

CITY OF OAKLAND
AGENDA REPORT

2007 JUN 12 3:21

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: June 12, 2007

RE: Resolution Authorizing The City Of Oakland To Receive Up To Two Hundred Eighty Thousand Dollars (\$280,000) Per Year And Enter Into An Agreement With The Alameda County Flood Control And Water Conservation District To Implement The Collaborative Creek Improvement And Clean Creeks Program For The Period From July 1, 2007 Through June 30, 2008 And Authorization To Extend Annually Through 2012

SUMMARY

A resolution has been prepared authorizing the City of Oakland to accept two hundred eighty thousand dollars (\$280,000) per year and enter into an agreement with the Alameda County Flood Control and Water Conservation District (District) to implement the Collaborative Creek Improvement and Clean Creeks Program (Program) for the period from July 1, 2007 through June 30, 2008, with authorization to extend the agreement annually through 2012. Acceptance of the funds will provide two hundred eighty thousand dollars (\$280,000) of funding for staff and related expenses to implement Watershed Improvement Program and Creek stewardship activities. These activities include support for enforcement of the Creek Protection Ordinance, restoration project monitoring and maintenance, native plant propagation, staff training, creek property owner education materials and outreach, collaborative project activities, and materials costs for implementation of Creek stewardship activities such as Creek to Bay Day and Adopt-a-Creek programs.

Staff recommends that this resolution be approved.

FISCAL IMPACT

The agreement will provide a total funding of two hundred eighty thousand dollars (\$280,000) - one hundred twenty thousand (\$120,000) for Clean Creeks Program and one hundred sixty thousand (\$160,000) for Collaborative Creeks - to cover salary costs, including overhead, for Watershed Improvement Program staff (up to 2.60 FTEs), supplies such as plant propagation and guidance materials and supplies for Public Works stewardship activities. There is no impact on the general fund. The funds will be appropriated to the Public Works Agency, Environmental Services Watershed Organization (30685), Watershed and Waterways Program (NB34), Grants Fund (2990), Creek Maintenance Project (H57910). The program funds have been included in the FY 2007-09 Proposed Budget.

Item: _____
Public Works Committee
June 12, 2007

BACKGROUND

Since 1996, the City Council has authorized agreements with the District to provide funds to the City of Oakland to partially cover staff costs and expenses of the Watershed Improvement Program. These funds have helped the Watershed Improvement Program to implement the Creek Protection Ordinance, the Clean Creeks Stewardship Program, Creek to Bay Day and Creek restoration projects.

KEY ISSUES AND IMPACTS

District funding has been critical to the successful implementation of the Watershed Improvement Program, Public Works Agency stewardship activities and the goals of the City Council and the Open Space, Conservation, and Recreation Element of the General Plan (OSCAR) including the Creek Protection Ordinance, the Clean Creeks Program, and the creek restoration projects. Without the acceptance of these funds the City may not be able to meet many of its goals and regulatory compliance.

PROGRAM DESCRIPTION

The funds received from the District will be used to cover staff time and expenses (including all overhead costs) to implement various activities that promote local creek protection, stewardship, and improvement. The agreement will include funding for:

- Enforcement of the Creek Protection Ordinance – including Creek Ordinance violations, illegal dumping or other illegal activities, and review of Creek Protection Permits
- Creekside property owner information materials describing responsibilities, guidelines, do's and don'ts, resources available, etc.
- Collaborative projects with the District – including restoration oriented maintenance and improvement projects on District facilities and community liaison assistance
- Creek volunteerism and outreach – including Creek to Bay Day, Adopt-a-Creek, and creek website
- Watershed group support – including adaptive management, restoration projects and native plant propagation
- Grant writing
- Community and staff training
- Restoration and project monitoring and adaptive management

SUSTAINABLE OPPORTUNITIES

Environmental:

Effective and appropriate implementation allows the City to implement the programs to protect, restore, and improve Oakland's creeks in coordination with community concerns and priorities. The program also advances the environmental goals in the OSCAR element of the General Plan adopted by the City Council.

Economic:

Effective and appropriate implementation of the program reduces need for maintenance of local creeks by utilizing volunteer resources and increases public awareness of creek maintenance issues thereby lowering overall long-term need for remediation activities, and by enforcing violations of the Creek Protection Ordinance such as illegal dumping. Implementation of this Program also reduces the need for infrastructure maintenance by guiding appropriate creekside development to minimize stormwater impacts on downstream storm drain facilities.

Social Equity:

Effective and appropriate implementation of the program involves a wide range of communities in environmental stewardship and neighborhood beautification and addresses impacts on creeks and riparian corridors in all open creek areas throughout the City.

DISABILITY AND SENIOR ACCESS

Disability and senior citizens access will be provided when applicable under State and Federal regulations.


RECOMMENDATION AND RATIONALE

Staff recommends that the resolution be approved. Acceptance of the funds will allow the *continued implementation of creek improvement activities*. Furthermore, Staff recommends that the City Administrator be authorized to extend this agreement through 2012 should continued funding be available to implement Collaborative Creek Improvement and Clean Creeks activities. If acceptance of the funds is not authorized, the City would either have to look for alternate funding sources to maintain program staff, or would not be able to implement the activities funded by this agreement.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the resolution authorizing acceptance of the funds, and authorization to enter into an agreement for the funds and authorization to extend the agreement be approved.

Respectfully submitted,

for 

Raul Godinez, II
Director, Public Works Agency

Reviewed by:
Brooke A. Levin, Assistant Director
Department of Facilities & Environment

Prepared by:
Lesley Estes, Watershed Program Supervisor
Environmental Services Division

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:



Office of the City Administrator

OFFICE OF THE CITY CLERK

OAKLAND CITY COUNCIL



City Attorney

2007 MAY 31 PM 3: 21

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO RECEIVE AND APPROPRIATE UP TO TWO HUNDRED EIGHTY THOUSAND DOLLARS (\$280,000) PER YEAR FROM THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO IMPLEMENT THE COLLABORATIVE CREEK IMPROVEMENT AND CLEAN CREEKS PROGRAM FOR THE PERIOD FROM JULY 1, 2007 THROUGH JUNE 30, 2008 AND AUTHORIZATION TO EXTEND ANNUALLY THROUGH 2012

WHEREAS, pursuant to the State of California District Act, Zone 12 of the Alameda County Flood Control and Water Conservation District (District) was created in 1964 as a State Special District to maintain open creek flow ways and provide limited debris removal for creeks in the cities of Oakland and Emeryville; and

WHEREAS, the District seeks to work with the City of Oakland (City) for collaborative creek improvement and clean creeks and further seeks to grant the City two hundred eighty thousand dollars (\$280,000) in funds for these programs, from July 1, 2007 to June 30, 2008; and

WHEREAS, the City is authorized by acts governing the City to engage in the proposed activities and is qualified to perform the services funded by the District; and

WHEREAS, procedures established by the City require the City to certify by resolution the approval to enter into an Agreement with the District; and

WHEREAS, the City's Watershed Program depends on District funding; now therefore be it

RESOLVED: That the City Council approves the acceptance and appropriation of funds from the District in the amount of two hundred eighty thousand dollars (\$280,000) from July 1, 2007 to June 30, 2008 for collaborative creek improvement at one hundred sixty thousand (\$160,000) and clean creeks activities at one hundred twenty thousand (\$120,000). Furthermore, should additional funds become available for this project, the City Administrator or her designee is hereby authorized to accept and appropriate these funds for the purposes described above through 2012; and be it

FURTHER RESOLVED: That the City Administrator or her designee is hereby authorized to negotiate with the District and execute all necessary applications, contracts, agreements, amendments and extensions of the same for the for collaborative creek improvement and clean creeks activities, subject to the review and approval of the City Attorney's Office; 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, 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