



City of San Leandro

Meeting Date: April 5, 2021

Staff Report

File Number: 21-118 **Agenda Section:** CONSENT CALENDAR

Agenda Number: 8.J.

TO: City Council

FROM: Fran Robustelli
Interim City Manager

BY: Keith Cooke
Engineering & Transportation Director

FINANCE REVIEW: Susan Hsieh
Finance Director

TITLE: Staff Report for a City of San Leandro City Council Resolution to Authorize the City Manager to Submit a Federal Grant Fund Application, as a Subrecipient to Alameda County Flood Control District; and Designate the City Manager as the Authorized Agent to Execute Federal Grant Applications, all in Support of Securing Federal Grant Funding for the Neptune Drive Shoreline Flood Protection Project 2016.0700

SUMMARY AND RECOMMENDATIONS

This action will authorize staff to submit an application for federal grant funding to support construction of the Neptune Drive Shoreline Flood Protection project, which will reduce the risk of flooding for approximately 1,000 San Leandro properties in the Mulford Gardens and Marina Faire neighborhoods.

Staff recommends the following:

- Authorize the City Manager to submit a federal grant fund application, as a Subrecipient to Alameda County Flood Control District, for flood protection improvements near the intersection of Neptune Drive and Marina Boulevard; and
- Designate the City Manager as the Authorized Agent to execute federal grant applications as a Sub-recipient

BACKGROUND

The Federal Emergency Management Agency's (FEMA) most recent flood insurance risk maps indicate increased risk of flooding to approximately 1,000 San Leandro properties in the Mulford Gardens and Marina Faire neighborhoods. The maps indicate that there is a risk that water may enter the neighborhood via a low spot on the San Francisco Bay shoreline near the intersection of Neptune Drive and Marina Boulevard as well as by overtopping of the north levee along the

Estudillo Canal. Improvements at both locations are required to reduce the flooding risk.

The City has engaged Wood Rogers, a consulting engineering firm, to prepare a design for flood protection improvements near the intersection of Neptune Drive and Marina Boulevard. The City has also engaged NBS Consultants, a firm experienced in creating special financing districts, for services related to the outreach, voting, and formation of an assessment district to fund the project.

The Alameda County Flood Control District (District), which operates the Estudillo Canal, designed a project to modify the levees along the canal so that the canal improvements along with the City's proposed Neptune Drive shoreline improvements will protect the adjacent neighborhood from a one-hundred-year flood. The District advertised the canal project for construction; however, all bids for the work were rejected in Spring 2020 because the bids resulted in a project cost approximately \$2,700,000 more than the available budget.

To supplement the funding for canal improvements, the District is applying for federal funding through the Hazard Mitigation Grant Program, a Federal grant program managed by FEMA. Grants awarded through this program cover up to 75% of eligible costs.

Analysis

The District has offered to include the Neptune Drive Shoreline Flood Protection project in the grant application, with the City listed as a sub-recipient.

If the grant is awarded the City will be required to fund the matching amount and the cost of work done to date, which is considered ineligible for the grant. The total commitment from the City is approximately \$1,100,000 and can be funded from City General Funds, an assessment on the properties that receive benefit, or a combination of both sources.

If the grant is not awarded the City and District may look at other funding options including formation of an assessment district. If approved by property owners, an assessment district may be formed to fund both the Neptune Drive Shoreline Flood Protection project and the shortfall for the District's Estudillo Canal project.

Formation of an assessment district requires approval of a majority of the property owners; votes are weighted by the benefits that accrue to each property, as determined by the assessment engineer. Typical factors include square footage of property that would be affected. If the property owners vote against the assessment district the City would need to re-evaluate the project and identify alternate sources of funding.

Current Agency Policies

- Maintain and enhance San Leandro's infrastructure

Previous Actions

- On February 19, 2019, by Resolution No. 2019-044, the City Council approved an

agreement with NBS for Services Related to the Formation of a Special Financing District for the Neptune Drive Shoreline Flood Protection project.

- On February 20, 2018, by Resolution No. 2018-011, the City Council approved an agreement with Wood Rodgers, Inc. for the design of the Neptune Drive Shoreline Flood Protection project.
- On November 2, 2020, by Resolution No. 2020-138, the City Council approved CSA Amendment No. 1 with Wood Rodgers, Inc. for an increased scope of work for the design of the Neptune Drive Shoreline Flood Protection project.

Applicable General Plan Policies

- Policy EH-1.7 Work collaboratively with County, State, and federal agencies to develop short and long-term programs that reduce flood hazards in the City. At the local level, the City will regularly maintain its storm drainage system and ensure that those portions of San Leandro Creek under its jurisdiction remain clear of obstructions.

Environmental Review

The project has been determined to be categorically exempt from CEQA and a Notice of Exemption was filed with Alameda County Recorder's office on October 15, 2019.

Summary of Public Outreach Efforts

- Staff and NBS presented project information at two separate public meetings held on July 29, 2019 and November 13, 2019, respectively. A FEMA representative presented at the second meeting.
- NBS continually provides updates and information by means of mailed postcards, social media sites, and on the project website. The consultant also addressed public comments and questions received.

Fiscal Impacts

Assuming the grant is not awarded, and an assessment district is formed to pay for the project, the total cost of the project is as follows.

Design and Bid:	\$600,000
Easements:	\$500,000
Construction Administration:	\$87,000
Neptune Drive Construction Contract:	\$1,193,000
Estudillo Canal Improvements (Assessment District portion):	\$2,700,000
Post Construction Administration:	\$20,000
<u>Assessment District Debt Service:</u>	<u>\$500,000</u>
Total:	\$5,600,000

If grant funds are awarded the Estudillo Canal Improvements (Assessment District portion) cost will be removed from the total project cost.

If an assessment district isn't formed the Assessment District Debt Service cost will be removed from the project cost.

Budget Authority

<u>Account No.</u>	<u>Reso., Appropriation Dates & Source</u>	<u>Amount</u>
210-28-200	FY 2017-18 CIP Budget	\$500,000
210-28-200	FY 2020-21	\$ 60,000
Current Funding		\$560,000

Attachment to Related Legislative File:

Designation of Subrecipient's Agent Resolution Form

PREPARED BY: John O'Driscoll, Associate Engineer, Engineering and Transportation Department



City of San Leandro

Meeting Date: April 5, 2021

Resolution - Council

File Number: 21-119 **Agenda Section:** CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Fran Robustelli
Interim City Manager

BY: Keith Cooke
Engineering & Transportation Director

FINANCE REVIEW: Susan Hsieh
Finance Director

TITLE: RESOLUTION of the City of San Leandro City Council to Authorize the City Manager to Submit a Federal Grant Fund Application, as a Subrecipient to Alameda County Flood Control District; and Designate the City Manager as the Authorized Agent to Execute Federal Grant Applications, all in Support of Securing Federal Grant Funding for the Neptune Drive Shoreline Flood Protection Project 2016.0700 (provides for an authorization to submit a Federal grant application as a subrecipient to Alameda County Flood Control District for the subject project)

WHEREAS, improvements at both the Estudillo Canal by Alameda County Flood Control District, and improvements at the Neptune Drive Shoreline by the City are required to remove approximately 1,000 properties from the Special Flood Hazard Area; and

WHEREAS, Alameda County Flood Control District is preparing to submit a Hazard Mitigation Grant Program application to fund improvements at the Estudillo Canal and is including improvements at Neptune Drive Shoreline, with the City as a Sub-recipient of the grant; and

WHEREAS, the City Manager recommends participating in the grant application.

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

1. Authorization of the City Manager to submit a federal grant fund application, as a Subrecipient to Alameda County Flood Control District, for flood protection improvements at the Neptune Drive Shoreline; and

2. Designate the City Manager as the Authorized Agent to execute federal grant applications as Subrecipient to Alameda County Flood Control District for the Neptune Drive Shoreline Flood Protection Project and to complete and submit the Cal OES Form 130 Designation of Subrecipient's Agent Resolution attached to this resolution.

DESIGNATION OF SUBRECIPIENT'S AGENT RESOLUTION

Hazard Mitigation Grant Program and Building Resilient Infrastructure and Communities

BE IT RESOLVED BY THE _____ OF THE _____
(Governing Body) (Name of Applicant)

THAT _____ (Title of Authorized Agent),
OR _____ (Title of Authorized Agent),
OR _____ (Title of Authorized Agent),

is hereby authorized to execute for and on behalf of the _____ (Name of Subrecipient), a public entity established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the _____ (Name of Subrecipient), a public entity established under the laws of the State of California, hereby authorizes its agent(s) to provide to the California Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

This is a universal resolution and is effective for all open and futures Grants up to three (3) years following the date of approval below.

This is a Grant specific resolution and is effective for only:

Grant name/number(s) _____

Passed and approved this _____ day of _____, 20____.

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

CERTIFICATION

I, _____ (Name), duly appointed and _____ (Title) of _____ (Name of Applicant), do hereby certify that the above is a true and correct copy of a Resolution passed and approved by the _____ (Governing Body) of the _____ (Name of Applicant) on the _____ day of _____, 20____.

Signature: _____ Title: _____

Cal OES Form 130 Instructions

A new Designation of Subrecipient's Agent Resolution is required if the previously submitted document is older than three (3) years from the last date of Board/Council approval.

When completing the Cal OES Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the individual or group responsible for appointing and approving the Authorized Agents. Examples include: Board of Directors, City Council, Board of Supervisors, etc.

Name of Subrecipient: This is the official name of the non-profit, agency, city, county or special district that has applied for the grant. Examples include: City of Sacramento; Sacramento County; or Los Angeles Unified School District.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the California Governor's Office of Emergency Services regarding grants applied for by the Subrecipient. There are two ways of completing this section:

1. **Titles Only:** If the Governing Body so chooses, the titles of the Authorized Agents should be entered here, not their names. This allows the document to remain valid if an Authorized Agent leaves the position and is replaced by another individual. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency (e.g.; City Clerk, the Authorized Agent, Secretary to the Director) and does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names and titles of the Authorized Agents should be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

Governing Body Representative: These are the names and titles of the approving board members. Examples include: Chairman of the Board, Superintendent, etc. The names and titles cannot be one of the designated Authorized Agents.

Certification Section:

Name and Title: This is the individual that was in attendance and recorded the Resolution creation and approval. Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person cannot be one of the designated Authorized Agents to eliminate "Self Certification."