

*[Signature]*  
City Attorney

OFFICE OF THE CITY CLERK

2007 MAR 29 PM 3:00

**OAKLAND CITY COUNCIL**

**RESOLUTION No. 80505 C.M.S.**

**REVISED**  
**MAR 29 2007**

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AMENDING RESOLUTION NO. 80186 C.M.S. ADOPTED ON OCTOBER 3, 2006 WHICH APPROPRIATED \$1,693,550.00 OF CITY FUNDS FOR EMERGENCY RESPONSE AND PERMANENT STORM MITIGATION MEASURES FOR THE MCKILLOP ROADWAY RESTORATION PROJECT, TO APPROPRIATE AN ADDITIONAL \$1,906,450.00 (FOR A TOTAL PROJECT APPROPRIATION OF \$3,600,000.00)**

**WHEREAS**, as a result of a 2006 land slide that continues to pose a threat of significant or catastrophic damage to McKillop roadway and nearby properties, the City Council has declared a Local Emergency pursuant to authority granted by Ordinance No. 11467 C.M.S., and

**WHEREAS**, on October 3, 2006, City Council adopted Resolution No. 80186 C.M.S. appropriating \$1,693,550.00 in City funds for the McKillop Roadway Construction Project and authorized the City Administrator to accept reimbursement of eligible costs from State and Federal agencies; and

**WHEREAS**, the permanent emergency restoration work for McKillop Roadway is in progress, to prevent the regression of slide into the roadway, the underground utilities, and the homes on the upper section of the slope; and

**WHEREAS**, the design, construction, and inspection costs for the emergency repairs and permanent restoration work for McKillop Roadway Restoration was identified by FEMA to be under presidential proclamation (DR-1646), which have been estimated to cost \$3,600,000.00; and

**WHEREAS**, it is anticipated that Federal and State agencies will reimburse the City up to \$3,375,000.00 for the permanent restoration work; and

**WHEREAS**, all emergency and permanent restoration work costing an estimated \$3,600,000.00, is 93.75 percent reimbursable from State and Federal agencies, and these costs are above and beyond the City's adopted budget; 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; now, therefore, be it

**RESOLVED:** That the City Council hereby approves the appropriation of an additional \$1,906,450.00 for the McKillop Roadway project (FOR A TOTAL PROJECT APPROPRIATION OF \$3,600,000.00); and be it

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**FURTHER RESOLVED:** That the City Council authorizes the City Administrator to accept and appropriate additional funds from FEMA and the State of California Office of Emergency Services (OES) for the emergency permanent restoration of landslides that have been approved by FEMA; and be it

**FURTHER RESOLVED:** That the additional funding will be appropriated to:

- Fund 2062 (FEMA 1646 DR-Spring Storms 2006), Organization 92242 (Street and Structures), Account 54011 (Contract Contingency), and Project No. G310710 in the amount of \$1,429,838.00.
- Fund 2146 (California State Emergency), Organization 92242 (Street and Structures), Account 54011 (Contract Contingency), and Project No. G310720 in the amount of \$357,459.00.
- Fund 2211 (Measure B-ACTIA), Organization 92242 (Street and Structures), Account 54011 (Contract Contingency), and Project No. G310730 in the amount of \$119,153.00; and be it

**FURTHER RESOLVED:** That the revenues will be deposited into:

- Fund 2062 (FEMA 1646 DR-Spring Storms 2006), Organization 30242 (Street and Structures), Account 46128 (FEMA – 75 % Federal), and Project No. G310710 in the amount of \$1,429,838.00.
- Fund 2146 (California State Emergency), Organization 30242 (Street and Structures), Account 46229 (Miscellaneous State Grant), and Project No. G310720 in the amount of \$357,459.00.
- Fund 2211 (Measure B-ACTIA), appropriation within fund is non-reimbursable City's share of 6.25% which is \$119,153.00; 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; and be it

**FURTHER RESOLVED:** That all agreements entered into pursuant to authorization hereunder shall be approved for form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk.

N COUNCIL, OAKLAND, CALIFORNIA, APR 3 2007, 2007

**PASSED BY THE FOLLOWING VOTE:**

AYES-BROOKS, BRUNNER, CHANG, KERNIGHAN, ~~NASEL~~, QUAN, REID, and PRESIDENT DE LA FUENTE - 7


NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused - Nadel - 1

ATTEST:

  
LaPonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California