

**CITY OF OAKLAND**  
**AGENDA REPORT** OFFICE OF THE CITY CLERK

2006 OCT 03 PM 5:03

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Public Works Agency  
DATE: October 3, 2006

RE: **Resolution Amending Resolution No. 80046 C.M.S. Adopted On July 18, 2006 Which Appropriated \$6,094,763.00 Of City Funds For Emergency Response And Permanent Storm Mitigation Measures To Appropriate An Additional \$2,305,143.00 Of City Funds For Three Additional Emergency Permanent Storm Mitigation Measures (For A Total Appropriation Of \$8,399,906.00)**

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**SUMMARY**

This resolution amends Resolution No. 80046 C.M.S. adopted July 18, 2006 to increase the appropriation of City funds by \$2,305,143 (for a new total of \$8,399,906.00) for the emergency repair of three additional storm damaged sites that were qualified for reimbursement by FEMA after the July 18, 2006. It is urgent to complete the construction of these projects by December 2006 or earlier to minimize any additional costs of winterization or bear the potential risk of maintaining winterization measures. These three projects are listed below:

**1. Claremont Avenue ¾ mile East of Alvarado Slide Repair**

**2. McKillop Roadway Slide Repair**

On Monday September 25, 2006, City received two bids for McKillop Roadway Restoration work. The apparent lowest bidder's price is \$1,551,033.00, which is below the project estimate shown in **Attachment B**. Presently, Contract Administration and Contract Compliance are expediting bid analysis and verification of bidders' qualifications for final selection, award and the notice to proceed.

**3. 545 Dwight Place Slide Repair**

These projects were not included in the July 18, 2006 staff report and resolution because staff had not received confirmation from federal and state representatives that these sites qualified for disaster relief funding before the report was presented to Council. Eligible costs to implement these emergency measures will be 93.75 percent reimbursable through state and federal disaster relief funds.

It is recommended that the resolution be approved.

**BACKGROUND**

The July 18, 2006 staff report provided background information on the severe storms of the 2005-2006 winter seasons and the state and federal disaster assistance available to help Oakland restore infrastructure damaged during those events. Since that report, three additional sites have

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been identified that require emergency mitigation and meet the requirements for state and federal assistance.

The City has received Obligation Letters on some of the projects from the State of California Office of Emergency Services (OES) and the staff is in the process of communicating with OES by providing documents for reimbursement.

Staff continues to work 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 ensure reimbursement for all eligible costs associated with damage from these winter storms. As with the previous projects presented to Council in July, it is necessary that mitigation measures be implemented immediately at the three additional sites to prevent further damage to the public infrastructure and to protect public safety, before any actual state and federal reimbursements are provided.

The staff expects 93.75 percent of all costs to be eligible for reimbursement. Should some of the costs be declared ineligible, staff will return to Council with a report explaining the need for additional funds. These additional funds will be appropriated from the ACTIA, matching funds for federally funded programs (2211).

**Attachment A** provides a summary of the cost of all current storm damage mitigation projects, including the three additional projects in this report. **Attachment B** provides cost estimates for the three additional projects that are the subject of this resolution. **Attachments C through E** include the status of the projects included in the July 18, 2006 staff report.

## 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<br>Fund 2062<br><u>Federal</u> | Fund<br>2146<br><u>State</u> | Fund<br>2211<br><u>Local</u> |         |
| <u>Roadway Jurisdiction</u>                   |  |   |                              |                              |         |
| Federal Emergency Management Agency<br>(FEMA) |  | 75.00%                                      | 18.75%                       | 6.25%                        | 100.00% |

The City will seek FEMA reimbursement for the three additional landslide projects. The FEMA 1646 DR – Spring Storms Fund (2062) shall include or activate the federal costs associated with the Spring 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.

The estimated costs of permanent restoration work include staff, consultant, and construction contract costs. This resolution requests City Council amend July 18, 2006 Resolution No. 80046 C.M.S. and appropriate an additional \$2,305,143.00 (for a new total of \$8,399,906.00) to cover the costs of emergency storm mitigation measures for three additional landslides, which were qualified for reimbursement by FEMA.

These appropriations will be divided into three different project numbers (i.e., one for each of the three storm damaged sites). The City Administrator or her designees will accept an additional amount of \$2,305,143.00 (for a new total of \$8,399,906.00) in funds from Federal Emergency Management Agency (FEMA), State of California Office of Emergency Services (OES), and ACTIA matching funds for federally funded programs (2211) into three City funds as follows:

| Fund                                       | Organization                   | Account                        | Program                                | Amount         |
|--|--------------------------------|--------------------------------|--|----------------|
| 2062 (FEMA 1646 DR – Spring Storms 2006)   | 92242 (Streets and Structures) | 54011 (Contract Contingencies) | IN05 (Engineering Planning and Design) | \$1,728,857.25 |
| 2146 (California State Emergency Services) | 92242 (Streets and Structures) | 54011 (Contract Contingencies) | IN05 (Engineering Planning and Design) | \$432,214.31   |
| 2211 (Measure B-ACTIA)                     | 92242 (Streets and Structures) | 54011 (Contract Contingencies) | IN05 (Engineering Planning and Design) | \$144,071.44   |
| TOTAL:                                     |                                |                                |  | \$2,305,143.00 |

*Revenues:* This resolution requests authorization for the City Administrator to accept federal and state funds to reimburse the City for emergency permanent restoration work. At this time, staff anticipates that once all reimbursements are received, the local share of these \$2,305,143.00 repair costs will be approximately \$144,071.44. Revenues will be budgeted as detailed below:

| Fund                                       | Organization  | Account                            | Program                                | Amount         |
|--|---|------------------------------------|--|----------------|
| 2062 (FEMA 1646 DR – Spring Storms)        | 30242 (Streets and Structures)  | 46128 (FEMA – 75% Federal)         | IN05 (Engineering Planning and Design) | \$1,728,857.25 |
| 2146 (California State Emergency Services) | 30242 (Streets and Structures)  | 46229 (Miscellaneous State Grants) | IN05 (Engineering Planning and Design) | \$432,214.31   |
| 2211 (Measure B-ACTIA)                     | Appropriation within Fund 2211 is for the non-reimbursable City's share of 6.25% or \$144,071.44. |                                    |  | N/A            |
| TOTAL:                                     |   |                                    |  | \$2,161,071.56 |

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.

### **SUSTAINABLE OPPORTUNITIES**

Economic: The authorization allows the appropriation of partially reimbursable state and federal funds for 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 these funds were appropriated.

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 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) amend Resolution 80046 C.M.S. for an additional \$2,305,143.00 (for a new total of \$8,399,906.00) for three additional projects as indicated in the resolution for permanent restoration of landslide sites, and 2) accept state and federal emergency response funds from State of California and federal agencies. Passage of this resolution will allow the City of Oakland to subsequently recover the maximum amount of the expenditure and revenue that is spent for emergency reopening and permanent restoration work.

## ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends approval of the resolution.

Respectfully submitted,

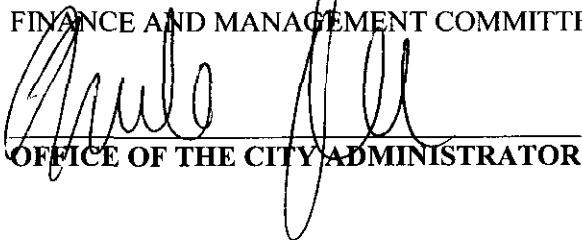


**RAUL GODINEZ N, P.E.**  
Director, Public Works Agency

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**

Attachments:

- A FEMA I and FEMA II Storm Damage Repair Costs
- B Three Additional Projects Qualified Under DR-1646-Spring Storms Landslides - 3/29/05 - 4/16/06
- C Status Report for DR-1646-Spring Storms Landslides - 3/29/05 - 4/16/06. Previously approved in JULY 11, 2006 RESOLUTION NO. 80046 C.M.S.
- D Status Report for DR-1628-Winter Storms - 12/17/05 to 1/3/06. Previously approved in JULY 11, 2006 RESOLUTION NO. 80046 C.M.S.
- E Status Report for FHWA Landslides - 12/17/05 to 1/3/06. Previously approved in JULY 11, 2006 RESOLUTION NO. 80046 C.M.S.

**Attachment A  
FEMA I and FEMA II Storm Damage Repair Costs**

| To be approved in this Resolution  | 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. 2211 |
|--|--|--|--|--|-----------------------------------|
| <b>ATTACHMENT B:<br/>DR-1646-Spring Storms<br/>Amount Requested for<br/>three (3) additional<br/>projects by this resolution</b> | <b>\$2,305,143.00</b>                                | <b>\$0.00</b>  | <b>\$1,728,857.25</b>                                | <b>\$432,214.31</b>                                | <b>\$144,071.44</b>               |

| Previously approved in JULY 11, 2006 RESOLUTION NO. 80046 C.M.S.  | 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 C.<br>DR-1646-Spring Storms<br><u>Previously approved in JULY 11, 2006 RESOLUTION NO. 80046 C.M.S.</u> | \$1,521,578.00                                       | \$0.00   | \$1,141,183.50                                       | \$285,295.88                                       | \$95,098.63                       |
| ATTACHMENT D.<br>DR-1628-Winter Storms<br><u>Previously approved in JULY 11, 2006 RESOLUTION NO. 80046 C.M.S.</u> | \$2,913,119.00                                       | \$2,184,839.25                                       | \$0.00   | \$546,209.81                                       | \$182,069.94                      |
| ATTACHMENT E<br>FHWA Totals<br><u>Previously approved in JULY 11, 2006 RESOLUTION NO. 80046 C.M.S.</u>            | \$1,190,286.00                                       | \$952,228.80   | \$0.00   | \$0.00   | \$238,057.20                      |
| ATTACHMENT F.<br>Debris Landfill Costs<br><u>Previously approved in JULY 11, 2006 RESOLUTION NO. 80046 C.M.S.</u> | \$469,780.00   | \$0.00   | \$469,780.00   | \$0.00   | \$0.00                            |
| <b>TOTAL<br/><u>Previously approved in JULY 11, 2006 RESOLUTION NO. 80046 C.M.S.</u></b>                          | <b>\$6,094,763.00</b>                                | <b>\$3,137,068.05</b>                                | <b>\$1,610,963.50</b>                                | <b>\$1,263,720.00</b>                              | <b>\$659,297.20</b>               |

|  |                       |                       |                       |                       |                     |
|--|-----------------------|-----------------------|-----------------------|-----------------------|---------------------|
| Total including the additional three projects: | <b>\$8,399,906.00</b> | <b>\$3,137,068.05</b> | <b>\$3,339,820.75</b> | <b>\$1,695,934.31</b> | <b>\$803,368.64</b> |
|--|-----------------------|-----------------------|-----------------------|-----------------------|---------------------|

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  
Fund 2211 = Measure B-ACTIA

**Attachment B**

**Three Additional Projects**

**Qualified Under DR-1646-Spring Storms Landslides - 3/29/05 - 4/16/06**

| <b>Site Address</b>   | <b>TOTAL COST: Design,<br/>Project Management,<br/>&amp; Construction</b> | <b>9-15-06 Status</b>  |
|---|---|--|
| <b>Claremont Avenue Slide Repair<br/>(3/4 mile E of Alvarado)</b> | <b>\$363,043.00</b>   | Consultant design in progress. Final plans in September or early October |
| <b>McKillop Roadway Slide Repair</b>                              | <b>\$1,693,550.00</b>   | Bids will be received on September 25.                                   |
| <b>545 Dwight Place Slide Repair</b>                              | <b>\$248,550.00</b>   | Consultant design in progress. Final plans in September or early October |
| <b>Total</b>  | <b>\$2,305,143.00</b>   |  |



**Attachment C**

Status Report for DR-1646-Spring Storms Landslides - 3/29/05 - 4/16/06

Previously approved in JULY 11, 2006 RESOLUTION NO. 80046 C.M.S.

| Site Address                                       | TOTAL COST: Design,<br>Project Management, &<br>Construction | 9-15-06 Status  |
|--|--|---|
| Shepherd Canyon:<br>Two sinkholes in bicycle path. | \$47,500.00  | Work has been completed.  |
| 6227 Westover Dr.                                  | \$291,830.00   | Pre-bid meeting on 9/8/06   |
| 6245 Westover Dr.                                  | \$146,750.00   | Consultant design in progress. Final plans in September                           |
| Thornhill near Heather Ridge                       | \$413,852.00   | Pre-bid meeting on 9/8/06   |
| Above 1365 Alvarado                                | \$30,000.00  | N/A. Consultant for risk assessment only. Work to be performed by property owners |
| 7155 Marlborough Terrace                           | \$193,127.00   | Consultant design in progress. Final plans in September                           |
| Claremont Ave.<br>(200 yds E of Alvarado)          | \$398,519.00   | Consultant design in progress. Final plans in September                           |
| <b>Total:</b>                                      | <b>\$1,521,578.00</b>  |   |

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**Attachment D**  
**Status Report for DR-1628-Winter Storms - 12/17/05 to 1/3/06**

**Previously approved in JULY 11, 2006 RESOLUTION NO. 80046 C.M.S.**

| Site Address                                 | TOTAL COST<br>Design, Project<br>Management &<br>Construction | 9-15-06 Status  |
|--|---|---|
| Elverton Drive (below 23<br>Observation Pl.) | \$116,211.00  | Work has been completed.<br>Easement acquisition from the East Bay<br>Regional Park District is in process. |
| 1829 Gaspar Dr.                              | \$91,453.00   | Work has been completed.<br>easement was obtained from property<br>owners.                                  |
| 7589 Hansom Dr.                              | \$74,880.00   | Work has been completed.<br>Easement acquisition from the East Bay<br>Regional Park District is in process. |
| 3455 Dwight Way                              | \$217,857.00  | Pre-bid meeting on 9/8/06   |
| 6721 Armour Dr.                              | \$359,958.00  | Pre-bid meeting on 9/8/06   |
| 2300 Arrowhead                               | \$97,000.00   | Under construction  |
| 6868 Balsam Way                              | \$338,349.00  | Under construction  |
| Larry Lane near Ascot Place                  | \$797,255.00  | Private facility - ownership research is in<br>process.   |
| 2120 Mastlands Drive                         | \$244,101.00  | Pre-bid meeting on 9/8/06   |
| 7180 Thorndale Dr.                           | \$251,055.00  | Under construction  |
| Tunnel Road above Caldecott                  | \$325,000.00  | Consultant design in progress.  |
| <b>Total:</b>                                | <b>\$2,913,119.00</b>   |   |

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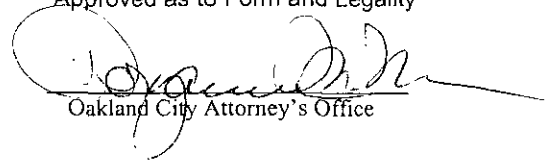
ATTACHMENT E

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

Previously approved in JULY 11, 2006 RESOLUTION NO. 80046 C.M.S.

| Site Address             | TOTAL COST<br>Design, Project<br>Management &<br>Construction | 9-15-06 Status   |
|--------------------------|---|--|
| 6200 Block Skyline Blvd. | \$691,691.00  | PG&E to submit plan of action to the City<br>by end of September |
| 7967 Skyline Blvd.       | \$498,595.00  | Under Construction   |
| <b>FHWA TOTALS</b>       | <b>\$1,190,286.00</b>   |  |

2006 SEP 28 PM 5:04



Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

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**RESOLUTION AMENDING RESOLUTION NO. 80046 C.M.S. ADOPTED ON JULY 18, 2006 WHICH APPROPRIATED \$6,094,763.00 OF CITY FUNDS FOR EMERGENCY RESPONSE AND PERMANENT STORM MITIGATION MEASURES TO APPROPRIATE AN ADDITIONAL \$2,305,143.00 OF CITY FUNDS FOR THREE ADDITIONAL EMERGENCY PERMANENT STORM MITIGATION MEASURES (FOR A TOTAL APPROPRIATION OF \$8,399,906.00)**

**WHEREAS**, on July 18, 2006, City Council adopted resolution no. 80046 C.M.S. 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 for construction contracts or a negotiated process for design and other professional service contract, without return to council; and

**WHEREAS**, permanent restoration work at the three additional landslide locations is necessary to provide stability to City roads and restore storm drainage capacity; and

**WHEREAS**, the design, construction and inspection costs for the emergency repairs and permanent restoration work at these three landslide locations were identified by FEMA to be under presidential proclamation (DR-1646), which have been estimated to cost \$2,305,143; and

**WHEREAS**, it is anticipated that federal and state agencies will reimburse the City up to \$2,161,071.56 for the permanent restoration work; and

**WHEREAS**, all emergency and permanent restoration work costing an estimated \$2,305,143.00, 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 authorizes the City Administrator to accept additional funds in the amount of \$2,305,143.00 from FEMA, the State of California Office of Emergency Services (OES), and City's ACTIA matching funds for federally funded programs (2211) for the emergency permanent restoration of landslides that have been approved by FEMA; and, be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator or her designees to appropriate an additional amount of \$2,305,143.00 (for a total appropriation of \$8,399,906.00) in funds into four City funds as follows:

| Fund                                       | Organization                   | Account                        | Program                                | Amount                |
|--|--------------------------------|--------------------------------|--|-----------------------|
| 2062 (FEMA 1646 DR – Spring Storms 2006)   | 92242 (Streets and Structures) | 54011 (Contract Contingencies) | IN05 (Engineering Planning and Design) | \$1,728,857.25        |
| 2146 (California State Emergency Services) | 92242 (Streets and Structures) | 54011 (Contract Contingencies) | IN05 (Engineering Planning and Design) | \$432,214.31          |
| 2211 (Measure B-ACTIA)                     | 92242 (Streets and Structures) | 54011 (Contract Contingencies) | IN05 (Engineering Planning and Design) | \$144,071.44          |
| <b>TOTAL:</b>                              |                                |                                |  | <b>\$2,305,143.00</b> |

This \$2,305,143.00 appropriation shall be divided into three different project numbers (i.e. one for each of the three storm damaged sites); and, be it

**FURTHER RESOLVED:** That except for the ACTIA matching funds for federally funded programs (2211) of \$144,071.44 (6.25% of \$2,305,143.00), funds in the amount of \$2,161,071.56 will be reimbursed by the State of California Office of Emergency Services (OES) for the FEMA approved mitigation projects; 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                |
|--|---|------------------------------------|--|-----------------------|
| 2062 (FEMA 1646 DR – Spring Storms)        | 30242 (Streets and Structures)  | 46128 (FEMA – 75% Federal)         | IN05 (Engineering Planning and Design) | \$1,728,857.25        |
| 2146 (California State Emergency Services) | 30242 (Streets and Structures)  | 46229 (Miscellaneous State Grants) | IN05 (Engineering Planning and Design) | \$432,214.31          |
| 2211 (Measure B-ACTIA)                     | Appropriation within Fund 2211 is for the non-reimbursable City's share of 6.25% or \$144,071.44. |                                    |  | N/A                   |
| <b>TOTAL:</b>                              |   |                                    |  | <b>\$2,161,071.56</b> |

; 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 local match 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.

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