wide clear span bridges at 10th and 12th Streets,
- Restoring approximately 1-acre of tidal marsh and 1-acre of upland habitats along the Channel between 10th and 12th Streets, and
- Installing water quality control measures such as new stormwater separators and inlet screens and inlet baskets to control trash and excess organics within Lake Merritt.

These project elements are components of three Measure DD projects, including the 12th Street Reconstruction Project, the 10th Street Project and the Lake Merritt Water Quality Technologies Project.

Conservancy staff has worked closely with City staff to define the project elements to be funded. These three project elements meet the priorities of the Conservancy and currently do not have adequate funding through Measure DD.

SUSTAINABLE OPPORTUNITIES

Economic: Improving water quality and habitat values at Lake Merritt will enhance beneficial uses of the Lake including economic activities such as boating and tourism.

Environmental: The projects will improve water circulation at the lake; restore wetland, upland and open water habitat; and improve stormwater quality. These modifications will positively impact water quality and habitat within Lake Merritt, the Lake Merritt Channel, and by extension, the Oakland Estuary.

Social Equity: Lake Merritt and the Channel is a public resource open to Oakland's residents and visitors. It is expected that these projects will result in a cleaner and more attractive experience for the thousands of people who visit Lake Merritt on a daily basis, as well as providing educational value.

DISABILITY AND SENIOR CITIZEN ACCESS

State and Federal disability regulations will be implemented in the design and development of these projects, and the projects will be fully accessible.

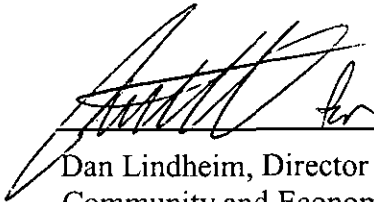
RECOMMENDATION AND RATIONALE

Staff recommends that the City Council authorize the City Administrator, or his designee, to accept and appropriate nine million dollars (\$9,000,000.00) from the State Coastal Conservancy for the 12th Street Reconstruction Project, the 10th Street Project and the Lake Merritt Water Quality Technology Project.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolutions.

Respectfully submitted,

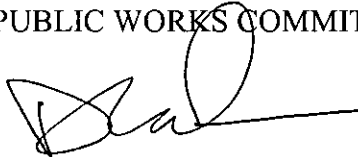


Dan Lindheim, Director
Community and Economic Development Agency

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

Prepared by:
Lesley Estes, Supervisor
Watershed and Stormwater Management

**APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:**



Office of the City Administrator

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OAKLAND

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Approved as to Form and Legality


City Attorney

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE NINE MILLION DOLLARS (\$9,000,000.00) FROM THE STATE COASTAL CONSERVANCY FOR THE 12TH STREET RECONSTRUCTION PROJECT, THE 10TH STREET PROJECT AND THE LAKE MERRITT WATER QUALITY TECHNOLOGY PROJECT

WHEREAS, the City Council approved Resolution No. 79085 C.M.S. authorizing staff to apply for Proposition 50 funds overseen by the California Coastal Conservancy; and

WHEREAS, the City of Oakland has applied for \$9,000,000.00 in Proposition 50 funds through the State Coastal Conservancy for the 12th Street Reconstruction Project, the 10th Street Project and the Lake Merritt Water Quality Technology Project; and

WHEREAS, the City of Oakland and the State Coastal Conservancy have been working in partnership to improve habitat and water quality values at Lake Merritt; and

WHEREAS, the State Coastal Conservancy provides State assistance to local governments to protect and improve wetlands, streams, and watersheds in the San Francisco Bay and other coastal landscapes; and

WHEREAS, the projects are in agreement with the State Coastal Conservancy's priorities; and

WHEREAS, the State Coastal Conservancy oversees distribution of Proposition 50 funds through an interagency agreement with the Wildlife Conservation Board; and

WHEREAS, the State Coastal Conservancy's Board voted to award these funds to the City of Oakland on December 4th, 2008; and

WHEREAS, the City of Oakland is providing matching funds through Measure DD; and

WHEREAS, the grant funds will enhance and improve habitat, water quality, and recreational opportunities in Lake Merritt, and, if granted, would benefit the citizens of Oakland; now, therefore, be it

RESOLVED: That the City Council hereby approves acceptance of \$9,000,000.00 in grant money from the State Coastal Conservancy and approves the appropriation of this money to the State of California Fund (2159), Engineering Design: Street and Structure Organization (92242) for funds received for elements of the 12th Street Restoration and 10th Street Projects and to the State of California Fund (2159), Watershed and Stormwater Program Organization (88345) for funds received for the Lake Merritt Water Quality Technology Project; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator or his designee to enter into an agreement with the State Coastal Conservancy 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; and 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, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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