



Oakland Measure DD Community Coalition

Community Update March, 2020

March meeting cancelled

The Coalition's March 16 meeting was cancelled due to COVID-19 impacts.

To keep you informed, we have prepared this online update with reports and announcements reflecting the bulk of the content on the planned agenda for the cancelled March meeting.



This content has been published verbatim as submitted by the Coalition participants identified under each listed agenda topic below:

Measure DD Project Updates

Kristin Hathaway, City of Oakland Measure DD Program Manager:

Kristin's report takes the form of an updated [March 16, 2020 Project Status Summary spreadsheet](#) in which she provides these comments on the status of the following projects:

- **Lake Merritt Water Quality:** *Ongoing: There have been no expenditures yet as the contractor, Ray's Electric, had difficulty identifying a suitable subcontractor to perform the work, including having to find a replacement for the original subcontractor. Project scope now includes replacement of both trash booms at Glen Echo storm drain and Lakeside Drive storm drain as deficiencies were also identified in the latter. A change order has been processed and the contractor Ray's Electric has secured a subcontractor, Mosto Construction, to perform the work. Staff issued the notice to proceed on 2/26/20 and is working with Ray's Electric to determine start date and final schedule.*
- **Lake Merritt Improvement Project/Garden Center & Grand Ave. entrance:** *The project is complete. The plant establishment period will end March 31st. Project close-out tasks to be completed over the next couple of months (i.e. final payments and CalTrans reporting). The Garden Gates have been installed. A planned opening celebration for the Gates on March 19th has been postponed due to the corona virus pandemic.*
- **Lakeside Green Street Project:** *Project is substantially complete. There is a lengthy punchlist that is being addressed over the next couple of months. We currently have about 2.5yrs. left on the plant establishment period. Approximately \$430K of change-orders are still being negotiated and processed.*

- Union Point Park to 23rd Ave Trail (aka E. 7th St to 23rd Ave, Miller Milling to Cemex): *Wood Rogers initiated design in fall 2019 and continues to work with City staff for design criteria. 30% design is anticipated in May 2020. Easement consultant is continuing negotiations with all three properties. Currently negotiating with owners for right of entry for design consultant to conduct geotech sampling.*
- Harbor Master Trail Connection: *Port staff have reviewed and approved Right of Entry Agreement. City staff is now finalizing the Agreement for signatures. Consultant submitted final design plan and staff was preparing for advertisement in April, however, during final review, the Port imposed additional requirement of not trimming palm trees during bird nesting season (Feb-Aug). Bid still to advertise in April, however the construction work will not start until September 2020.*
- Waterfront Trail at High St. Bridge: *Awaiting outcome of trail negotiations at Park Street bridge. Will impact how to proceed at High Street.*
- Waterfront Trail at Park St. Bridge: *The City is working with consultant Moffatt & Nichol Engineering to evaluate the catwalk widening options. Moffatt & Nichol conducted the previous feasibility study in 2005 that looked at a catwalk widening option. This option is the most feasible following a meeting with the Coast Guard and Alameda County Public Works.*
- Waterfront Trail at Fruitvale: *The City is working towards 50% Construction Documentation for the trail design. The City Attorney has reviewed and provided a final easement agreement form. Staff is working with City Real Estate division to obtain a valuation for the easement. Construction documentation and permitting of the trail will be completed once the easement is in place.*
- Estuary Park: *A new RFP was issued January to hire a new design team. The proposals are being reviewed by a review panel. We expect to have a new design team on board by July 2020. The new design team will first complete a revised concept plan that thoroughly considers the site conditions and project constraints and includes the programming that was prioritized through the 2018/19 public process. We expect to have one more public meeting to get input on the new proposed concept plan.*
- Crowley Trail (formerly known as Brooklyn Basin) Interim Trail: *EBRPD is moving forward with design plans for this site. Anticipated construction date unknown.*
- Lake Merritt Channel at 10th Street: *On hold until staff can confirm with regulatory agencies whether or not a permit compliance extension can be granted. Environmental regulatory permit conditions were not met primarily due to impacts from adjacent homeless encampments. Staff has determined that it would be fiscally irresponsible to invest further into the wetland at this point if the underlying issues causing significant impacts to the wetlands success cannot be alleviated. Initially replanting of the wetland was scheduled for winter 2019/2020.*
- Tidal Gate Operations Guidance for the 7th Street Flood Control Facility: *Staff has issued a task order to Wood Rogers in the amount of \$28,740 for the creation of an operations manual for the tide gates at the 7th Street Flood Control Facility for non-flood control operations. The operations manual will focus on allowing tidal flushing whenever possible to improve water quality in Lake Merritt. The work commenced in February but the*

City has not yet received initial deliverables or invoicing.

- *Lake Merritt Channel at 7th Street: County has hired a consultant to conduct a facilities assessment. After completion of assessment City will discuss options with County for possible changes to the pump station to accommodate pedestrians and boats. At this time the County has given no immediate indication that major changes to the pump station are planned although they will be doing some mechanical upgrades this spring.*
- *Lake Merritt Channel at 7th Street Pedestrian crosswalk: Staff is preparing the bid document to be routed for final signatures. Advertising is planned for April although that may be delayed due to the COVID-19 outbreak. In March, the Alameda County Flood Control & Water Conservation District (ACFCWD), notified the City that they will be upgrading a fuel tank at 7th Pump Station during the same planned construction window as the City's project. Staff is coordinating with the ACFCWD so that the two projects do not conflict. Construction is currently anticipated to start in October 2020.*
- *Lake Merritt to Estuary connection (LM2BT bridge): No longer a Measure DD Project. 50% design drawings completed through grant funding. Design currently suspended due to grant expiration and no additional identified funds. Project has been transferred to the Department of Transportation (DOT). Real Estate continues to develop an easement agreement at Peralta College and draft easement for the City's Fire Training Tower site. Other site agreements/permits pending continuation of design (UP Railroad, EBMUD, PG&E, Caltrans).*
- *Courtland Creek Restoration at Courtland Creek Park: The project in Courtland Creek Park will restore about 950 feet of open creek channel to improve flood control and riparian habitat. The Department of Water Resources (DWR) has recommended funding the City's application for \$1,000,000 for project design and construction. The official grant award letter is expected in March 2020. Design consultant Flow West completed field measurements to inform design and have delivered draft technical reports to City staff for review. Staff is also continuing to work on developing an equity-focused Public Engagement Plan. Due to the corona virus outbreak, the schedule for public engagement meetings has been moved back to later in spring 2020. Property boundary survey to be completed in the next few months. Staff are preparing to apply for two additional grants.*
- *Watershed Acquisition: Staff is pursuing conservation easements on properties along the Country Club Canyon branch of Arroyo Viejo Creek to protect an undeveloped canyon and contiguous stretch of creek with significant habitat value. The recently-recorded conservation easement for 3.62 acres of land behind 3987 Oak Hill Road is part of this canyon.*

Bill Threlfall, Coalition Administrator:

Kristin prepared a waterfront trail status report for presentation to the February 25, 2020 Public Works Committee. That meeting was cancelled due to lack of a quorum, and succeeding meetings have also been cancelled. The undelivered report nevertheless provides a clear overview of progress on the Measure DD Bay Trail projects and related connections. It highlights how progress of many waterfront trail projects depends on resolution of the Park Street Bridge issues:

View [undelivered Waterfront Trail Report](#)

View [graphic for Waterfront Trail Report](#)

Update: Lake Merritt signage

Kristin Hathaway, City of Oakland Measure DD Program Manager:

The Lake Merritt educational signage project is on hold for the moment due to temporary staffing shortages, other Divisional regulatory compliance priorities, and remote working conditions. Project will be resumed when working conditions provide adequate resources to proceed with the project.

Channel Paths and Shoreline Improvement

Adrian Cotter, Community for Lake Merritt, Coalition Channel Shoreline work group Chair:

1. Notes from March meeting with Kristin

- Monies available
 - In addition to the ~6m currently available, there is some additional money slated for the channel in the Series D bonds, about 4m.
 - This money can potentially be borrowed from other projects, but otherwise has to wait for the controller's office to decide to make the sale.
 - The city attorney will have to assess any proposal to make sure it is in line with the text of the bond measure.
- Projects in general
 - We'd propose a project or projects (along the lines of the template I propose) once we reach consensus.
 - Kristin would advance that -- checking with the city attorney, looking for any other potential limitations, and putting it into the CIP process
 - CIP Capital Improvement Program prioritization would rank our project.
 - As our funding is likely partially funded, they would likely be fairly high up on the list.
 - From there a project manager would be assigned. There might be some capacity bottleneck here among available project managers. The committee might also need to prioritize among our own projects and provide as guidance.
 - Additional monies might still need to be sought after (as has been the case in a number of projects under DD)
- The channel in particular
 - I talked about some of the specific ideas and problems we had seen. Talking about the state of flood control station. She also said the high line idea was one that would likely be dismissed given the likely intransigence of Railroad Companies.
 - Kristen suggested creating a comprehensive project for the channel (not dissimilar from what Bill recommended -- picking up from the project in 2012) with having a tiered list of items to look at.

Please send any feedback about the draft project request shown below to me (Adrian) via the agenda committee at ddagenda@care-news.org.

Measure DD Project Request (work group draft)

PROJECT NAME
Lake Merritt Channel Water Quality and Pedestrian Improvements
PROJECT DESCRIPTION
This project involves the improvement of the park along the Lake Merritt Channel, particularly the areas between 10 th st and 880, on both sides of the Flood Control. Goals include improvement of existing deteriorated paths, creating new path connections where possible, looking at drainage into the channel, addressing deteriorating banks and community paths, improving landscaping, and other park improvements. With new housing being built close by, and future housing and offices proposed by the Downtown Specific Plan, the channel could see more use in the future. A tiered list of possible improvements is listed with the second page.
LIMITATIONS
Because of lighter traffic, the area sees a lot of homeless activity.
AGENCIES/ORGANIZATIONS INVOLVED
Peralta/Laney would need likely need to be involved, if nothing else because of the land. BCDC would be involved, but only for the shoreline between 7th St and the freeway.
LAND TENURE/RIGHTS OF WAY ISSUES
(Joel Peter) There is a "Right of Entry" agreement made in 2012 between the City and Peralta. This agreement gives the City the right to construct Measure DD improvements and occupy the land. Basically, the limit is the outside edge of the pathways. Reconstruction of the pathways, landscaping between the pathway and the channel, and any work within the channel is covered. Note that the area below 7th St on the east bank, adjacent to Peralta's administrative offices, is not included. (map on page 7)
FUNDING
DD funding might cover many things (~6m currently existing available, with potentially an additional ~4m from Series D).
PUBLIC OUTREACH
Community groups that run the community garden, OMCA's Green Team (who've been doing site restoration near the ceramics lab), and the organizers of the Sunday flea market might be good groups to involve. School groups (probably from MetWest) also use the green for PE. And there are likely Laney college groups (like those who organized against the stadium) who would be interested.

Project Items

Top Priority

Item title	description
Reconstruction of pedestrian/bikeways between 10 th and the freeway	The pathway near the Community Garden is being eaten away. Joel Peter suggests this is due to BART backfilling with sand after construction, and that dumping and compacting a load of soil there, laying a low layer of cobble-size rocks at the water's edge, and planting with marsh plants would be an easy fix.
Restoration/Revegetation	Revegetation/restoration of native plants between the path and the channel. This would include the area alongside the Laney College parking lot where trees were cut down, and wood chips left in big piles along the bank.
Improve fencing along the restored marshland between 10 th and 12 th	The tidal marsh revegetation needs to be completed to stop the ongoing erosion of the bank there, and to fulfill permit requirements. A permanent fence will keep the campers out so that the City can complete this work. Joel says the design is already done for the fence and revegetation?

Medium Priority

Item title	description
Addressing community paths along the banks	Particularly between the flood control and 880, fisherman have worn paths along the banks which seem to be contributing to erosion, suppressing the pickle weed from holding firm.
Improving the seating area by the athletic fields	The current landscaping of this might just be badly maintained, but the seating area is not a welcoming area – it feels like a closed room, has no view of the water, and does not feel safe (given some of the activity I have seen there).

Low Priority

Item title	description
Portage ramps for boats	Portage spots could be put in on either side of the flood control gates – an idea floated by Joel Peter.
Trash Cans	This might require more servicing, but currently there's not much place to discard trash. Having receptacle nearest where the Sunday flea market occurs might create some incentive for people to properly discard their trash.

Unlikely ideas

Item title	description
"high line" conversion of unused railway bridge	The bridge is still owned by the Railroad, although according to Joel Peter the city has control of the right of way leading up to it. The City is unlikely to pursue given the difficulty of working with the Railroads.
Addressing issues with the tunnels by the flood control (light, airflow, flooding)	According to Joel Peter, there is a very old City-County agreement that puts responsibility for maintaining those tunnels, and adjacent ramps and stairs, on the City. The City started designing a tunnel upgrade several years ago, but the project stalled. He suggested waiting for the pump station assessment in any case. Alameda County will be doing some repairs to the tidegates in 2021. The new road level crossing provides one option for crossing the road that won't be prone to flooding.

Boundaries of "Right of Entry" agreement made in 2012 between the City and Peralta Community College District are shown below. This agreement gives the City the right to construct Measure DD improvements and occupy the land:



Bill Threlfall, Coalition Administrator:

For historical perspective, readers may find this row excerpted from the [December 20, 2012 Project Status Summary Spreadsheet](#) to be useful because it shows 2012 Measure DD project description and intent for the Channel project area:

Appropriations by series

Project Name	A	B	C	Project Description	Project Status
Ped and bike access, wetlands restoration, and other Channel and Shoreline improvements	\$8,023	\$15,000	\$1,976,979	This project involves the improvement of the park along the Lake Merritt Channel, particularly the area closer to the Estuary. Goals include improvement of existing deteriorated paths, creating new path connections where possible, restoring wetland areas, and other park improvements.	Channel will be improved as part of the 7th St. and 10th St. projects noted above, and in coordination with the Caltrans freeway project, Alameda County, and Peralta/Laney College. Through an RFP process a design team led by Moffatt & Nichol has been selected to begin design of a ped/bike bridge spanning the UPRR tracks, connecting Estuary Park with the Lake Merritt Channel trails. Approval of a contract will be brought before City Council in early 2013. Bridge partners include ABAG Bay Trail, East Bay Regional Park District, and State Coastal Conservancy.

Use of remaining funds/interest earned and "wish list"

James Vann, Coalition of Advocates for Lake Merritt:

In the absence of the initially scheduled March 16 Meas DD Coalition meeting, with regard to the discussion item listed for 8:10pm on the intended agenda, Coalition members are requested to give consideration to this item as noted below.

"WISH LIST" of Miscellaneous Meas DD "Enhancements" Coalition Members Desire to Be Implemented:

The 2002 Measure DD Bond program and projects -- with the sale and expenditure of "Series C" bonds -- moves inevitably toward completion. In March 2014 and March 2017, in anticipation of possible surplus funds and unspent accrued interest, the DD Coalition identified additional needs or enhancements the Coalition desires to see implemented. The original lists are compiled in the Coalition's archives as the "Series C Residual Priorities List."

The Coalition agreed that when possible balances could be anticipated, the list of desired enhancements would be prioritized in accordance with projected surplus funds if any. This document, as modified, will be maintained on the Coalition's web page and can provide input to City staff relative to possible use of unallocated Series C funds. The Coalition's hope is that enough residual Lake Merritt Series C funds will be available to address the enhancements identified. Proposed items include:

- Upgrade/repair deteriorated pathways and walkways around the Lake, particularly south of the Pergola and other notable areas
- Install the name -- "East 18th Street Historical Pier" -- on the central pylon of the street-facing wall ... (per Coalition-approved sketch)
- Install additional benches at the E. 18th Street Pier

- Remodel, improve, renovate the public toilets ... behind the Garden Center; at the Rotary Nature Center; at Pine Knoll Park
- Install a drinking fountain on Lakeshore near Hanover Ave
- Upgrade the beach area at the Bandstand alcove
- Repair and improve the "green monster" at the Bandstand alcove ... (this improvement has been completed)
- "Formalize" the 'natural' footpath from the Bandstand beach area up to the Lakeside Drive walk-path.
- Improve the landscaping along Lakeside path south of the Municipal Boathouse
- Design & implement improvements at the Sailboat House rental facility.
- Provide and plant additional shade trees at Lake Merritt Amphitheater Park.
- Pave the walking pathway along the east side of the Estuary Channel between Lake Merritt Blvd bridge and the 10th St bridge.

The items below were also originally listed in the Coalition's "brainstorming" exercises. However, due to subsequent actions over the passage of time, these items may warrant removal from the desired list of enhancements:

- Make facade improvements to the Lakeside Park "Snack Shack" (opposite the Garden Center) ... (the Coalition way want to remove this request)
- Make stormwater quality improvements at the inlets to Lake Merritt ... (as part of the 2020 Primary ballot, Measure Q appears to be passing)
- Increase trash removal and disposal at the parklands of Lake Merritt ... (Meas DD won additional funds in prior budgets)
- Address parking concerns at the Lakeshore cul-de-sac near the 1200 Lakeshore Apartment Building ... (resident concerns led to Coalition-recommended changes)

TO: Measure DD Coalition Activists:

Attendees are requested to "rank" the 12 items in the list above by assigning numbers from "1" to "12" ... where "1" is the member's first choice, "2" is second choice, and so on. At the next meeting of the Coalition, the rankings of all members will be compiled to form a prioritized list of Coalition-desired enhancements.

TO: Kristen Hathaway, Meas DD Projects Manager:

As best as possible, the Coalition requests an estimate as soon as possible of anticipated accrued interest and unallocated Series C funds, if any, that might be appropriated for Coalition-desired enhancements.

Bill Threlfall, Coalition Administrator:

1. For readers' reference, the original "wish list" items are posted here in the Coalition's archive:

[Lake Merritt Needs Survey](#) 3/17/2015

[Series C Residual Priorities \(aka: "Wish List"\)](#) 11/16/15

The Lake Merritt Needs Survey is the work product of an exercise conducted by Lesley Estes at the March 16, 2015 Coalition meeting. The [minutes of that meeting](#) include this excerpted description of the survey activity:

Lake Merritt "Needs" Inventory

In the past, Coalition participants have expressed interest in the missing elements in DD projects completed to date. To begin identification of these concerns, Lesley led an exercise soliciting Coalition input. She posted a Lake Merritt map and invited participants to place adhesive markers on the map designating targets of interest. Finally, she recorded descriptions of the "holes" identified by participants. More steps in the process will follow later, but Lesley did offer the caution that there is no guarantee that funding will allow any of the items identified to be built, corrected, or remedied.

2. Spending constraints. The [language of the Measure DD bond](#) includes allocations to these five "sections":

- I. LAKE MERRITT RESTORATION AND WATER QUALITY IMPROVEMENTS
- II. ESTUARY WATERFRONT ACCESS, PARKS AND CLEAN UP
- III. LAKE MERRITT TO ESTUARY CONNECTION (LAKE MERRITT CHANNEL)
- IV. YOUTH AND PUBLIC RECREATION FACILITIES
- V. CREEKS AND WATERWAYS RESTORATION

Funds allocated to one of these sections cannot be expended for projects in another section without unprecedented special action by the City Council. As all of the "wish list" items pertain to Lake Merritt, only residual or "surplus" funds allocated to Section I may be used for the "wish list". Therefore, it may be useful to review the most recent [report of expenditures by bond "category"](#) available.

On the other hand, the bond language is silent about the use of earned interest, so there may be more flexibility in use of that potential source.

Update: Requests for audit of Measure DD

Bill Threlfall, Coalition Administrator:

At the direction of the Coalition, on January 21, 2020, I transmitted [this request for audits](#) to Kristin Hathaway, with copies to City Councilmembers.

Kristin Hathaway, City of Oakland Measure DD Program Manager:

Staff has been informed that the audit of Series C has commenced. At this time there is not a known completion date.

Update: Request for LM2BT expenditure report

Bill Threlfall, Coalition Administrator:

Background: Following a December 6, 2019 meeting between Kristin Hathaway, Jennie Gerard, Rick Ricard, and Bill Threlfall, Kristin agreed to request an Oracle database query and report to account, to the degree possible, for LM2BT expenditures against Measure DD Bond Series B and C.

Kristin Hathaway, City of Oakland Measure DD Program Manager:

Further investigation into the project has revealed expenditures to date are approximately \$1 Million. As has been previously stated, there has been no expenditure of Series C funding. No further DD expenditures will occur on this project. Detail will be provided once staff return to in-office work and all resources necessary to provide the additional detail can be accessed.

Appointment of 2020 Agenda Committee

Bill Threlfall, Coalition Administrator:

Although the Coalition did not meet on 3/16, the new Agenda Committee stands appointed by tradition and the action of the outgoing Agenda Committee. By convention, Agenda Committee appointments are not a competitive election, but instead are made through a consensus process of selecting capable new committee members to work with others who have previous experience to assure continuity of process and perspective. We are fortunate to have just such a group:

Adrian Cotter
Jennie Gerard
David Wofford

The committee will operate under the Coalition's adopted [Agenda Committee guidelines](#).

Announcements and reports

- Lake Merritt Weed Warriors – *Jennie Gerard, Lake Merritt Weed Warriors, Outgoing Agenda Committee member:*

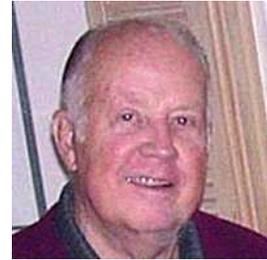
The Lake Merritt Weed Warriors' March work day has been cancelled because of the shelter-in-place order. The April work day is scheduled for Earth Day, April 18. We can hope that the shelter-in-place order won't be necessary then, and we can get back to work. Stay tuned.

- Ballot Measure Q update – *Jennie Gerard, Lake Merritt Weed Warriors, Outgoing Agenda Committee member:*

All Alameda County ballots have been counted, and Measure Q has passed with 68.08% of the vote. Yeah! The Registrar will certify the results by early April, then the City Council will take the necessary steps to formalize acceptance of the results. By the end of June, the City will adopt a mid-cycle budget that reflects plans for the new sources of income for parks maintenance, homelessness services, and storm water sewer improvements.

- George Duncan passes – *Bill Threlfall, Waterfront Action:*

Our friend and fellow Waterfront Action board member, George Duncan, passed away in February. Even at age 90, George was a regular participant at the Coalition and remained an active supporter of our community and waterfront. He will be sorely missed. His scope of activity is reflected in [this brief obituary](#) prepared by his family.



- Tour of John Sutter Regional Shoreline – *Nancy Sherman, Urban Permaculture Institute, Outgoing Agenda Committee member:*

The tour of the soon-to-be open Judge John Sutter Regional Shoreline was held on 3/6/20 for Measure DD participants. Much thanks goes to Dee Rosario, Director of the East Bay Regional Park District, David Mecche, Park Supervisor, Operations, James Frank, Interpretive Supervising Naturalist, and Rick Rickard, member, Measure DD, for organizing this splendid event.

Tour began at the Bridge Yard Building event venue and extended out to the long pier. This shoreline is located at the eastern base of the bridge to San Francisco (Rte 80). History and vistas of the site are truly outstanding as shown below:



Picture courtesy of John Kirkmire, nowandlens.com.
Many more event photos at:

<https://www.nowandlens.com/Lake-Merritt/Judge-John-Sutter-Regional-Park/> or
<https://www.nowandlens.com/Lake-Merritt/Measure-DD-Community-Coalition/>

- Commemoration of 50th Anniversary of Lake Merritt Wildlife Refuge – *Katie Noonan, Rotary Nature Center Friends Co-Chair:*

On March 18th, 2020, Oakland celebrated a unique 150th anniversary – the anniversary of the North America’s first wildlife refuge at Lake Merritt. On that day in 1870, the California State Legislature passed the California Wildlife Act conferring protection on “any wild animal or game, of any kind or species whatever” at Lake Merritt, therein and on the surrounding land out to 100 rods (about 5 football fields) from the mean high-water level. The Act encoded into law an ecosystem approach and foreshadowed issues of stewardship of Planet Earth that continue to this day (and into the future). A commemorative ceremony planned by Rotary Nature Center Friends was canceled and has been re-scheduled for July 18th, 2020. For program, banner photos and sponsors see: <https://www.lakemerritt.org/banner-project.html>

- Dedication event for the Gates for the Gardens at Lake Merritt –This event, originally scheduled for March 19, was postponed until “later in the Spring”.
<https://www.oaklandca.gov/events/dedication-event-gates-for-the-gardens-at-lake-merritt>



- The date of the next Coalition meeting will be announced as information develops.

Agenda Committee contact: ddagenda@care-news.org.