

APPENDIX A

MEASURE DD TEXT

WHEREAS, the City of Oakland has, through years of extensive public outreach and receiving volumes of public input from the residents of Oakland, adopted the Estuary Policy Plan and developed the Lake Merritt Park Master Plan for the purpose of preserving and enhancing open space, recreation and economic development activities along Oakland's lake and water front and protecting the environment and water quality;

WHEREAS, the Lake Merritt Park Master Plan states:

"Lake Merritt is a park for all of Oakland. The Master Plan promotes a park concept that strengthens the natural resource value for wildlife while providing a unique outdoor experience to people who use the park. As a part of the downtown urban fabric, the park becomes a central green - a place of respite for residents and visitors alike. Recommendations carefully balance the needs of human users with provisions that improve habitat value. ";

WHEREAS, the Estuary Policy Plan has been incorporated as part of Oakland's General Plan so that:

"The Estuary Policy Plan calls for a system of open spaces and shoreline access that provides recreational use opportunities, environmental enhancement, interpretive experiences, visual amenities, and significant gathering places . . . Further, the Estuary Plan proposes a variety of uses that strengthen Oakland's position as an urban center, accommodate economic growth, and encourage development that complements the downtown and adjacent neighborhoods.";

WHEREAS, residents of the City of Oakland, through opinion surveys and City Council public hearings, have strongly expressed support for youth recreational facilities and programs in order to provide youths with positive recreational activities, and the City Council has conducted numerous public hearings to plan and develop the East Oakland Aquatic Center and the Studio One seismic improvements and renovations.

WHEREAS, creek protection and restoration projects reflect the priorities of the City's watershed improvement program, which include water quality improvement, hydrology, flood prevention, and wildlife habitat preservation and which program has the support of community organizations and a variety of county, state and federal agencies;

WHEREAS, it is desirable to implement public priorities pursuant to the Estuary Policy Plan, the Lake Merritt Master Plan, and develop public recreation facilities, and to ask voters to approve public investments for the implementation;

WHEREAS, the City of Oakland has certified three previous programmatic environmental impact reports that broadly cover the potential, adverse, significant environmental impacts associated with the proposed improvements described herein. These EIRs are as follows: The

Estuary Plan EIR (6/ 99) , the Land Use and Transportation Element (LUTE) EIR (6/ 98) and the Coliseum Area Redevelopment Plan EIR (6/ 95);

WHEREAS, in compliance with the California Environmental Quality Act (CEQA), Section 15162, the City has completed a review of the proposed projects using the three previously certified EIRs as a basis to prepare an addendum to each certified EIR which demonstrates that there will be no new significant environmental effects or a substantial increase in the severity of previously identified significant effects as the result of implementation of the proposed projects;

WHEREAS, the Oakland City Council has reviewed the following environmental documentation for the proposed project:

- The Estuary Plan FEIR (6/ 99)
- The Land Use and Transportation Element EIR (6/ 98)
- The Coliseum Area Redevelopment Plan EIR (6/ 95)
- The Addendum to the Estuary Plan EIR, the LUTE EIR and the Coliseum Area Redevelopment Plan EIR Prepared for the Clean Water, Safe Waterfront Parks and Recreation Trust Fund bond measure (6/ 02);

WHEREAS, the City Council on July 9, 2002, unanimously adopted Resolution No. 77253, entitled a "resolution of the City Council of the City of Oakland determining and declaring that the public interest and necessity demand water quality improvements, recreational facilities, Lake Merritt, Estuary and creek rehabilitation and restoration and open space acquisition and improvements to be financed through the issuance of general obligation bonds (the "Resolution");

WHEREAS, pursuant to said Resolution the City Council found and determined that the cost of these improvements would require City expenditures greater than the amount allowed for by the annual tax levy of the City and that public interest and necessity demand the rehabilitation, restoration, acquisition and completion of these improvements;

WHEREAS, in order to provide for the issuance by the City of Oakland of general obligation bonds to finance the improvements and acquisitions described in said Resolution, it is now necessary for the City Council to pass an ordinance ordering the submission of the proposition of incurring bonded indebtedness for such purposes to the qualified voters of the City of Oakland at an election held for that purpose; and

WHEREAS, the City Council therefore desires to submit said ballot measure to the qualified voters of the City at a general municipal election to be held on November 5, 2002.

NOW, THEREFORE, the Council of the City of Oakland does ordain as follows:

Section 1. A municipal election is hereby called and ordered to be held in the City of Oakland on November 5, 2002, at which election there shall be submitted to the qualified voters the ballot measure set forth below in Section 2.

Section 2. The following measure shall appear on the ballot for said Municipal election in the following form:

MEASURE DD: To improve water quality; provide educational and recreational facilities for children; clean up Lake Merritt; restore Oakland's creeks, waterfront and Estuary; preserve and acquire open space; renovate parks; provide safe public spaces; and provide matching funds to qualify for state and federal funding for these projects, shall the City of Oakland issue \$198,250,000 in bonds creating an Oakland Trust for Clean Water, Safe Parks to ensure money will be spent only on approved projects?

The City Council does hereby submit to the qualified voters of the City of Oakland, at the said municipal election, this Ordinance and the measure set forth above.

Section 3. The object and purpose of incurring the indebtedness is to acquire and construct water quality improvements for and related to Lake Merritt, Lake Merritt Channel, the Estuary and creeks in Oakland, to improve, renovate and construct youth and public recreational facilities including the East Oakland Sports Center, Studio One and Fairyland, to rehabilitate and acquire parks, open space and other recreational, safety and maintenance facilities, and to provide safe public access to Lake Merritt, Lake Merritt Channel, and the Estuary. The estimated cost of the improvements and acquisitions is One Hundred and Ninety Eight Million and Two Hundred and Fifty Thousand Dollars (\$198,250,000). This estimated cost includes legal and other fees, the cost of printing the bonds and other costs and expenses incidental to or connected with the issuance and sale of the bonds. The improvements, acquisition and construction to be funded by the net proceeds of the bonds shall be limited to those listed in Exhibit A attached to this Ordinance.

Section 4. Based on its review and consideration of the foregoing environmental documentation, the Oakland City Council finds that it has received, reviewed and considered the CEQA documentation and other substantive and procedural components of CEQA compliance for the Clean Water, Safe Waterfront Parks and Recreation Trust Fund bond measure. The CEQA documentation prepared for the bond measure has been completed, and review procedures required by CEQA have been completed in conformance with CEQA as set forth in the recitals to this resolution. The City Council further determines that there are no new significant environmental impacts associated with the proposed projects that have not been previously identified in the CEQA documentation, and that there is no substantial increase in the severity of an impact that has been previously identified.

Section 5. The amount of the principal of the indebtedness to be incurred is not to exceed One Hundred and Ninety Eight Million and Two Hundred and Fifty Thousand Dollars (\$198,250,000) . The cost of repayment of the bonds is projected to average no more than \$20.00 per year per \$100,000 of assessed property valuation, provided however that such projection shall not be construed to limit the power and duty of the City Council to cause to be levied and collected a tax sufficient to pay debt service on the bonds in any fiscal year.

Section 6. The maximum rate of interest to be paid on the indebtedness shall not exceed twelve percent (12%) per annum, or such higher rate as may be established for general obligation bonds of the City by the legislature of the State of California.

Section 7. The net proceeds of the bonds shall be deposited into a special trust account with the treasury of the City of Oakland and shall be allocated and expended at the direction of the City Council of the City of Oakland for purposes set forth in this Ordinance. The City Council shall order an independent audit of the expenditure of bond proceeds no later than three years from the date of the issuance of the bonds for such proceeds to ensure proceeds are being expended for purposes set forth in this Ordinance.

Section 8. The City Council does hereby submit to the qualified voters of the City, at said municipal election, the ordinance and ballot measure set forth in Section 2. The City proposes to rehabilitate, renovate, acquire or construct the improvements referenced herein and to issue and sell general obligation bonds of the City of Oakland pursuant to Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title IV of the Government Code of the State of California, in one or more series, in the maximum amount and for the objects and purposes set forth above if two-thirds of all qualified voters voting on the ballot measure vote in favor thereof. The bonds are to be general obligations of the City of Oakland payable from and secured by taxes levied and collected in the manner prescribed by laws of the State of California. All of said bonds are to be equally and ratably secured, without priority, by the taxing power of the City.

EXHIBIT A

OAKLAND TRUST FOR CLEAN WATER, SAFE PARKS PROJECT LIST

I. LAKE MERRITT RESTORATION AND WATER QUALITY IMPROVEMENTS

A. Water Quality \$14,000,000

- Replace 12th Street culvert with arched bridge to increase tidal flow and flushing into Lake Merritt
- Water quality improvements, including storm water filters, trash barriers, wildlife waste clean- up facilities and aeration fountains

B. Recreation and Youth Activities \$14,500,000

- Children's Fairyland improvements, including historic restoration, drainage, amphitheater and play structure improvements
- Renovate municipal boathouse and restore public use
- Restore and renovate Lakeside Park sailboat house, including boat storage and conversion of parking lot to public shoreline area

C. Park Restoration and Access \$59,750,000

- Create park space and beach area along Lake Merritt south shore and redesign 12th Street to create safe pedestrian and bicycle access from Lake Merritt to Kaiser Convention Center and Channel Park

- Improve and renovate maintenance facilities, landscaping, docks, restrooms, furnishings and signage
- Repair Lake Merritt retaining walls
- Widen and improve pedestrian and bicycle paths and lanes
- Reconfigure Bellevue Avenue for better access and parking accommodations
- Expand Snow Park by reconfiguring Lakeside, Harrison and 20th intersection
- Reconfigure El Embarcadero roadways for safer pedestrian and traffic access

II. ESTUARY WATERFRONT ACCESS, PARKS AND CLEAN UP

A. Water Quality Improvements and Hazardous Materials Remediation \$9,500,000

- Land acquisition for environmental clean up and conservation
- Hazardous materials clean up

B. Waterfront Trail and Parks Acquisition and Construction \$43,500,000

- Pedestrian and bicycle trail acquisition and construction along Estuary waterfront to provide continuous public access from Jack London Square to Martin Luther King, Jr. Regional Shoreline (\$19.5 million)
- Public access area for shoreline parks, Martin Luther King wetlands and trails and City sportsfields (\$2 million)
- Acquisition and development of following parks along Estuary waterfront (\$22 million) :
 - * Estuary Park at mouth of Lake Merritt Channel into the Estuary
 - * Meadows Park at 5th Avenue

* New park in area of 9th Avenue Terminal

* Union Point Park at 23rd Avenue

III. LAKE MERRITT TO ESTUARY CONNECTION (LAKE MERRITT CHANNEL)

A. Water Quality Improvements \$25,000,000

- Removal of 10th Street culvert to improve waterflow from Estuary to Lake and provide boat and pedestrian access
- Relocation of flood control barrier at 7th Street to improve water flow and provide boat and pedestrian access

B. Pedestrian and Bicycle Access, Wetlands Restoration and Other Channel and Shoreline Improvements \$2,000,000

IV. YOUTH AND PUBLIC RECREATION FACILITIES

A. East Oakland Aquatic, Sports and Recreation Facilities \$10,000,000

B. Studio One Seismic Renovations and Recreation Facilities \$10,000,000

V. CREEKS AND WATERWAYS RESTORATION

A. Creek Restoration Projects, including restoration of creek segments to improve water quality, hydrology, and wildlife habitat to prevent floods, improve public accessibility and increase community stewardship. Creeks may include: **\$5,500,000**

- Sausal Creek
- Lion Creek
- Palo Seco Creek
- Cinderella Creek
- Arroyo Viejo Creek
- Shepard Creek
- Glen Echo Creek
- Temescal Creek
- Coliseum Slough
- Horse Shoe Creek
- San Leandro Creek
- Peralta Creek
- Courtland Creek

B. Acquisition of Watershed Protection Easements, including acquisition of high-value, restorable habitat, watersheds of creek segments with presence of rainbow trout and other wildlife populations, and property of high aesthetic and water- quality protection values. **\$4,500,000**

TOTAL **\$198,250,000**