



Oakland Measure DD Trust for Clean Water and Safe Parks Community Coalition

Meeting Minutes

Monday, July 15th, 2024, 7:10 p.m.

A [video recording of this meeting is available here](#).

Additional [meeting files are available here](#).

Welcome by Adrian Cotter (facilitator)

Review of Zoom meeting protocol: recording, chat, mute, and raise hand. Adrian Cotter asked that people help keep meeting to the 2-hour time limit as it has gone over time with the last few meetings.

1. Attendees

Adrian Cotter	Measure DD (MDD) Coalition Agenda Committee
Naomi Schiff	Oakland Heritage Alliance & Coalition of Advocates for Lake Merritt (CALM)
Mandolin Kadera-Redmond	Oakland Parks and Recreation Foundation
Rick Rickard	Bike East Bay
Myra Redman	Lake Merritt Institute (LMI), MDD Agenda Committee, & LM Weed Warrior
Bob Redman	Essex Community Action Committee, Lake Merritt Conservancy Coalition (LMCC)
Jennie Gerard	Weed Warriors, LM Advocates, LMCC
William Threlfall	Waterfront Action
Robert Kidd	Interested Citizen
Dee Rosario	East Bay Regional Park District
Katie Noonan	Rotary Nature Center Friends & LMI
John Bowers	LMI and MDD Agenda Committee
Hazel Tesoro	Oakland Parks and Recreation Foundation & MDD Coalition Admin
Kira Pascoe	Oakland Parks and Recreation Foundation
James Vann	CALM
Stephanie McFadden	East Bay Rowing Club
Amando Miller	Portobello Residents Owners Association
John Klein	Brooklyn Basin Resident & MDD Coalition Estuary Park Working Group

City of Oakland Attendees

Quincy Williams	Asst. Capital Improvements Coordinator, Oakland Parks, Recreation, and Youth Development (OPRYD)
Felicia Gotthelf	Management Asst, OPRYD
Terri Fashing	Acting Manager, Stormwater & Watershed Division & Acting MDD Bond Manager, Oakland Public Works
Stephen Acker	Finance Dept and Bond Manager for Measures KK & Measure U

2. Changes to meeting agenda

- Terri Fashing gave a brief note on agenda action items. Action items not completed from previous meetings will remain in the action items section of the agenda. Completed action items will be at the bottom of the agenda for people to read going forward but will

not be discussed during the meeting. However, she will highlight a few key completed actions items during her DD Bond manager report in this meeting.

- No other changes / additions were requested.

3. Review of minutes for 3/18/24 and 5/20/24

Naomi Schiff moved to approve. Jennie Gerard seconded. No objections were made. Adrian confirmed that minutes are approved.

4. DD Bond Manager Report.....Terri Fashing

- Terri said she is not ready to post the presentation slides and fiscal report on the website, as she needs to double check them first. She will send them to OPRF to post when they are ready.
- **Key action items completed**
 - MDD Coalition Estuary Park Working group met with City staff on 5/31/24 re: Estuary Park Parcel N. More discussion later in meeting
 - Rebecca Darr (Project Manager) and Terri met with John Bowers on 6/27/24 to discuss E. 7th to 23rd Ave. (project # 1001661) & Waterfront Trail Connection at Park Street Bridge (project # 1004295). These projects have been discussed in previous MDD Coalition meetings and will be moved off the Measure DD projects list due to feasibility, timing, and funding constraints.
 - Re: a free hybrid meeting space, ACA G. Harold Duffey recommended City Hall Hearing Room 2 which has been discussed as an option before. Terri will continue to look for other options as well.
- **Brief updates on current projects**
 - Decomposed Granite Path, Lake Merritt – Terri confirmed that the City Council approved a midcycle budget request of \$400k in Measure Q funds to be added to the project budget which is now \$700k (cost estimate of \$660k). No contract in place yet. Terri notified the Public Works Division implementing this project that ACA Duffey stated the project will be prioritized and requested a schedule for completion in time for September’s meeting. Terri notified all relevant Depts/Divisions involved in creating a long-term plan to improve and maintain trails around Lake Merritt. Recipients acknowledged receipt.
 - Lake Merritt Restoration & Water Quality Improvements, Funding Category I – Snow Park/Lakeside Green Street Project, the only active project remaining in this category, is complete. Project Manager (PM), who is retired, said remaining funds were to be used for remote capable irrigation work, but there are no remaining funds. Terri will designate this as complete unless \$ can be identified for irrigation work. City staff investigating whether remote irrigation operation capabilities were part of the project plan or not.
 - Staff labor can no longer be charged to MDD series C funds – more on this later in the meeting.
 - Funding Category II: Oakland Waterfront Access, Parks, & Cleanup
 - Estuary Park (EP) - Because of current issue with EP, Terri read text on slide verbatim. Project proceeding to public review process for Draft EP Master Plan (EPMP) that includes parcel N in overall design. But Parcel N

is owned by the Brooklyn Basin developer who has submitted a preliminary application to the City to build housing on parcel N, which could affect the current design. City is proceeding with processes to clear the path for phased project implementation. PM began discussions with design consultant and City stakeholders to define phase 1 construction options that do not include parcel N.

- [Active projects to be removed from the MDD project list as discussed in previous meetings:](#)
 - Union Point Park to 23rd Ave. Trail - discontinued due to long time & high cost (est. \$26.5-\$30M)
 - Waterfront Trail at Park St Bridge - discontinued due to long time & high cost (est. at least \$25M). Further, Coast Guard does not guarantee permitting this project.
 - Waterfront Trail at High St Bridge - discontinued, would interfere with ship navigation in Estuary
- Funding Category III: Lake Merritt Channel
 - [LM Channel at 10th Street](#) - MDD Coalition authorized use of remaining funds in this category to close out this project. PM on track to complete fencing, replanting, and irrigation by April 2025, and park will reopen by then. Park fence gates will be locked at night and opened at specific hours during the day to protect wetland restoration site. Plant re-establishment contract to last for at least 3 years and regulatory monitoring reporting will be for 10 years, but City is trying to negotiate with regulatory agencies.
 - [Active projects to be removed from the MDD project Category III list](#)
 - LM Channel at 7th Street - Used series B funds but cannot move forward because Alameda County Flood Control District has no plans to upgrade their pump station.
 - LM Channel to Estuary Connection - Moved to OakDOT. Terri will ask OakDOT if/when this or an alternative project will be prioritized.
- [Category 5: Creeks & Waterways Restoration](#)
 - Courtland Creek - Erosion issues stalled completion. Measure Q and remaining series C category IV funds to be used for repairs. Plans to complete construction/planting this year. 10 years of monitoring and reporting to follow after.
 - Glen Echo Creek - No updates. Public engagement planned in 2024 and 30% Design by 2025
 - Beaconsfield - Urgent project. Terri will talk more on this when she discusses plan for series D funding.
 - Sausal Creek - Construction is complete but monitoring/reporting required through 2026 by environmental permits.
 - Watershed Acquisition - Mike Perlmutter identified Cobbledick Creek Headwaters as great property to acquire. There is about \$800k available

to use to purchase lands (for conservation purposes). Property owner is doing an appraisal and is interested in selling to the City. If this falls through, list of tax-defaulted properties of conservation interest will be considered for purchase. More info to come and PM to report out in September (or later if still waiting on property owner appraisal).

- Error in slide for above projects says, 'Active projects to be removed from DD projects list.' Terri will fix.
- [James Vann commented](#) he is delighted that decision was finally made to move inactive projects out of the way and time can be spent on projects that will move forward.
- [John Bowers asked](#) about 7th Street Flood Control District (FCD): What improvements were under consideration that FCD decided they don't want to proceed with? Terri will research more and hold off answering until September's meeting.
- [Fiscal report](#)
 - Stephen Acker explained that staff time/labor can no longer be charged to remaining series C funds because the 5-year timeline to spend the funds has passed. The City requested opinion on spending remaining Series C from outside legal counsel specializing in bonds and explained circumstances, including Covid and other obstacles, that prevented completion of projects. The outside legal bond counsel recommended spending funds directly on shovel-ready projects but not on employee salaries. Stephen said this is a lesson to keep in mind for the next issuance of DD funding to select only a few projects and to focus on completing them. Terri is in conversation with fiscal team to figure out how staff working on MDD projects should charge their time.
 - [Project Update Table updated and reformatted.](#)
 - Terri explained what the columns meant. She will make the table available to the Coalition after she re-checks for any errors.
 - Data includes series C allocations, labor and non-labor charges, allocations spent to date, remaining funds plus encumbrances, and project status.
 - 5% administrative fee and a 1.5% public art were subtracted from spending category amounts.
 - Some projects have negative balances which Terri and finance are trying to figure out as the figures were from pre-Terri's time as DD Bond Manager.
 - [Remaining funds plus encumbrances](#) are combined in one column. Using Estuary Park as an example, this means that remaining funds have been encumbered for specific costs such as to pay the design consultant. Terri does not prefer combining these two and can separate them if MDD Coalition requests. Bill Threlfall strongly recommended separating because of different implications for how remaining funds are to be used.
- [Plan for remaining funds in tranche B & C](#)
 - About \$9M total remaining for series B and C, with about \$420.7k in B and about \$8.68M in C
 - Remaining series B will be spent to service debt
 - Terri proposes using funds from soon to be inactive projects and move to

- Estuary Park (EP) project
 - \$1.5 to be borrowed from funding category I (Lake Merritt Water Quality) for EP then paid back when series D sold and spent on DD Coalition Wish List projects. This will give about \$5.6M for construction phase 1 of EP
 - Fruitvale Land Crossing remaining \$ to pay remaining invoices. Any remaining to be moved to EP
 - Category III remaining funds to be used for 10th Street project.
 - Category IV remaining for Acquisitions and Courtland creek
 - Remaining Public Art funds to be coordinated with City staff
 - Admin funds to be used for contracting after OPRF's contract ends
- Series D vision/strategy and recommendation
 - Terri will correct an error in this presentation that assumes borrowing \$1.4M from category 1 for EP when it should be \$1.5M as discussed above in remaining series B & C report
 - About \$34.25M in series D after administrative (5%) and public art (1.5%) is subtracted.
 - Report does not consider timing except for the EP project. Terri is communicating with Project & Grants Management (who implements most of the MDD projects) about timing for projects.
 - Category (Cat) 1: About \$8.7M. Terri listed wishlist projects in order of CIP prioritization score and proposes working on the first 3 projects with highest scores as [shown on her table](#). \$ estimates still need to be ground-truthed.
 - Cat 2: Terri proposes putting all eggs in one basket to EP! About \$17.48M
 - Cat 3: about \$5.37M. Wishlist projects listed in order of CIP priority scores, and Terri proposes working on top 3 high priority which estimates up to about \$7.43M. Projects would have to be adjusted since cost-estimates are above budget.
 - Cat 4: about \$2.25M. Terri plans to work with Project & Grants Management and OPRYD to identify highest priority projects on existing FY 23-25 CIP list
 - Cat 5: about \$450k proposed to spend on Glen Echo Creek or Beaconsfield. Beaconsfield prioritized due to storm drain that urgently needs to be repaired. Terri will present more on Beaconsfield in September's meeting.
 - Terri addressed a question re: the [City Council's budget actions that affect Measure DD projects and funds – specifically postponing the issuance of Series D bonds in the amount of \\$9.8 million for the EP](#).
 - Originally in the FY 24-25 budget to sell \$9.8M series D for EP. At the time it was thought that EP would be ready for construction, but it was not.
 - Remaining series C funds must be spent, and OPW is planning to focus about \$5.85M on phase 1 construction. Terri needs to update this figure based on the remaining funds report discussed earlier.
 - As Terri discussed in proposed series D spending plan, all available series D, cat. 2, will be recommended for EP.
- Questions:
 - Katie Noonan: Is there any news about permit to build bathroom by Rotary Nature Center? Terri and Katie will follow up on this outside of the meeting.
- [Bill Threlfall re: \\$9.8M question about EP](#): Is the \$9.8M a deduction from 2017 or 2018 series C, or is it from series D? Terri said earlier that the account # 5322 was re-used to represent series D, as a new account # had not yet been created because

series D has not been issued yet; a new account # will be created after the funds are issued. Bill asked if Stephen Acker could look more into and share a report that confirms whether the \$9.8M represents series C or D.

- Myra Redman commented that if possible to complete the 18th Street pier for under \$1M, that would be great to check off wishlist.
 - Terri: Project & Grants Management team cannot do these projects now. Terri met with agenda committee previously and had agreed to ask PGM if the projects could be completed soon. A subset of the wish list projects will be completed with Series D funds.
 - Terri confirmed that the City cannot put MDD \$ towards the general fund as it would be against the bond law.

5. Working Group Update re: Estuary Park.....James Vann & Bill Threlfall

James Vann gave a summary on the working group (WG), reasons for formation and progress. WG met with City staff on May 31st. Before that the WG sent letters and made calls to the City but got no response. WG got more clarity during the 5/31 meeting. But questions remain about parcel N which was designated by the City Council for the expansion of Estuary Park (EP) to reveal the park from Embarcadero. However, the Brooklyn Basin developer now wants to use parcel N for housing even though documents say it should be turned over to the City for EP.

Bill Threlfall presented on the WG's recent findings. Naomi Schiff was able to get the developer's preliminary site plan for parcel N. The plans were overlaid over the EP Conceptual Master Plan to illustrate how much it would impact the project. Bill explained that the WG thinks this would be bad for Oakland if it went forward. It wastes public bonds, blocks fulfillment of City Council action, compromises the park's design, blocks public access and views of park, and complicates MDD efforts, etc. Now that they have more information, the WG encouraged the MDD Coalition to consider adopting a position statement.

There was more discussion and comments on the developer's responsibility to remediate open space land at Brooklyn Basin and to deed land to the City once remediation is completed. Several MDD Coalition members expressed concern about why the City is even considering the developer's intent and why it is affecting the EP project. James Vann named the members of the WG: Jennie Gerard, Naomi Schiff, John Klein, Bill Threlfall, and himself.

Naomi Schiff moved that the Coalition adopt the position statement. Myra Redman seconded. No objections. There was discussion on how the statement would be finalized and distributed. Adrian Cotter also asked the WG to share what they presented in writing. James Vann agreed to put the WG's report in written form and said the WG plans to draft a letter to send to City officials to notify them once the Coalition formally adopts the position. The WG will send all materials to the Agenda Committee for review.

Bill Threlfall asked how the EP project would proceed with the phased construction proposed by Terri when there's no information available on the full outcome of the housing development. James Vann encouraged the Coalition to help the WG develop a stronger letter. Naomi Schiff stated that right now they have to focus on gaining support for the Coalition's position. John Klein added that two challenges are that a conditional-use permit can be used to create housing open space and that the developer has the right to submit this application.

6. MDD Coalition Governance Documents..... Adrian Cotter & James Vann

James Vann explained this document came from a MDD Coalition subcommittee years ago but it got dropped. He continued that it does not change anything but describes how the Coalition works and should be archived as there is no description of the Coalition's operations on the website. Adrian Cotter proposed voting on this and then taking the next two months to review

before September's meeting. Jennie Gerard asked the Agenda Committee to review and make the decision. After some discussion on a possible conflict with documents already on the MDD website and an incomplete section in the draft governance document, the Agenda Committee agreed to review the document again and to follow up at the September meeting.

7. Review of action items & agenda suggestions for next meeting: September 16th, 2024

Incomplete from May 20th, 2024, meeting

Terri Fashing:

1. Project #1001661 E. 7th to 23rd Ave and Project #1004295 Waterfront Trail Connection at Park Street Bridge.
 - a. Work with the project manager to ensure waterfront trail gap project files are preserved so that in the future the City or another entity can use the files to complete the Bay Trail gap.
 - b. Determine formal process to stop work on projects (may need to go to Council or receive City Administrator approval to remove as Measure DD projects).

New Action Items from July 15th, 2024, meeting

Terri Fashing:

1. Invite Mike Perlmutter to give a 10-15 minute presentation at the Sept 2024 Coalition meeting on the DD Acquisitions project (this may be postponed to Nov. 2024 if Mike is still waiting for information from prospective land seller).
2. Invite Christine Reed to present on what phased implementation plan would look like for Estuary Park.
3. Follow up on Rotary Nature Center data and permitting for bathroom construction.
4. Connect with OakDOT to understand how they are prioritizing the LM Channel to Estuary Connection and give an update in September.
5. Fix error in slide for Category 5 spending.
6. Correct \$1.4 to \$1.5 series D in financial and series D plan reports.
7. Separate remaining funds from encumbrances in the financial report.
8. Share fiscal report and presentation slides when ready.
9. Look into 7th Street Flood Control District per John Bower's question: What improvements were under consideration that FCD decided they don't want to proceed with?
10. Get a timeline for completing LM decomposed granite path.

Terri Fashing and Stephen Acker:

1. Regarding midcycle budget errata \$9.8M - share a report with Coalition in September to confirm that the \$9.8M represents Series D (not Series C).

Estuary Park Working Group:

1. Put presentation made at July 15th meeting in a written report and send to the Agenda Committee/OPRF
2. Draft letter for City officials on the MDD Coalition's position on Estuary Park and Signature developer's intent to build housing on parcel N. Send letter to OPRF for formatting.
3. Finalize MDD Coalition position statement on Estuary Park.

Agenda Committee:

1. Draft September meeting agenda.
2. Review draft governance document and make recommendations in September.

3. Figure out how to send out the Estuary Park position letter & statement (Consult OPRF and Bill Threlfall as needed.)

OPRF:

1. Prepare draft July 15th meeting minutes and send to Agenda Committee & Terri for review. Post on MDD website when they approve.
2. Assist Agenda Committee and Terri with September meeting agenda.
3. Format letter from the Estuary Park Working Group on MDD Coalition letterhead when it's ready.

8. Announcements

- A. Love Our Lake.....Mandolin Kadera-Redmond

Stewardship opportunity, July 27, 2024, reach out to mandolin@oaklandparks.org

- B. Rotary Nature Center Friends on-line events.....Katie Noonan

Film showing and panel discussion on Hank at the the New Parkway Theater, 474 24th Street, Oakland, CA 94612

- C. Lake Merritt Weed Warriors.....Jennie Gerard

July 27th, 9am-12pm, Snow Park, workday and gardener will also provide information on bioswales.

- D. SF Bay Water Board/TMDL/Dissolved Oxygen.....Terri Fashing

SF Bay Regional Quality Control Board working on total maximum daily load (TMDL) Alternative to regulate dissolved oxygen (DO) in Lake Merritt. The DO TMDL Alternative is a plan that will lead to the Water Board requiring the City to maintain DO water quality objective in the Lake. City working closely with the Water Board and was awarded almost \$1M in congressionally directed (Rep. Barbara Lee) federal funding and the grant will be administered by US EPA. City project manager will meet with the grantor soon to discuss grant guidelines. The City wants to wait until the Water Board's technical advisory committee, that will be established in May 2025, has time to develop recommendations before finalizing how the funds should be spent. Stakeholder meeting to receive input from the general public and local technical and scientific experts is TBD. Link to information on the TMDL Alternative: [May 2024 Executive Officer's Report \(ca.gov\)](#).