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OAKLAND  
2017 JUN -1 PM 4:18

# AGENDA REPORT


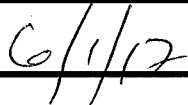
**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Christine Daniel  
Interim Director, OPW

**SUBJECT:** FEMA Winter Storm Disasters 2017

**DATE:** May 16, 2017

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City Administrator Approval  Date: 

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## RECOMMENDATION

**Staff Recommends That The City Council Approve A Resolution Appropriating \$3,782,303 To Secure Timely Payments Of Contracting Costs Incurred By The City For Emergency And Permanent Construction And Repair Work That Resulted From The January And February 2017 Disaster-Designated Winter Storms.**

## EXECUTIVE SUMMARY

The City of Oakland suffered significant damage to public infrastructure in January and February of this year due to severe storms. By adopting this resolution, the City will be able to accept and appropriate funds from the Federal Emergency Management Agency (FEMA) and California Office of Emergency Services (CalOES) estimated to be \$3,782,303. This will expedite the process for restoring streets, sewer and drainage infrastructure that was damaged by the storms and reimburse the City for costs of debris removal and emergency repairs that were undertaken during the storms.

## BACKGROUND / LEGISLATIVE HISTORY

On January 21, 2017, the City Administrator proclaimed a local emergency throughout the City of Oakland because of the severe storms that occurred from January 3, 2017 to January 12. The governor also declared a storm emergency for the period of February 1 to February 23, 2017. A series of presidential proclamations for California, that included Oakland followed (DR-4301 and DR-4308).

The City undertook emergency work to address storm damage following the January and February 2017 storms by entering into several agreements with Bay Construction and McGuire and Hester based on emergency authorization from the City Administrator. Work by Bay Construction and McGuire and Hester was completed at two sites and permanent work is still pending at 18 sites.

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This report describes the efforts and associated costs incurred for emergency response, debris cleanup and disposal, landslide and erosion repairs, and possible mitigation projects associated with preventing recurring issues at these sites.

According to FEMA guidelines, FEMA can reimburse the City 75% of the costs of emergency work, debris removal, and permanent work. The CalOES is committed to reimburse the City for 18.75% of the costs of the disaster-related work. The remaining 6.25% is the City's local match portion, which also includes any projects ineligible for FEMA assistance. The proposed Resolution authorizes appropriation of FEMA and CalOES funds to cover those costs associated with landslide damages that occurred during the disaster-designated periods.

### **ANALYSIS**

The City of Oakland suffered significant damage to public infrastructure in January and February of this year due to severe storms, including slide damage to roadways and storm drainage systems. Because of this storm damage, Oakland incurred costs associated with the immediate cleanup response and permanent work. Additionally, 88 landslide sites throughout Oakland require mitigation to prevent further damage to the public infrastructure and to stabilize roadways and drainage systems damaged during these storms. Due to the magnitude of the damage, Federal disaster declarations were approved for two separate storm periods, from January 3, 2017 to January 12, 2017 (hereinafter referred to as FEMA DR-4301) and from February 1 to February 23, 2017: (hereinafter referred to as FEMA DR-4308). These declarations make available state and federal financial assistance.

Staff is working closely with representatives from the Federal Emergency Management Agency (FEMA), and the State of California Office of Emergency Services (CalOES) to assure reimbursement for all eligible costs associated with damage from these winter storms. However, it is necessary that further mitigation measures be funded and implemented immediately to prevent additional damage to the public infrastructure and to protect public safety, before the state and federal funding is provided.

**Attachment A** provides a cost summary for the requested funds estimated at \$4,566,260 (of which the City's non-reimbursable share is estimated at \$252,154 plus \$531,803 of projects ineligible for FEMA assistance). The funds for the City's non-reimbursable share and the funds for ineligible projects are already included in OPW's existing budget for emergency roadway repair. Thus, this report only proposes appropriation of expected FEMA and CalOES funds of \$3,782,303. (See Fiscal Impact section below)

### **FISCAL IMPACT**

Based on the State and Federal emergency declarations, the City of Oakland is eligible to seek reimbursement for costs incurred as a direct result of the 2017 winter storms. Specifically, the cost-sharing framework for necessary work is as follows:

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**OPW/OakDOT – Resolution Requesting Funds for Storm Mitigation Measures**

Funding Source	Fund 2063 <u>Federal</u>	Fund 2146 <u>State</u>	Fund 2211/ 2216 <u>Local</u>
	75.00%	18.75%	6.25%
	\$3,025,843	\$756,461	\$252,154
+Projects Ineligible for FEMA assistance			\$531,803
<b>Total Winter Storm 2017 Projects</b>			<b><u>\$4,566,260</u></b>

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 to be reimbursed 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 to return the improvement to its previous condition. Each permanent repair project must be pre-approved by FEMA and the eligible costs are determined at that time. In the event that the City's costs are deemed ineligible, Measure B/BB Emergency Roadway Repair fund will be used to cover the shortfall.

**PUBLIC OUTREACH / INTEREST**

The 2017 storm season has had serious impacts on various Oakland communities. Certain roadways have been fully closed, and others have been partially closed. The closures affect resident and emergency services access. The Call Center continues to receive follow up calls on the schedule of emergency repairs. Appropriating the necessary funds to repair the storm damage will allow staff to update residents on the completion of a significant milestone.

**COORDINATION**

The work to be done under this contract was coordinated with Oakland Public Works (OPW), Bureau of Infrastructure & Operations, Bureau of Facilities & Environment, Department of Transportation (OakDOT), and Contracts and Compliance Division. In addition, the Office of City Attorney and the Controller's Bureau have reviewed this report and resolution.

**SUSTAINABLE OPPORTUNITIES**

**Economic:** The authorization allows the appropriation of partially reimbursable state and federal funds for temporary and permanent repairs to storm-damaged roadways, sewer lines, and storm drainage systems. OPW/OakDOT will seek the maximum reimbursement of eligible costs from the appropriate state and federal agencies to protect the City's financial resources and to

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reimburse the City funds from which the emergency response and debris cleanup costs were already expended.

The contractors are all verified for Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation by the Social Equity Division of the Department of Contracting and Purchasing. The Local/Small Local Business Enterprise and Trucking programs were waived for this contract because of an availability analysis performed by the Social Equity Division of the Department of Contracting and Purchasing.

**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 pedestrians and the immediate neighborhood.

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

Staff recommends that the City Council approves appropriation of \$3,782,303 to secure timely payments of contracting costs incurred by the City for emergency and permanent construction and repair work that resulted from the January and February 2017 disaster-designated winter storm.

For questions regarding this report, please contact Tom Morgan, Agency Administrative Manager, Oakland Public Works Agency.

Respectfully submitted,



CHRISTINE DANIEL  
Interim Director, Oakland Public Works

Prepared By:  
Tom Morgan, Agency Administrative Manager  
Bureau of Administration

*Attachments (1):*

A: *Project List*

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Attachment A - Summary of 2017 Winter Storm Projects

Disaster 4301 - January Storm

Item #	LOCATION	Description	Total Estimated Project Costs	FEMA Eligible Projects	FEMA/State's Share 93.75%	City's Share 6.25%	Projects Ineligible for FEMA Assistance
1	7283 Wild Currant Way	Roadway Sinkhole, excavate and replace broken storm pipe; repave; fill undermined driveway	\$75,000	\$75,000	\$70,313	\$4,688	
2	Westover Drive Landslide	Uphill Landslide 6 lots, needs uphill retaining wall, back drain; replace outlet pipe below Westover add rip rap.	\$239,000	\$44,000	\$41,250	\$2,750	\$195,000
3	Elverton - landslide downhill to 6475 Thorndale	Roadway edge collapse @ Elverton, needs downhill retaining wall; uphill geo soil stabilization	\$372,000	\$372,000	\$348,750	\$23,250	
4	6502 Heather Ridge Way	Roadway edge collapse needs downhill retaining wall; uphill geo soil stabilization	\$342,000	\$342,000	\$320,625	\$21,375	
5	6452 Shelterwood	Roadway edge collapse, needs downhill retaining wall; replace broken storm pipe	\$272,000	\$272,000	\$255,000	\$17,000	
6	Scout Rd. 150 N. of Ascot Dr.	Uphill Landslide with tree blockage - roadway	\$49,000	\$0	\$0	\$0	\$49,000
7	6574 Shepherd Cyn.	Mudflow clean up at house rear yard storm drain inlet below #5	\$35,000	\$35,000	\$32,813	\$2,188	
8	7270 Wild Currant Way	Median Landslide rdwy edge collapse @Glen Oak,(top) needs downhill retaining wall; geo soil stabilization at wild currant(bottom)	\$177,000	\$177,000	\$165,938	\$11,063	
9	6391 Longcroft Drive	Private property landslide, city sewer pipe broken, sewer pipe temporarily re-routed	\$180,040	\$180,040	\$168,788	\$11,253	
11	All site	Geotech consultant fees	\$13,000	\$13,000	\$12,188	\$813	
12	City Wide	Tree removals and inspections (BFE)	\$81,398	\$81,398	\$76,311	\$5,087	
13	City Wide	Sewer and sidewalk maintenance (BIO)	\$98,923	\$98,923	\$92,740	\$6,183	
<b>DR 4301Total</b>			<b>\$1,934,361</b>	<b>\$1,690,361</b>	<b>\$1,584,713</b>	<b>\$105,648</b>	<b>\$244,000</b>

Attachment A - Summary of 2017 Winter Storm Projects

Disaster 4308 - February Storm

Item #	LOCATION	Description	Total Estimated Project Costs	FEMA Eligible Projects	FEMA/State's Share 93.75%	City's Share 6.25%	Projects Ineligible for FEMA Assistance
1	E. 27th St. @ Barry Place	Broken sewer and storm drain pipe replacement	\$948,000	\$660,197	\$618,935	\$41,262	\$287,803
2	2060 Mastlands	Replace Energy dissipater, storm pipe and pavement @ landslide add retaining wall	\$31,050	\$31,050	\$29,109	\$1,941	\$0
3	269 Silverado Court	private rear yard landslide - broke storm drain pipe in easement	\$200,000	\$200,000	\$187,500	\$12,500	\$0
4	Shepherd Canyon Roadway Cracks between Snake Rd. & FH#24	1" x 40' long pavement cracks; slow creep soil movement; major arterial roadway makes priority	\$215,000	\$215,000	\$201,563	\$13,438	\$0
5	2005 Tunnel Rd.	Replace broken storm pipe within easement on parcels	\$54,000	\$54,000	\$50,625	\$3,375	\$0
6	Ascot Dr. roadway blocked @ Chelton Dr.	uphill scarp, roadway narrowed, as k-rail added; retiming wall permanent fix	\$816,750	\$816,750	\$765,703	\$51,047	\$0
7	4275 Fruitvale Ave.	50' long segment of storm drain on pvt. Property easement collapsed during storm causing sinkhole	\$100,000	\$100,000			
8	City Wide	Tree removals and inspections (BFE)	\$25,102	\$25,102	\$23,533	\$1,569	\$0
9	City Wide	Sewer and sidewalk maintenance (BIO)	\$241,997	\$241,997	\$226,872	\$15,125	\$0
<b>DR 4308 Total</b>			<b>\$2,631,899</b>	<b>\$2,344,096</b>	<b>\$2,103,840</b>	<b>\$140,256</b>	<b>\$287,803</b>
<b>DR 4301 and 4308 Grand Total</b>			<b>\$4,566,260</b>	<b>\$4,034,457</b>	<b>\$3,782,303</b>	<b>\$252,154</b>	<b>\$531,803</b>

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Approved as to Form and Legality

**DRAFT**

City Attorney

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

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

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**RESOLUTION APPROVING APPROPRIATION OF \$3,782,303 TO SECURE  
TIMELY PAYMENTS OF CONTRACTING COSTS INCURRED BY THE CITY  
FOR EMERGENCY AND PERMANENT CONSTRUCTION AND REPAIR  
WORK THAT RESULTED FROM THE JANUARY AND FEBRUARY 2017  
DISASTER-DESIGNATED WINTER STORMS**

**WHEREAS**, on January 21, 2017, the City Administrator proclaimed a local emergency throughout the City of Oakland as a result of the 2017 winter storms that commenced in January 2017; and

**WHEREAS**, on January 12, 2017, the State of California declared a similar state of emergency that included Alameda County; and

**WHEREAS**, on February 23, 2017, a presidential proclamation (DR-4301) was proclaimed for Alameda County damages incurred between January 3, 2017 and January 12, 2017; and

**WHEREAS**, on April 5, 2017, a second presidential proclamation (DR-4308) was issued for Alameda County damages incurred between February 1 to February 23, 2017; and

**WHEREAS**, the City is in the process of seeking approval and subsequent reimbursement from the applicable state and federal agencies for flood mitigation work required as a result of the storms occurring during these two disaster periods; and

**WHEREAS**, the Oakland Public Works (OPW), and Department of Transportation (OakDOT) crews responded to erosion or mudslide problems at 88 locations after these severe storms to remove trees, mud and debris, clean storm drains and creeks, and provide temporary stabilization measures for City roadways within the City's right of way and within easements; and

**WHEREAS**, such emergency responses fall under the Federal Emergency Management Agency (FEMA) and California Governor's Office of Emergency Services (CalOES) categories of Debris Removal and Protective Measures; and

**WHEREAS**, OPW/OakDOT applied reimbursement from FEMA for these emergency mitigation expenses; and

**WHEREAS**, funding for the City's share is available in the Measure B (Fund 2211) and Measure BB (Fund 2216) Emergency Roadway Projects; and

**WHEREAS**, OPW/OakDOT Maintenance Services subsequently referred twenty of these 88 slide locations to OPW/OakDOT Engineering Services for permanent restoration work such as retaining walls, slope stabilization, storm drain system rehabilitation and environmental mitigation measures; and

**WHEREAS**, permanent restoration work at the twenty landslide locations is necessary to provide stability to City roads, to restore storm drainage capacity and to provide other mitigation measures; and

**WHEREAS**, the design, construction and inspection costs for the emergency repairs and permanent restoration work at these twenty landslide locations may cost an estimated \$4,566,260; and

**WHEREAS**, it the City is in process of performing the storm-related work and has entered into several agreements for 11 of the 20 sites with construction and services providers Bay Construction and McGuire and Hester with prior consent from the City Administrator, Contracts and Compliance Division, the City Attorney, and the Controller's Bureau; and

**WHEREAS**, the City anticipates additional agreements are necessary for construction and services for repair and permanent work on the remaining storm related disaster sites; and

**WHEREAS**, City Charter Section 801 requires the Council to establish expenditures and make necessary appropriations for such expenditures as part of the budget process; and

**WHEREAS**, the expenditure for such disasters are not foreseeable when preparing the two-year budget and emergency work requires rapid turnaround of financial support for incurred or prospective expenditure; and

**WHEREAS**, it is anticipated that federal and state agencies will reimburse the City up to 93.75% of the approved emergency repairs and permanent restoration work, agreements, and work to be performed within the deadline that FEMA sets after the disaster declarations; and

**WHEREAS**, OPW/OakDOT 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; and

**WHEREAS**, this resolution will authorize the City Administrator or her designees to accept funds from the State of California and federal agencies for reimbursable costs; and

**WHEREAS**, the appropriation for expenditure amounts related to state and federal- approved OPW/OakDOT emergency reopening and permanent restoration activities should be offset by up to \$3,782,303 of state and federal funding and the fund, organization, account, project, and



program codes would be determined by the appropriate state and/or federal agency requirements and funding sources; now, therefore, be it

**RESOLVED:** That the City Council hereby authorizes the OPW/OakDOT \$4,566,260 to fund emergency restoration and permanent landslide restoration measures; and, be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator or her designees to accept funds from State of California and federal agencies for actual emergency reopening and permanent restoration actions and support activities carried out by the OPW/OakDOT as a result of these storms; and, be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator or her designees to create and activate the FEMA 4301 DR - 2017 Winter Storm Fund (Fund 2063) for federal costs associated with the January 3, 2017 to January 12, 2017 storms under presidential declaration 4301 DR and the FEMA 4308 DR – February Storm Fund (Fund 2063) for federal costs associated with the February 1 to February 23, 2017 storms under presidential declaration 4308 DR; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator or her designees to accept and appropriate \$3,782,303 into the funds detailed below:

Fund 2063	- FEMA Winter Storm 2017
Fund 2146	- California State Emergency Services

This \$3,782,303 appropriation shall be divided into separate project numbers, for each of the storm damaged sites; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator or her designees to budget revenues as detailed below;

Fund 2063	- FEMA Winter Storm 2017	\$3,025,843 (75.00%)
Fund 2146	- California State Emergency Services	\$756,461 (18.75%)

and be it

**FURTHER RESOLVED:** That if additional funds are received within the timeline set by FEMA and CalOES, funds can be appropriated without returning to Council; 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 contracts executed under the authority granted hereunder will 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, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

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