



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: November 2, 2007 REPORT NO. 07-181

ATTENTION: Council President and City Council
Docket of November 6, 2007

SUBJECT: Authorization to enter into Agreement for Comprehensive Cleanup
Services for property damaged in the City of San Diego in the recent
Wildfires

REQUESTED ACTION:

Authorize the Mayor to negotiate and execute an agreement with a qualified firm for comprehensive cleanup services for properties damaged within the City of San Diego during the recent wildfires.

STAFF RECOMMENDATIONS:

1. Authorize the Mayor to negotiate and execute the agreement.
2. Seek legislation to authorize the state share be up to 100 percent of total state eligible costs connected with the 2007 San Diego County Wildfires.
3. Direct the City Attorney to expeditiously prepare the appropriate resolution

SUMMARY:

The recent wildfires resulted in significant property destruction and damage within the City of San Diego. Latest damage assessments indicate that 362 homes were destroyed and another 62 homes sustained fire damage in Rancho Bernardo; property damage was also sustained in the San Pasqual Valley.

In order to address the property damage, minimize hazardous environmental impacts and speed up the recovery process for impacted residents, the City of San Diego is initiating a proactive approach to the clean-up and debris removal of those areas within the City that were affected by the recent fires. Based on the model used in the South Lake Tahoe area after the Angora fire, the City intends to create a centralized program to handle all fire related clean-up and debris removal from both public and private properties. Centralizing the clean-up and debris removal is an efficient solution given the concentration of homes in the general areas of San Pasqual and Rancho Bernardo as well as the need to coordinate efforts between City Departments---- specifically Development Services, Environmental Services, and Purchasing & Contracting.

The appropriate environmental protocols have been put into place, and the next step is this action to secure a contractor who specializes in this type of debris removal. The contractor would remove burned debris, foundations, building materials, appliances, and household contents in a

coordinated manner. In addition, the contractor would be required to follow the uniform requirements for debris removal that have been developed by the County of San Diego that must be followed for all fire debris removal in San Diego.

DISCUSSION:

The benefits of a centralized program are immense. The clean-up and debris removal will be completed within a well-defined timeline, the disposal of materials is coordinated in regards to recycling and landfill coordination, the effort is environmentally well controlled to minimize secondary impacts on the community, and provides a more seamless solution for the homeowner.

It is important that the selected contractor have the resources and knowledge to complete such a project, as well as be able to ensure that all removal, transportation and disposal of solid waste be completed as defined in the California Health and Safety Code Section 25117. The scope of work includes initial site assessments, work plan development, subcontracting specific tasks, clearing and removal of all debris on the property, and ultimate disposal. At the end of the project, each residential lot will be completely cleaned and ready for the next stage of rebuilding.

Per Municipal Code 22.3212 Contracts Not Required to be Competitively Bid Sub Paragraph c:

"A contract to remedy an emergency that affects public health and safety, provided that: (1) The Purchasing Agent immediately reports the emergency award and its justifications to the City Council, and (2) The Council by resolution acknowledges and ratifies the procurement."

Property owners that choose to enter this program will sign a Right of Entry (ROE) Permit granting the City and the contractor the right to enter onto the property for purposes of inspecting, sampling, removing and clearing any or all fire-generated debris. The ROE Permit also includes an assignment of insurance provision which subrogates the resident's right for insurance reimbursement to the City of San Diego to offset the cost of this contract. The City and State will be responsible for all debris removal costs not covered by the impacted resident's homeowners insurance. Homeowners who choose to opt out of this program and want to complete the debris removal themselves are also offered the option of disposal vouchers and waivers approved by City Council on October 30, 2007, to assist with the cost of handling fire generated debris.

The debris removal activity is scheduled to begin mid November with the goal to have all debris removed by the end of the year.

FISCAL CONSIDERATIONS:

The Mayor will work with the County, State and Federal agencies, Financial Management, and the Auditor and Comptroller in order to finalize funding contributions for the clean up program. Insurance payments on behalf of impacted property owners will also offset a portion of the program costs.

The City has requested the State Office of Emergency Services (OES) provide the initial funding for all costs related to this contract. OES is authorized to fund these efforts as follows:

2970. Application Process.

1) Funds may be advanced for up to ninety percent (90%) of an applicant's approved allocation. Requests for advances should be made using a Request for Advance of Funds (CDAA Form 3a, Rev. 1/03, incorporated by reference). No request for an advance will be processed prior to OES's receipt of a resolution designating an authorized representative. Advances shall be provided to applicants in order to meet current obligations and anticipated expenditures for a ninety (90) day period. The state reserves the right to request documentation justifying large advances.

The OES Director has already authorized his designee to implement this action as soon as a Damage Survey Report is written and approved.

It is anticipated that the State reimbursement will be seventy-five percent (75%) of which ninety percent (90%) will be fronted for this contract.

Once program funding arrangements have been finalized, staff will return to City Council to request that funds be appropriated from the General Fund Appropriated Reserve if established, or from the Unallocated General Fund Reserves to fund the City costs associated with this comprehensive cleanup program contract.

PREVIOUS COUNCIL/COMMITTEE ACTION:

The Mayor declared a State of Local Emergency regarding the wildfires on October 22, 2007. The City Council ratified that declaration on October 29, 2007. On October 30, 2007 the City Council approved the waiver of fees associated with disposal and recycling of wildfire debris for properties within the City of San Diego.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH:

Information about the fee waivers and the San Diego Fire Cleanup Program has been disseminated to visitors of the Rancho Bernardo Local Assistance Center and at a community forum held in Rancho Bernardo on November 1, 2007.

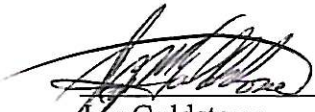
ENVIRONMENTAL IMPACT:

Entering into the agreement is not a "project" and is therefore not subject to CEQA per CEQA Guidelines Section 15060(c)(3). The debris removal work is exempt from CEQA pursuant to Section 15269 of the CEQA Guidelines (Emergency Projects).

ALTERNATIVE:

Do not authorize execution of a comprehensive clean up contract. This will require all affected property owners to make their own individual arrangements for clean up of wildfire debris from their properties.

Respectfully submitted,



Jay Goldstone
Chief Operating Officer