



OAKLAND CITY COUNCIL

RESOLUTION No. 86311 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HORIZON WATER AND ENVIRONMENT, LLC, FOR THREE YEARS IN AN AMOUNT NOT TO EXCEED SIX HUNDRED AND FIFTY THOUSAND DOLLARS (\$650,000.00) FOR SERVICES RELATING TO THE DEVELOPMENT OF A VEGETATION MANAGEMENT PLAN AND ACCOMPANYING CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DOCUMENTATION FOR THE OAKLAND HIGH FIRE-SEVERITY ZONE/WILD LAND URBAN INTERFACE (“WUI”) AREAS, WITH THE OPTION TO INCREASE THE CONTRACT AMOUNT FOR ADDITIONAL SERVICES, WITHOUT RETURN TO COUNCIL, BASED ON AVAILABILITY OF PROJECT FUNDS

WHEREAS, the proposed Vegetation Management Plan for the Oakland High Fire-Severity Zone/Wild Land Urban Interface areas 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, on December 5, 2014, after a lengthy environmental review process, the Federal Emergency Management Agency (FEMA) published the final Environmental Impact Statement relating to the East Bay Hills Wildfire Risk Reduction grant applications; and

WHEREAS, on March 5, 2015, FEMA published the Record of Decision for East Bay Hills Wildfire Risk reduction projects, which documents FEMA’s decision to proceed with the proposed action, which constitutes vegetation management work, and recommends funding certain grant applications for geographic sub-areas in the City of Oakland; and

WHEREAS, on June 2, 2015, by Resolution No. 85639 C.M.S., the City Council authorized the City Administrator to apply for, accept, and appropriate up to \$4 Million in 2006 Federal Emergency Management Agency Pre-Disaster Mitigation Grant Funds for the Oakland Regional Fuel Management Project; 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, FEMA may release partial grant funds for environmental clearance, and the City may accept such funds, to pay for the portion of the CEQA studies that cover the FEMA work. Monies to cover the Vegetation Management Plan and portions of the CEQA studies beyond the FEMA work would need to come from the Wildfire Prevention Assessment District or other funding mechanisms; and

WHEREAS, approval of the agreement will enable the City to prepare a Vegetation Management Plan and required CEQA documents for the Oakland High Fire Severity Zone/Wild Land Urban Interface areas; and

WHEREAS, the City Council finds that the City lacks qualified personnel to perform the necessary work and that the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, through the City's competitive Request for Qualifications process in accordance with Oakland Municipal Code § 2.04.051 for professional consulting services to develop a Vegetation Management Plan, one firm was identified as the most responsive and qualified consultant team to provide the desired professional services described herein; and

WHEREAS, the City Council finds that the services provided pursuant to the agreement authorized hereunder are of a professional, scientific or technical nature and are temporary in nature; and

WHEREAS, the City Council finds that the agreement directly or indirectly supports the City Council goal to "Develop a Sustainable City"; and

WHEREAS, the City Council finds that the agreement shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, the funding for all contractual expenditure allocations shall be expensed to one or more of the following accounts: 2006 FEMA Pre-Disaster Mitigation Grant, Fund 2124, Org. 20311, Account 5xxxx, Project G493410, Program PS23, Fire Suppression Assessment District, Fund 2320, Org. 20311, Account 5xxxx, Project G493420, Program PS23, Wildfire Prevention Assessment District (WPAD), Fund 2321, Org. 20311, Account 5xxxx, G493430, Program PS23, Wildfire Prevention Assessment District (WPAD), Fund 2321, Org. 20311, Account 5xxxx, A497410, Program PS23; and

WHEREAS, the City is required to comply with the National Environmental Policy Act (NEPA) and 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 finds and determines the foregoing recitals to be true and correct and hereby adopts and incorporates them into this Resolution as findings and determinations of the City Council; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code §2.04.051 and for the reasons stated above and in the accompanying Agenda Report dated June 20, 2016, the City Administrator or designee is hereby authorized to enter into a contract for specialized professional services needed to develop a Vegetation Management Plan and accompanying CEQA documents with Horizon Water and Environment, LLC in an amount not to exceed six hundred and fifty thousand dollars (\$650,000.00) over the next three (3) years, with the option to increase the contract amount for additional services based on availability of project funds, and to complete all required negotiations, certifications, assurances and documentation required to accept, modify extend and/or amend the contract, and to increase the contract amount as appropriate without return to council; and be it

FURTHER RESOLVED: That project funding for all contractual expenditure allocations shall be expensed to one or more of the following accounts: 2006 FEMA Pre-Disaster Mitigation Grant, Fund 2124, Org. 20311, Account 5xxxx, Project G493410, Program PS23, Fire Suppression Assessment District, Fund 2320, Org. 20311, Account 5xxxx, Project G493420, Program PS23, Wildfire Prevention Assessment District (WPAD), Fund 2321, Org. 20311, Account 5xxxx, G493430, Program PS23, Wildfire Prevention Assessment District (WPAD), Fund 2321, Org. 20311, Account 5xxxx, A497410, Program PS23; and be it

FURTHER RESOLVED: That the City Council's action to authorize this agreement 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), 15306 (Information Collection), 15307 (Actions by Regulatory Agencies for the 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

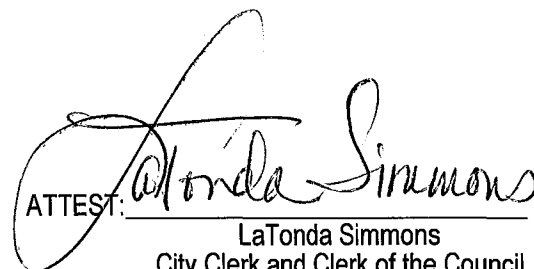
FURTHER RESOLVED: That the contract shall be approved for form and legality by the City Attorney and copies shall be kept on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, July 19, 2016

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND PRESIDENT GIBSON MCELHANEY - 8

NOES - 0
ABSENT - 0
ABSTENTION - 0

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