

**CITY OF OAKLAND
AGENDA REPORT**

OFFICE OF THE CITY CLERK

2006 JUN 29 PM 4: 59

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: July 11, 2006

RE: Resolution Appropriating \$6,094,763.00 In City Funds For Emergency Response And Permanent Storm Mitigation Measures And Authorizing The City Administrator To Accept Funds From State And Federal Agencies For Emergency And Permanent Storm Mitigation Measures And Support Activities For The Periods From December 17, 2005 To January 3, 2006 And From March 29, 2006 To April 16, 2006 With FEMA and FHWA Reimbursement For Costs Deemed Eligible, Waiving the City's Competitive Bid and RFP/RFQ Processes And Authorizing The City Administrator To Award Emergency Contracts For All Permanent Repairs Through An Informal Bid Process Without Return To Council

SUMMARY

As a result of the severe storms between December 17, 2005 and April 16, 2006, the City of Oakland incurred significant damage to public infrastructure, including slide damage to roadways and storm drainage systems. As a result of this storm damage, Oakland incurred costs associated with the immediate cleanup response. In addition, twenty landslide sites throughout Oakland require mitigation to prevent further damage to the public infrastructure and to stabilize roadways and drainage systems damaged during these storms. Federal disaster declarations were made for two separate storm periods, i.e. from December 17, 2005 to January 3, 2006 (hereinafter referred to as FEMA I) and from March 29, 2006 to April 16, 2006 (hereinafter referred to as FEMA II.).

Because of the magnitude of the damages, these storms resulted in local, state and federal disaster declarations, making available state and federal disaster assistance.

Staff has worked closely with representatives from the Federal Emergency Management Agency (FEMA), the Federal Highway Administration (FHWA) and the State of California Office of Emergency Services (OES) to assure reimbursement for all eligible costs associated with damage from these winter storms. However, it is necessary that mitigation measures be implemented immediately to prevent further damage to the public infrastructure and to protect public safety, before actual state and federal funding is provided.

Attachment A provides a cost summary for the \$6,094,763.00 of requested funds. At this time, an estimated \$2,913,119.00 (of which the City's non-reimbursable share is estimated at \$182,069.94) is required to mitigate the storm damage at eleven FEMA I landslide sites. (See Attachment B.) An estimated \$1,190,286.00 (of which the City's share is estimated at \$238,057.20) is similarly required for two FHWA landslide sites. (See Attachment C.) An estimated \$1,521,578.00 (of which the City's share is estimated at \$95,098.62) is required for the

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seven FEMA II landslide sites. (See Attachment D.) Finally, \$469,780.00 (of which the City's share is estimated at \$0.00) is required for landfill debris disposal costs already incurred. (See Attachment E.) Of the estimated \$6,094,763.00 in requested funds, it is estimated that the City's local match will total \$515,225.76.

Staff requests that the City Council authorize the City Administrator to award emergency construction contracts through an expedited informal bid process without going back to Council. These emergency contracts will be issued to qualified contractors who meet the appropriate City of Oakland and federal and state requirements.

It is recommended that this resolution be approved.

BACKGROUND

On January 5, 2006, the City Administrator proclaimed a local emergency throughout the City of Oakland as a result of the severe winter storms that occurred from December 17, 2005 through January 4, 2006. On January 12, 2006, the City Council approved Resolution No. 79669 C.M.S. ratifying the City Administrator's proclamation as required by California Government Code Section 8630. A presidential proclamation (DR-1628) was declared on February 23, 2006 for Alameda County damages incurred from the severe FEMA I storms between December 17, 2005 and January 3, 2006. On June 5, 2006 a second presidential proclamation (DR-1646) was declared for Alameda County damages incurred during the severe FEMA II storms between March 25, 2006 and April 16, 2006.

This report describes the efforts and associated costs incurred for landslide and erosion repairs for the two FEMA periods. The resolution authorizes appropriation of City funds to cover those costs associated with landslide damages that occurred during both FEMA periods.

Immediate Response:

The PWA Department of Infrastructure and Operations responded to erosion or mudslide problems at 38 FEMA I locations and at more than 50 FEMA II locations. PWA crews mobilized during and after these severe storms to remove mud and debris, clean storm drains and creeks, and to provide temporary stabilization measures to undermined City roadways within the City's right of way and within easements. During this period PWA incurred \$469,780.00 for landfill debris disposal costs, as detailed in Attachment E.

Such emergency responses fall under the FEMA categories of Debris Removal and Protective Measures, and under the Federal Highway Administration (FHWA) category of Emergency Reopening and must be completed within six months of the precipitating storms.

Long-term Mitigation Measures:

Of these 88 locations, eleven FEMA I, two FHWA and seven FEMA II landslide locations were subsequently determined to require permanent restoration work such as retaining walls, slope stabilization, storm drain system repairs and environmental mitigation measures. This

construction work is necessary to assure stability of City roads, restore storm drainage capacity and provide other mitigation measures.

Attachments B and C provide the separate repair costs and status for the permanent repairs at the eleven FEMA I slides and the two FHWA slides that occurred during the FEMA I disaster period. Attachment D provides similar information for the seven FEMA II slides. The City has 18 months from the federal declaration date to construct these permanent, one-time repairs. However, PWA is working to complete restoration of all landslide sites, if possible, before the end of the year. Such construction work for declared emergencies is 80% to 93.75% reimbursable as determined by state and federal agencies.

PWA Engineering staff has retained consultants to design the permanent repairs at all landslide locations. Permanent roadway restoration projects at two FEMA I landslide locations (i.e., Gaspar and Elverton) have already been completed. The OES project officer assigned to the City of Oakland has already reviewed and approved reimbursement of \$107,704.54 for the Elverton landslide and \$60,156.00 for the Gaspar landslide, for a total of \$167,860.54. PWA anticipates receiving additional funds to bring the reimbursement totals for the Elverton and Gaspar projects up to the 93.25% level. PWA has not yet received these reimbursement funds from FEMA.

Of the 18 FEMA I and FEMA II sites, the following repair methods have been projected:

- Eleven sites will require new retaining walls and associated storm drain / pavement repairs to be constructed within the right of way;
- Two sites will require storm drain system and pavement repairs within the right of way (i.e., Mastlands Drive and the two Shepherd Canyon sinkhole repairs);
- Four sites will require rock fill slope stabilization and possible pavement / storm drain repairs within easement areas (i.e., Gaspar, Elverton, Arrowhead and Hanson); and
- One site will receive creek restoration within an easement area (i.e., Larry Lane.)

The two FHWA landslide sites on Skyline Boulevard will be repaired as follows:

- PG&E will remove the landslide soil and rock material from their property above the 6200 block Skyline slide this summer, which will subsequently permit a City contractor to construct a retaining wall and provide associated storm drain / pavement repairs in the right of way; and
- A City contractor will install a retaining wall and provide pavement / storm drain repairs at the 7969 Skyline Slide before September 15, 2006 in order to reopen both travel lanes.

FISCAL IMPACT

The State and Federal emergency declarations make the City of Oakland eligible to seek reimbursement for costs incurred as a direct result of the winter storms. Specifically, the cost-sharing framework for necessary work is as follows:

	Cost Share of Eligible Costs			Total
	Fund 2061 or Fund 2062 <u>Federal</u>	Fund 2146 <u>State</u>	Fund 5510 <u>Local</u>	
<u>Roadway Jurisdiction</u>				
Federal Highway Administration (FHWA)				
Emergency Repairs	100.00%			100.00%
Permanent Repairs	80.00%		20.00%	100.00%
Federal Emergency Management Agency (FEMA)	75.00%	18.75%	6.25%	100.00%

The federal agency responsible for the cost sharing depends on the street or roadway designation. Most of the City's major streets and arterials are classified as part of the nation's highway transportation system and as such, they fall under the jurisdiction of FHWA. Work on all non-FHWA streets fall under the jurisdiction of FEMA. The City will seek FHWA reimbursement for the two FHWA landslide locations and FEMA reimbursement for the 18 FEMA landslide locations. FEMA 1628 DR – Winter Storms Fund (2061) shall be created and activated for federal costs associated with the FEMA I storms under presidential declaration 1628 DR. Similarly the FEMA 1646 DR – Spring Storms Fund (2062) shall be created and activated for federal costs associated with the FEMA II storms under presidential declaration 1648 DR.

In all cases, the City may only receive reimbursement for "eligible" costs. The definition of eligible costs varies slightly depending on the responsible federal agency, as well as the necessary repair work. Thus, it is evaluated on a project-by-project basis. For emergency repair work, the City is generally eligible for overtime costs and contracted costs incurred. For permanent repair work, the work must be reasonable and necessary as the direct result of the storms. Each permanent repair project must be pre-approved by FHWA and FEMA and the eligible costs are determined at that time. Proposed permanent repair work cannot be performed contingent upon state or federal funding because making the work contingent on the funding implies that the work is not "necessary."

The eleven FEMA I period landslides (see Attachment B) will require \$2,913,119.00 for permanent restoration work, of which up to \$2,184,839.25 is reimbursable from federal funds and shall be deposited and appropriated in FEMA 1628 DR – Winter Storms Fund (2061), and up to \$546,209.81 is reimbursable from state funds and shall be deposited appropriated in California State Emergency Services Fund (2146). The two FHWA landslides (see Attachment C) will require \$1,190,286.00 for permanent restoration work, of which up to \$952,228.80 is reimbursable from federal funds and shall be deposited and appropriated in FEMA 1628 DR – Winter Storms Fund (2061), and \$0.00 is reimbursable from state funds. The seven FEMA II landslides (see Attachment D) will require \$1,521,578.00 for permanent restoration work, of which up to \$1,141,183.50 is reimbursable from federal funds and shall be deposited and appropriated in FEMA 1646 DR – Spring Storms Fund (2062), and up to \$285,295.88 is reimbursable from state funds and shall be deposited appropriated in California State Emergency Services Fund (2146). The \$469,780.00 for debris landfill costs (see Attachment E) is up to 100% reimbursable from federal funds and shall be deposited and appropriated in FEMA 1646 DR – Spring Storms Fund (2062). The estimated costs for the permanent restoration work of Attachments B through D include staff, consultant, and construction contract costs.

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Appropriations: This resolution requests City Council approval to authorize the City Administrator to appropriate a total of \$6,094,763.00 to cover expenses related to the emergency reopening and permanent restoration work for these twenty FEMA and FHWA landslides. These appropriations will be divided into twenty different project numbers (i.e. one for each of the twenty storm damaged sites). This \$6,094,763.00 will be appropriated into four funds as detailed below:

Fund	Organization	Account	Program	Amount
2061 (FEMA 1628 DR – Winter Storms)	92242 (Streets and Structures)	54011 (Contract Contingencies)	IN05 (Engineering Planning and Design)	\$3,137,068.05
2062 (FEMA 1646 DR – Spring Storms)	92242 (Streets and Structures)	54011 (Contract Contingencies)	IN05 (Engineering Planning and Design)	\$1,610,963.50
2146 (California State Emergency Services)	92242 (Streets and Structures)	54011 (Contract Contingencies)	IN05 (Engineering Planning and Design)	\$831,505.69
1010 (General Purpose Fund)	92242 (Streets and Structures)	54011 (Contract Contingencies)	IN05 (Engineering Planning and Design)	\$515,225.76
TOTAL:				\$6,094,763.00

Revenues: This resolution requests authorization for the City Administrator to accept federal and state funds to reimburse the City for debris removal, emergency repair work and permanent restoration work. At this time, staff anticipates that once all reimbursements are received, the local share of these \$6,094,763.00 repair costs will be approximately \$515,225.76. Revenues will be budgeted as detailed below:

Fund	Organization	Account	Program	Amount
2061 (FEMA 1628 DR – Winter Storms)	92242 (Streets and Structures)	46128 (FEMA – 75% Federal)	IN05 (Engineering Planning and Design)	\$3,137,068.05
2062 (FEMA 1646 DR – Spring Storms)	92242 (Streets and Structures)	46128 (FEMA – 75% Federal)	IN05 (Engineering Planning and Design)	\$1,610,963.50
2146 (California State Emergency Services)	92242 (Streets and Structures)	46229 (Miscellaneous State Grants)	IN05 (Engineering Planning and Design)	\$831,505.69
1010 (General Purpose Fund)	Appropriation within Fund 1010 will come from existing revenue receipts. No new revenue is expected.			N/A
TOTAL:				\$5,579,537.24

BACKGROUND

PWA periodically responds to emergencies such as storms, fires and earthquakes by reinstating blocked or damaged roads, storm drain systems and other City-owned structures to regular use. These emergency response actions are approved and funded by the State of California and the

federal government agencies when a state or federal disaster is declared. The costs incurred by PWA in responding to this year's storms are above and beyond the City's adopted budget, but most costs are eligible for reimbursement by state and federal agencies as a result of the declared emergencies.

City Charter Section 801 requires the Council to project expenditures and make necessary appropriations for such projected expenditures as part of the City's biennial budget process. However, emergency response expenditures cannot be anticipated and provided for in the City's two-year budget.

Permanent repairs should be installed to the extent feasible before the end of the year to prevent further damage to the public infrastructure and for public safety reasons. Pursuant to Oakland Municipal Code Title 2, Chapter 2.04, Articles 2.04.050.I.5 and 2.04.051.B and for the reasons stated above, staff recommends that the City Council finds and determines that it is in the City's best interests to waive the City's competitive advertising, bidding and "lowest responsible bidder" award requirements for construction or procurement contracts needed to complete permanent repairs in a timely manner, and authorizes the City Administrator or her designees to bid the construction contracts informally or negotiate if such bidding does not yield viable bids, provided all such contractors pay prevailing wages and comply with the City's Local and Small Local Business Enterprise, Local Employment, Apprenticeship and other applicable contracting programs.

Staff also recommends that the City Council finds and determines that it is in the City's best interests to waive the City's competitive request for proposal or qualifications requirements for to-be-contracted professional services needed to design the permanent repairs in a timely manner; and authorizes the City Administrator, or her designees, to award engineering, architectural and construction contracts for the emergency permanent repair of the subject locations included in Attachments B, C and D without return to Council, provided all such consultants comply with the programs administered by the Office of Contract Compliance.

Staff will return to Council and seek approval to award any construction contract that cannot be awarded before the end of the year due to environmental issues, engineering concerns or any other reasons. Such delayed contracts will follow standard City contract bidding and award procedures.

SUSTAINABLE OPPORTUNITIES

Economic: The authorization allows the appropriation of partially reimbursable state and federal funds for temporary and permanent repairs to storm-damaged roadways and storm drainage systems. PWA will seek the maximum reimbursement of eligible costs from the appropriate state and federal agencies to protect the City's financial resources to backfill the City fund from which this appropriation request will be taken.

Environmental: These projects will incorporate to the extent feasible recycled content building materials and explore other environmental opportunities such as waste reduction.

Social Equity: The construction of these storm mitigation measures will enhance the safety of residents and improve conditions for pedestrians and the immediate neighborhood.

DISABILITY AND SENIOR CITIZEN ACCESS

Disability and senior citizen access is improved by these emergency projects to the extent that blocked roadways are reopened for the public's use.

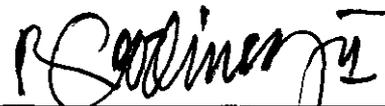
RECOMMENDATION AND RATIONALE

It is recommended that the City Council adopt the resolution authorizing the City Administrator or her designees to: 1) appropriate \$6,094,763.00 for emergency reopening and permanent restoration work resulting from the eleven FEMA I, two FHWA, seven FEMA II landslide sites plus landfill debris disposal costs, 2) accept state and federal emergency response funds from State of California and federal agencies, and 3) authorize the City Administrator to award emergency repair construction contracts through an informal bid process without return to Council so that permanent repairs may be installed to the extent feasible before the end of the year to prevent further damage to the public infrastructure and for public safety reasons. With the passage of this resolution, the City of Oakland can appropriate and subsequently recover the maximum amount of the expenditure and revenue that is spent for emergency reopening and permanent restoration work. This will expedite PWA's emergency response efforts.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends approval of the resolutions.

Respectfully submitted,



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Director, Public Works Agency

Reviewed by:
Michael Neary, P.E.
Assistant Director, Public Works Agency
Design & Construction Services

Prepared by:
Emad Mirsaeidi
Supervising Civil Engineer

APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE


OFFICE OF THE CITY ADMINISTRATOR

Attachment A
FEMA I and FEMA II Storm Damage Repair Costs

	TOTAL COST Design, Project Management & Construction	Estimated Federal Reimbursement Amount Fund No. 2061	Estimated Federal Reimbursement Amount Fund No. 2062	Estimated State Reimbursement Amount Fund No. 2146	Estimated City Cost Fund No. 1010
ATTACHMENT B: FEMA I Totals	\$2,913,119.00	\$2,184,839.25	\$0.00	\$546,209.81	\$182,069.94
ATTACHMENT C: FHWA Totals	\$1,190,286.00	\$952,228.80	\$0.00	\$0.00	\$238,057.20
ATTACHMENT D: FEMA II Totals	\$1,521,578.00	\$0.00	\$1,141,183.50	\$285,295.88	\$95,098.63
ATTACHMENT E: Debris Landfill Costs	\$469,780.00	\$0.00	\$469,780.00	\$0.00	\$0.00
TOTAL: Attachments B through D	\$6,094,763.00	\$3,137,068.05	\$1,610,963.50	\$831,505.69	\$515,225.76

Fund 2061 = FEMA 1628 DR - Winter Storms
Fund 2062 = FEMA 1646 DR - Spring Storms
Fund 2146 = California State Emergency Services
Fund 1010 = General Purpose Fund

Attachment B
Status Report for FEMA I Landslides -- 12/17/05 to 1/3/06

Site Address	TOTAL COST Design, Project Management & Construction	6-15-06 Status
Elverton Drive (below 23 Observation Pl.)	\$116,211.00	Completed. Real Estate obtaining easement from East Bay Regional Park District.
1829 Gaspar Dr.	\$91,453.00	Completed. Real Estate obtaining easement.
7589 Hansom Dr.	\$74,880.00	Rock-slope repair to be constructed beginning July 2006.
3455 Dwight Way	\$217,857.00	Consultant Design in progress. The preliminary submittal received 7/21/06. Final submittal due early August.
6721 Armour Dr.	\$359,958.00	Consultant Design in progress. Preliminary submittal received 5/21/06. Final submittal due early August.
2300 Arrowhead	\$97,000.00	Consultant Design in progress.
6868 Balsam Way	\$338,349.00	Consultant Design in progress. Preliminary plans by 5/31/06. Final plans by mid-June
Larry Lane	\$797,255.00	Conceptual design/plan is extensive and has to be approved by FEMA for expenditures.
2120 Mastlands Drive	\$244,101.00	Consultant Design in progress. Preliminary submittal received 7/21/06. Final submittal due early August.
7180 Thorndale Dr.	\$251,055.00	Consultant Design in progress. Preliminary plans by 5/31/06. Final plans due late June.
Tunnel Road above Caldecott	\$325,000.00	Consultant Design in progress.
FEMA I TOTALS		
\$2,913,119.00		

ATTACHMENT C

Status Report for FHWA Landslides -- 12/17/05 to 1/3/06

Site Address	TOTAL COST Design, Project Management & Construction	6-15-06 Status
6200 Block Skyline Blvd.	\$691,691.00	PG&E to repair summer 2006.
7967 Skyline Blvd.	\$498,595.00	Consultant Design in progress. Final design due 6/21/06.
FHWA TOTALS	\$1,190,286.00	

Attachment D
Status Report for FEMA II Landslides: 3/29/05 - 4/16/06

Site Address	TOTAL COST: Design, Project Management, & Construction	Status: 6-15-06
Shepherd Canyon: Two sinkholes in bicycle path.	\$47,500.00	In-house design and On-call construction. Work to be completed under on-call contract in July 2006.
6227 Westover Dr.	\$291,830.00	Consultant design in progress. Preliminary plans due July 22 and final plans due August 4.
6245 Westover Dr.	\$146,750.00	Consultant design in progress. Final plans due August 4.
Thornhill near Heather Ridge	\$413,780.00	Consultant design in progress. Preliminary plans due July 22 and final plans due August 4.
Above 1365 Alvarado	\$30,000.00	N/A. consultant for risk assessment only
7155 Marlborough Terrace	\$193,127.00	Consultant design in progress. Final design due August 3.
Claremont Ave. (200 yds E of Alvarado)	\$398,591.00	Consultant design in progress. Final plans due August 10.
Total Costs:	\$1,521,578.00	

Attachment E:
Debris Removal
Report

Date	Street	From	To	Area	Tons	Depth & REMARKS
1/4/2006	Escher Dr	Skyline Blvd		9	81.00	Mud Slide Removal
1/5/2006	Curt Flood	Oakport	Oakport	38 Loads	480.64	Debris Removal
1/6/2006	Curt Flood	Oakport	Oakport	16 Loads	237.53	Debris Removal
1/7/2006	Skyline Blvd	6200	6200	25 Loads	225.00	Mud Slide Removal
1/7/2006	Skyline Blvd	Arrowhead	7669	13 Loads	117.00	Mud Slide Removal
1/8/2006	Skyline Blvd	6200	6200	30 Loads	270.00	Mud Slide Removal
1/9/2006	Wild Currant	Thorndale	Charing Cross	5 Loads	40.38	Mud Slide Removal
1/11/2006	6800 Shep Cyn Rd	6996 Pinehaven	6901 Balsam Way	4 Loads	32.29	Mud Slide Removal
1/12/2006	Skyline Blvd	Grizzly Peak		6 Loads	54.00	Mud Slide Removal
1/17/2006	Curt Flood	Oakport	Oakport	18 Loads	252.01	Debris Removal
1/18/2006	Curt Flood	Thorndale	Westover	14 Loads	263.00	Debris Removal
1/19/2006	Curt Flood	Oakport	Oakport	14 Loads	233.34	Debris Removal
1/20/2006	Skyline Blvd	Grizzly Peak	Snake Rd	3 Loads	47.74	Mud Slide Removal
1/23/2006	Curt Flood	Oakport	Oakport	18 Loads	265.80	Debris Removal
1/24/2006	Curt Flood	Oakport	Oakport	8 Loads	114.05	Debris Removal
1/25/2006	Balboa	6018	6018	3 Loads	33.69	Mud Slide Removal
1/26/2006	Skyline Blvd	Grizzly Peak	Snake Rd	1 Load	11.99	Mechanical Gutter Cleaning
1/27/2006	Skyline Blvd	Grizzly Peak	Diesel	2 Loads	16.85	Mechanical Gutter Cleaning
1/30/2006	Edgewater Dr	7101	7101			Moving Equipment
1/31/2006	Edgewater Dr	7101	7101			Moving Equipment
2/1/2006	Skyline Blvd	Grizzly Peak	Snake Rd	5 Loads	42.48	Mechanical Gutter Cleaning
2/2/2006	62nd St & Lowell St	3125 E 7th St & Derby	Fruitvale & Alameda	5 Loads		Debris Removal
2/3/2006	Diesel	Oakport		5 Loads		Debris Removal
2/6/2006	Claremont Ave	Grizzly Peak	Stonewall	4 Loads	31.27	Mud Slide Removal
2/7/2006	Claremont ave	Grizzly Peak	Stonewall	5 Loads	23.79	Mud Slide Removal
2/8/2006	Grizzly Peak	Claremont Ave	City Limit	4 Loads	44.33	Mud Slide Removal
2/9/2006	Claremont Ave	Grizzly Peak	Stonewall		0.47	Equipment Failure
2/10/2006	Grizzly Peak	Claremont ave	Centennial Rd	4 Loads	25.95	Mechanical Gutter Cleaning
2/14/2006	Butter Dr	Armour Dr	Snake Rd	2 Loads	13.53	Mechanical Gutter Cleaning
2/15/2006	Mastlands	Larry Ln	Mountaingate	3 Loads	30.02	Mechanical Gutter Cleaning
2/16/2006	Claremont Ave	Grizzly Peak	Stonewall	2 Loads	22.25	Mechanical Gutter Cleaning
2/17/2006	Skyline Blvd	Tunnel Rd	Tunnel Rd	4 Loads	47.89	Mechanical Gutter Cleaning
2/18/2006	G St	89th Ave	88th Ave	25 Loads	29.62	Debris Removal
2/19/2006	G St	89th Ave	88th Ave			Debris Removal
2/20/2006	Holiday	Holiday	Holiday	Holiday	Holiday	Holiday
2/21/2006	Tunnel Rd	Skyline Blvd	Highway 24	5 Loads	51.98	Mechanical Gutter Cleaning
2/22/2006	Curt Flood	Oakport	Oakport	12 Loads	142.30	Debris Removal
2/23/2006	Curt Flood	Willow St	Oakport	7 Loads	71.13	Debris Removal
2/24/2006	Curt Flood	Oakport	Oakport	3 Loads	36.20	Debris Removal

Attachment E:
Debris Removal
Report

Date	Street	From	To	Area	Tons	Depth & REMARKS
2/27/2006	Skyline Blvd	Tunnel Rd	Grizzly Peak	5 Loads	25.54	Mechanical Gutter Cleaning
2/28/2006	Escher Dr	Skyline Blvd	Westover Dr	5 Loads	38.36	Mechanical Gutter Cleaning
3/1/2006	Grizzly Peak	Claremont Ave	City Limit	3 Loads	18.53	Mechanical Gutter Cleaning
3/2/2006	Skyline Blvd	Butter Dr	Skyline Blvd	5 Loads	49.09	Mechanical Gutter Cleaning
3/3/2006	Skyline Blvd	Elverton	Elverton	4 Loads	33.26	Mechanical Gutter Cleaning
3/6/2006	Skyline Blvd	Elverton	Elverton	11 Loads	101.03	Mud Slide
3/7/2006	Alvarado Rd	1325	1325	6 Loads	67.42	Mud Slide
3/7/2006	Skyline Blvd	Charing Cross	Glen Oak Rd	8 loads	91.57	Mud Slide
3/8/2006	1325 Alvarado Rd	Charing Cross	Tunnel Rd	5 Loads	56.83	Mud Slide
3/9/2006	Marlborough Terr	Thorndale	Westover	8 Loads	75.31	Mud Slide
3/10/2006	5936 Balboa Dr	6541 Glen Oak Way	Skyline Blvd	6 Loads	45.96	Mud Slide
3/13/2006	4781 to 4799 Redding St	Alvarado	Marlborough Terr	4 Loads	44.64	Mud Slide
3/14/2006	Alvarado	Claremont Ave	Claremont Ave	7 Loads	64.03	Mud Slide
3/15/2006	1325 Alvarado Rd	Thorndale	Elverton	6 Loads	64.82	Mud Slide
3/16/2006	5930 Balboa	Castle Dr	Skyline Blvd	7 Loads	66.04	Mud Slide
3/17/2006	Tunnel Rd	Charing Cross	Alvarado Rd	3 Loads	38.11	Mud Slide
3/20/2006	Tunnel Rd	Skyline Blvd	Elverton	3 Loads	28.46	Mud Slide
3/21/2006	Buenaventure	6315	6315	7 Loads	67.75	Mud Slide
3/22/2006	Buenaventure	64th Ave	64th Ave	4 Loads	44.24	Mud Slide
3/23/2006	Curt Flood	Oakport	Oakport	4 Loads	47.09	Mud Slide
3/24/2006	Edgewater Dr	7101	7101	286	8.03	56.15
3/27/2006	7180 Thorndale	6635 Elverton	Elverton	6 Loads	60.62	Mud Slide
3/28/2006	Buenaventure	Golf Links Rd	5930 Balboa	6 Loads	65.41	Mud Slide
3/29/2006	Ascot Dr	Skyline Blvd	Tunnel Rd	7 Loads	67.70	Mud Slide
3/30/2006	1365 Alvarado Rd	148 Stonewall Dr	Tunnel Rd	8 loads	86.47	Mud Slide
3/31/2006	1365 Alvarado Rd	6915 Exter Dr	6871 Aitken	6 Loads	62.30	Mud Slide
4/3/2006	7900 Skyline Blvd	1300 Alvarado Rd	64th Ave Bueanventura	6 Loads	69.97	Mud Slide
4/4/2006	Tunnel Rd	Besito	Grizzly Peak	4 Loads	59.66	Mud Slide
4/5/2006	8034 Shepherd Cyn Rd	6885 to 6915 Elverton	1300 Alvarado Rd	7 Loads	84.58	Mud Slide
4/6/2006	Curt Flood	Oakport Rd	Oakport Rd	19 Loads	308.46	Debris Removal
4/7/2006	Curt Flood	Oakport Rd	Oakport Rd	16 Loads	248.62	Debris Removal
4/10/2006	Curt Flood	Oakport Rd	Oakport Rd	16 Loads	195.47	Debris Removal
4/11/2006	Escher Dr	Girvin Dr	Westover Dr	10 Loads	105.28	Mud Slide
4/12/2006	6555 Glen Oak Rd	8034 Shepherd Cyn Rd	Skyline Blvd	5 Loads	61.16	Mud Slide
4/13/2006	Marlborough Terr	Scout Rd	Snake Rd	9 Loads	98.36	Mud Slide
4/14/2006	Elverton Dr	Thorndale	Westover Dr	4 Loads	31.70	Mud Slide
4/17/2006	1365 Alvarado Rd	Besito	Rispin Dr	8 Loads	69.97	Mud Slide
4/18/2006	Woodrow dr	Escher Dr	The Turn	6 Loads	49.53	Mud Slide
4/19/2006	Thorndale Dr	Elverton Dr	Skyline Blvd	6 Loads	59.38	Mud Slide

Attachment E:
Debris Removal
Report

Date	Street	From	To	Area	Tons	Depth & REMARKS
4/20/2006	Skyline Blvd	Tunnel Rd	6477 Melville Dr	6 Loads	52.07	Mud Slide
4/21/2006	Curt Flood	Oakport Rd	Oakport Rd	1 Load	9.37	Truck Cleaning
4/24/2006	Skyline Blvd	Shepherd Cyn Rd	Joaquin Miller Rd	6 Loads	65.82	Mechanical Gutter Cleaning
				Total tons:	6,909	
				Debris Removal Dumping Unit Cost (\$/ton):	\$68	
				Debris Removal Cost:	\$469,780	(Note: this includes Regular + OT)


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION APPROPRIATING \$6,094,763.00 IN CITY FUNDS FOR EMERGENCY RESPONSE AND PERMANENT STORM MITIGATION MEASURES AND AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT FUNDS FROM STATE AND FEDERAL AGENCIES FOR EMERGENCY AND PERMANENT STORM MITIGATION MEASURES AND SUPPORT ACTIVITIES FOR THE PERIODS FROM DECEMBER 17, 2005 TO JANUARY 3, 2006 AND FROM MARCH 29, 2006 TO APRIL 16, 2006 WITH FEMA AND FHWA REIMBURSEMENT FOR COSTS DEEMED ELIGIBLE, WAIVING THE CITY'S COMPETITIVE BID AND RFP/RFQ PROCESSES AND AUTHORIZING THE CITY ADMINISTRATOR TO AWARD EMERGENCY CONTRACTS FOR ALL PERMANENT REPAIRS THROUGH AN INFORMAL BID, SOLICITATION OR NEGOTIATION PROCESS, IF NECESSARY, WITHOUT RETURN TO COUNCIL

WHEREAS, on January 5, 2006, the City Administrator proclaimed a local emergency throughout the City of Oakland as a result of the 2005-06 winter storms that occurred from December 17, 2005 through January 3, 2006; and

WHEREAS, on January 12, 2006, the City Council approved Resolution No. 79669 C.M.S. ratifying the City Administrator's proclamation as required by California Government Code Section 8630; and

WHEREAS, on January 12, 2006, the State of California declared a similar state of emergency that included Alameda County; and

WHEREAS, on February 23, 2006, a presidential proclamation (DR-1628) was proclaimed for Alameda County damages incurred from the severe winter storms between December 17, 2005 and January 3, 2006; and

WHEREAS, on June 5, 2006, a second presidential proclamation (DR-1646) was proclaimed for Alameda County damages incurred from the severe storms between March 25, 2006 and April 16, 2006; and

WHEREAS, the City is in the process of seeking approval and subsequent reimbursement from the applicable state and federal agencies for storm mitigation work required as a result of the storms occurring during these two disaster periods; and

WHEREAS, the Public Works Agency (PWA) Department of Infrastructure and Operations Maintenance Services crews responded to erosion or mudslide problems at 88 locations after these severe storms to remove mud and debris, clean storm drains and creeks, and provide temporary stabilization measures for City roadways within the City's right of way and within easements; and

WHEREAS, such emergency responses fall under the Federal Emergency Management Agency (FEMA) categories of Debris Removal and Protective Measures, and under the Federal Highway Administration (FHWA) category of Emergency Reopening; and

WHEREAS, PWA will apply for reimbursement from FEMA and FHWA for these emergency mitigation expenses; and

WHEREAS, PWA Maintenance Services subsequently referred twenty of these 88 slide locations to PWA Engineering Services for permanent restoration work such as retaining walls, slope stabilization, storm drain system rehabilitation and environmental mitigation measures; and

WHEREAS, permanent restoration work at the twenty landslide locations is necessary to provide stability to City roads, to restore storm drainage capacity and to provide other mitigation measures; and

WHEREAS, the design, construction and inspection costs for the emergency repairs and permanent restoration work at these twenty landslide locations may cost an estimated \$6,094,763.00 and

WHEREAS, *it is anticipated that federal and state agencies will reimburse the City up to \$5,579,537.24 for these emergency repairs and permanent restoration work;* and

WHEREAS, FEMA has already authorized reimbursement of \$206,131.54 with probable approval of up to 93.25% of the total costs for the completed roadway stabilization projects on Elverton Drive and Gaspar Drive; and

WHEREAS, this emergency and permanent restoration work costing an estimated \$6,094,769.00, is between 80 and 93.25 percent reimbursable from state and federal agencies and these costs are above and beyond the City's adopted budget; and

WHEREAS, City Charter Section 801 requires the Council to establish expenditures and make necessary appropriations for such expenditures as part of the budget process; and

WHEREAS, the aforementioned emergency restoration and permanent restoration work and support related activities resulting from the storms of these two disaster periods are not foreseeable when preparing the two-year budget, and emergency actions require quick turnaround financial support to incur expenditures or deposit reimbursements; and

WHEREAS, PWA needs advance City Council authorization for the City Administrator or her designees to accept funds from the State of California and federal agencies for reimbursable costs; and

WHEREAS, this resolution would authorize the City Administrator or her designees to accept funds from state and/or federal agencies for these emergency response activities, therefore, such reimbursement would minimize the fiscal impact on the City; and

WHEREAS, it is recommended that the City Council waive the City’s advertising, competitive bidding and solicitation and award-to-the-lowest-responsible-bidder requirements for professional services contracts because it is important that design work for the permanent repairs be completed in a timely manner in order to prevent further damage to the public infrastructure and to protect public safety; and

WHEREAS, this resolution would authorize the City Administrator or her designees to award engineering, architectural and construction contracts for the emergency permanent repair of the subject locations included in Attachments B through D through an informal bid process, enabling construction prior to the end of the year without return to Council; and

WHEREAS, the appropriation for expenditure amounts related to state and federal-approved PWA emergency reopening and permanent restoration activities should be offset by up to \$5,579,537.24 of state and federal funding and the fund, organization, account, project, and program codes would be determined by the appropriate state and/or federal agency requirements and funding sources; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the Public Works Agency \$6,094,763.00 to fund emergency restoration and permanent landslide restoration measures; and, be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or her designees to accept funds from State of California and federal agencies for actual emergency reopening and permanent restoration actions and support activities carried out by the Public Works Agency as a result of these storms; and, be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or her designees to create and activate the FEMA 1628 DR – 2005-2006 Winter Storm Fund (2061) for federal costs associated with the December 17, 2005 to January 3, 2006 storms under presidential declaration 1628 DR and the FEMA 1646 DR – Spring Storms Fund (2062) for federal costs associated with the March 29, 2006 to April 16, 2006 storms under presidential declaration 1646 DR; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or her designees to appropriate \$6,094,763.00 into four funds as detailed below:

Fund	Organization	Account	Program	Amount
2061 (FEMA 1628 DR 2005-2006– Winter Storms)	92242 (Streets and Structures)	54011 (Contract Contingencies)	IN05 (Engineering Planning and Design)	\$3,137,068.05
2062 (FEMA 1646 DR – Spring Storms 2006)	92242 (Streets and Structures)	54011 (Contract Contingencies)	IN05 (Engineering Planning and Design)	\$1,610,963.50
2146 (California State	92242 (Streets and	54011 (Contract	IN05 (Engineering	\$831,505.69

Emergency Services)	Structures)	Contingencies)	Planning and Design)	
1010 (General Purpose Fund)	92242 (Streets and Structures)	54011 (Contract Contingencies)	IN05 (Engineering Planning and Design)	\$515,225.76
TOTAL:				\$6,094,763.00

This \$6,094,763.00 appropriation shall be divided into twenty different project numbers (i.e. one for each of the twenty storm damaged sites); and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or her designees to budget revenues as detailed below;

Fund	Organization	Account	Program	Amount
2061 (FEMA 1628 DR – Winter Storms)	92242 (Streets and Structures)	46128 (FEMA – 75% Federal)	IN05 (Engineering Planning and Design)	\$3,137,068.05
2062 (FEMA 1646 DR – Spring Storms)	92242 (Streets and Structures)	46128 (FEMA – 75% Federal)	IN05 (Engineering Planning and Design)	\$1,610,963.50
2146 (California State Emergency Services)	92242 (Streets and Structures)	46229 (Miscellaneous State Grants)	IN05 (Engineering Planning and Design)	\$831,505.69
1010 (General Purpose Fund)	Appropriation within Fund 1010 will come from existing revenue receipts. No new revenue is expected.			N/A
TOTAL:				\$5,579,537.24

and be it

FURTHER RESOLVED: That if state and federal funds are not reimbursed at the level anticipated and a higher local share is required, staff shall return to Council for additional budget authority within the General Purpose Fund (1010); and, be it

FURTHER RESOLVED: That, pursuant to Oakland Municipal Code Title 2, Chapter 2.04, Article 2.04.051.B and for the reasons stated above, the City Council finds and determines that it is in the City’s best interests to waive the City’s competitive request for proposal or qualifications requirements for to-be-contracted professional services needed to design the permanent repairs in a timely manner; and authorizes the City Administrator, or her designees, to award engineering, architectural and construction contracts for the emergency permanent repair of the subject locations included in Attachments B, C and D without return to Council, provided all such consultants comply with the programs administered by the Office of Contract Compliance; and, be it

FURTHER RESOLVED: That, pursuant to Oakland Municipal Code Title 2, Chapter 2.04, Article 2.04.050.I.5 and for the reasons stated above, the City Council finds and determines that it is in the City’s best interests to waive the City’s competitive advertising, bidding and “lowest responsible bidder” award requirements for construction or procurement contracts needed to complete permanent repairs in a timely manner, and authorizes the City Administrator

or her designees to bid the construction contracts informally or negotiate if such bidding does not yield viable bids, provided all such contractors pay prevailing wages and comply with the City's Local and Small Local Business Enterprise, Local Employment, Apprenticeship and other applicable contracting programs; and, be it

FURTHER RESOLVED: That the City Council requires staff to return to Council and seek approval to award any construction contract pursuant to this Resolution that cannot be awarded before the end of this year due to environmental issues, engineering concerns or any other reasons, and such delayed contracts shall follow standard City contract bidding and award procedures; and, be it

FURTHER RESOLVED: That all contracts executed under the authority granted hereunder will be approved for form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____ 2006

PASSED BY THE FOLLOWING VOTE:

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

NOES -
ABSENT -
ABSTENTION -

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California