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CITY OF OAKLAND



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Office of the City Administrator
Dan Lindheim
City Administrator

(510) 238-3301

June 23, 2009

Public Safety Committee
Oakland, California

Chairperson Reid and Members of the Committee:

RE: A Report and Resolution Authorizing the City Administrator to Apply for Up to \$15 Million for the Construction and Rehabilitation of Fire Stations from the Assistance to Firefighters Fire Station Construction Grant Under the American Recovery and Reinvestment Act of 2009 To Fund The Construction Of New, And Modification Of Existing, Fire Stations In Oakland, To Help Fuel Economic Recovery By Enhancing Response Capability, And To Protect The Community From Fire And Fire-Related Hazards

SUMMARY

This item requests City Council approval of a resolution authorizing the City Administrator to apply for, accept and appropriate all funds designated for the City of Oakland under the American Recovery and Reinvestment Act of 2009 (“ARRA” or “Recovery Act”) – Assistance to Firefighters Fire Station Construction Grant (“FSC”) Program, made available on a competitive basis to the City by the U.S. Department of Homeland Security (“DHS” or “Department”), Federal Emergency Management System (“FEMA”), and estimated at \$15,000,000 per grant award.

The Recovery Act provides \$787 billion in funding and tax credits to help stimulate the American economy. The Fire Station Construction Grant Program was established to assist local fire departments to enhance their response capability ability to protect the communities they serve from fire and fire-related hazards. Specifically, the FSC Program will fund the construction and modification of fire stations. This is a competitive grant.

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FISCAL IMPACT

The Assistance to Firefighters Fire Station Construction Grant Program Guidelines limit the total grant amount to \$15 million per applicant. The grant requires no local match. However, there may be minimal expenses that while not covered by the grant are deemed essential or necessary to complete the project. Staff is working to identify potential unfunded costs and will provide additional information as it becomes available.

The City is permitted to apply for up to \$5 million per proposed construction or modification project. There is no limit as to the number of projects for which the City can apply. The maximum grant award limit is \$15 million. The FSC grant application deadline is July 10, 2009.

BACKGROUND

On May 29, 2009, pursuant to the ARRA, the U.S. Department of Homeland Security, Federal Emergency Management Agency, in coordination with the U.S. Fire Administration, announced the Assistance to Firefighters Fire Station Construction Grant Program ("FSC Program"). The Recovery Act provides \$210 million to DHS to fund the FSC Program, which will directly award grants to fire stations on a competitive basis.

DHS will administer FSC grant awards directly to local fire departments to build new or modify existing fire stations. FEMA's primary goal in administering the FSC is to help local fire departments "enhance their response capability and protect the community they serve from fire and fire-related hazards."

The Oakland Fire Department's internal work team has identified those projects that are most closely aligned with the grant priorities and that further promote the Mayor's Model City concept.

Grant Review Process

The Assistance to Firefighters ("AFG") Program Office will follow the same grant process utilized for all other grant opportunities with AFG. Submitted applications will undergo initial screening using the answers to the questions in the application to determine which applications will go to panel. A panel of peers will then review each application that it receives, and provide recommendations regarding which applications will be funded.

KEY ISSUES AND IMPACTS

A. Grant Overview

The Assistance to Firefighters Fire Station Construction Grant Program provides the City of Oakland with the opportunity to fund the construction of new—and modify existing—fire stations in the City.

The U.S. Department of Homeland Security and FEMA have made these funds available to local fire departments for the stated purpose of helping cities to “acquire the tools and resources necessary to effectively protect the health and safety of the public and their emergency response personnel with respect to fire and other hazards.”¹ The FSC Program will assist in stimulating Oakland’s economy by generating employment opportunities in the building trades. Grant funds will also help to increase the safety of Oakland’s firefighters and the communities that they serve.

B. Grant Guidelines

The following is a summary of the main aspects of the Fire Station Construction grant guidelines.

1. Eligible Applicants

Eligible applicants are limited to non-Federal fire departments in the U.S. The Oakland Fire Department is an eligible applicant.

2. Permissible Uses of the FSC Grant

Use of funds awarded by the Fire Station Construction grant are governed by the ARRA and other relevant federal regulations, as outlined in the FSC Guidance Kit. Funds awarded under this grant cannot be used to purchase real property.

The period of performance for FSC Grants is 36 months from the date of award. Extensions to the period of performance will be considered on a case-by-case basis.

3. No Cost-Sharing Requirement

DHS does not require cost-sharing for the FSC Grant. However, a higher priority will be given to fire departments whose host City is willing and/or able to contribute to the project overall.²

¹ A.R.R.A. Assistance to Firefighters Fire Station Construction Grants Guidance and Application Kit (“FSC Guidance Kit”), Page 2.

² Id. at Page 5-6.

4. FSC Grant Funding Priorities

In accordance with the FSC's overarching priority of stimulating local economies in the form of jobs and increased safety of both firefighters and the communities that they serve, the FSC Program will prioritize a) timeliness of the implementation of the construction project; b) the effect that the new or modified facility will have on the health and safety of the firefighters; and c) the benefit that the new or modified facility will have on the protection of the community.

The FSC Guidance states that, generally, each proposed fire station project should focus on either Firefighter Safety (including, but not limited to, replacement of condemned structures or rehabilitation of unhealthy structures), or Community Safety (projects that improve the fire department's response capabilities and enhance public safety).

The following is a summarized, ordinal list of FSC Grant program priorities, from highest to lowest, as outlined in the FSC Guidance Kit.

- a. Priority for Highest Increases in Joblessness Rates. DHS will give the highest consideration to local fire departments that are serving communities which have suffered the highest increases in joblessness rates. To assess this criterion, the change in the City of Oakland's joblessness rates from 2007 to 2008 will be compared.
- b. Priority for Land Already Acquired. The Department will give the highest consideration to fire departments that own or have otherwise already acquired the land on which they plan to construct or modify fire station(s).
- c. Priority for Completed Zoning/Permits. The FSC Guidance Kit states that priority will be given to requests involving land that has already been zoned for the new or modified structure, and to applications in which the fire department has already obtained permits for their projects (including State and/or locally-required environmental assessments).
- d. Purpose of the Construction or Modification. The FSC Guidance Kit states that the Recovery Act sets forth "two, equally high priorities" regarding the construction or modification:
 - i. Replacing unsafe or uninhabitable structures (regardless of whether the project calls for construction of a new building or rehabilitation of an existing structure).³

³ Note: Health-code violations or orders to vacate unsafe structures must pre-date the enactment of the Recovery Act (ARRA).

Note: DHS has explicitly stated that it will not give any higher priority to proposals for construction of *new* fire stations, as compared to proposals for the modification/rehabilitation of existing fire stations.

- ii. Funding projects that expand fire protection coverage to meet increased service demand in compliance with NFPA 1710 or 1720.⁴ Projects which expand fire protection coverage under a community's capital improvement plan will receive higher consideration than those that are not a part of a capital improvement plan.
- e. Sleeping Quarters and/or Amenities for Full-Time Occupancy. DHS's next priority is to fund projects which modify or expand existing structures to provide sleeping quarters and/or amenities for full-time occupancy (to allow for habitation 24 hours per day).
- f. Communications. Slightly lower priority will be given to projects that modify or expand existing structures to accommodate support functions such as communications.
- g. Configuration/Reconfiguration of Habitable Spaces. The Department's lowest priority is to fund projects that replace or expand habitable structures that are cramped or inefficiently configured for operation.

5. Other FSC Grant Criteria and Considerations

DHS will also assess the City's status under the National Flood Insurance Program (NFIP). Lower consideration will be given to communities that are not in good standing under the NFIP or those that have not been mapped.

The FSC Guidance further clarifies that DHS will consider the "ultimate result of the project" when determining which projects to fund. The highest priority will be given to projects that provide a safer working environment for the department's firefighters or projects that provide improved response times to the population that the department protects.⁵ Projects that propose to expand existing structures to provide full-time occupancy in order to meet service demand will receive a higher priority than projects that propose expanding existing structures to house support functions such as communications.

As with several Recovery Act grants, "shovel-readiness" is of the essence. The FSC Guidance specifically states that "projects capable of starting immediately upon receipt of DHS approval," and those that can be completed on an expedited schedule, will receive higher priority.⁶ Because firefighter safety is one of DHS's primary concerns, applicants' training levels will be

⁴ NFPA = National Fire Protection Association.

⁵ FSC Guidance Kit, Page 5.

⁶ Id.

considered, with higher priorities given to departments that have trained significant numbers of firefighters to NFPA 1001 standards.

6. Specific Items Eligible and Ineligible for Funding

Items Eligible for Funding	Items Not Eligible For Funding
<ul style="list-style-type: none"> • Building construction • Environmental assessment • Building site preparation, including demolition, if necessary • Design, planning, and engineering expenses incurred after award • Expenses necessary to comply with the most current edition of NFPA1500 • Expenses necessary to comply with the locally adopted building, fire, plumbing, mechanical and electrical codes. • Sprinklers or other life safety and fire protection systems • Vehicle exhaust extraction systems • Decontamination areas • Space for training (up to 600 square feet) • Space for gender-segregated sleeping • Gender-segregated restrooms • Space for exercise equipment • Kitchens • Kitchen appliances • Dining/eating area • ADA compliance • Gear racks, storage and shelving for gear/equipment • Internet cabling • Energy conservation systems (Leadership in Energy and Environmental Design - LEED™) • Renewable energy for HVAC and power systems 	<ul style="list-style-type: none"> • Land acquisition • Cost overruns • Fire station staffing • Pre-award costs (including but not limited to design, planning, and engineering expenses incurred prior to award) • Grant writing fees • Space for public use (ballrooms, community meetings, fund raising) • Furnishings (including office/training equipment) • Exercise equipment • Firefighting equipment • Personal protective equipment • Washers/extractors • Apparatus • Vehicle mounted exhaust extraction systems • Landscaping • Security systems • Decorative items (curtains, wall hangings, etc.) • Projects that duplicate any other Federal awards • Demolition costs not related to the funded project

C. Important Deadlines

Event	Date/Deadline
Application Deadline	July 10, 2009
Commencement of Panel Review Process	within 60 days of end of application period (July 10, 2009)

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Award Decisions	completed by September 30, 2010
Performance Period	36 months

PROGRAM DESCRIPTION

Oakland’s proposed projects are for the rebuild of Fire Stations 25, located at 2795 Butters Drive, and 29, located at 1016 66th Avenue, in addition to multiple upgrades and enhancements to fire stations throughout the city.

The proposed stations were selected based on the condition of the station. Stations 25 and 29 are in disrepair. Some of the current hazards include plumbing leaks, potential mold issues, and an inability to accommodate modern firefighting equipment and apparatus. The conditions at the stations jeopardize the health and safety of the firefighters assigned to them.

Proposed modifications include upgrades to dormitories at multiple stations. These upgrades include increasing the height of the partitions to allow for greater privacy. Other upgrades include repairs to the plumbing, roofs and apparatus. There is also a line item for asbestos abatement.

Staff will work to provide additional details at the July 7th City Council meeting.

SUSTAINABLE OPPORTUNITIES/COMMUNITY BENEFITS

Economic: The FSC Grant will improve the condition of fire stations in Oakland while generating additional job opportunities in many construction related areas including building design, construction, clean up, security, and more. Further, in the long term, having updated, compliant facilities increases the marketability of the area, which potentially draws more business to the area.

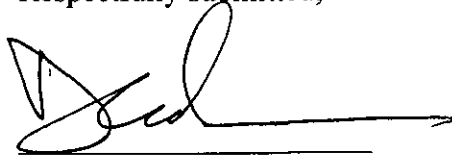
Environment: These funds would enable the City to modify fire stations 25 and 29, which are in disrepair, and bring them into environmental and safety compliance. Furthermore, the new facilities will be LEED Silver buildings and utilize advanced green technologies.

Public Safety: The FSC Grant will enhance public safety by providing safer working environments for the City’s firefighters while improving department response times to individual communities within the City. New buildings are able to accommodate modern fire apparatus.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that City Council accept this report and authorize the City Administrator to apply for, accept and appropriate up to \$15 million for the City of Oakland under the American Recovery and Investment Act of 2009 Assistance to Firefighters Fire Station Construction Grant Program to fund the construction of new, and modification of existing, fire stations in Oakland, to help fuel the economic recovery by enhancing response capability and to protect the community from fire and fire related hazards.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dan Lindheim', written over a horizontal line.

Dan Lindheim
City Administrator

DRAFT

Approved as to Form and Legality

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

City Attorney

2009 JUN 17 PM 10:03
RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO FIFTEEN MILLION DOLLARS FOR THE CITY OF OAKLAND UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (FEDERAL GOVERNMENT'S "STIMULUS PACKAGE") ASSISTANCE TO FIREFIGHTERS FIRE STATION CONSTRUCTION GRANT PROGRAM TO FUND THE CONSTRUCTION OF NEW, AND MODIFICATION OF EXISTING, FIRE STATIONS IN OAKLAND, TO HELP FUEL THE ECONOMIC RECOVERY BY ENHANCING RESPONSE CAPABILITY AND TO PROTECT THE COMMUNITY FROM FIRE AND FIRE RELATED HAZARDS

WHEREAS, on February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009 (Public Law 111-05); and

WHEREAS, a part of Public Law 111-05, makes available \$210 million to local fire departments through the Assistance to Firefighters Fire Station Construction Grants ("AF Fire Station Construction Grant Program") as part of the American Recovery and Reinvestment Act of 2009 to carry out the AF Fire Station Construction Grant Program on an expedited bases; and

WHEREAS, on May 29, 2009, the U. S. Department of Homeland Security ("DHS") released the A.R.R.A. Assistance to Firefighters Fire Station Construction Grants Guidance and Application Kit; and

WHEREAS, the City desires to apply for, accept and appropriate up to fifteen million dollars (\$15,000,000) that the Department of Homeland Security, Federal Emergency Management Administration has made available to the City of Oakland through the AF Fire Station Construction Grant Program to fund the construction of new, and modification of existing, fire stations in Oakland, to help fuel the economic recovery by enhancing response capability and to protect the community from fire and fire related hazards; now, therefore, be it

RESOLVED: That the City Council hereby authorizes and directs the City Administrator, and/or his designee, to prepare and submit the AF Fire Station Construction Grant Program application; and be it

FURTHER RESOLVED: That the City Council directs the City Administrator, and/or his designee, to take any actions necessary to execute and submit all documents that may be required to secure DHS AF Fire Station Construction Grant Program funding; and be it

FURTHER RESOLVED: That the City Council hereby authorizes and directs the City Administrator, and/or his designee to develop and administer programs funded through the AF Fire Station Construction Grant Program to include the requirements set forth by DHS; and be it,

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator to conduct negotiations, execute documents, and take any other action with respect to the projects and the allocation of the funds consistent with this Resolution and its basic purpose; and be it

FURTHER RESOLVED: That prior to execution, all contracts and agreements shall be reviewed and approved for form and legality by the Office of the City Attorney and a final copy shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER,

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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