



# AGENDA REPORT


**TO:** Jestin D. Johnson  
City Administrator

**FROM:** Josh Rowan  
Interim Director,  
Oakland Public Works

**SUBJECT:** Amend Storm Drainage Master Plan  
Consultant Agreement

**DATE:** February 10, 2025

City Administrator Approval

  
Jestin Johnson (Feb 26, 2025 11:41 PST)

Date: Feb 26, 2025

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To (1) Amend The Professional Services Agreement With Wood Rodgers, Inc. And Increase The Agreement By An Additional Nine Hundred Seventy-One Thousand Five Hundred Seventy Dollars (\$971,570.00) To A Total Contract Amount Not-To-Exceed Four Million Seventy-One Thousand Four Hundred Fifty-Two Dollars (\$4,071,452.00) For The Storm Drainage Master Plan Project (Project No. 1005274); (2) Appropriate Thirty-Four Thousand Three Hundred Thirty-Two Dollars (\$34,332.00) From Development Service Fund 2415 Fund Balance; (3) Waive The Competitive Request For Proposals / Qualifications Requirement; (4) Enter Into A User Disclaimer Of Liability And Warranties Agreement With The Alameda County Flood Control And Water Conservation District For Modeling Data Sharing; And (5) Adopt Appropriate California Environmental Quality Act Findings For Project No. 1005274**

## EXECUTIVE SUMMARY

Approval of the proposed resolution will authorize the City Administrator to increase the current Storm Drainage Master Plan (Project No. 1005274) professional services agreement between the City of Oakland (City) and Wood Rodgers, Inc. (Wood Rodgers) by an additional Nine Hundred Seventy-One Thousand Five Hundred Seventy Dollars (\$971,570.00) to a total contract amount not-to-exceed Four Million Seventy-One Thousand Four Hundred Fifty-Two Dollars (\$4,071,452.00) to perform additional detailed hydrologic and hydraulic analyses, perform field and engineering assessments of storm drainage infrastructure impacted by winter storm flooding at multiple locations, extend the storm drainage study to assess anticipated effects of climate change and extreme precipitation on recommended Storm Drainage Master Plan (SDMP) capital improvement projects, perform additional inventory and analysis of the City's storm drainage inlet system to minimize clogging risks and identify safety concerns, continue updating the hydrologic and hydraulic modeling as needed to support the SDMP project's on-going capital improvement program (CIP) effort, complete the update of the Federal

Emergency Management Agency's (FEMA) flood insurance rate map (FIRM) for the Arroyo Viejo Creek Watershed to remove errors from the current maps and help address Community Assist Visit (CAV) violations and enter into a user disclaimer of liability and warranties agreement with the Alameda County Flood Control and Water Conservation District (District) for modeling data sharing.

Additional hydrologic and hydraulic professional services are critical to promptly address storm drainage system incidents during winter storms. Further technical guidance on managing the Watershed and Stormwater Management Division's (WSMD) CIP is also necessary to minimize future flood risks and address the effects of climate change.

The expanded scope of work enhances the City's current effort to develop a comprehensive SDMP that provides technical guidance on how to best manage and improve the City's aging storm drainage system to reduce flood risk, equitably improve community and neighborhood safety, and provide enhanced nature-based recreation and educational opportunities. The SDMP is developing recommendations for the rehabilitation of the existing system, the construction of new improvements, and the maintenance and care of the City's existing drainage assets. The current and expanded scope of work is identifying areas of critical need and improved system resiliency, and ensuring compliance with equity and environmental goals and regulatory mandates related to Oakland's stormwater discharge and waterways.

## **BACKGROUND / LEGISLATIVE HISTORY**

On November 10, 2020, the City Council authorized the City Administrator to enter into a professional services agreement (SDMP agreement) with Wood Rodgers per Council Resolution No. 88355 C.M.S. (**Attachment A**) for a total contract amount not to exceed Three Million Three Hundred Ninety-One Thousand Dollars (\$3,391,000.00) to deliver a comprehensive Storm Drainage Master Plan (SDMP) recommending CIP, providing operations and maintenance strategies, updating storm drainage design guidelines, and performing an assessment of the value of the City's existing assets and financial analysis of outstanding capital and maintenance needs. On April 13, 2021, the SDMP agreement was executed for an amount not to exceed Three Million Ninety-Nine Thousand Eight Hundred Eighty-Two Dollars (\$3,099,882.00).

During the 2022-2023 winter storm events with extreme precipitation, Wood Rodgers was requested to rapidly analyze the flood conditions and provide recommendations to address the flooding at various locations (**Table 1, Attachment B**). The number and severity of flooding incidents in the winter of 2022-2023 provided the impetus to extend the SDMP study to plan for climate change and the anticipated increase in extreme precipitation events. The proposed contract amendment includes an analysis of the effect of climate change. It will assess the effect of increased volume and frequency of design rainfall on recommended capital improvement projects, refining the improvements and cost estimates accordingly.

The expanded SDMP scope will also improve the storm drainage inlet inventory to minimize flood risks further and identify safety concerns. Additional professional hydrologic and hydraulic services from Wood Rodgers are needed to continue updating the hydrologic/hydraulic model and revising the WSMD's CIP development.

The FEMA-related task in the expanded SDMP contract scope of work supports the City's agreement to participate in the National Flood Insurance Program (NFIP), which requires the City to adopt and enforce floodplain management regulations, including correcting the FEMA flood hazard Flood Insurance Rate Maps (FIRM) for the Arroyo Viejo Creek Watershed. When funding is available, the City will pursue developing updated watershed-based FIRMs for its other watersheds. This work will allow properties to continue benefiting from lower flood insurance rates and will remove properties inadvertently included in special flood hazard areas.

The FEMA has a Community Compliance Program to address floodplain management violations. The Community Compliance Program builds on the basic probation and suspension procedures in Section 59.24 (b) and (c) and provides an orderly sequence of enforcement options of varying severity. If all attempts at obtaining community compliance are to no avail, communities will become subject to suspension from the NFIP. The availability of two separate sets of enforcement options, one for communities and one for individuals and structures, helps FEMA ensure that NFIP enforcement actions are targeted to the responsible party.

To improve the performance of the modeling analyses and provide the most cost-effective recommendations for the CIP, the SDMP utilized and refined the District's Hydrologic/Hydraulic model. To obtain official permission to use and publish the refined data, the City must enter into a user disclaimer of liability and warranties agreement (**Attachment C**) with the District.

The SDMP consultant is finalizing hydrologic and hydraulic analyses and is developing recommended capital improvement projects to upgrade storm drainage pipe sizes to allow larger stormwater flows and minimize flood risk. In addition, the SDMP consultant is evaluating the likelihood of failure of the existing storm drainage infrastructure based on results of the condition assessment. Currently, the SDMP is scheduled to be completed in 2026. Once complete, it will provide a comprehensive plan with technical guidance on managing and improving the City's storm drainage system. Specifically the plan will provide recommendations for rehabilitating the existing system, constructing new infrastructure, and maintaining and caring for the existing drainage assets. These recommendations will identify areas of critical need that will be prioritized to improve system resiliency and meet environmental compliance and equity goals. The work is needed to manage the City's 400 miles of underground pipes, more than 15,000 structures, and more than 80 miles of open creek channels. Most of the system was built more than 70 years ago and requires replacement of undersized and/or deteriorated pipes and additional maintenance to prevent flooding and hazards caused by clogged or broken storm drainage pipes.

## **ANALYSIS AND POLICY ALTERNATIVES**

The City requires technical and engineering professional services to deliver projects timely and cost-effectively. The recommended action for the City Council is to adopt a resolution authorizing the City Administrator to amend the professional services agreement with Wood Rodgers. This will advance and is consistent with the City's goal of being a **responsive, trustworthy government** by enabling staff to quickly respond to urgent and unforeseen demands such as storm-related damages.

Additional professional hydrologic and hydraulic support services from Wood Rodgers are necessary to immediately assess the causes of flooding incidents, provide short-term solutions to relieve the flooding, and incorporate long-term solutions into the upcoming CIP plan. These solutions will minimize the imminent impacts on the community and neighborhood and improve

the drainage conditions in these areas. The City's drainage inlet inventory must also be updated to reduce flood risks further and address other safety concerns. The hydraulic model and the storm drainage CIP must be frequently evaluated and updated to adapt to the effects of climate change. The amendment for these scope of work changes will increase the contract by an additional Nine Hundred Seventy-One Thousand Five Hundred Seventy Dollars (\$971,570.00) to a total contract amount not to exceed Four Million Seventy-One Thousand Four Hundred Fifty-Two Dollars (\$4,071,452.00). Wood Rodgers Contract Amendment 2 Proposal Letter (**Attachment B**) is attached, providing the proposed scope of work changes and associated costs for each task.

The proposed services are professional, technical, and temporary in nature. The City lacks the expertise and qualified personnel to perform engineering technical services. Amending this professional services agreement will not result in the loss of employment or salary by any person having permanent status in competitive service.

Once the Project is completed, it will deliver the following key components and benefits:

- A comprehensive inventory of the existing storm drainage system assets, including field verification and condition assessment, to identify areas of critical need and planning-level solutions.
- A list of capital improvement projects that will improve the City's storm drainage system that will be prioritized based on the risk of asset failure, the severity of the capacity deficiency, the importance of the component in the total storm drain system, water quality regulations, community equity, cost-effectiveness, resiliency, and climate change adaptation goals based on the historical extreme precipitation event similar to the event in the winter storm in 2022, and other applicable criteria.
- A hydraulic/hydrologic model that will identify storm drainage capacity issues, which will be utilized for current and future planning.
- Updated and improved Storm Drainage Design Standards that will benefit future developments in the City.
- An updated operations and maintenance plan focusing on cost efficiency while meeting regulatory and compliance goals.
- An assessment of the value of the City's existing assets and a financial analysis of outstanding capital improvements and maintenance needs.

Before proceeding with this amendment, Department of Public Works staff requested that the Department of Workforce and Employment Standards (DWES) conduct a compliance analysis. On September 18, 2024, DWES completed the review and determined that Wood Rogers had complied with the L/SLBE requirement at a participation rate of 96%. The Contract Compliance Memorandum prepared by DWES is provided in **Attachment D**.

[Oakland Municipal Code \(OMC\) Section 2.04.051 A](#) requires a competitive request for proposals/qualifications ("RFP/Q") proposal solicitation process. However, OMC Section 2.04.051 B permits the Council to waive this RFP/Q requirement upon finding and determining that it is in the City's best interest. The consultant selection process in 2020 adhered to the City's OMC for the competitive process, and the solicitation notice stated that the selected consultant team would complete a comprehensive SDMP, including recommendations for the City's storm drainage improvement projects, updates of the City Design Standards, updates of operations and maintenance plan, an assessment of the value of the City's existing assets and a financial analysis of outstanding CIP and maintenance needs, and the proposed amendment adheres to the original intent. To continue the services as initially specified and avoid any

project disruption or delay in completing the scope, staff recommends that it is in the City's best interest to waive the competitive RFP/Q requirement and amend the City's agreement with Wood Rodgers.

**FISCAL IMPACT**

Approval of the proposed resolution will authorize the City Administrator, or designee, to amend the professional services agreement with Wood Rodgers to increase the contract by an additional Nine Hundred Seventy-One Thousand Five Hundred Seventy Dollars (\$971,570.00) to a total contract amount not-to-exceed Four Million Seventy-One Thousand Four Hundred Fifty-Two Dollars (\$4,071,452.00)

There is no impact on the General Purpose Fund, but this approval does require an appropriation from the Development Services Fund (2415) Fund balance in the amount of Thirty-Four Thousand Three Hundred and Thirty-Two Dollars (\$34,332) and will be allocated accordingly. The additional funding sources (Fund 2244, 2421, and 3100) provided are available and will be allocated according to the following Funding Source Table.

**Table 1: Funding Source**

<b>Description</b>	<b>Fund# / Award #</b>	<b>Project #</b>	<b>Org #</b>	<b>Fiscal Year</b>	<b>Amount</b>
Measure Q – Parks & Recreation Preservation, Litter Reduction, and Homelessness Support Act	2244 / 23799	1005274	92245	2025	\$671,035.00
Capital Improvements Impact Fee Fund	2421 / 23446	1005274	92245	2025	\$91,000.00
Sewer Service Fund	3100 / 23016	1005274	92245	2025	\$175,203
Development Service Fund	2415	1005274	92245	2025	\$34,332
				<b>Total</b>	<b>\$971,570.00</b>

**PUBLIC OUTREACH / INTEREST**

The RFP was formally advertised in five (5) newspapers in various languages, including the East Bay Times, Oakland Post, El Mundo, World Journal, and The Korea Times. The City's

web-based procurement systems, iSupplier and CIList.com, were utilized for the distribution of the RFP, with documents available free of charge online.

Staff provided notice to labor representatives, per the terms and conditions of the current Memorandums of Understanding with Local 21, Service Employees International (SEIU) 1021, and International Brotherhood of Electrical Workers (IBEW) prior to the formal issuance of the RFP. A legal advertisement for the RFP was posted on June 12, 2020. Additionally, on June 16, 2020, OPW Watershed and Stormwater Management Division, Contract Services, and Contract Compliance staff held a pre-proposal meeting to further promote participation and answer questions related to the RFP.

A comprehensive, equity-based public outreach and engagement process is a component of the SDMP. Public engagement includes collaboration with the Public Works Department's Communications Team, education on the City's storm drain and waterways systems, multiple format community engagement strategies, information gathering, public meetings, and conversations, and presentations designed to ensure that the needs of those most impacted by racial disparities are addressed.

## **COORDINATION**

The work under this Project will continue to be coordinated with the Oakland Public Works Bureau of Maintenance and Internal Services and the Contracts and Compliance Division of the City Administrator's Office. In addition, the Office of the City Attorney and the Budget Bureau have reviewed this report and resolution.

## **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The SDMP will include an assessment of the value of the City's existing assets and a financial analysis of outstanding capital and maintenance needs. These assessments will better position the City to undertake a strategic and equitable capital and maintenance program to reduce the risk and frequency of costly system failures, including collapsed structures, roadway damage, flooding, sinkholes, landslides, or other storm drainage-related issues that can threaten and/or private property. An informed maintenance program will better extend the life of existing assets where possible to help slow the rate of and costs associated with capital improvement projects. Understanding the value, condition, and needs of the City's public existing storm drainage system will provide the City with a basis of information to pursue a storm drainage fee in the future should that be desired by Oakland leaders and residents.

***Environmental:*** The SDMP will develop a list of recommended capital improvement projects to improve the functionality and resiliency of the City's waterways and storm drainage system. Projects will focus on enhancing flood protection, improving water quality, and climate change resilience, and will benefit Oakland's creeks, waterways, Lake Merritt, and San Francisco Bay. The proposed projects will meet applicable environmental regulatory requirements, including the City of Oakland Creek Protection Ordinance.

***Race & Equity:*** The proposed study will be performed citywide and will identify storm drainage improvements necessary to reduce the instances of flooding and other stormwater conveyance

and quality issues. Due to the nature of Oakland's topography, flooding and other water quality issues have generally disproportionately impacted, underserved, and disadvantaged neighborhoods. The proposed storm drainage projects will be designed to mitigate these impacts by improving system capacity, stormwater conveyance, and water quality. The development of the SDMP will include an equity-focused, comprehensive public outreach and engagement component to involve residents in the identification of areas of need that will be addressed through the SDMP, improve residents' understanding of the City's storm drainage system, gather community concerns regarding issues of stormwater function, conveyance, and quality that are most important to their neighborhoods. The proposed stormwater capital improvement projects will be evaluated through the City's Capital Improvement Project prioritization process, which includes equity-based ranking and public input and review.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The City Council has already found and determined, on a separate and independent basis, that this Project will not result in a direct or indirect physical change in the environment.

In addition, if it was previously found that the Project was deemed to be a Project under CEQA, the "common-sense" exemption (CEQA Guidelines 15061(b)(3)) applies to the Project since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. If the Project was deemed a "project" and the common-sense exemption were not to apply, the requirements of CEQA Guidelines Section 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning – have been met since the Project is consistent with the City's General Plan.


Each of the above findings represents justification, whether taken individually or collectively, for CEQA clearance.

### **ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To (1) Amend The Professional Services Agreement With Wood Rodgers, Inc. And Increase The Agreement By An Additional Nine Hundred Seventy-One Thousand Five Hundred Seventy Dollars (\$971,570.00) To A Total Contract Amount Not-To-Exceed Four Million Seventy-One Thousand Four Hundred Fifty-Two Dollars (\$4,071,452.00) For The Storm Drainage Master Plan Project (Project No. 1005274); (2) Appropriate Thirty-Four Thousand Three Hundred Thirty-Two Dollars (\$34,332.00) From Development Service Fund 2415 Fund Balance; (3) Waive The Competitive Request For Proposals/Qualifications Requirement; (4) Enter Into A User Disclaimer Of Liability And Warranties Agreement With The Alameda County Flood Control And Water Conservation District For Modeling Data Sharing; And (5) Adopt Appropriate California Environmental Quality Act Findings For Project No. 1005274

For questions regarding this report, please contact Terri Fashing, Watershed Stormwater Division Manager, at (510) 238-7276.

Respectfully submitted,

  
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Josh Rowan (Feb 26, 2025 09:54 PST)  
JOSH ROWAN  
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Reviewed by:  
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Prepared by:  
Tiffany Pham, P.E., Civil Engineer  
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Attachments (4):

- Attachment A - Council Resolution No. 88355 C.M.S.
- Attachment B - Wood Rodgers Contract Amendment 2 Proposal Letter
- Attachment C - City Oakland - Disclaimer of Liability and Warranties 8-14-24
- Attachment D - Contract Compliance Memo and Analysis 1005274 DMP 091824 Final