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OFFICE OF THE CITY CLERK  
OAKLAND

*Amal S. Sethi*  
City Attorney

# OAKLAND CITY COUNCIL

2015 MAY 14 PM 6:09

RESOLUTION NO. 85639 C.M.S.

**RESOLUTION AMENDING RESOLUTION NO. 79731 C.M.S. BY AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE UP TO FOUR MILLION DOLLARS (\$4,000,000) IN 2006 FEDERAL EMERGENCY MANAGEMENT AGENCY PRE-DISASTER MITIGATION GRANT FUNDS FOR THE OAKLAND REGIONAL FUEL MANAGEMENT PROJECT, EXTEND THE PROJECT TIMELINE TO TEN (10) YEARS, AND INCREASE OAKLAND'S MATCHING FUND REQUIREMENT**

**WHEREAS**, the Oakland Regional Fuel Management project is in alignment with the goals outlined in the City of Oakland's General Plan-Safety Element and Local Hazard Mitigation Plan; and

**WHEREAS**, there is a documented history of extreme fire danger in the Oakland Hills and that fuel management projects reduce the risks that have previously resulted in the loss of lives and property as a result of wild land fires; and

**WHEREAS**, it is in the City's best interests to partner with local agencies to maximize resources and attain mutual goals, and the City of Oakland Regional Fuel Management Project is a collaboration with the City of Oakland and East Bay Regional Park District to enhance defensible spaces, create strategic fuel break systems, reduce heavy fuel loads and restore forests to help create a fire-resistant community; and

**WHEREAS**, the FEMA Pre-Disaster Mitigation program provides grant funds for the implementation of mitigation projects prior to a disaster event to reduce overall risks to the population and structures, while also reducing reliance on funding from an actual disaster declaration; and

**WHEREAS**, in 2006 City Council, via Resolution number 79731 authorized the City Administrator to apply for, accept, and appropriate up to three million dollars (\$3,000,000.00) of 2006 Federal Emergency Management Agency Pre-Disaster Mitigation Grant Funds for the Oakland Regional Fuel Management Project; and

**WHEREAS**, since the time of the original grant application and approval of Resolution No. 79731 C.M.S., UC Berkeley was eliminated as a sub-grantee on this grant project. Due to this ruling by FEMA, Oakland was awarded UC Berkeley's portion of the grant in the amount of \$661,619 and will absorb UC Berkeley's match requirement of \$220,550 increasing Oakland's grant award from \$1,986,871 to \$2,648,490 and the match amount from \$662,280 to \$882,830; and

**WHEREAS**, the City of Oakland is the lead agency and there is a local match requirement in the amount of one million dollars (\$1,000,000) and the partners have agreed that based on the size and scope of their individual projects, the City of Oakland will contribute eight hundred eighty-two thousand eight hundred thirty dollars (\$882,830), and the East Bay Regional Park District will contribute one hundred seventeen thousand one hundred seventy dollars (\$117,170) toward the local match requirement; and

**WHEREAS**, the City of Oakland will prepare a letter of commitment to make the FEMA match required in the amount of one million dollars (\$1,000,000) and will execute an agreement with the East Bay Regional Park District to secure the matching grant contribution; and

**WHEREAS**, the City is required to comply with the National Environmental Protection Act (NEPA), Oakland shall comply with the California Environmental Quality Act (CEQA) and guidelines as prescribed by the Secretary for Resources and by the City of Oakland's Environmental Review Regulations; now, therefore be it

**RESOLVED:** That the City Council hereby approves the acceptance and appropriation of up to four million dollars (\$4,000,000) in 2006 Federal Emergency Management Agency Pre-Disaster Mitigation grant funds for the Oakland Regional Fuel Management Project and extend the project timeline to ten years; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to increase the share of Oakland's grant matching fund requirement to eight hundred eighty-two thousand eight hundred thirty dollars (\$882,830); and be it

**FURTHER RESOLVED:** That the City Council's action to apply for, accept, and appropriate the grant funds is exempt from CEQA pursuant to CEQA Guidelines sections 15061(b)(3) (General Rule), 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), 15262 (Feasibility and Planning Studies), 15269 (Emergency Projects), 15301 (Existing Facilities), 15304 (Minor Alterations to Land), 15306 (Information Collection), 15307 (Actions by Regulatory Agencies for Protection of Natural Resources), 15308 (Actions by Regulatory Agencies for the Protection of the Environment), and 15378(b)(4) (Other Government Fiscal Activities), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance; and be it

**FURTHER RESOLVED:** That this action does not constitute an approval of the scope of work being funded by the FEMA grant or authorization to commence the scope of work, and subsequent approval of the scope of work by the City is subject to CEQA. The scope of work being funded by the FEMA grant requires additional environmental analysis pursuant to CEQA; after completion of such additional environmental analysis, the scope of work shall return to the City Council for its consideration for adoption and approval. The City reserves all of its rights and duties under CEQA with respect to the scope of work being funded by the FEMA grant, including without limitation, the authority to do any and all of the following: (a) prepare an environmental study evaluating the impacts of the scope of work being funded by the FEMA grant, feasible alternatives to the scope of work, and feasible mitigation measures; (b) adopt any feasible alternatives and/or feasible mitigation measures to lessen any significant environmental impacts resulting from the scope of work; (c) determine that any significant environmental impacts of the scope of work that cannot be mitigated are acceptable due to project benefits overriding any significant unavoidable impacts; and/or (d) decide to modify or deny its approval of the scope of work, and not to proceed with the scope of work being funded by the FEMA grant, due to the results/findings of the CEQA process; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to enter into an agreement with the East Bay Regional Park District to secure its matching grant contribution in the amount of one hundred seventeen thousand one hundred seventy dollars (\$117,170); and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to appropriate funds in the amount of four hundred fifty-four thousand four hundred nine dollars (\$454,409) from fund (2320) fund balance, one hundred seventeen thousand one hundred seventy dollars (\$117,170) from the East Bay Regional Park District, and the remaining matching funds in the amount of four hundred twenty-eight thousand four hundred twenty one dollars (\$428,421) will be drawn from existing budget in Fund (2321) Account (54919), Project (0000000), PS23; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to conduct all negotiations, execute and submit all documents including, but not limited to applications, letters of commitment, agreements, amendments, payment requests which may be necessary for the completion of this project; and be it

**FURTHER RESOLVED:** That all contracts used for this project shall be approved for form and legality by the Office of the City Attorney prior to execution and a copy shall be placed on file in the office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 02, 2015, 20      

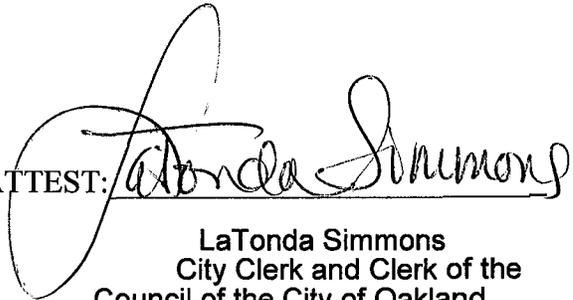
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, ~~KAPLAN~~, REID, and PRESIDENT GIBSON MCELHANEY -7

NOES- 0

ABSENT- 0

ABSTENTION- Kaplan - 1

ATTEST:   
LaTonda Simmons  
City Clerk and Clerk of the  
Council of the City of Oakland,

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California