



## AGENDA

SAN RAFAEL CITY COUNCIL – MONDAY, MAY 18, 2020

REGULAR MEETING AT 7:00 P.M.

Telephone: (669) 900-9128,

ID: 857-6072-3570

### CORONAVIRUS (COVID-19) ADVISORY NOTICE

In response to Executive Order N-29-20, the City of San Rafael will no longer offer an in-person meeting location for the public to attend. This meeting will be streamed through YouTube Live at [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael). Comments submitted via YouTube Live must be submitted according to the directions located on the YouTube video description. The City is not responsible for any interrupted service. To ensure the City Council receives your comments, submit written comments to the City Clerk prior to the meeting. For more information regarding real-time public comments, please visit our Live Commenting Pilot page at <https://www.cityofsanrafael.org/live-commenting-pilot/>.

Want to listen to the meeting and comment in real-time over the phone? Contact the City Clerk's office at 415-485-3066 or by email to [lindsay.lara@cityofsanrafael.org](mailto:lindsay.lara@cityofsanrafael.org) to learn more about participation by telephone.

Any member of the public who needs accommodations should contact the City Clerk (email [lindsay.lara@cityofsanrafael.org](mailto:lindsay.lara@cityofsanrafael.org) or phone at 415-485-3066) who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

#### **OPEN SESSION – (669) 900-9128, ID: 858-0160-7081# – 5:30 PM**

1. Mayor Phillips to announced Closed Session items.

#### **CLOSED SESSION – (669) 900-9128, ID: 858-0160-7081# – 5:30 PM**

2. Closed Session:

- a. Conference with Labor Negotiators – Government Code Section 54957.6  
Lead Negotiator: Timothy L. Davis (Burke, Williams & Sorensen)  
Agency Designated Representatives: Jim Schutz, Cristine Alilovich, Nadine Hade, Shibani Nag  
Employee Organizations: SEIU - Childcare; San Rafael Police Mid-Management Association;  
Public Employee Union, Local 1; San Rafael Firefighters' Association; San Rafael Police Association; SEIU Local 1021; Western Council of Engineers; San Rafael Fire Chief Officers' Association

#### **REGULAR MEETING - VIRTUAL MEETING**

Telephone: (669) 900-9128,

ID: 857-6072-3570

#### **OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM**

The public is welcome to address the City Council at this time on matters not on the agenda that are within its jurisdiction. Please be advised that pursuant to Government Code Section 54954.2, the City Council is not permitted to discuss or take action on any matter not on the agenda unless it determines that an emergency exists, or that there is a need to take immediate action which arose following posting

of the agenda. Comments may be no longer than two minutes and should be respectful to the community.

**CITY MANAGER'S REPORT:**

3. City Manager's Report:

**CONSENT CALENDAR:**

The opportunity for public comment on consent calendar items will occur prior to the City Council's vote on the Consent Calendar. The City Council may approve the entire consent calendar with one action. In the alternative, items on the Consent Calendar may be removed by any City Council or staff member, for separate discussion and vote.

4. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of City Council / Successor Agency Regular Meeting of Monday, May 4, 2020 (CC)

*Recommended Action - Approve as submitted*

b. **Francisco Blvd. East Sidewalk Improvements Project**

Resolutions Related to the Francisco Boulevard East Sidewalk Improvements Project, City Project No. 11349 (PW):

- i. Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the Francisco Boulevard East Sidewalk Improvements Project with Ghilotti Bros., Inc in the Amount of \$3,996,596.50, Authorizing Contingency Funds in the Amount of \$563,403.50, and Authorizing a Construction Allowance for Additional Traffic Signal and Storm Drain Improvements in the Amount of \$900,000 for a Total Appropriated Amount of \$5,460,000  
*Recommended Action - Adopt Resolution*

- ii. Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with Park Engineering, Inc. for Inspection Services Associated with the Francisco Boulevard East Sidewalk Improvements Project, in the Amount of \$373,504  
*Recommended Action - Adopt Resolution*

**PUBLIC HEARINGS:**

5. Public Hearings:

a. **Annual Progress Report on Housing**

Annual Progress Report (APR) on: Housing Units Submitted, Approved and Built in 2019; and Update on Progress of Implementing Programs in the Housing Element (CD)

*Recommended Action - Accept report*

**OTHER AGENDA ITEMS:**

6. Other Agenda Items:

- a. **COVID-19 Economic Recovery Plan (CERP)**  
 Informational Report About the City of San Rafael's Draft Covid-19 Economic Recovery Plan (CM)  
*Recommended Action – Accept report and provide direction to staff*
  
- b. **Plan Bay Area 2050 – Priority Development Areas (PDA)**  
 Informational Report on Proposed Priority Development Areas for the City of San Rafael (CD)  
*Recommended Action – Direct the City Manager to submit a Letter of Interest nominating Priority Development Areas for the City of San Rafael and return to City Council with a Resolution before June 30, 2020.*
  
- c. **Measure A Workplan and Preliminary Capital Improvement Program**
  - i. Resolution Approving the Measure A Work Plan for Proposed Expenditure of Measure A Funds for July 1, 2020 – June 30, 2021 (PW/LR/Fin)  
*Recommended Action – Adopt Resolution*
  
  - ii. Report on Preliminary Three-Year Capital Improvement Program  
*Recommended Action – Accept report*
  
- d. **Response to Grand Jury Report on Web Transparency**  
 Resolution Approving and Authorizing the Mayor to Execute the City of San Rafael Response to the 2019-2020 Marin County Grand Jury Report Entitled "Follow-Up Report on Web Transparency of Agency Compensation Practices," Dated April 28, 2020 (CA)  
*Recommended Action – Adopt Resolution*

**COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:**  
 (including AB 1234 Reports on Meetings and Conferences Attended at City Expense)

7. Councilmember Reports:

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: - None.

**ADJOURNMENT:**

*Any records relating to an agenda item, received by a majority or more of the Council less than 72 hours before the meeting, shall be available for inspection online. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing [Lindsay.lara@cityofsanrafael.org](mailto:Lindsay.lara@cityofsanrafael.org) or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request.*

In the Council Chambers of the City of San Rafael, May 4, 2020 at 7:00 p.m.



**Regular Meeting**

**San Rafael City Council**

**Minutes**

Present: Mayor Phillips  
Councilmember Colin  
Councilmember Bushey  
Councilmember Gamblin  
Councilmember McCullough

Absent: None

Also Present: City Manager Jim Schutz  
City Attorney Robert Epstein  
City Clerk Lindsay Lara

**OPEN SESSION – (669) 900-9128, ID: 846-9457-0470# – 5:30 PM**

1. Mayor Phillips to announced Closed Session items.

**CLOSED SESSION – (669) 900-9128, ID: 846-9457-0470# – 5:30 PM**

2. Closed Session:
  - a. Conference with Labor Negotiators – Government Code Section 54957.6  
Lead Negotiator: Timothy L. Davis (Burke, Williams & Sorensen)  
Agency Designated Representatives: Jim Schutz, Cristine Alilovich, Nadine Hade, Shibani Nag  
Employee Organizations: SEIU - Childcare; San Rafael Police Mid-Management Association;  
Public Employee Union, Local 1; San Rafael Firefighters' Association; San Rafael Police  
Association; SEIU Local 1021; Western Council of Engineers; San Rafael Fire Chief Officers'  
Association

Mayor Phillips called the meeting to order at 7:04 p.m. and invited the City Clerk to call the roll

Mayor Phillips informed the community the meeting would be streamed live to YouTube and the City website, and members of the public would provide public comment either on the telephone or through the YouTube live chat

City Attorney Robert Epstein announced that no reportable action was taken in Closed Session

City Clerk Lindsay Lara explained the process for community participation through the telephone and YouTube

**REGULAR MEETING**  
**- VIRTUAL MEETING Telephone: (669) 900-9128,**  
**ID: 897-7202-3202**

## **OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM**

Mayor Phillips invited public comment for public expression open time, however there was none

Later in the meeting, City Clerk Lindsay Lara requested another opportunity for comments to be received on items not on the agenda. Mayor Phillips agreed and again invited public comment in Open Time

Correspondence in real-time through YouTube or telephone:

- Mark Wilkinson addressed the City Council regarding Costco
- Name withheld, addressed the City Council regarding Costco

City Manager Jim Schutz provided a brief informational comment on Costco

### **CITY MANAGER'S REPORT:**

#### **3. City Manager's Report:**

City Manager Jim Schutz provided an update on recent efforts of how the City was responding to COVID-19, including the updated Shelter-in-Place Order

Mayor Phillips expressed thanks for the report from the City Manager regarding the City's response to COVID-19 and commented on the Message from the Mayor video, as well as, the Small Business Relief Fund

### **CONSENT CALENDAR:**

#### **4. Consent Calendar Items:**

Mayor Phillips invited public comment on the Consent Calendar; however there was none

After addressing Open Time for Public Expression again, Mayor Phillips returned to the Consent Calendar and invited public comment

Steve Glanz addressed the City Council regarding the Canal Wifi initiative

Councilmember McCullough moved and Councilmember Colin seconded to approve Consent Calendar Items:

- a. **Approval of Minutes**  
**Approve Minutes of City Council / Successor Agency Regular Meeting of Monday, April 20, 2020 (CC)**  
[April 20, 2020 Minutes](#)  
  
Approved as submitted
- b. **Amend City Council Appointments to Committees**  
**Approve the Appointment of Vice-Mayor Colin and Councilmember Gamblin to Serve on the Marin County Council of Mayors and Councilmembers Economic Recovery Committee for 2020; and Appoint Fire Chief Darin White to Marin Emergency Radio Authority (MERA) Executive Board (CC)**  
[Amend City Council Appointments to Committees](#)  
  
Approved as submitted

- c. **Termination of The Marin Telecommunications Agency  
Second Introduction and Final Adoption of Ordinance 1984: An Ordinance of the City of San Rafael Providing for the Termination of the Marin Telecommunications Agency and Repealing the Telecommunications Ordinance Codified in Chapter 10.74 of the San Rafael Municipal Code (CM)**

[Termination of the Marin Telecommunications Agency](#)

Final Adoption of Ordinance 1984

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

**SPECIAL PRESENTATIONS:**

**5. Special Presentations:**

**a. Presentation of a Proclamation Recognizing National Police Week (PD)**

Police Chief Diana Bishop expressed appreciation to the Police Department and commented on the history of National Police Week and Peace Officers Memorial Day.

Mayor Phillips presented the proclamation to the Police Department and expressed his appreciation the Police Officers everywhere

**OTHER AGENDA ITEMS:**

**6. Other Agenda Items:**

**a. CDBG-Cares Act Funding Recommendations for FY2019-20 Resolution Recommending Community Development Block Grant Cares Act (CDBG-CV) Funding for the 2019-20 Fiscal Year to the Marin County Board of Supervisors for the San Rafael Planning Area (CD)**

[CDBG-Cares Act Funding Recommendations FY2019-20](#)

City Manager Jim Schutz introduced Ethan Guy, Principal Analyst, who presented the Staff Report and introduced Jillian Zeiger, County of Marin Planner who was available to answer questions.

Staff responded to questions from the City Council

Mayor Phillips invited public comment

**Speaker:** John Reynolds, Meredith Parnell, Volunteer Coordinator, St. Vincent de Paul Society of Marin

There being no further comment, Mayor Phillips closed the public comment period

Councilmembers provided comments

Councilmember Colin moved and Councilmember McCullough seconded to adopt the Resolution

Resolution 14792 - Resolution Recommending Community Development Block Grant Cares Act (CDBG-CV) Funding for the 2019-20 Fiscal Year to the Marin County Board of Supervisors for the San Rafael Planning Area

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

**b. Preliminary Impact of COVID-19 Pandemic on City's Finances & Initial Programs to Aid in Recovery**

- i. Accept Informational Report on Cost Reduction Actions to Date Such as Reducing Staff Allocation Through Not Filling Vacant Positions (CM)**
- ii. Resolution Approving a Voluntary Retirement Separation Program**
- iii. Resolution Approving a Voluntary Work Hours Reduction Program**
- iv. Approve the Implementation of the Mandatory Furlough Program as Outlined in the City's Labor Agreements and Direct Staff to Meet and Consult with All Bargaining Units**

[Preliminary Impact of COVID-19 Pandemic on City's Finances & Initial Programs to Aid in Recovery](#)

Cristine Alilovich, Assistant City Manager and Nadine Hade, Finance Director presented the Staff Report

Staff responded to questions from the City Council

Mayor Phillips invited public comment

**Speakers:** Name withheld, Jamie Poirier, Name withheld

There being no further comment, Mayor Phillips closed the public comment period

Staff responded to questions from the public

Councilmembers provided comments

Councilmember McCullough moved and Councilmember Colin seconded to accept the report

Accepted report

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

[Councilmember McCullough moved and Councilmember Colin seconded to adopt the Resolution](#)

Resolution 14793 - Resolution Approving a Voluntary Retirement Separation Program

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips

NOES: Councilmembers: None  
ABSENT: Councilmembers: None

Councilmember McCullough moved and Councilmember Colin seconded to adopt the Resolution

Resolution 14794 - Resolution Approving a Voluntary Work Hours Reduction Program

Councilmember McCullough moved and Councilmember McCullough seconded to approve implementation

Approved Implementation

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

**c. Canal Neighborhood WiFi Network Informational Report About Increasing WiFi Internet Access in the Canal Neighborhood (DS)**

[Canal Neighborhood WiFi Network](#)

[Correspondence](#)

[Correspondence \(1\)](#)

[Correspondence \(2\)](#)

[Correspondence \(3\)](#)

[Correspondence \(4\)](#)

[Correspondence \(5\)](#)

Rebecca Woodbury, Director of Digital Service & Open Government and Vinh Pham, Data & Infrastructure Manager, presented the staff report

Staff responded to questions from the City Council

Mayor Phillips invited public comment

**Speakers:** Sarah Ashton, Chief Technology Officer at San Rafael City Schools, Javier Trujillo, Chief Assistant Director of IST at County of Marin, John Reynolds, Jess Lerner, Omar Carrera, CEO at Canal Alliance, Jade Rooky, Kiah Bosy, Jodi Nelson, Director of East Bay Neighborhoods for Responsible Technology, Lauren de Remer, Andy Perry, Vicki Sievers, EMS Safety Network, Rachel Gaunt, Gaby Farias, Catherine Dodd, Alliance of Nurses for Healthy Environments, Valeri Hood, Diane Coughtry, Linda Brauner, PHD, Steve Glanz, Chandu Vyas, Cynda Vyas, Bruce Vogen, Name withheld, Janet Fitzgerald

There being no further comment, Mayor Phillips closed the public comment period

Staff responded to questions from the public

Staff responded to questions from the City Council

Councilmembers provided comments

City Manager Jim Schutz requested an addition to the recommended action to direct staff to execute the license agreement with Marin General Services Authority

Staff and Mayor Phillips discussed the recommended action



Councilmember Bushey moved and Councilmember McCullough seconded to accept the report and authorize the City Manager to sign the License Agreement with Marin General Services Authority (MGSA)

Accepted report and authorized the City Manager to sign the License Agreement with Marin General Services Authority (MGSA)

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

**COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:**

**7. Councilmember Reports:**

Vice Mayor Colin reported on the first Marin County Council of Mayors & Councilmembers (MCCMC) cross-jurisdictional meeting on the economic recovery

**SAN RAFAEL SUCCESSOR AGENCY**

**1. Consent Calendar: - None.**

**ADJOURNMENT:**

Mayor Phillips adjourned the meeting at 9:49 p.m.

\_\_\_\_\_  
LINDSAY LARA, City Clerk

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020

\_\_\_\_\_  
GARY O. PHILLIPS, Mayor



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Public Works

Prepared by: Bill Guerin,  
Director of Public Works

City Manager Approval: 

File No.: 16.01.241.01

**TOPIC: FRANCISCO BOULEVARD EAST SIDEWALK IMPROVEMENTS**

**SUBJECT: ADOPTION OF RESOLUTIONS RELATED TO THE FRANCISCO BOULEVARD EAST SIDEWALK IMPROVEMENTS PROJECT, CITY PROJECT NO. 11349:**

1. RESOLUTION AWARDING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT FOR THE FRANCISCO BOULEVARD EAST SIDEWALK IMPROVEMENTS PROJECT WITH GHILOTTI BROS., INC IN THE AMOUNT OF \$3,996,596.50, AUTHORIZING CONTINGENCY FUNDS IN THE AMOUNT OF \$563,403.50, AND AUTHORIZING A CONSTRUCTION ALLOWANCE FOR ADDITIONAL TRAFFIC SIGNAL AND STORM DRAIN IMPROVEMENTS IN THE AMOUNT OF \$900,000 FOR A TOTAL APPROPRIATED AMOUNT OF \$5,460,000.
2. RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH PARK ENGINEERING, INC. FOR INSPECTION SERVICES ASSOCIATED WITH THE FRANCISCO BOULEVARD EAST SIDEWALK IMPROVEMENTS PROJECT, IN THE AMOUNT OF \$373,504.

**RECOMMENDATION:** Staff recommends that the City Council:

1. Adopt the resolution awarding and authorizing the City Manager to execute a construction agreement with Ghilotti Bros., Inc. in the amount of \$3,996,596.50, authorizing contingency funds in the amount of \$563,403.50, and authorizing a construction allowance for additional traffic signal and storm drain improvements in the amount of \$900,000.
2. Adopt the resolution authorizing the City Manager to execute a professional services agreement with Park Engineering, Inc. for inspection services in an amount not to exceed \$373,504.

**BACKGROUND:** Grand Avenue and Francisco Boulevard East form the primary corridor for residents living in the Canal Neighborhood, the most densely populated area in Marin County, to access downtown San Rafael, the San Rafael Transit Center, SMART train station, Montecito

**FOR CITY CLERK ONLY**

File No.: \_\_\_\_\_

Council Meeting: \_\_\_\_\_

Disposition: Resolution No. \_\_\_\_\_

**SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2**

Plaza, and San Rafael High School. Local street connections between the Canal Neighborhood and the rest of the City are severely limited by the constraints of the San Rafael Canal waterway, the existing Grand Avenue Bridge, Highway 101, and Interstate 580. The Francisco Boulevard East Sidewalk Improvements project (“Sidewalk Project”) is the final phase of a multi-project, long-term vision that will fill a significant bicycle/pedestrian safety gap within a major north-south corridor and will successfully link to other recently constructed bicycle/pedestrian improvements, most notably the pedestrian bridge crossing the San Rafael Canal installed in 2019. Upon completion of the Sidewalk Project, a seamless bicycle/pedestrian facility from Downtown to the Canal Neighborhood will be realized and greatly improve safety and connectivity in East San Rafael.

This project has been a long-standing, high-priority project for the San Rafael City Council. In March 2008, the City retained an engineering consulting firm to perform extensive public outreach and begin development of construction plans that were advanced to approximately the 90-percent design level. In August 2013, when additional federal funding became available, the City retained another consulting firm to obtain environmental clearance and complete the design.

Over the course of several years, City staff pursued construction funding for the Sidewalk Project through various grant opportunities. In 2016, the City applied for a federal grant through the Active Transportation Program (ATP) administered by Caltrans. The application was favorably received, and subsequently the City was awarded \$4,025,000 in construction funds that were allocated to the City to begin reimbursement this fiscal year. To augment the ATP grant funding, City staff worked closely with the Transportation Authority of Marin (TAM) and identified an additional \$2,100,000 in federal funds from Congestion Mitigation and Air Quality Improvement Program (CMAQ) thus bringing the construction budget to \$6,125,000. The CMAQ funds have been programmed for the 2020-21 fiscal year.

**ANALYSIS:** In addition to the actual construction contract, staff proposes to obtain outside consultants to perform certain services needed for completion of the Sidewalk Project. Therefore, staff is recommending the City Council approve two separate agreements, as set forth below.

1. Resolution re Award of Construction Contract

The project was advertised in accordance with San Rafael’s Municipal Code on February 13, 2020, and on April 29, 2020 at 10:30 AM the following bids were received and read aloud:

<u>NAME OF BIDDER</u>	<u>AMOUNT</u>
Ghilotti Bros., Inc.	\$3,996,597
Michael Paul Co. Inc.	\$4,350,605
Ghilotti Construction Company	\$4,544,808
Thompson Builders Corporation	\$4,781,548

The construction bids have been reviewed by Public Works staff and the low bid from Ghilotti Bros., Inc. in the amount of \$3,996,597 was found to be both responsive and responsible. City staff recommend awarding the construction contract to Ghilotti Bros., Inc. for the bid amount, and also recommend the City Council authorize a construction contingency of approximately 14 percent for the project in an amount of \$563,403.

In addition to the construction contract and contingency totaling \$4,560,000, staff recommend the City Council authorize an allowance of \$900,000 to be utilized for additional storm drain upgrades and traffic signal equipment at Francisco Blvd East/Medway Rd. This allowance

became available as the result of the lower than anticipated contractor bids and professional services for construction support services. Staff will work with the contractor to determine the exact limits of additional work to be constructed or installed and incorporate said work through the contract change order process.

The recommended resolution therefore authorizes a construction budget of \$5,460,000 (\$3,996,597+\$563,403+\$900,000), which is fully supported by the federal grants available to the City.

2. Resolution re Agreement with Park Engineering, Inc. for Inspection Services

Managing construction throughout the duration of the Sidewalk Project will require full-time inspection services to review contractor work and manage coordination between utility companies and private property owners. With federal funding available to augment staff resources, Public Works proposes to obtain a consultant to perform field inspection and project management support to assist City staff in day-to-day management of the project.

On January 24, 2020, Public Works solicited Statements of Qualifications for inspection and material testing services. Four Statements from qualified firms were received on February 13, 2020. All were evaluated by City staff based on criteria specified in the Request for Qualifications including, but not limited to, understanding of the work to be done, previous experience with similar projects, qualified personnel, familiarity with state and federal procedures, and City standards and the local area. Of the four firms that provided a Statement of Qualifications, Park Engineering, Inc. provided the most thorough presentation exhibiting their qualifications. Staff recommends Park Engineering, Inc. as the most qualified consultant for this project.

The recommended resolution authorizes the City Manager to execute a Professional Services Agreement with Park Engineering, Inc. for the required inspection services, in an amount not to exceed \$373,504.

**PUBLIC OUTREACH:** Public Works staff held several meetings and outreach events over the past two years to inform impacted community members of this project. Meetings held include:

- November 6, 2017 – City Council awarded BKF Engineers to provide 100% Plans
- Summer 2018 – Reached out to business owners and managers with site visits
- December 2018 – Mailed project information flier to 352 Canal-area residents and businesses to provide general information about the project and general scheduling
- August 7, 2019 – Attended San Rafael Bicycle and Pedestrian Advisory Committee (BPAC) meeting and presented the proposed project.
- January 22, 2020 – Conducted a ride-along on a Marin Transit bus for a test run along the proposed northbound Front Street detour.
- April 2020 – City staff provided an update on the project by calling business owners/managers whose businesses are fronted by the Francisco Blvd East work area in addition to having a second informational flier sent to 352 Canal residences and businesses.

If the City Council approves this project to proceed, Public Works will renew outreach by contacting affected neighbors, businesses, and other groups to ensure that the public is aware of the upcoming construction project. This will be accomplished using various social media channels, the City website, and changeable message signs located at various intersections along the corridor.

**FISCAL IMPACT:** Staff proposes to fund construction of this project utilizing a combination of two federal grants totaling \$6,125,000 (\$4,025,000 from the Active Transportation Program and \$2,100,000 from the Congestion Mitigation and Air Quality Improvement Program). The construction, inspection, and project management services recommended in this staff report total \$5,833,504. The remaining federal funds will be utilized for miscellaneous expenses related to construction as well as reimbursement of staff time to the extent possible.

**OPTIONS:**

1. Adopt the resolutions as presented, awarding the construction contract to Ghilotti Bros., Inc. and authorizing a professional services agreement with Park Engineering.
2. Do not award the contract and direct staff to rebid the project. If this option is chosen, rebidding will delay construction by approximately two months and may jeopardize the grant funding timeline.
3. Do not award the contract and direct staff to stop work on the project. If the City does not advance the project into construction, the ATP grant will expire, and the City will lose the funding.

**ATTACHMENT:**

1. Resolution Awarding Construction Contract to Ghilotti Bros., Inc.
2. Draft Construction Contract with Ghilotti Bros., Inc.
3. Resolution Authorizing Execution of a Professional Services Agreement with Park Engineering for Construction Inspection Services
4. Draft Agreement with Park Engineering and corresponding Exhibit A

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AWARDING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT FOR THE FRANCISCO BOULEVARD EAST SIDEWALK IMPROVEMENTS PROJECT WITH GHILOTTI BROS., INC IN THE AMOUNT OF \$3,996,596.50, AUTHORIZING CONTINGENCY FUNDS IN THE AMOUNT OF \$563,403.50, AND AUTHORIZING A CONSTRUCTION ALLOWANCE FOR ADDITIONAL TRAFFIC SIGNAL AND STORM DRAIN IMPROVEMENTS IN THE AMOUNT OF \$900,000 FOR A TOTAL APPROPRIATED AMOUNT OF \$5,460,000.**

**WHEREAS**, the Federal Transportation legislation in 2005 (SAFETEA-LU) allocated \$25 million to the County of Marin for Non-Motorized Transportation Pilot Program (NTPP); and

**WHEREAS**, one of the projects selected for design and construction was the “Francisco Boulevard East Improvements” project; and

**WHEREAS**, on December 5, 2020, \$4,025,000 from the Active Transportation Program was allocated to the City of San Rafael by the California Transportation Commission; and

**WHEREAS**, City staff has identified an additional \$2,100,000 of Congestion Mitigation and Air Quality federal grant funding earmarked for the Francisco Boulevard East Improvements project through Transportation Authority of Marin; and

**WHEREAS**, on January 13, 2020, City staff obtained its approval from Caltrans to solicit contractor bids and commence construction; and

**WHEREAS**, having advertised and solicited construction bids in accordance with the City’s Municipal Code, the City Clerk did publicly open, examine, and declare all sealed bids on the 29<sup>th</sup> day of April, 2020 for the following project entitled “FRANCISCO BOULEVARD EAST SIDEWALK IMPROVEMENTS PROJECT” City Project Number 11349 in accordance with the plans and specifications therefore on file in the office of the Department of Public Works; and

**WHEREAS**, the bid of \$3,339,596.50 from Ghilotti Bros., Inc. at the unit prices stated in its bid, was and is the lowest bid for said work and said bidder is the lowest responsible bidder; and

**WHEREAS**, City staff has apportioned an additional 14% of the bid price for contingencies in the amount of \$563,403.50;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESOLVES**

as follows:

1. The bid of Ghilotti Bros., Inc. is hereby accepted at the unit prices stated in its bid, and the contract for said work and improvements is hereby awarded to Ghilotti Bros., Inc., at the stated unit prices.
2. The City Manager is authorized and directed to execute the contract for the project with Ghilotti Bros. Inc. at the bid amount, subject to final approval as to form by the City Attorney, and to return the bidder's bond upon the execution of the contract.
3. The City Council authorizes the allowance of \$900,000 for additional traffic signal and storm drain improvements to be incorporated into the construction contract via the change order process to maximize the use of federal funds available.
4. Funds totaling \$6,125,000 will be appropriated for this project from the Active Transportation Program (\$4,025,000) and Congestion Mitigation and Air Quality (\$2,100,000) grants.
5. The City Manager is hereby authorized to take any and all such actions and make changes as may be necessary to accomplish the purpose of this resolution.

I, **LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City on the 18<sup>th</sup> day of May 2020, by the following vote, to wit:

**AYES:**           **COUNCILMEMBERS:**

**NOES:**           **COUNCILMEMBERS:**

**ABSENT:**       **COUNCILMEMBERS:**

---

**LINDSAY LARA, City Clerk**

File No.: 16.01.241.01

## Contract

This public works contract ("Contract") is entered into by and between the City of San Rafael ("City") and Ghilotti Bros., Inc. ("Contractor"), for work on the Francisco Boulevard Sidewalk Improvements Project ("Project").

The parties agree as follows:

1. **Award of Contract.** In response to the Notice Inviting Bids, Contractor has submitted a Bid Proposal to perform the Work to construct the Project. On May 18, 2020, City authorized award of this Contract to Contractor for the amount set forth in Section 4, below.
2. **Contract Documents.** The Contract Documents incorporated into this Contract include and are comprised of all of the documents listed below. The definitions provided in Article 1 of the General Conditions apply to all of the Contract Documents, including this Contract.
  - 2.1 Notice Inviting Bids;
  - 2.2 Instructions to Bidders;
  - 2.3 Addenda, if any;
  - 2.4 Bid Proposal and attachments thereto;
  - 2.5 Contract;
  - 2.6 Payment, Performance, and Warranty Bonds;
  - 2.7 General Conditions;
  - 2.8 Special Conditions;
  - 2.9 Project Plans and Specifications;
  - 2.10 Change Orders, if any;
  - 2.11 Notice of Award;
  - 2.12 Notice to Proceed;
  - 2.13 Uniform Standards All Cities and County of Marin (available online at: <https://www.marincounty.org/-/media/files/departments/pw/engineering/2018-ucs-complete-set.pdf?la=en>); and
  - 2.14 The following:
    - Appendix A – Federal Bidding Requirements
    - Appendix B – Federal Contract Requirements
    - FHWA Form 1273
    - Federal Minimum Wage Rates
3. **Contractor's Obligations.** Contractor will perform all of the Work required for the Project, as specified in the Contract Documents. Contractor must provide, furnish, and supply all things necessary and incidental for the timely performance and completion of the Work, including all necessary labor, materials, supplies, tools, equipment, transportation, onsite facilities, and utilities, unless otherwise specified in the Contract Documents. Contractor must use its best efforts to diligently prosecute and complete the Work in a professional and expeditious manner and to meet or exceed the performance standards required by the Contract Documents, and in full compliance with Laws.
4. **Payment.** As full and complete compensation for Contractor's timely performance and completion of the Work in strict accordance with the terms and conditions of the Contract Documents, City will pay Contractor \$3,996,596.50, ("Contract Price") for all of Contractor's direct and indirect costs to perform the Work, including all labor, materials, supplies, equipment, taxes, insurance, bonds and all overhead costs, in accordance with the payment provisions in the General Conditions.



5. **Time for Completion.** Contractor will fully complete the Work for the Project within 60 calendar days from the commencement date given in the Notice to Proceed (“Contract Time”). By signing below, Contractor expressly waives any claim for delayed early completion.
6. **Liquidated Damages.** If Contractor fails to complete the Work within the Contract Time, City will assess liquidated damages in the amount of \$1,500 per day for each day of unexcused delay in completion, and such liquidated damages may be deducted from City’s payments due or to become due to Contractor under this Contract.
7. **Labor Code Compliance.**
  - 7.1 **General.** This Contract is subject to all applicable requirements of Chapter 1 of Part 7 of Division 2 of the Labor Code, including requirements pertaining to wages, working hours and workers’ compensation insurance, as further specified in Article 9 of the General Conditions.
  - 7.2 **Prevailing Wages.** This Project is subject to the prevailing wage requirements applicable to the locality in which the Work is to be performed for each craft, classification or type of worker needed to perform the Work, including employer payments for health and welfare, pension, vacation, apprenticeship and similar purposes. Copies of these prevailing rates are available online at <http://www.dir.ca.gov/DLSR>.
  - 7.3 **DIR Registration.** City may not enter into the Contract with a bidder without proof that the bidder and its Subcontractors are registered with the California Department of Industrial Relations to perform public work pursuant to Labor Code § 1725.5, subject to limited legal exceptions.
8. **Workers’ Compensation Certification.** Pursuant to Labor Code § 1861, by signing this Contract, Contractor certifies as follows: “I am aware of the provisions of Labor Code § 3700 which require every employer to be insured against liability for workers’ compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the Work on this Contract.”
9. **Conflicts of Interest.** Contractor, its employees, Subcontractors and agents, may not have, maintain or acquire a conflict of interest in relation to this Contract in violation of any City ordinance or requirement, or in violation of any California law, including Government Code § 1090 et seq., or the Political Reform Act, as set forth in Government Code § 81000 et seq. and its accompanying regulations. Any violation of this Section constitutes a material breach of the Contract.
10. **Independent Contractor.** Contractor is an independent contractor under this Contract and will have control of the Work and the means and methods by which it is performed. Contractor and its Subcontractors are not employees of City and are not entitled to participate in any health, retirement, or any other employee benefits from City.

11. **Notice.** Any notice, billing, or payment required by or pursuant to the Contract Documents must be made in writing, signed, dated and sent to the other party by personal delivery, U.S. Mail, a reliable overnight delivery service, or by email as a PDF file. Notice is deemed effective upon delivery, except that service by U.S. Mail is deemed effective on the second working day after deposit for delivery. Notice for each party must be given as follows:

**City:**

City Clerk's Office  
1400 Fifth Avenue, Room 209  
San Rafael, CA 94901  
Attn: City Clerk

Copy to: Director of Public Works  
Email: [Bill.Guerin@cityofsanrafael.org](mailto:Bill.Guerin@cityofsanrafael.org)

**Contractor:**

Name: Ghilotti Bros. Inc.  
Address: 525 Jacoby Street  
City/State/Zip: San Rafael, CA 94901  
Phone: 415-265-7011  
Attn: Dennis Huette  
Email: [dennish@ghilottibros.com](mailto:dennish@ghilottibros.com)  
Copy to: Susan Harward

12. **General Provisions.**

- 12.1 **Assignment and Successors.** Contractor may not assign its rights or obligations under this Contract, in part or in whole, without City's written consent. This Contract is binding on Contractor's and City's lawful heirs, successors and permitted assigns.
- 12.2 **Third Party Beneficiaries.** There are no intended third party beneficiaries to this Contract.
- 12.3 **Governing Law and Venue.** This Contract will be governed by California law and venue will be in the Marin County Superior Court, and no other place. Contractor waives any right it may have pursuant to Code of Civil Procedure § 394, to file a motion to transfer any action arising from or relating to this Contract to a venue outside of Marin County, California.
- 12.4 **Amendment.** No amendment or modification of this Contract will be binding unless it is in a writing duly authorized and signed by the parties to this Contract.
- 12.5 **Integration.** This Contract and the Contract Documents incorporated herein, including authorized amendments or Change Orders thereto, constitute the final, complete, and exclusive terms of the agreement between City and Contractor.
- 12.6 **Severability.** If any provision of the Contract Documents is determined to be illegal, invalid, or unenforceable, in whole or in part, the remaining provisions of the Contract Documents will remain in full force and effect.
- 12.7 **Iran Contracting Act.** If the Contract Price exceeds \$1,000,000, Contractor certifies, by signing below, that it is not identified on a list created under the Iran Contracting Act, Public

Contract Code § 2200 et seq. (the “Act”), as a person engaging in investment activities in Iran, as defined in the Act, or is otherwise expressly exempt under the Act.

**12.8 Authorization.** Each individual signing below warrants that he or she is authorized to do so by the party that he or she represents, and that this Contract is legally binding on that party. If Contractor is a corporation, signatures from two officers of the corporation are required pursuant to California Corporation Code § 313. If Contractor is a partnership, a signature from a general partner with authority to bind the partnership is required.

*[Signatures are on the following page.]*

The parties agree to this Contract as witnessed by the signatures below:

**CITY:**

Approved as to form:

s/ \_\_\_\_\_

s/ \_\_\_\_\_

\_\_\_\_\_  
Jim Schutz, City Manager

\_\_\_\_\_  
Robert F. Epstein, City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest:

s/ \_\_\_\_\_

\_\_\_\_\_  
Lindsay Lara, City Clerk

Date: \_\_\_\_\_

**CONTRACTOR:**

\_\_\_\_\_ Business Name

s/ \_\_\_\_\_

Seal:

\_\_\_\_\_  
Name, Title

Date: \_\_\_\_\_

Second Signature (See Section 12.8):

s/ \_\_\_\_\_

\_\_\_\_\_  
Name, Title

Date: \_\_\_\_\_

\_\_\_\_\_  
Contractor's California License Number(s) and Expiration Date(s)

END OF CONTRACT

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH PARK ENGINEERING, INC. FOR INSPECTION SERVICES ASSOCIATED WITH THE FRANCISCO BOULEVARD EAST SIDEWALK IMPROVEMENTS PROJECT, IN THE AMOUNT OF \$373,504**

**WHEREAS**, the Federal Transportation legislation in 2005 (SAFETEA-LU) allocated \$25 million to the County of Marin for Non-Motorized Transportation Pilot Program (NTPP); and

**WHEREAS**, one of the projects selected for design and construction was the “Francisco Boulevard East Improvements” project; and

**WHEREAS**, on December 5, 2020, \$4,025,000 from the Active Transportation Program was allocated to the City of San Rafael by the California Transportation Commission; and

**WHEREAS**, City staff has identified an additional \$2,100,000 of Congestion Mitigation and Air Quality federal grant funding earmarked for the Francisco Boulevard East Improvements project through Transportation Authority of Marin; and

**WHEREAS**, on January 13, 2020, City staff obtained its approval from Caltrans to begin the construction phase of this project; and

**WHEREAS**, on February 13, 2020, City staff received construction inspection service proposals from four different firms for project inspection services; and

**WHEREAS**, upon reviewing the construction inspection service proposals, City staff determined Park Engineering, Inc. to be the most qualified firm, with a fee in the amount of \$373,504;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESOLVES** as follows:

1. The City Council hereby approves and authorizes the City Manager to execute a Professional Services Agreement with Park Engineering, Inc. for construction inspection services associated with the Francisco Boulevard East Sidewalk Improvements Project in the amount not to exceed \$373,504, in the form included in the Staff Report for this resolution, subject to final approval as to form by the City Attorney.
2. Funds totaling \$373,504 will be appropriated for this project from the Active Transportation Program (\$4,025,000) and Congestion Mitigation and Air Quality (\$2,100,000) grants.
3. The Director of Public Works is hereby authorized to take any and all such actions and make changes as may be necessary to accomplish the purpose of this resolution.

I, **LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City on the 18<sup>th</sup> day of May 2020, by the following vote, to wit:

**AYES:**           **COUNCILMEMBERS:**

**NOES:**           **COUNCILMEMBERS:**

**ABSENT:**       **COUNCILMEMBERS:**

---

**LINDSAY LARA, City Clerk**

File No.: 16.01.241-01

---

**AGREEMENT FOR PROFESSIONAL SERVICES WITH  
PARK ENGINEERING, INC. FOR CONSTRUCTION INSPECTION SERVICES ON THE  
FRANCISCO BOULEVARD EAST SIDEWALK IMPROVEMENTS PROJECT**

**ARTICLE I INTRODUCTION**

- A. This AGREEMENT is entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2020 by and between the following named, hereinafter referred to as CONSULTANT, and the following named, hereinafter referred to as LOCAL AGENCY:

The name of the "CONSULTANT" is as follows: Park Engineering, Inc., incorporated in or authorized to do business in the State of California.

The Project Manager for the "CONSULTANT" will be Steve Patterson

The name of the "LOCAL AGENCY" is as follows: City of San Rafael

The Contract Administrator for LOCAL AGENCY will be Bill Guerin, Public Works Director

- B. The work to be performed under this AGREEMENT is described in Article III Statement of Work and the approved CONSULTANT's Revised Cost Proposal ("Cost Proposal") dated February 13, 2020. The approved CONSULTANT's Cost Proposal is attached hereto (Exhibit A) and incorporated by reference. If there is any conflict between the approved Cost Proposal and this AGREEMENT, this AGREEMENT shall take precedence.
- C. CONSULTANT agrees to the fullest extent permitted by law, to indemnify, protect, defend, and hold harmless LOCAL AGENCY, its officers, agents, and employees and volunteers from and against any and all claims, damages, demands, liability, costs, losses and expenses, including without limitation, court costs and reasonable attorney's and expert witness fees, arising out of any failure to comply with applicable law, any injury to or death of any person(s), damage to property, loss of use of property, economic loss or otherwise arising out of the performance of the work described herein, to the extent caused by a negligent act or negligent failure to act, errors, omissions, recklessness or willful misconduct incident to the performance of this AGREEMENT on the part of CONSULTANT, except CONSULTANT will not reimburse LOCAL AGENCY for any such loss or damage which was caused by the sole negligence, or willful misconduct of LOCAL AGENCY, as determined by a Court of competent jurisdiction. The provisions of this section shall survive termination or suspension of this AGREEMENT.
- D. CONSULTANT in the performance of this AGREEMENT shall act in an independent capacity. It is understood and agreed that CONSULTANT (including CONSULTANT'S employees) is an independent contractor and that no relationship of employer-employee exists between the Parties hereto. CONSULTANT'S assigned personnel shall not be entitled to any benefits payable to employees of LOCAL AGENCY.
- E. LOCAL AGENCY is not required to make deductions or withholdings from the compensation payable to CONSULTANT under the provisions of the AGREEMENT and is not required to issue W-2 Forms for income and employment tax purposes for any of CONSULTANT's assigned personnel. CONSULTANT in the performance of its obligation hereunder, is only subject to the control of direction of the LOCAL AGENCY as to the designation of tasks to be performed and the results to be accomplished,
- F. Any third-party person(s) employed by CONSULTANT shall be entirely and exclusively under the direction, supervision, and control of CONSULTANT. CONSULTANT hereby indemnifies and holds LOCAL AGENCY harmless from any and all claims that may be made against LOCAL AGENCY based upon any contention by any third party that an employer-employee relationship exists by reason of this AGREEMENT.

- 
- G. Except as expressly authorized herein, CONSULTANT's obligations under this AGREEMENT are not assignable or transferable, and CONSULTANT shall not subcontract any work, without the prior written approval of the LOCAL AGENCY. However, claims for money due or which become due to CONSULTANT from LOCAL AGENCY under this AGREEMENT may be assigned to a financial institution or to a trustee in bankruptcy, without such approval. Notice of any assignment or transfer whether voluntary or involuntary shall be furnished promptly to the LOCAL AGENCY.
  - H. CONSULTANT shall be as fully responsible to the LOCAL AGENCY for the negligent acts and omissions of its contractors and subcontractors or subconsultants, and of persons either directly or indirectly employed by them, in the same manner as persons directly employed by CONSULTANT.
  - I. No alteration or variation of the terms of this AGREEMENT shall be valid, unless made in writing and signed by the parties authorized to bind the parties; and no oral understanding or agreement not incorporated herein, shall be binding on any of the parties hereto.
  - J. The consideration to be paid to CONSULTANT as provided herein, shall be in compensation for all of CONSULTANT's expenses incurred in the performance hereof, including travel and per diem, unless otherwise expressly so provided.

## **ARTICLE II CONSULTANT'S REPORTS OR MEETINGS**

- A. CONSULTANT shall submit progress reports at least once a month. The report should be sufficiently detailed for the LOCAL AGENCY's Contract Administrator to determine if CONSULTANT is performing to expectations, or is on schedule; to provide communication of interim findings, and to sufficiently address any difficulties or special problems encountered, so remedies can be developed.
- B. CONSULTANT's Project Manager shall meet with LOCAL AGENCY's Contract Administrator, as needed, to discuss progress on the AGREEMENT.

## **ARTICLE III STATEMENT OF WORK**

The CONSULTANT shall perform the services specified in the Revised Scope of Work, dated February 13, 2020, attached hereto as Exhibit A and incorporated herein by reference. If there is any conflict between the terms of the Cost Proposal, attached hereto as Exhibit A, and the terms of this AGREEMENT, the terms of this AGREEMENT shall take precedence.

## **ARTICLE IV PERFORMANCE PERIOD**

- A. This AGREEMENT shall go into effect on the date first hereinabove written, contingent upon approval by LOCAL AGENCY, and CONSULTANT shall commence work after notification to proceed by LOCAL AGENCY'S Contract Administrator. The AGREEMENT shall end upon completion of the work to the satisfaction of the LOCAL AGENCY'S Contract Administrator.
- B. CONSULTANT is advised that any recommendation for AGREEMENT award is not binding on LOCAL AGENCY until the AGREEMENT is fully executed and approved by LOCAL AGENCY.

## **ARTICLE V ALLOWABLE COSTS AND PAYMENTS**

- A. The method of payment for this AGREEMENT will be based on actual cost plus a fixed fee. LOCAL AGENCY will reimburse CONSULTANT for actual costs (including labor costs, employee benefits, travel, equipment rental costs, overhead and other direct costs) incurred by CONSULTANT in performance of the work. CONSULTANT will not be reimbursed for actual costs that exceed the



---

estimated wage rates, employee benefits, travel, equipment rental, overhead, and other estimated costs set forth in the approved CONSULTANT'S Cost Proposal, unless additional reimbursement is provided for by AGREEMENT amendment. In no event, will CONSULTANT be reimbursed for overhead costs at a rate that exceeds LOCAL AGENCY's approved overhead rate set forth in the Cost Proposal. In the event that LOCAL AGENCY determines that a change to the work from that specified in the Cost Proposal and AGREEMENT is required, the AGREEMENT time or actual costs reimbursable by LOCAL AGENCY shall be adjusted by AGREEMENT amendment to accommodate the changed work. The maximum total cost as specified in Paragraph "I" of this Article shall not be exceeded, unless authorized by AGREEMENT amendment.

- B. The indirect cost rate established for this AGREEMENT is extended through the duration of this specific AGREEMENT. CONSULTANT's agreement to the extension of the 1-year applicable period shall not be a condition or qualification to be considered for the work or AGREEMENT award.
- C. In addition to the allowable incurred costs, LOCAL AGENCY will pay CONSULTANT a fixed fee of \$30,500. The fixed fee is nonadjustable for the term of the AGREEMENT, except in the event of a significant change in the scope of work and such adjustment is made by AGREEMENT amendment.
- D. Reimbursement for transportation and subsistence costs shall not exceed the rates specified in the approved Cost Proposal.
- E. When milestone cost estimates are included in the approved Cost Proposal, CONSULTANT shall obtain prior written approval for a revised milestone cost estimate from the Contract Administrator before exceeding such cost estimate.
- F. Progress payments will be made monthly in arrears based on services provided and allowable incurred costs. A pro rata portion of CONSULTANT's fixed fee will be included in the monthly progress payments. If CONSULTANT fails to submit the required deliverable items according to the schedule set forth in Article III Statement of Work, LOCAL AGENCY shall have the right to delay payment or terminate this AGREEMENT.
- G. No payment will be made prior to approval of any work, nor for any work performed prior to approval of this AGREEMENT.
- H. CONSULTANT will be reimbursed promptly according to California Regulations upon receipt by LOCAL AGENCY's Contract Administrator of itemized invoices in duplicate. Invoices shall be submitted no later than thirty (30) calendar days after the performance of work for which CONSULTANT is billing. Invoices shall detail the work performed on each milestone and each project as applicable. Invoices shall follow the format stipulated for the approved Cost Proposal and shall reference this AGREEMENT number and project title. Final invoice must contain the final cost and all credits due LOCAL AGENCY including any equipment purchased under the provisions of Article XI Equipment Purchase. The final invoice should be submitted within sixty (60) calendar days after completion of CONSULTANT's work. Invoices shall be mailed to LOCAL AGENCY's Contract Administrator at the following address:

City of San Rafael  
Public Works Department  
Bill Guerin  
111 Morphew Street  
San Rafael, CA 94901

- I. The total amount payable by LOCAL AGENCY including the fixed fee shall not exceed \$373,504.

- 
- J. Salary increases will be reimbursable if the new salary is within the salary range identified in the approved Cost Proposal and is approved by LOCAL AGENCY's Contract Administrator.
  - K. For personnel subject to prevailing wage rates as described in the California Labor Code, all salary increases, which are the direct result of changes in the prevailing wage rates are reimbursable.

#### **ARTICLE VI TERMINATION**

- A. This AGREEMENT may be terminated by LOCAL AGENCY, provided that LOCAL AGENCY gives not less than thirty (30) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate. Upon termination, LOCAL AGENCY shall be entitled to all work, including but not limited to, reports, investigations, appraisals, inventories, studies, analyses, drawings and data estimates performed to that date, whether completed or not, and in accordance with Article XXVI, Ownership of Data.
- B. LOCAL AGENCY may temporarily suspend this AGREEMENT, at no additional cost to LOCAL AGENCY, provided that CONSULTANT is given written notice (delivered by certified mail, return receipt requested) of temporary suspension. If LOCAL AGENCY gives such notice of temporary suspension, CONSULTANT shall immediately suspend its activities under this AGREEMENT. A temporary suspension may be issued concurrent with the notice of termination provided for in subsection A of this section.
- C. Notwithstanding any provisions of this AGREEMENT, CONSULTANT shall not be relieved of liability to LOCAL AGENCY for damages sustained by LOCAL AGENCY by virtue of any breach of this AGREEMENT by CONSULTANT, and LOCAL AGENCY may withhold any payments due to CONSULTANT until such time as the exact amount of damages, if any, due LOCAL AGENCY from CONSULTANT is determined.
- D. In the event of termination, CONSULTANT shall be compensated as provided for in this AGREEMENT, except as provided in Article XI, section C. Upon termination, LOCAL AGENCY shall be entitled to all work, including but not limited to, reports, investigations, appraisals, inventories, studies, analyses, drawings and data estimates performed to that date, whether completed or not, and in accordance with Article XXVI, Ownership of Data.

#### **ARTICLE VII COST PRINCIPLES AND ADMINISTRATIVE REQUIREMENTS**

- A. The CONSULTANT agrees that 48 CFR Part 31, Contract Cost Principles and Procedures, shall be used to determine the allowability of individual items of cost.
- B. The CONSULTANT also agrees to comply with Federal procedures in accordance with 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- C. Any costs for which payment has been made to the CONSULTANT that are determined by subsequent audit to be unallowable under 48 CFR Part 31 or 2 CFR Part 200, are subject to repayment by the CONSULTANT to LOCAL AGENCY.
- D. When a CONSULTANT or Subconsultant is a Non-Profit Organization or an Institution of Higher Education, the Cost Principles for Title 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards shall apply.

#### **ARTICLE VIII RETENTION OF RECORDS/AUDIT**

---

For the purpose of determining compliance with Gov. Code §8546.7, the CONSULTANT, Subconsultants, and LOCAL AGENCY shall maintain all books, documents, papers, accounting records, Independent CPA Audited Indirect Cost Rate workpapers, and other evidence pertaining to the performance of the AGREEMENT including, but not limited to, the costs of administering the AGREEMENT. All parties, including the CONSULTANT's Independent CPA, shall make such workpapers and materials available at their respective offices at all reasonable times during the AGREEMENT period and for three (3) years from the date of final payment under the AGREEMENT. LOCAL AGENCY, Caltrans Auditor, FHWA, or any duly authorized representative of the Federal government having jurisdiction under Federal laws or regulations (including the basis of Federal funding in whole or in part) shall have access to any books, records, and documents of the CONSULTANT, Subconsultants, and the CONSULTANT's Independent CPA, that are pertinent to the AGREEMENT for audits, examinations, workpaper review, excerpts, and transactions, and copies thereof shall be furnished if requested without limitation.

#### **ARTICLE IX AUDIT REVIEW PROCEDURES**

- A. Any dispute concerning a question of fact arising under an interim or post audit of this AGREEMENT that is not disposed of by agreement, shall be reviewed by LOCAL AGENCY'S Finance Director.
- B. Not later than thirty (30) days after issuance of the final audit report, CONSULTANT may request a review by LOCAL AGENCY'S Finance Director of unresolved audit issues. The request for review will be submitted in writing.
- C. Neither the pendency of a dispute nor its consideration by LOCAL AGENCY will excuse CONSULTANT from full and timely performance, in accordance with the terms of this AGREEMENT.
- D. CONSULTANT and subconsultant AGREEMENTs, including cost proposals and Indirect Cost Rates (ICR), may be subject to audits or reviews such as, but not limited to, an AGREEMENT audit, an incurred cost audit, an ICR Audit, or a CPA ICR audit work paper review. If selected for audit or review, the AGREEMENT, cost proposal and ICR and related work papers, if applicable, will be reviewed to verify compliance with 48 CFR, Part 31 and other related laws and regulations. In the instances of a CPA ICR audit work paper review it is CONSULTANT's responsibility to ensure federal, LOCAL AGENCY, or local government officials are allowed full access to the CPA's work papers including making copies as necessary. The AGREEMENT, cost proposal, and ICR shall be adjusted by CONSULTANT and approved by LOCAL AGENCY Contract Administrator to conform to the audit or review recommendations. CONSULTANT agrees that individual terms of costs identified in the audit report shall be incorporated into the AGREEMENT by this reference if directed by LOCAL AGENCY at its sole discretion. Refusal by CONSULTANT to incorporate audit or review recommendations, or to ensure that the federal, LOCAL AGENCY or local governments have access to CPA work papers, will be considered a breach of AGREEMENT terms and cause for termination of the AGREEMENT and disallowance of prior reimbursed costs.
- E. CONSULTANT's Cost Proposal may be subject to a CPA ICR Audit Work Paper Review and/or audit by Caltrans Audits and Investigation (A&I). Caltrans A&I, at its sole discretion, may review and/or audit and approve the CPA ICR documentation. The Cost Proposal shall be adjusted by the CONSULTANT and approved by the LOCAL AGENCY Contract Administrator to conform to the Work Paper Review recommendations included in the management letter or audit recommendations included in the audit report. Refusal by the CONSULTANT to incorporate the Work Paper Review recommendations included in the management letter or audit recommendations included in the audit report will be considered a breach of the AGREEMENT terms and cause for termination of the AGREEMENT and disallowance of prior reimbursed costs.

- 
1. During Caltrans A&I's review of the ICR audit work papers created by the CONSULTANT's independent CPA, Caltrans A&I will work with the CPA and/or CONSULTANT toward a resolution of issues that arise during the review. Each party agrees to use its best efforts to resolve any audit disputes in a timely manner. If Caltrans A&I identifies significant issues during the review and is unable to issue a cognizant approval letter, LOCAL AGENCY will reimburse the CONSULTANT at an accepted ICR until a FAR (Federal Acquisition Regulation) compliant ICR (e.g. 48 CFR Part 31; GAAS (Generally Accepted Auditing Standards); CAS (Cost Accounting Standards), if applicable; in accordance with procedures and guidelines of the American Association of State Highways and Transportation Officials (AASHTO) Audit Guide; and other applicable procedures and guidelines) is received and approved by A&I.

Accepted rates will be as follows:

- a. If the proposed rate is less than one hundred fifty percent (150%) - the accepted rate reimbursed will be ninety percent (90%) of the proposed rate.
  - b. If the proposed rate is between one hundred fifty percent (150%) and two hundred percent (200%) - the accepted rate will be eighty-five percent (85%) of the proposed rate.
  - c. If the proposed rate is greater than two hundred percent (200%) - the accepted rate will be seventy-five percent (75%) of the proposed rate.
2. If Caltrans A&I is unable to issue a cognizant letter per paragraph E.1. above, Caltrans A&I may require CONSULTANT to submit a revised independent CPA-audited ICR and audit report within three (3) months of the effective date of the management letter. Caltrans A&I will then have up to six (6) months to review the CONSULTANT's and/or the independent CPA's revisions.
  3. If the CONSULTANT fails to comply with the provisions of this paragraph E, or if Caltrans A&I is still unable to issue a cognizant approval letter after the revised independent CPA audited ICR is submitted, overhead cost reimbursement will be limited to the accepted ICR that was established upon initial rejection of the ICR and set forth in paragraph E.1. above for all rendered services. In this event, this accepted ICR will become the actual and final ICR for reimbursement purposes under this AGREEMENT.
  4. CONSULTANT may submit to LOCAL AGENCY final invoice only when all of the following items have occurred: (1) Caltrans A&I accepts or adjusts the original or revised independent CPA audited ICR; (2) all work under this AGREEMENT has been completed to the satisfaction of LOCAL AGENCY; and, (3) Caltrans A&I has issued its final ICR review letter. The CONSULTANT MUST SUBMIT ITS FINAL INVOICE TO LOCAL AGENCY no later than sixty (60) calendar days after occurrence of the last of these items. The accepted ICR will apply to this AGREEMENT and all other agreements executed between LOCAL AGENCY and the CONSULTANT, either as a prime or subconsultant, with the same fiscal period ICR.

## **ARTICLE X SUBCONTRACTING**

- A. Nothing contained in this AGREEMENT or otherwise, shall create any contractual relation between LOCAL AGENCY and any Subconsultants, and no sub-agreement shall relieve the CONSULTANT of its responsibilities and obligations hereunder. The CONSULTANT agrees to be as fully responsible to LOCAL AGENCY for the acts and omissions of its Subconsultants and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the CONSULTANT. The CONSULTANT's obligation to pay its Subconsultants is an independent obligation from LOCAL AGENCY'S obligation to make payments to the CONSULTANT.
- B. The CONSULTANT shall perform the work contemplated with resources available within its own organization and no portion of the work shall be subcontracted without written authorization by the

---

LOCAL AGENCY Contract Administrator, except that which is expressly identified in the CONSULTANT's approved Cost Proposal.

- C. Any sub-agreement entered into as a result of this AGREEMENT, shall contain all the provisions stipulated in this entire AGREEMENT to be applicable to Subconsultants unless otherwise noted.
- D. CONSULTANT shall pay its Subconsultants within Fifteen (15) calendar days from receipt of each payment made to the CONSULTANT by the LOCAL AGENCY.
- E. Any substitution of Subconsultants must be approved in writing by LOCAL AGENCY Contract Administrator in advance of assigning work to a substitute Subconsultant.

## **ARTICLE XI EQUIPMENT PURCHASE AND OTHER CAPITAL EXPENDITURES**

- A. Prior authorization in writing, by LOCAL AGENCY's Contract Administrator shall be required before CONSULTANT enters into any unbudgeted purchase order, or subcontract exceeding five thousand dollars (\$5,000) for supplies, equipment, or CONSULTANT services. CONSULTANT shall provide an evaluation of the necessity or desirability of incurring such costs.
- B. For purchase of any item, service, or consulting work not covered in CONSULTANT's approved Cost Proposal and exceeding five thousand dollars (\$5,000), with prior authorization by LOCAL AGENCY's Contract Administrator, three competitive quotations must be submitted with the request, or the absence of bidding must be adequately justified.
- C. Any equipment purchased as a result of this contract is subject to the following:
  - 1. CONSULTANT shall maintain an inventory of all nonexpendable property. Nonexpendable property is defined as having a useful life of at least two years and an acquisition cost of five thousand dollars (\$5,000) or more. If the purchased equipment needs replacement and is sold or traded in, LOCAL AGENCY shall receive a proper refund or credit at the conclusion of the AGREEMENT, or if the AGREEMENT is terminated, CONSULTANT may either keep the equipment and credit LOCAL AGENCY in an amount equal to its fair market value, or sell such equipment at the best price obtainable at a public or private sale, in accordance with established LOCAL AGENCY procedures; and credit LOCAL AGENCY in an amount equal to the sales price. If CONSULTANT elects to keep the equipment, fair market value shall be determined at CONSULTANT's expense, on the basis of a competent independent appraisal of such equipment. Appraisals shall be obtained from an appraiser mutually agreeable to by LOCAL AGENCY and CONSULTANT, if it is determined to sell the equipment, the terms and conditions of such sale must be approved in advance by LOCAL AGENCY.
  - 2. Regulation 2 CFR Part 200 requires a credit to Federal funds when participating equipment with a fair market value greater than five thousand dollars (\$5,000) is credited to the project.

## **ARTICLE XII STATE PREVAILING WAGE RATES**

- A. No CONSULTANT or Subconsultant may be awarded an AGREEMENT containing public work elements unless registered with the Department of Industrial Relations (DIR) pursuant to Labor Code §1725.5. Registration with DIR must be maintained throughout the entire term of this AGREEMENT, including any subsequent amendments.
- B. The CONSULTANT shall comply with all of the applicable provisions of the California Labor Code requiring the payment of prevailing wages. The General Prevailing Wage Rate Determinations applicable to work under this AGREEMENT are available and on file with the Department of Transportation's Regional/District Labor Compliance Officer (<http://www.dot.ca.gov/hq/construc/LaborCompliance/documents/District->

---

[Region Map Construction 7-8-15.pdf](#)). These wage rates are made a specific part of this AGREEMENT by reference pursuant to Labor Code §1773.2 and will be applicable to work performed at a construction project site. Prevailing wages will be applicable to all inspection work performed at LOCAL AGENCY construction sites, at LOCAL AGENCY facilities and at off-site locations that are set up by the construction contractor or one of its subcontractors solely and specifically to serve LOCAL AGENCY projects. Prevailing wage requirements do not apply to inspection work performed at the facilities of vendors and commercial materials suppliers that provide goods and services to the general public.

C. General Prevailing Wage Rate Determinations applicable to this project may also be obtained from the Department of Industrial Relations Internet site at <http://www.dir.ca.gov>.

D. Payroll Records

1. Each CONSULTANT and Subconsultant shall keep accurate certified payroll records and supporting documents as mandated by Labor Code §1776 and as defined in 8 CCR §16000 showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by the CONSULTANT or Subconsultant in connection with the public work. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following:
  - a. The information contained in the payroll record is true and correct.
  - b. The employer has complied with the requirements of Labor Code §1771, §1811, and §1815 for any work performed by his or her employees on the public works project.
2. The payroll records enumerated under paragraph (1) above shall be certified as correct by the CONSULTANT under penalty of perjury. The payroll records and all supporting documents shall be made available for inspection and copying by LOCAL AGENCY representatives at all reasonable hours at the principal office of the CONSULTANT. The CONSULTANT shall provide copies of certified payrolls or permit inspection of its records as follows:
  - a. A certified copy of an employee's payroll record shall be made available for inspection or furnished to the employee or the employee's authorized representative on request.
  - b. A certified copy of all payroll records enumerated in paragraph (1) above, shall be made available for inspection or furnished upon request to a representative of LOCAL AGENCY, the Division of Labor Standards Enforcement and the Division of Apprenticeship Standards of the Department of Industrial Relations. Certified payrolls submitted to LOCAL AGENCY, the Division of Labor Standards Enforcement and the Division of Apprenticeship Standards shall not be altered or obliterated by the CONSULTANT.
  - c. The public shall not be given access to certified payroll records by the CONSULTANT. The CONSULTANT is required to forward any requests for certified payrolls to the LOCAL AGENCY Contract Administrator by both email and regular mail on the business day following receipt of the request.
3. Each CONSULTANT shall submit a certified copy of the records enumerated in paragraph (1) above, to the entity that requested the records within ten (10) calendar days after receipt of a written request.
4. Any copy of records made available for inspection as copies and furnished upon request to the public or any public agency by LOCAL AGENCY shall be marked or obliterated in such a manner as to prevent disclosure of each individual's name, address, and social security number. The name and address of the CONSULTANT or Subconsultant performing the work shall not be marked or obliterated.

- 
5. The CONSULTANT shall inform LOCAL AGENCY of the location of the records enumerated under paragraph (1) above, including the street address, city and county, and shall, within five (5) working days, provide a notice of a change of location and address.
  6. The CONSULTANT or Subconsultant shall have ten (10) calendar days in which to comply subsequent to receipt of written notice requesting the records enumerated in paragraph (1) above. In the event the CONSULTANT or Subconsultant fails to comply within the ten (10) day period, he or she shall, as a penalty to LOCAL AGENCY, forfeit one hundred dollars (\$100) for each calendar day, or portion thereof, for each worker, until strict compliance is effectuated. Such penalties shall be withheld by LOCAL AGENCY from payments then due. CONSULTANT is not subject to a penalty assessment pursuant to this section due to the failure of a Subconsultant to comply with this section.
- E. When prevailing wage rates apply, the CONSULTANT is responsible for verifying compliance with certified payroll requirements. Invoice payment will not be made until the invoice is approved by the LOCAL AGENCY Contract Administrator.
- F. Penalty
1. The CONSULTANT and any of its Subconsultants shall comply with Labor Code §1774 and §1775. Pursuant to Labor Code §1775, the CONSULTANT and any Subconsultant shall forfeit to the LOCAL AGENCY a penalty of not more than two hundred dollars (\$200) for each calendar day, or portion thereof, for each worker paid less than the prevailing rates as determined by the Director of DIR for the work or craft in which the worker is employed for any public work done under the AGREEMENT by the CONSULTANT or by its Subconsultant in violation of the requirements of the Labor Code and in particular, Labor Code §§1770 to 1780, inclusive.
  2. The amount of this forfeiture shall be determined by the Labor Commissioner and shall be based on consideration of mistake, inadvertence, or neglect of the CONSULTANT or Subconsultant in failing to pay the correct rate of prevailing wages, or the previous record of the CONSULTANT or Subconsultant in meeting their respective prevailing wage obligations, or the willful failure by the CONSULTANT or Subconsultant to pay the correct rates of prevailing wages. A mistake, inadvertence, or neglect in failing to pay the correct rates of prevailing wages is not excusable if the CONSULTANT or Subconsultant had knowledge of the obligations under the Labor Code. The CONSULTANT is responsible for paying the appropriate rate, including any escalations that take place during the term of the AGREEMENT.
  3. In addition to the penalty and pursuant to Labor Code §1775, the difference between the prevailing wage rates and the amount paid to each worker for each calendar day or portion thereof for which each worker was paid less than the prevailing wage rate shall be paid to each worker by the CONSULTANT or Subconsultant.
  4. If a worker employed by a Subconsultant on a public works project is not paid the general prevailing per diem wages by the Subconsultant, the prime CONSULTANT of the project is not liable for the penalties described above unless the prime CONSULTANT had knowledge of that failure of the Subconsultant to pay the specified prevailing rate of wages to those workers or unless the prime CONSULTANT fails to comply with all of the following requirements:
    - a. The AGREEMENT executed between the CONSULTANT and the Subconsultant for the performance of work on public works projects shall include a copy of the requirements in Labor Code §§1771, 1775, 1776, 1777.5, 1813, and 1815.
    - b. The CONSULTANT shall monitor the payment of the specified general prevailing rate of per diem wages by the Subconsultant to the employees by periodic review of the certified payroll records of the Subconsultant.

- 
- c. Upon becoming aware of the Subconsultant's failure to pay the specified prevailing rate of wages to the Subconsultant's workers, the CONSULTANT shall diligently take corrective action to halt or rectify the failure, including but not limited to, retaining sufficient funds due the Subconsultant for work performed on the public works project.
  - d. Prior to making final payment to the Subconsultant for work performed on the public works project, the CONSULTANT shall obtain an affidavit signed under penalty of perjury from the Subconsultant that the Subconsultant had paid the specified general prevailing rate of per diem wages to the Subconsultant's employees on the public works project and any amounts due pursuant to Labor Code §1813.
5. Pursuant to Labor Code §1775, LOCAL AGENCY shall notify the CONSULTANT on a public works project within fifteen (15) calendar days of receipt of a complaint that a Subconsultant has failed to pay workers the general prevailing rate of per diem wages.
  6. If LOCAL AGENCY determines that employees of a Subconsultant were not paid the general prevailing rate of per diem wages and if LOCAL AGENCY did not retain sufficient money under the AGREEMENT to pay those employees the balance of wages owed under the general prevailing rate of per diem wages, the CONSULTANT shall withhold an amount of moneys due the Subconsultant sufficient to pay those employees the general prevailing rate of per diem wages if requested by LOCAL AGENCY.

G. Hours of Labor

Eight (8) hours labor constitutes a legal day's work. The CONSULTANT shall forfeit, as a penalty to the LOCAL AGENCY, twenty-five dollars (\$25) for each worker employed in the execution of the AGREEMENT by the CONSULTANT or any of its Subconsultants for each calendar day during which such worker is required or permitted to work more than eight (8) hours in any one calendar day and forty (40) hours in any one calendar week in violation of the provisions of the Labor Code, and in particular §§1810 to 1815 thereof, inclusive, except that work performed by employees in excess of eight (8) hours per day, and forty (40) hours during any one week, shall be permitted upon compensation for all hours worked in excess of eight (8) hours per day and forty (40) hours in any week, at not less than one and one-half (1.5) times the basic rate of pay, as provided in §1815.

H. Employment of Apprentices

1. Where either the prime AGREEMENT or the sub-agreement exceeds thirty thousand dollars (\$30,000), the CONSULTANT and any subconsultants under him or her shall comply with all applicable requirements of Labor Code §§1777.5, 1777.6 and 1777.7 in the employment of apprentices.
2. CONSULTANTS and subconsultants are required to comply with all Labor Code requirements regarding the employment of apprentices, including mandatory ratios of journey level to apprentice workers. Prior to commencement of work, CONSULTANT and subconsultants are advised to contact the DIR Division of Apprenticeship Standards website at <https://www.dir.ca.gov/das/>, for additional information regarding the employment of apprentices and for the specific journey-to- apprentice ratios for the AGREEMENT work. The CONSULTANT is responsible for all subconsultants' compliance with these requirements. Penalties are specified in Labor Code §1777.7.

**ARTICLE XIII CONFLICT OF INTEREST (Verbatim)**

- A. During the term of this AGREEMENT, the CONSULTANT shall disclose any financial, business, or other relationship with LOCAL AGENCY that may have an impact upon the outcome of this



---

AGREEMENT or any ensuing LOCAL AGENCY construction project. The CONSULTANT shall also list current clients who may have a financial interest in the outcome of this AGREEMENT, or any ensuing LOCAL AGENCY construction project, which will follow.

- B. CONSULTANT certifies that it has disclosed to LOCAL AGENCY any actual, apparent, or potential conflicts of interest that may exist relative to the services to be provided pursuant to this AGREEMENT. CONSULTANT agrees to advise LOCAL AGENCY of any actual, apparent or potential conflicts of interest that may develop subsequent to the date of execution of this AGREEMENT. CONSULTANT further agrees to complete any statements of economic interest if required by either LOCAL AGENCY ordinance or State law.
- C. The CONSULTANT hereby certifies that it does not now have nor shall it acquire any financial or business interest that would conflict with the performance of services under this AGREEMENT.
- D. The CONSULTANT hereby certifies that the CONSULTANT or subconsultant and any firm affiliated with the CONSULTANT or subconsultant that bids on any construction contract or on any Agreement to provide construction inspection for any construction project resulting from this AGREEMENT, has established necessary controls to ensure a conflict of interest does not exist. An affiliated firm is one, which is subject to the control of the same persons, through joint ownership or otherwise.

#### **ARTICLE XIV REBATES, KICKBACKS OR OTHER UNLAWFUL CONSIDERATION**

The CONSULTANT warrants that this AGREEMENT was not obtained or secured through rebates, kickbacks or other unlawful consideration either promised or paid to any LOCAL AGENCY employee. For breach or violation of this warranty, LOCAL AGENCY shall have the right, in its discretion, to terminate this AGREEMENT without liability, to pay only for the value of the work actually performed, or to deduct from the AGREEMENT price or otherwise recover the full amount of such rebate, kickback or other unlawful consideration.

#### **ARTICLE XV PROHIBITION OF EXPENDING LOCAL AGENCY, STATE, OR FEDERAL FUNDS FOR LOBBYING**

- A. CONSULTANT certifies to the best of his or her knowledge and belief that:
  - 1. No state, federal or local agency appropriated funds have been paid or will be paid, by or on behalf of the CONSULTANT, to any person for influencing or attempting to influence an officer or employee of any local, State, or Federal agency, a Member of the State Legislature or United States Congress, an officer or employee of the Legislature or Congress, or any employee of a Member of the Legislature or Congress in connection with the awarding or making of this AGREEMENT, or with the extension, continuation, renewal, amendment, or modification of this AGREEMENT.
  - 2. If any funds other than Federal appropriated funds have been paid, or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this AGREEMENT, the CONSULTANT shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- B. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than ten thousand dollars (\$10,000) and not more than one hundred thousand dollars (\$100,000) for each such failure.

- 
- C. The CONSULTANT also agrees by signing this document that he or she shall require that the language of this certification be included in all lower tier sub-agreements, which exceed one hundred thousand dollars (\$100,000) and that all such subrecipients shall certify and disclose accordingly.

#### **ARTICLE XVI NON-DISCRIMINATION AND STATEMENT OF COMPLIANCE**

- A. The CONSULTANT's signature affixed herein and dated shall constitute a certification under penalty of perjury under the laws of the State of California that CONSULTANT has, unless exempt, complied with the nondiscrimination program requirements of Gov. Code §12990 and 2 CCR §8103.
- B. During the performance of this AGREEMENT, CONSULTANT and its subconsultants shall not deny the AGREEMENT's benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. CONSULTANT and subconsultants shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment.
- C. CONSULTANT and subconsultants shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 et seq.), the applicable regulations promulgated there under (2 CCR §11000 et seq.), the provisions of Gov. Code §§11135-11139.5, and the regulations or standards adopted by LOCAL AGENCY to implement such article. The applicable regulations of the Fair Employment and Housing Commission implementing Gov. Code §12990 (a-f), set forth 2 CCR §§8100-8504, are incorporated into this AGREEMENT by reference and made a part hereof as if set forth in full.
- D. CONSULTANT shall permit access by representatives of the Department of Fair Employment and Housing and the LOCAL AGENCY upon reasonable notice at any time during the normal business hours, but in no case less than twenty-four (24) hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or LOCAL AGENCY shall require to ascertain compliance with this clause.
- E. CONSULTANT and its subconsultants shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.
- F. CONSULTANT shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under this AGREEMENT.
- G. The CONSULTANT, with regard to the work performed under this AGREEMENT, shall act in accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq.). Title VI provides that the recipients of federal assistance will implement and maintain a policy of nondiscrimination in which no person in the United States shall, on the basis of race, color, national origin, religion, sex, age, disability, be excluded from participation in, denied the benefits of or subject to discrimination under any program or activity by the recipients of federal assistance or their assignees and successors in interest.
- H. The CONSULTANT shall comply with regulations relative to non-discrimination in federally-assisted programs of the U.S. Department of Transportation (49 CFR Part 21 - Effectuation of Title

---

VI of the Civil Rights Act of 1964). Specifically, the CONSULTANT shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR §21.5, including employment practices and the selection and retention of Subconsultants.

#### **ARTICLE XVII DEBARMENT AND SUSPENSION CERTIFICATION**

- A. CONSULTANT's signature affixed herein, shall constitute a certification under penalty of perjury under the laws of the State of California, that the CONSULTANT or any person associated therewith in the capacity of owner, partner, director, officer, or manager:
1. Is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;
  2. Has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three (3) years;
  3. Does not have a proposed debarment pending; and
  4. Has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years.
- B. Any exceptions to this certification must be disclosed to LOCAL AGENCY. Exceptions will not necessarily result in denial of recommendation for award but will be considered in determining responsibility. Disclosures must indicate to whom exceptions apply, the initiating agency, and the dates of agency action.
- C. Exceptions to the Federal Government Excluded Parties List System maintained by the U.S. General Services Administration are to be determined by FHWA.

#### **ARTICLE XVIII DISADVANTAGED BUSINESS ENTERPRISES (DBE) PARTICIPATION**

- A. This AGREEMENT is subject to 49 CFR Part 26 entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs". CONSULTANTS who enter into a federally-funded agreement will assist the LOCAL AGENCY in a good faith effort to achieve California's statewide overall DBE goal.
- B. The goal for DBE participation for this AGREEMENT is **4.0%**. Participation by DBE CONSULTANT or subconsultants shall be in accordance with information contained in [Exhibit 10-01: Consultant Proposal DBE Commitment](#), or in [Exhibit 10-02: Consultant Contract DBE Commitment](#) attached hereto and incorporated as part of the AGREEMENT. If a DBE subconsultant is unable to perform, CONSULTANT must make a good faith effort to replace him/her with another DBE subconsultant, if the goal is not otherwise met.
- C. CONSULTANT can meet the DBE participation goal by either documenting commitments to DBEs to meet the AGREEMENT goal, or by documenting adequate good faith efforts to meet the AGREEMENT goal. An adequate good faith effort means that the CONSULTANT must show that it took all necessary and reasonable steps to achieve a DBE goal that, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to meet the DBE goal. If CONSULTANT has not met the DBE goal, complete and submit Exhibit 15-H: *DBE Information – Good Faith Efforts* to document efforts to meet the goal. Refer to 49 CFR Part 26 for guidance regarding evaluation of good faith efforts to meet the DBE goal.
- D. DBEs and other small businesses, as defined in 49 CFR Part 26 are encouraged to participate in the performance of AGREEMENTs financed in whole or in part with federal funds. The LOCAL AGENCY, CONSULTANT or subconsultant shall not discriminate on the basis of race, color, national origin, or

---

sex in the performance of this contract. The CONSULTANT shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the CONSULTANT to carry out these requirements is a material breach of this AGREEMENT, which may result in the termination of this AGREEMENT or such other remedy as the LOCAL AGENCY deems appropriate, which may include, but is not limited to:

1. Withholding monthly progress payments;
2. Assessing sanctions;
3. Liquidated damages; and/or
4. Disqualifying the contractor from future bidding as non-responsible

- E. A DBE firm may be terminated only with prior written approval from LOCAL AGENCY and only for the reasons specified in 49 CFR §26.53(f). Prior to requesting LOCAL AGENCY consent for the termination, CONSULTANT must meet the procedural requirements specified in 49 CFR §26.53(f). If a DBE subconsultant is unable to perform, CONSULTANT must make a good faith effort to replace him/her with another DBE subconsultant, if the goal is not otherwise met.
- F. Consultant shall not be entitled to any payment for such work or material unless it is performed or supplied by the listed DBE or by other forces (including those of Consultant) pursuant to prior written authorization of the LOCAL AGENCY's Contract Administrator.
- G. A DBE is only eligible to be counted toward the AGREEMENT goal if it performs a commercially useful function (CUF) on the AGREEMENT. CUF must be evaluated on an agreement by agreement basis. A DBE performs a Commercially Useful Function (CUF) when it is responsible for execution of the work of the AGREEMENT and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a CUF, the DBE must also be responsible, with respect to materials and supplies used on the AGREEMENT, for negotiating price, determining quality and quantity, ordering the material and installing (where applicable), and paying for the material itself. To determine whether a DBE is performing a CUF, evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the AGREEMENT is commensurate with the work it is actually performing, and other relevant factors.
- H. A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, AGREEMENT, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, examine similar transactions, particularly those in which DBEs do not participate.
- I. If a DBE does not perform or exercise responsibility for at least thirty percent (30%) of the total cost of its AGREEMENT with its own work force, or the DBE subcontracts a greater portion of the work of the AGREEMENT than would be expected on the basis of normal industry practice for the type of work involved, it will be presumed that it is not performing a CUF.
- J. CONSULTANT shall maintain records of materials purchased or supplied from all subcontracts entered into with certified DBEs. The records shall show the name and business address of each DBE or vendor and the total dollar amount actually paid each DBE or vendor, regardless of tier. The records shall show the date of payment and the total dollar figure paid to all firms. DBE prime CONSULTANT's shall also show the date of work performed by their own forces along with the corresponding dollar value of the work.
- K. Upon completion of the AGREEMENT, a summary of these records shall be prepared and submitted on the form entitled, [Exhibit 17-F: Final Report-Utilization of Disadvantaged Business Enterprise \(DBE\) First-Tier Subconsultants](#), certified correct by CONSULTANT or CONSULTANT's authorized representative and shall be furnished to the Contract Administrator with the final invoice. Failure to provide the summary of DBE payments with the final invoice will result in twenty-five percent (25%)

---

of the dollar value of the invoice being withheld from payment until the form is submitted. The amount will be returned to CONSULTANT when a satisfactory "Final Report-Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subconsultants" is submitted to the Contract Administrator.

- L. If a DBE subconsultant is decertified during the life of the AGREEMENT, the decertified subconsultant shall notify CONSULTANT in writing with the date of decertification. If a subconsultant becomes a certified DBE during the life of the AGREEMENT, the subconsultant shall notify CONSULTANT in writing with the date of certification. Any changes should be reported to LOCAL AGENCY's Contract Administrator within thirty (30) calendar days.
- M. Any subcontract entered into as a result of this AGREEMENT shall contain all of the provisions of this section.

## **ARTICLE XIX INSURANCE**

A. **Scope of Coverage.** During the term of this Agreement, CONSULTANT shall maintain, at no expense to LOCAL AGENCY, the following insurance policies:

1. A commercial general liability insurance policy in the minimum amount of one million dollars (\$1,000,000) per occurrence/two million dollars (\$2,000,000) aggregate, for death, bodily injury, personal injury, or property damage.
2. An automobile liability (owned, non-owned, and hired vehicles) insurance policy in the minimum amount of one million dollars (\$1,000,000) dollars per occurrence.
3. If any licensed professional performs any of the services required to be performed under this Agreement, a professional liability insurance policy in the minimum amount of two million dollars (\$2,000,000) per occurrence/four million dollars (\$4,000,000) aggregate, to cover any claims arising out of the CONSULTANT 's performance of services under this Agreement. Where CONSULTANT is a professional not required to have a professional license, LOCAL AGENCY reserves the right to require CONSULTANT to provide professional liability insurance pursuant to this section.
4. If it employs any person, CONSULTANT shall maintain worker's compensation insurance, as required by the State of California, with statutory limits, and employer's liability insurance with limits of no less than one million dollars (\$1,000,000) per accident for bodily injury or disease. CONSULTANT's worker's compensation insurance shall be specifically endorsed to waive any right of subrogation against LOCAL AGENCY.

B. **Other Insurance Requirements.** The insurance coverage required of the CONSULTANT in subparagraph A of this section above shall also meet the following requirements:

1. Except for professional liability insurance or worker's compensation insurance, the insurance policies shall be specifically endorsed to include the LOCAL AGENCY, its officers, agents, employees, and volunteers, as additional insureds (for both ongoing and completed operations) under the policies.
2. The additional insured coverage under CONSULTANT'S insurance policies shall be "primary and noncontributory" with respect to any insurance or coverage maintained by LOCAL AGENCY and shall not call upon LOCAL AGENCY's insurance or self-insurance coverage for any contribution. The "primary and noncontributory" coverage in CONSULTANT'S policies shall be at least as broad as ISO form CG20 01 04 13.
3. Except for professional liability insurance or worker's compensation insurance, the insurance policies shall include, in their text or by endorsement, coverage for contractual liability and personal injury.
4. By execution of this Agreement, CONSULTANT hereby grants to LOCAL AGENCY a waiver of any right to subrogation which any insurer of CONSULTANT may acquire against LOCAL AGENCY by virtue of the payment of any loss under such insurance. CONSULTANT agrees to

---

obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not LOCAL AGENCY has received a waiver of subrogation endorsement from the insurer.

5. If the insurance is written on a Claims Made Form, then, following termination of this Agreement, said insurance coverage shall survive for a period of not less than five years.
  6. The insurance policies shall provide for a retroactive date of placement coinciding with the effective date of this Agreement.
  7. The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and noncontributory basis for the benefit of LOCAL AGENCY (if agreed to in a written contract or agreement) before LOCAL AGENCY'S own insurance or self-insurance shall be called upon to protect it as a named insured.
  8. It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements and/or limits shall be available to LOCAL AGENCY or any other additional insured party. Furthermore, the requirements for coverage and limits shall be: (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured; whichever is greater. No representation is made that the minimum Insurance requirements of this agreement are sufficient to cover the obligations of the CONSULTANT under this agreement.
- C. **Deductibles and SIR's.** Any deductibles or self-insured retentions in CONSULTANT's insurance policies must be declared to and approved by the PROJECT MANAGER and City Attorney and shall not reduce the limits of liability. Policies containing any self-insured retention (SIR) provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or LOCAL AGENCY or other additional insured party. At LOCAL AGENCY's option, the deductibles or self-insured retentions with respect to LOCAL AGENCY shall be reduced or eliminated to LOCAL AGENCY's satisfaction, or CONSULTANT shall procure a bond guaranteeing payment of losses and related investigations, claims administration, attorney's fees and defense expenses.
- D. **Proof of Insurance.** CONSULTANT shall provide to the PROJECT MANAGER or LOCAL AGENCY'S City Attorney all of the following: (1) Certificates of Insurance evidencing the insurance coverage required in this Agreement; (2) a copy of the policy declaration page and/or endorsement page listing all policy endorsements for the commercial general liability policy, and (3) excerpts of policy language or specific endorsements evidencing the other insurance requirements set forth in this Agreement. LOCAL AGENCY reserves the right to obtain a full certified copy of any insurance policy and endorsements from CONSULTANT. Failure to exercise this right shall not constitute a waiver of the right to exercise it later. The insurance shall be approved as to form and sufficiency by PROJECT MANAGER and the City Attorney.

## **ARTICLE XX FUNDING REQUIREMENTS**

- A. It is mutually understood between the parties that this AGREEMENT may have been written before ascertaining the availability of funds or appropriation of funds, for the mutual benefit of both parties, in order to avoid program and fiscal delays that would occur if the AGREEMENT were executed after that determination was made.

- 
- B. This AGREEMENT is valid and enforceable only, if sufficient funds are made available to LOCAL AGENCY for the purpose of this AGREEMENT. In addition, this AGREEMENT is subject to any additional restrictions, limitations, conditions, or any statute enacted by the Congress, State Legislature, or LOCAL AGENCY governing board that may affect the provisions, terms, or funding of this AGREEMENT in any manner.
  - C. It is mutually agreed that if sufficient funds are not appropriated, this AGREEMENT may be amended to reflect any reduction in funds.
  - D. LOCAL AGENCY has the option to terminate the AGREEMENT pursuant to Article VI Termination, or by mutual agreement to amend the AGREEMENT to reflect any reduction of funds.

#### **ARTICLE XXI CHANGE IN TERMS**

- A. This AGREEMENT may be amended or modified only by mutual written agreement of the parties.
- B. CONSULTANT shall only commence work covered by an amendment after the amendment is executed and notification to proceed has been provided by LOCAL AGENCY's Contract Administrator.
- C. There shall be no change in CONSULTANT's Project Manager or members of the project team, as listed in the approved Cost Proposal, which is a part of this AGREEMENT without prior written approval by LOCAL AGENCY's Contract Administrator.

#### **ARTICLE XXII CONTINGENT FEE**

CONSULTANT warrants, by execution of this AGREEMENT that no person or selling agency has been employed, or retained, to solicit or secure this AGREEMENT upon an agreement or understanding, for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees, or bona fide established commercial or selling agencies maintained by CONSULTANT for the purpose of securing business. For breach or violation of this warranty, LOCAL AGENCY has the right to annul this AGREEMENT without liability; pay only for the value of the work actually performed, or in its discretion to deduct from the AGREEMENT price or consideration, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.

#### **ARTICLE XXIII DISPUTES**

Prior to either party commencing any legal action under this AGREEMENT, the parties agree to try in good faith, to settle any dispute amicably between them. If a dispute has not been settled after forty-five (45) days of good-faith negotiations and as may be otherwise provided herein, then either party may commence legal action against the other.

- A. Any dispute, other than audit, concerning a question of fact arising under this AGREEMENT that is not disposed of by agreement shall be decided by a committee consisting of LOCAL AGENCY's Contract Administrator and other LOCAL AGENCY representatives who may consider written or verbal information submitted by CONSULTANT.
- B. Not later than thirty (30) days after completion of all work under the AGREEMENT, CONSULTANT may request review by LOCAL AGENCY Governing Board of unresolved claims or disputes, other than audit. The request for review will be submitted in writing.
- C. Neither the pendency of a dispute, nor its consideration by the committee will excuse CONSULTANT from full and timely performance in accordance with the terms of this AGREEMENT.

---

## **ARTICLE XXIV INSPECTION OF WORK**

CONSULTANT and any subconsultant shall permit LOCAL AGENCY, the State, and the FHWA if federal participating funds are used in this AGREEMENT; to review and inspect the project activities and files at all reasonable times during the performance period of this AGREEMENT.

## **ARTICLE XXV SAFETY**

- A. CONSULTANT shall comply with OSHA regulations applicable to CONSULTANT regarding necessary safety equipment or procedures. CONSULTANT shall comply with safety instructions issued by LOCAL AGENCY Safety Officer and other LOCAL AGENCY representatives. CONSULTANT personnel shall wear hard hats and safety vests at all times while working on the construction project site.
- B. Pursuant to the authority contained in Vehicle Code §591, LOCAL AGENCY has determined that such areas are within the limits of the project and are open to public traffic. CONSULTANT shall comply with all of the requirements set forth in Divisions 11, 12, 13, 14, and 15 of the Vehicle Code. CONSULTANT shall take all reasonably necessary precautions for safe operation of its vehicles and the protection of the traveling public from injury and damage from such vehicles.
- C. CONSULTANT must have a Division of Occupational Safety and Health (CAL-OSHA) permit(s), as outlined in California Labor Code §6500 and §6705, prior to the initiation of any practices, work, method, operation, or process related to the construction or excavation of trenches which are five (5) feet or deeper.

## **ARTICLE XXVI OWNERSHIP OF DATA**

- A. It is mutually agreed that all materials prepared by CONSULTANT under this AGREEMENT shall become the property of LOCAL AGENCY, and CONSULTANT shall have no property right therein whatsoever. Immediately upon termination, LOCAL AGENCY shall be entitled to, and CONSULTANT shall deliver to LOCAL AGENCY, reports, investigations, appraisals, inventories, studies, analyses, drawings and data estimates performed to that date, whether completed or not, and other such materials as may have been prepared or accumulated to date by CONSULTANT in performing this AGREEMENT which is not CONSULTANT's privileged information, as defined by law, or CONSULTANT's personnel information, along with all other property belonging exclusively to LOCAL AGENCY which is in CONSULTANT's possession. Publication of the information derived from work performed or data obtained in connection with services rendered under this AGREEMENT must be approved in writing by LOCAL AGENCY.
- B. Additionally, it is agreed that the Parties intend this to be an AGREEMENT for services and each considers the products and results of the services to be rendered by CONSULTANT hereunder to be work made for hire. CONSULTANT acknowledges and agrees that the work (and all rights therein, including, without limitation, copyright) belongs to and shall be the sole and exclusive property of LOCAL AGENCY without restriction or limitation upon its use or dissemination by LOCAL AGENCY.
- C. Nothing herein shall constitute or be construed to be any representation by CONSULTANT that the work product is suitable in any way for any other project except the one detailed in this AGREEMENT. Any reuse by LOCAL AGENCY for another project or project location shall be at LOCAL AGENCY's sole risk.



- 
- D. Applicable patent rights provisions regarding rights to inventions shall be included in the contracts as appropriate (48 CFR 27 Subpart 27.3 - Patent Rights under Government Contracts for federal-aid contracts).
  - E. LOCAL AGENCY may permit copyrighting reports or other agreement products. If copyrights are permitted; the AGREEMENT shall provide that the FHWA shall have the royalty-free nonexclusive and irrevocable right to reproduce, publish, or otherwise use; and to authorize others to use, the work for government purposes.

#### **ARTICLE XXVII CLAIMS FILED BY LOCAL AGENCY'S CONSTRUCTION CONTRACTOR**

- A. If claims are filed by LOCAL AGENCY's construction contractor relating to work performed by CONSULTANT's personnel, and additional information or assistance from CONSULTANT's personnel is required in order to evaluate or defend against such claims; CONSULTANT agrees to make its personnel available for consultation with LOCAL AGENCY'S construction contract administration and legal staff and for testimony, if necessary, at depositions and at trial or arbitration proceedings.
- B. CONSULTANT's personnel that LOCAL AGENCY considers essential to assist in defending against construction contractor claims will be made available on reasonable notice from LOCAL AGENCY. Consultation or testimony will be reimbursed at the same rates, including travel costs that are being paid for CONSULTANT's personnel services under this AGREEMENT.
- C. Services of CONSULTANT's personnel in connection with LOCAL AGENCY's construction contractor claims will be performed pursuant to a written contract amendment, if necessary, extending the termination date of this AGREEMENT in order to resolve the construction claims.

#### **ARTICLE XXVIII CONFIDENTIALITY OF DATA**

- A. All financial, statistical, personal, technical, or other data and information relative to LOCAL AGENCY's operations, which are designated confidential by LOCAL AGENCY and made available to CONSULTANT in order to carry out this AGREEMENT, shall be protected by CONSULTANT from unauthorized use and disclosure.
- B. Permission to disclose information on one occasion, or public hearing held by LOCAL AGENCY relating to the AGREEMENT, shall not authorize CONSULTANT to further disclose such information, or disseminate the same on any other occasion.
- C. CONSULTANT shall not comment publicly to the press or any other media regarding the AGREEMENT or LOCAL AGENCY's actions on the same, except to LOCAL AGENCY's staff, CONSULTANT's own personnel involved in the performance of this AGREEMENT, at public hearings, or in response to questions from a Legislative committee.
- D. CONSULTANT shall not issue any news release or public relations item of any nature, whatsoever, regarding work performed or to be performed under this AGREEMENT without prior review of the contents thereof by LOCAL AGENCY, and receipt of LOCAL AGENCY'S written permission.
- E. All information related to the construction estimate is confidential and shall not be disclosed by CONSULTANT to any entity, other than LOCAL AGENCY, Caltrans, and/or FHWA. All of the materials prepared or assembled by CONSULTANT pursuant to performance of this AGREEMENT are confidential and CONSULTANT agrees that they shall not be made available to any individual or organization without the prior written approval of LOCAL AGENCY or except by court order. If CONSULTANT or any of its officers, employees, or subcontractors does voluntarily provide information in violation of this AGREEMENT, LOCAL AGENCY has the right to reimbursement and

---

indemnity from CONSULTANT for any damages caused by CONSULTANT releasing the information, including, but not limited to, LOCAL AGENCY's attorney's fees and disbursements, including without limitation experts' fees and disbursements.

### **ARTICLE XXIX NATIONAL LABOR RELATIONS BOARD CERTIFICATION**

In accordance with Public Contract Code §10296, CONSULTANT hereby states under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against CONSULTANT within the immediately preceding two-year period, because of CONSULTANT's failure to comply with an order of a federal court that orders CONSULTANT to comply with an order of the National Labor Relations Board.

### **ARTICLE XXX EVALUATION OF CONSULTANT**

CONSULTANT's performance will be evaluated by LOCAL AGENCY. A copy of the evaluation will be sent to CONSULTANT for comments. The evaluation together with the comments shall be retained as part of the AGREEMENT record.

### **ARTICLE XXXI RETENTION OF FUNDS**

No retainage will be held by the LOCAL AGENCY from progress payments due the CONSULTANT. Any retainage held by the CONSULTANT or subconsultants from progress payments due subconsultants shall be promptly paid in full to subconsultants within thirty (30) days after the subconsultant's work is satisfactorily completed. Federal law (49 CFR §26.29) requires that any delay or postponement of payment over thirty (30) calendar days may take place only for good cause and with the LOCAL AGENCY's prior written approval. Any violation of this provision shall subject the violating CONSULTANT or subconsultant to the penalties, sanctions and other remedies specified in Business and Professions Code §7108.5. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the CONSULTANT or subconsultant in the event of a dispute involving late payment or nonpayment by the CONSULTANT, deficient subconsultant performance, or noncompliance by a subconsultant. This provision applies to both DBE and non-DBE CONSULTANT and subconsultants.

### **ARTICLE XXXII NOTIFICATION**

All notices hereunder and communications regarding interpretation of the terms of this AGREEMENT and changes thereto, shall be effected by the mailing thereof by registered or certified mail, return receipt requested, postage prepaid, and addressed as follows:

CONSULTANT: Park Engineering, Inc.  
Steve Patterson, Vice President  
372 Village Square  
Orinda, CA 94563

LOCAL AGENCY: City of San Rafael  
Bill Guerin, Contract Administrator  
111 Morphew Street

**ARTICLE XXXIII CONTRACT**

The two parties to this AGREEMENT, who are the before named CONSULTANT and the before named LOCAL AGENCY, hereby agree that this AGREEMENT constitutes the entire AGREEMENT which is made and concluded in duplicate between the two parties. Both of these parties for and in consideration of the payments to be made, conditions mentioned, and work to be performed; each agree to diligently perform in accordance with the terms and conditions of this AGREEMENT as evidenced by the signatures below.

**ARTICLE XXXIV NO THIRD PARTY BENEFICIARIES**

LOCAL AGENCY and CONSULTANT do not intend, by any provision of this contract, to create in any third party, any benefit or right owed by one party, under the terms and conditions of this AGREEMENT, to the other party.

**ARTICLE XXXV COSTS AND ATTORNEY'S FEES**

The prevailing party in any action brought to enforce the terms and conditions of this AGREEMENT, or arising out of the performance of this AGREEMENT, may recover its reasonable costs (including claims administration) and attorney's fees expended in connection with such action.

**ARTICLE XXXVI LOCAL AGENCY BUSINESS LICENSE / OTHER TAXES**

CONSULTANT shall obtain and maintain during the duration of this contract, a LOCAL AGENCY business license as required by the San Rafael Municipal Code. CONSULTANT shall pay any and all state and federal taxes and any other applicable taxes. LOCAL AGENCY shall not be required to pay for any work performed under this contract, until CONSULTANT has provided LOCAL AGENCY with a completed Internal Revenue Service Form W-9 (Request for Taxpayer Identification Number and Certification).

**ARTICLE XXXVII WAIVERS**

The waiver by either party of any breach or violation of any term, covenant or condition of this AGREEMENT, or of any ordinance, law or regulation, shall not be deemed to be a waiver of any other term, covenant, condition, ordinance, law or regulation, or of any subsequent breach or violation of the same or other term, covenant, condition, ordinance, law or regulation. The subsequent acceptance by either party of any fee, performance, or other consideration which may become due or owing under this AGREEMENT, shall not be deemed to be a waiver of any preceding breach or violation by the other party of any term, condition, covenant of this contract or any applicable law, ordinance or regulation.

**ARTICLE XXXVIII APPLICABLE LAW**

The laws of the State of California shall govern this AGREEMENT.

CONSULTANT shall observe and comply with all applicable federal, state and local laws, ordinances, codes and regulations, in the performance of its duties and obligations under this AGREEMENT. CONSULTANT shall perform all services under this AGREEMENT in accordance with these laws, ordinances, codes and regulations. CONSULTANT shall release, defend, indemnify and hold harmless LOCAL AGENCY, its

---

officers, agents and employees from any and all damages, liabilities, penalties, fines and all other consequences from any noncompliance or violation of any laws, ordinances, codes or regulations.

**ARTICLE XXXIX SIGNATURES**

CITY OF SAN RAFAEL

PARK ENGINEERING, INC.

\_\_\_\_\_  
JIM SCHUTZ  
City Manager

By: \_\_\_\_\_

Title: \_\_\_\_\_

and

ATTEST:

PARK ENGINEERING, INC.

\_\_\_\_\_  
LINDSAY LARA  
City Clerk

By: \_\_\_\_\_

Title: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
ROBERT F. EPSTEIN  
City Attorney



**Proposal to Provide**  
**City of San Rafael**

**Construction Inspection & Material Testing Services for**  
**Francisco Boulevard East Sidewalk Improvements Project**

February 13, 2020





February 13, 2020

David Nicholson, PE  
City of San Rafael  
111 Morphew Street  
San Rafael, CA 94901

RE: Construction Inspection & Material Testing Services for Francisco Blvd.  
East Sidewalk Improvements Project

Dear David,

Park Engineering, Inc. is pleased to submit this proposal to provide construction inspection & material testing services for the Francisco Blvd. East Sidewalk Improvements Project. We appreciate the opportunity to continue to work with the City on this project.

**Brian Zapalski** will be the construction inspector who will support the City on this project. He will provide the day to day construction inspection and perform all the required duties including, preparing daily diary reports, interviewing contractor employees for EEO purposes, measuring quantities, coordinating with the contractor for all aspects of the work including traffic control, utility work, safety, and ensuring contract for acceptance of completed work by the City. **James Beauchamp** is a possible additional inspector if the workload merits; James recently worked on the FEMA funded slide repair projects for the City. To provide materials testing on the project, we have included **Applied Materials & Engineering**, a local materials testing and special inspection firm with exceptional experience with Caltrans and ASTM certified testing for roadway and public works construction projects.

As principal in charge, I will provide oversight to the construction inspector as well as provide any other needed support to the City.

Our team can meet the challenges anticipated on this project and will ensure that the work is successfully completed in accordance with all local, state and federal regulations. Our team has the necessary technical expertise, as well as soft skills required to complete this project for the City of San Rafael.

We have read and will comply with City's sample Professional Service Agreement without changes.

Should you have any questions or need additional information, please do not hesitate to contact me. I can be reached at 372 Village Square, Orinda, CA 94563, [spatterson@park-eng.com](mailto:spatterson@park-eng.com) and (510) 701-0319.

Sincerely,

A handwritten signature in blue ink that reads "Steve Patterson".

Steve Patterson, PE  
Vice President

Orinda Office  
372 Village Square  
Orinda, CA 94563  
Tel: 925-257-2508  
Fax: 925-401-7030

Emeryville Office  
3960 Adeline Street, #3  
Emeryville, CA 94608  
Tel: 925-257-2508  
Fax: 925-401-7030

## FIRM PROFILE

**Park Engineering, Inc.** was founded in 2013 with the vision of providing high quality construction management, construction inspection, program/project management, project controls, and contract administration services to public agencies on transportation and infrastructure projects.

Park Engineering is led by Jaemin Park and Steve Patterson as the principals of the company. Our company of 15 is comprised of experienced professionals who have worked together for numerous transportation and local agencies throughout the San Francisco Bay Area. Our collective project experience includes roadway rehabilitation and repaving, streetscapes including street lighting and signals, sanitary sewer projects, bridge rehabilitation and replacements, rail and grade separations, and many other local agency projects constructed to Local, Caltrans and Federal requirements.

Park Engineering specializes in projects with Federal, State, bond, grant and other specialty funding requiring coordination with and audits by, Caltrans, FHWA and other oversight agencies.

### Specialties

- Construction Management
- Resident Engineering
- Construction Inspection
- Program Management/Project Management
- Project Controls and Document Control
- SWPPP Implementation and Inspection
- Scheduling and Schedule Control
- Cost Estimating and Cost Control
- Utility Coordination
- Claims Analysis, Negotiation and Resolution Support
- Value Engineering
- Permit Compliance
- Constructability and Bid-ability Review
- Bid Advertisement and Award
- Staff Augmentation
- Federal and State Audit Support
- Federal Fund Reimbursement and Project Closeout
- Public and Community Outreach
- Training and Staff Development

### Certifications

- State of California CUCP DBE/UDBE (No. 41711)
- State of California DGS SBE (No. 1757722)

<b>Firm</b>	Park Engineering, Inc.
<b>Year Founded</b>	2013
<b>Form of Organization</b>	Corporation
<b>Number, Size and Location of Offices</b>	Headquarters: 372 Village Square Orinda, CA 94563 Tel: (925) 257-2508 Fax: (925) 401-7030 <a href="http://www.park-eng.com">www.park-eng.com</a>  Additional Office: 3960 Adeline Street, #3 Emeryville, CA 94608
<b>Primary Contact for RFP</b>	Jaemin Park, PE President Cell: (925) 818-3756 E-Mail: <a href="mailto:jpark@park-eng.com">jpark@park-eng.com</a>
<b>Number of Employees</b>	15
<b>Principals</b>	Jaemin Park, PE President  Steve Patterson, PE Vice President
<b>Licensing</b>	Registered Professional Civil Engineer(s), State of California

Park Engineering, Inc. has expertise delivering projects for local agencies that include new roadway and street improvements, bridge replacements, widenings and retrofits, streetscapes, water and sewer lines, buildings, pump stations, signals and lighting, and working in sensitive environments. Our expertise includes administering construction projects to Caltrans Standards and Local Assistance Procedures and administering projects that receive funding from multiple sources, including federal, State, local tax measure, special grant and local funds. We have the skills necessary to ensure thorough reporting and strict adherence to federal and state guidelines.

**SIMILAR PROJECT EXPERIENCE**

Our firm currently holds construction management and inspection contracts with cities and counties throughout the Bay Area, so we understand not only the nature of the work.

The firm’s most recent similar projects to provide Construction Management & Inspection Services include:

**As-Needed Project Management, Construction Management and Inspection Services; City of San Rafael, Public Works Department, San Rafael, CA**

**Description:** Park Engineering is currently working with the Public Works Department. Projects include improvements to roadways and bridges, drainage and pump stations, and facility upgrades at community centers and parking structures. Park Engineering has provided assistance with multiple project studies, designs, project deliveries and the construction management – all phases of the work. Our staff have provided project & construction management & inspection services for the following projects:

**2017 Storm Damage Slide Repair Project**

This FEMA funded project repair storm damage slides at three locations throughout the City. The damage for storms in 2017 were repaired through three separate construction projects in 2018 & 2019. The project rebuilt existing failed slopes, added retaining walls, repaired damaged drainage systems & roadways, and worked closely with adjacent impacted residents. Park Engineering provided construction inspection services for all three projects.

**2<sup>nd</sup> Street & Grand Ave Intersection Improvement Project** improved this busy intersection with new & improved curb ramps while widening the northbound approach on Grand Ave. The project also upgraded and replaced all the traffic signal components. Daily traffic control and coordination with adjacent businesses was also a critical component of the project work.

**Regional Transportation Safety Enhancement Project** is an ongoing project to prepare the City’s busy downtown / transit area for the arrival of the SMART train. Work includes traffic signal upgrades and extensive sidewalk & curb ramp improvements.

**H Street Roadway Improvements** which replaced a failing drainage system and relocated the existing sanitary sewer main down the middle of H Street. Installation of twin 30-inch pipes required extensive traffic control and coordination with businesses & resident. The entire street was resurfaced as well as curb & sidewalk improvements.

Other projects include:

- **Canal Street Storm Water Pump Station Repair Project**
- **1309 5th Ave Demo & Parking Lot**
- **Terra Linda Pool House Renovation**
- **B Street Community Center Projects**
- **City-Owned Parking Structure Study**
- **3<sup>rd</sup> & Union Improvements**

<b>Client Contact</b>	Hunter Young, PE Assistant PW Director 111 Morpheus Street San Rafael, CA 94901 (415) 485-3408
<b>Type of Contract</b>	On-call contract for public works construction and capital building projects
<b>Dates of Service</b>	2013 – Present (Park Engineering, Inc.)
<b>Dollar Amount of Contract</b>	Projects range from \$30K to \$6M
<b>Key Personnel</b>	Steve Patterson, PM/RE Jaemin Park, PM/RE Dave Baker, Inspector Chris Kinser, Inspector James Beauchamp, Inspector Andy Bodo, Inspector

**Services Provided:** include quality assurance of contractor’s work, preparation of daily diaries, assisting with monthly pay estimates, contract administration, office engineering, photo documentation, overseeing traffic control, ADA compliance, pedestrian accessibility through the work zone, SWPPP and regulatory permit compliance.



**Marin County Public Works, On-Call Construction Management Services**

Park Engineering is providing construction management and inspection services for County public works projects, including street rehabilitation, bicycle lanes, pedestrian improvements, bridges and roadway improvements. Current Project:

**2019 Southern Region Project**

This \$2M project includes pavement rehabilitation work on 3 roads in the Strawberry Neighborhood in southern Marin County. Beyond repaving, the three roads will receive sidewalk improvements, accessibility features, bicycle safety upgrades, updated traffic striping and signage, improved drainage infrastructure, and a radar speed feedback sign. The improvement project will be covered by the County’s Road and Bridge Rehabilitation Fund and the California Senate Bill 1 (SB1) funding.

<b>Client Contact</b>	Eric Miller, PE Principal Civil Engineer Marin County Public Works 1950 Parkside Dr. Concord. CA 94519 (415) 473-6453
<b>Dates of Service</b>	2019 - Current
<b>Project Value</b>	\$1.9M (Construction Value)
<b>Key Personnel</b>	Jaemin Park, Project Manager Andy Bodo, Const. Inspector

**Marin County Transit District – 2018 State of Good Repair Bus Stop Improvement Project**

Park Engineering provided construction management and inspection services for this project that included re-construction of 10 existing bus stops throughout Marin County with work in Novato, San Anselmo, Corte Madera, Tiburon, Larkspur, Ross & San Rafael. Bus stop improvements included concrete removal & replacement work to meet current ADA standards with some locations also installing new Bus Shelters and site furnishings. Coordination with the various cities, Caltrans, adjacent residents & businesses and Bus Services were necessary to complete the improvements.

<b>Client Contact</b>	Anna Pennoyar Senior Capital Analyst Marin Transit 711 Grand Ave, Suite 110, San Rafael, CA 94901 (415) 226-0867
<b>Dates of Service</b>	2018 - Current
<b>Project Value</b>	\$500,000 (Construction Value)
<b>Key Personnel</b>	Steve Patterson, Res. Engineer Andy Bodo, Const. Inspector

**City of Novato, Public Works Department, Measure A, Group 10 Pavement Rehab Project**

This \$1.6M project includes rehabilitation of the pavement on Nave Drive between Alameda Del Prado and Bel Marin Keys Blvd, Bel Marin Keys Blvd from Nave Drive to 200 ft. North of Digital Drive, and Bolling Drive from Nave Drive to Marin Valley Drive. The improvements will include construction of ADA compliant access ramps, removal and replacement of damaged concrete curb, gutter and sidewalk, replacement of existing traffic signal detection, pavement repairs consisting of asphalt concrete dig-out and patches, slurry seal application at some locations, grinding of the existing pavement, placement of reinforcing fabric, hot mix asphalt overlay, replacement of pavement striping and markings, and installation of new traffic signs.

<b>Client Contact</b>	Gosia Woodfin, PE Project Engineer City of Novato Public Works 922 Machin Ave Novato, CA 94945 (415) 899-8997
<b>Dates of Service</b>	2019 - Current
<b>Project Value</b>	\$1M (Construction Value)
<b>Key Personnel</b>	Jaemin Park, Resident Engineer

**City of Concord Various Projects, Construction Management and Inspection Services**

**Description:** Park Engineering is providing construction management and inspection services for City public works projects, including street rehabilitation, bicycle lanes, pedestrian improvements, bridges and roadway improvements. Projects include:

**Citywide Accessibility Improvement Projects #4 5 and 6**

These three projects involved the re-construction of pedestrian curb ramps at various intersections throughout the City, with a number of locations included as Alternate Bid Items to allow the City flexibility to add or remove this specific work based on bid results.

**Measure Q Paving Rehabilitation, Project #8**

This \$1.3M project included roadway reconstruction work on 8 local residential roadways, including construction of 14 new curb ramps and replacement of existing valley gutters and curb & gutter. Roadway reconstruction methods were varied degrees of grinding & repaving with some pavement failure digouts and use of RHMA as the final wearing course.

**West Concord Bikeways**

This \$80,000 project work involved the installation of new buffered bike lanes on Meridian Parkway Blvd. and Galaxy Way / John Glenn Drive.

<b>Client Contact</b>	Bernard Enrile, PE Manager, CIP City of Concord (925) 671-3031
<b>Dates of Service</b>	2015 - Current
<b>Project Value</b>	\$80,000 to \$4M (Construction Value)
<b>Key Personnel</b>	Jaemin Park, Project Manager Steve Patterson, Res. Engineer Chris Kinser, Const. Inspector Pete Martin, Constr. Inspector James Beauchamp, Inspector

**Central Concord Pedestrian Improvements**

Project included roadway resurfacing work of both the mill and fill method for Willow Pass Road and a slurry seal for Broadway, as well as replacement of non-ADA compliant curb ramps for 25 intersections in downtown Concord, new traffic signal, and streetscape features installed near the Concord BART Station.



**Detroit Avenue Bicycle and Pedestrian Improvements Project**

This federally funded (OBAG) Project constructed roadway and streetscape improvements on Detroit Avenue from Monument Blvd. to Clayton Road. Work on this \$4M project involves full street rehabilitation including, grading, AC paving, signals and lighting, new curb, gutter and sidewalks, new curb ramps, drainage improvements, irrigation and lighting, and enhanced striping and pavement markings.

**Ellis Lake Restroom Building Project**

This locally funded project included the site preparation and utility installation to accept a pre-fabricated 4-unit restroom building. New sidewalk, re-installation of irrigation and grass and a new picket fence were also part of the project.



**City of Orinda Multiple Project-Specific Construction Services & On-Call Construction and Project Management Services**

<b>Client Contact</b>	Jason Chen, PE City Engineer City of Orinda 22 Orinda Way Orinda, CA 94563 (925) 253-4260 jchen@cityoforinda.org
<b>Dates of Service</b>	2014 – Current
<b>Project Value</b>	\$140,000 to \$10M
<b>Key Personnel</b>	Steve Patterson, PM/RE Jaemin Park, PM/RE Linda DeBolt, PM James Beauchamp, Danielle White - Inspectors

**Description:** Park Engineering provided the City construction & project management services for multiple capital project. Services included project delivery, resident engineering, construction inspection, and materials testing. Also representing the City during construction for interactions with public / homeowners directly impacted. Projects have included:

**2017 Annual and Measure J & L Paving Rehabilitation Project  
Construction Cost: \$10M**

Park Engineering provided construction management for this project. The project work consisted of improvements occurring on 65 different streets within the City. Roadway rehabilitation was primarily through Full Depth Reclamation with an HMA overlay, extensive drainage and concrete curb & gutter replacement work. Other work consisted of utility adjustments, replacement of HMA dikes & swales and roadway delineation. The project was locally funded with the use of both City funds and Contra Costa County Measure funds.

**Crossroads Area & BART Wayfinding Signage  
Construction Cost: \$140,000**

Park Engineering managed the planning and design and will manage the construction of this project that will furnish and install new custom fabricated wayfinding signs, wall graphics and fabricated light cabinet, concrete foundation, replacement of existing sidewalk where needed,

extension of electrical conduits and conductor as needed.

**BART-Downtown Access Ramp & Lighting  
Construction Cost: \$900,000**

Park Engineering provided construction management for this project. The project work consisted of removing an existing concrete stairway and replacing with a new stairway and ADA compliant ramp to link the City’s busy Theater District with the adjacent Orinda BART Station. A series of seven retaining walls were constructed to achieve the ADA ramp in small work area, located on Caltrans right-of-way. Other work included improved lighting and new landscaping with an improved irrigation system.



**2014 Annual and Measure J Paving Rehabilitation Project  
Construction Cost: \$1.40M**

Park Engineering provided construction management for this project. The project work consisted of a combination of pavement rehabilitation, both slurry seal and mill of existing pavement with Hot Mix Asphalt paving; base failure repairs, both digout repairs and Full Depth Reclamation; minor drainage improvements and repairs; and re-installation of striping and pavement markings. The project was locally funded with the use of both City and Contra Costa County Measure L funds.

**On-Call Construction Management and Inspection Services  
Contra Costa County Public Works Department,  
Contra Costa County, California**

<b>Client Contact</b>	Kevin Emigh, PE Division Manager Contra Costa County Design and Construction (925) 313-2233
<b>Dates of Service</b>	2014 – Current
<b>Project Value</b>	\$2M to \$25M (Construction Value)
<b>Key Personnel</b>	Jaemin Park, PM & RE Steve Patterson, RE James Beauchamp, RE & ARE Mike Johnson, ARE/Inspector Andy Bodo, ARE/Inspector Dave Baker, ARE/Inspector Danielle White, ARE/Inspector

**Description:** Park Engineering’s key personnel provided construction management and inspection for County public works projects through an on-call Construction Management and Inspection contract. The team worked on several federally funded public works as well as privately funded developer projects, such as new subdivision construction and the expansion of local roadways and arterial improvements. Projects include:

- **Kirker Pass Road Northbound Truck Climbing Lane Project** – The project improves safety and reduces congestion along Kirker Pass Road by constructing a truck climbing lane in the northbound direction. The project is approximately 1 mile in length, beginning at the Concord Pavilion and ending at the northern Hess Road intersection. Road widening requires significant retaining walls due to the existing slopes and drainage adjacent to the roadway. The project also includes pavement rehabilitation on the north and south bound lanes between the City of Concord/County limits to approximately 4,200 feet north of North Hess Road for a total of about 1.6 miles. The total project length is about 2 miles. The project is funded by Federal grants, State SB1 funds, and local County funds.

- **San Pablo and Wildcat Creeks Levee Remediation** – FEMA mandated levee remediation to raise freeboard to 100 year flood requirements. Work involved installation of sheetpile walls, levee fill, concrete walls, and HMA pavement to raise levee roads. The project required close environmental monitoring and coordination with various entities including East Bay Regional Park District and County Flood Control District. The project was funded by local County funds and State funds.
- **2015 Asphalt Rubber Cape Seal; 0672-6U2149**  
The work consisted of applying an asphalt rubber chip seal covered with a type II slurry seal to approximately 259,020 square yards of roadway located at East Richmond Heights area of west Contra Costa County and Shadow Creek area of Blackhawk in the East Contra Costa. Work also included installation of 40 survey monuments, surface preparation, striping removal, and placement of thermoplastic striping and pavement markings.
- **Bollinger Canyon Bridge over Japonica Creek (Federally Funded)**
- **South Dougherty Road Bridge and North Dougherty Road Bridge**
- **Vasco Road Safety Improvements, Phase I (Federal and CCTA Funded)**
- **Countywide Microsurfacing Project**
- **Giaramita Street Rehabilitation (federal Block Grant Funds)**

**Services Provided:** Park Engineering staff managed several overall construction projects, including performing field reviews; preparing daily Resident Engineer reports and project status reports for the County; managing correspondence; and maintaining communication with the general public and other, numerous related public agencies.

## KEY PERSONNEL

Park Engineering is a DBE firm that brings an experienced construction inspector, **Brian Zapalski**, to represent the City for this improvement project. We specialize in providing construction management and inspection services to public agencies for projects just like this. Our team is knowledgeable of Caltrans, Federal and Greenbook requirements, and has experience completing comparable projects and will meet all the City's Quality Assurance Plan requirements.

**Steve Patterson, PE will be the Principal in Charge** providing oversight and managing Park Engineering resources and ensuring City staff have the qualified personnel they need to successfully complete the project. Steve will perform regular check-ins with City staff to ensure satisfied results.

Steve has over 28 years of experience providing project management, construction management, and administration of highway, bridge, building and public works infrastructure projects throughout California, including the City of San Rafael. Steve is an expert in federally funded projects, he is available to assist on topics related to federal funding involved on this project.

**Brian Zapalski**, will be the Construction Inspector. Brian has more than 16 years of construction and construction management of local roads, highways, bicycle lanes, roundabouts, buildings and other public works projects constructed to Caltrans, federal and local agency specifications. He has provided field engineering, grade setting and inspection to Caltrans and local agencies. His technical knowledge encompasses roadway construction, grading and excavation, concrete curb ramps and ADA paths, underground utilities, stage construction, slope protection, AC paving, striping, pavement markings, and signage, streetlights, safety, SWPPPP, and traffic control. He is well versed in the County of Marin Uniform Construction Standards.



## Applied Materials & Engineering

Park Engineering Team Member Applied Materials & Engineering, Inc. (AME) will provide quality assurance testing as required. Testing will be performed in the frequencies required by the City's Quality Assurance Program and the Caltrans Local Assistance Procedures Manual.

AME will provide summary of tests performed and results of tests performed to support quality of the work. They will provide sufficient information so that the resident engineer can satisfy the requirements of certifying that all materials used on the project meet the contract requirements.

*Please see resumes at back of this proposal*

## PROJECT UNDERSTANDING

There are many challenges that come with the responsibility of providing quality service on public works construction projects. At Park Engineering, we understand that a public agency has to answer to elected officials, oversight and permitting agencies, and third-party funding sources. We also understand the public relations pressures on visible community improvements projects and that public perception can make the difference to the success of a project. Our construction inspectors take ownership of our projects and act in the City's best interest to manage, coordinate and inspect the project to successful completion.

Park Engineering specializes in providing construction management and inspection services to public agencies for projects just like this and our proposed team of professionals has the experience and expertise to ensure that this project is completed successfully. For this contract, we will provide a full-time inspector for the duration of the project who will report directly to the City's project manager / resident engineer.

For this project, the work includes the follow work along the east side of Francisco Blvd East, from Vivian Street to Grand Ave Bridge:

- Demolition of existing curb ramps, asphalt, curb, gutter, sidewalk and striping.
- Constructing new curb, gutter, sidewalk and driveways to current ADA standards for an 8-foot sidewalk.
- Constructing curb ramps to current ADA standards for multiple intersections along Francisco Blvd East.
- Installation of new and adjustments of existing storm drain systems.
- Adjusting & relocating existing utilities to finish grade
- Upgrades to traffic signal and street lighting
- Irrigation and planting improvements
- Final roadway striping work

All work items shall be constructed in accordance with the contract plans and specifications.

The engineer's estimate is approximately \$4.7 million and is federally funded. Project duration is 200 working days.

### KEY ISSUES

Having performed construction inspection for similar projects, we have identified elements of the work that are key to the success of this project. They include, but are not limited to:

- **Public Outreach & Safety** – The planned curb ramp & sidewalk improvements will impact the normal patterns of the neighborhood foot traffic – both school routes and daily routines of exercise & dog walks. Advance notice for any closures of the traveled lanes, sidewalks and driveways for the improvement work to limit

impacts to businesses, residents, the traveling public, delivery, emergency and transit customers will be essential. Additionally, strict adherence to approved traffic handling plans, work schedules related to business access, no parking postings, and closely monitoring pedestrian access will help keep the public informed on what to expect and when, will improve the project's safety during construction and minimize issues with the public.

- **Tracking of Costs & Schedule** – Constant monitoring and reporting of project quantities constructed to control bid quantity overruns that can occur and for any change order work to prevent escalated contract costs are critical to keep the project on budget. Daily Inspection Reports and progress pictures will be kept current and provided to the City in a timely manner to benefit the monitoring of the project's schedule.
- **Project Documentation and Administration** With federal funding, making sure that the project is administered in accordance with the Caltrans Local Assistance Procedures Manual, will ensure swift and easy audits. It is critical that the project is administered using standard, recognized administration systems that meet the needs and established system of the City. Project documents, such as our inspection reports, supporting calculations for progress payments and employee interviews, will be developed for the project files and provided to the City in a timely manner. Our experience in documenting the important aspects of similar projects will provide key information of the work performed, compliance with the contract requirements and well-organized project documents for federal funding audits.
- **Quality of Work** – Acceptance of only the best quality work ensures the funds utilized are well invested and the improvements will last. Strict adherence to the City's quality assurance program (QAP), City, County & Caltrans standards, performing the required

acceptance testing to verify quality of the completed work and documenting results for compliance with local, state and federal requirements.

- **Project Appearance / Environmental Concerns / Permits/ Water Pollution Control** – A clean project will promote a positive public perception, increase the project safety and aid the effort to compliance with Permits, Environmental and Water Pollution Control requirements. Installing water pollution control measures and maintaining it regularly is very important to prevent violations to permits from Regional Water Quality Control Board. Additionally, weekly project cleanup will provide a safer environment for the public and the project personnel.

### WORK PLAN

Park Engineering will support the City by providing construction inspection for this sidewalk improvement project. We will perform all the duties required in the RFP, including, but not limited to the following:

#### TASK ONE – Field Inspection Services

- Review all contract documents to become familiar with all project details – plans, specs, schedule & sequence, traffic control and any permit requirements / restrictions.
- Attend the project's Pre-Construction Meeting and pro-actively discuss potential project issues.
- Perform all field inspection activities to monitor compliance with the contract plans and specifications. Record all items of work, labor, equipment, materials incorporated, materials tested, traffic control utilized and any other pertinent information in a daily diary for permanent record.
- Monitor all field work for contract compliance and document with daily reports and pictures. Notify the City's RE about any non-compliance items / issues.
- Work closely with City staff on project schedule, field progress and issues to monitor overall project completion.

- Prepare supporting quantity calculations for work performed, including any contract change orders, and progress pay estimates on a monthly basis.
- Review, evaluate & discuss proposed change orders and estimates for accurate scope, cost and time impacts.
- Maintain and enforce safety awareness for the protection of workers and public
- Review all necessary sampling and testing of materials for the project – performed by both the Contractor and AME – to meet the specifications and City's QAP to ensure all materials meet the contract requirements. Failing results will be detailed to the RE.
- Attend any progress or public meetings as requested.
- Conduct interviews of field personnel for EEO / Labor Compliance monitoring.
- Work closely with City Staff on final punchlist and acceptance of the contract work.
- Assist City Staff as needed on various project administration tasks, such as review of certified payrolls, submittals and/or RFIs.



#### TASK TWO – Materials Testing Services

- Applied Materials & Engineering will provide materials testing and sampling services to ensure the installation of materials is in accordance with contract requirements and the City's QAP. Materials include:
  - Native Soils / Subgrade Compaction
  - Trench Backfill & Base Rock
  - Hot Mix Asphalt (minor)
  - Concrete placed
- All tester certifications will be provided

### BRIAN ZAPALSKI, CONSTRUCTION INSPECTOR

#### Years of Experience

16

#### Certifications and Training

40-Hour HazMat Certified

#### Key Qualifications

Mr. Zapalski has more than 16 years of construction and construction management of local roads, highways, bicycle lanes, roundabouts, buildings and other public works projects constructed to Caltrans, federal and local agency specifications. He has provided field engineering, grade setting and inspection to Caltrans and local agencies. His technical knowledge encompasses roadway construction, grading and excavation, underground utilities, concrete curb ramps and ADA paths, stage construction, slope protection, AC paving, striping, pavement markings, and signage, streetlights, safety, SWPPPP, and traffic control, and electrical and low-voltage system construction, including temporary and permanent intersections and traffic signal loop detectors. Mr. Zapalski has also worked on numerous emergency facilities, waste transfer stations, and private developments and has knowledge of building codes, OSHPD requirements and public works construction specifications.

#### Project Experience

- **Lamont Avenue Class 2 Bicycle Lanes Project, City of Novato, CA - \$300K**  
Brian was the construction inspector for this local and grant funded roadway and bicycle safety improvements project. The Project improvements included construction for roadway widening, installation of asphalt path, concrete median, traffic signs, placement of thermoplastic pavement markings and striping, installation of curb and gutter, catch basins and storm drainpipes, AB for driveways and shoulders, and HMA paving for roadway widening and driveways on the Lamont Avenue to complete Class 2 Bicycle Lanes. Coordination with homeowners, various utility companies and City departments was needed. Brian provided all field inspection and documentation, quantities, photographs and video, coordination of materials testing and ensuring that the contractor completed all work in accordance with the contract documents, supporting the City's resident engineer.
- **Moraga Way and Canyon/Camino Pablo Improvements Project, Town of Moraga, CA - \$3.7M**  
Brian was the construction engineer and field supervisor for this federally funded roadway and bicycle safety improvements project. The Project improved several intersections and corridors within and adjacent to the Moraga Center Planned Development Area. The first project improved Moraga Way between Moraga Road and Ivy Drive, completing the bicycle and pedestrian network along the corridor. This is an extension of a project completed by the City of Orinda in 2014. The project re-surfaced Moraga Way to provide an even surface for bicyclists while re-striping the roadway with buffered Class II bicycle lanes. The project added sidewalks and pedestrian pathways as well as replaced curb ramps and driveways providing an accessible path of travel linking Miramonte High School, residential land uses, County Connection transit stops, and the Moraga Center along Moraga Way.

The second part of the project improved the intersection of Camino Pablo and Canyon Road, which is a key route for students walking to Joaquin Moraga Intermediate School. At this location, there is a large pedestrian demand to cross Canyon Road but with vehicles traveling at high rates of speed as they approach the intersection. The project reduced the through travel lanes from two to one in each direction and assigned the remaining area to bulb-outs while adding a pedestrian refuge reducing the crossing distance and narrowing the roadway to calm traffic. Additional improvements at the intersection include rectangular rapid flash beacons, improved intersection lighting, as well as a speed feedback sign in the northbound direction to advise drivers of their speed as they enter the Town's



limits. Finally, the project provided green street elements within the bulb-outs meeting the Municipal Regional Permit requirements.

- **Highway 29/Hartmann Road Roundabout Project, Caltrans District 1 - \$4.9M**

Brian was the construction field supervisor for this highway improvement project on Highway 29 in Lake County near Middletown from Putah Lane to 0.3 Mile North of Spruce Road. The project involved the construction of a roundabout at the intersection of Highway 29 and Hartmann Road. Specific works included earthwork grading, demolition of existing roadway, roadway grading & paving, minor concrete grading & installation (curb ramps, sidewalks, decorative slope paving, rock blanket), roadway concrete / JPCP grading & installation, storm drain structure & culvert installation, street lighting, traffic loops, SWPPP implementation and maintenance, permanent erosion control, and sign & striping installation.

- **Rohnert Park Expressway Project, City of Rohnert Park, CA - \$3M**

Brian was the construction supervisor for this federally funded resurfacing project which rehabilitated just over one-and-a-quarter miles of Rohnert Park Expressway (RPX), a primary east/west, four-lane arterial. Project limits extended westward from Snyder Lane to Commerce Boulevard (located adjacent to the Highway 101 interchange) and involved work in three major 4-way intersections, including the City's busiest and most collision-prone. Altogether, the project involved 4,000 SY of dig-out repairs, structural pavement modifications, day, nighttime, and weekend paving operations, utility adjustments, concrete curb and gutter, ADA ramp, and median curb replacements, new colorized bike lanes, new pavement striping/markings/markers, the installation of GridSmart (camera) intersection traffic management systems, and the rehabilitation of the City Library's parking lot. The project was constructed to Caltrans and City standards and requirements.

- **Drummond/Cowell/Chiles Roundabout Improvements Project, City of Davis CA - \$1M**

Brian was the construction supervisor for this roadway improvements project. The Drummond/Cowell/Chiles Roundabout Improvement project provided comprehensive improvements to the existing four way stop intersection of Cowell Boulevard, Chiles Road and Drummond Avenue in South Davis. The primary objective of the project was to improve the traffic flow and safety of the intersection to provide a safe and efficient circulation system by increasing the efficient movement and safety of traffic. The scope of work included removal and installation of the street section at the intersection, installation of a roundabout, pedestrian/bike path and sidewalk improvements, streetlight improvements, landscape and irrigation replacement.

- **NorthBay Medical Center Expansion Project, Fairfield, CA - \$200M**

Brian was the construction supervisor for the civil construction portion of this major \$200-million-plus NorthBay Medical Center campus modernization project. NorthBay Medical Center Expansion project (NBXP) included renovation and expansion of NorthBay Healthcare's existing 3-story acute care hospital. Major components of the project include a 3-story above-grade addition that includes new Imaging and Dietary facilities on Level 1, new Acute Care Nursing Beds on Level 2 and new Operating Rooms, Pre-op and Post-Anesthesia Care on Level 3. The project also included renovation at the existing Level 1 to expand the Emergency Department as well as construction of a separate 1-story Welcome Pavilion (non-OSHPD and the first project to be completed). The Welcome Pavilion provides a central point for patients to register and meet with financial counselors prior to admission. It also houses the gift shop and provides lounge and gathering space for patients and visitors. The design goal was to decant space from the existing ED that was not required by code, in order to create space for the ED expansion.

### STEVE PATTERSON, P.E., PROJECT MANAGER

#### Years of Experience

29

#### Education

B.S. Civil Engineering, Michigan State University, East Lansing, 1991

#### Professional Registrations

Professional Engineer: California, #C54481, 1995

QSD / QSP: Certificate #22073

#### Key Qualifications

Steve Patterson's experience includes roadway widening and rehabilitation, highways and interchanges, emergency slide and flood repairs, sound walls, MSE walls, retaining walls, storm box culverts, utility installations and relocations. He has worked in the capacity of Project Manager, Resident Engineer, Construction Inspector, and Office Engineer. Steve is familiar with the Caltrans Standard Specifications, Standard Plans, Construction Manual, Local Assistance Procedures Manual, and the "Greenbook" Standard Specifications for Public Works Construction.

Steve is experienced with supervising inspection staff, CPM schedules, project controls and costs, quality control/quality assurance, analyzing claims, preparing reports, planning personnel resources, negotiating contract change orders. Steve coordinated project work with utility companies, cities, counties, Caltrans, California Department of Fish and Game, Regional Water Quality Control Board, Union Pacific Railroad, private businesses, and the public.

#### Representative Project Experience


- **Contra Cost County Public Work, Kirker Pass Road Northbound Truck Climbing Lane Project, Concord**  
Steve is the construction manager on this \$14.1M federally funded project that constructs an additional lane for improved truck climbing safety. The project constructs six retaining walls to complete the widening lane, as well as grind & pave of all lanes (4) for approximately 2 miles, related drainage improvements and restriping work. Coordination is needed with the Cities of Concord \* & Pittsburg, Union 76 for their close proximity gas line and the Concord Pavilion.
- **City of Concord, Citywide Accessibility Improvements No. 4 and Central Concord Pedestrian Improvements Streetscape Project, Concord, California**  
Steve was the construction manager on the \$350,000 federally funded project that removed and reconstructed 45 curb ramps throughout the City. Additional scope of work included pedestrian push button upgrades and roadway striping improvements. He was also the construction manager on a \$3M project in Downtown Concord that includes roadway resurfacing work of both the mill and fill method for Willow Pass Road and a slurry seal for Broadway, as well as replacement of non-ADA compliant curb ramps for 25 intersections in downtown Concord, new traffic signal, and streetscape features installed near the Concord BART Station.
- **City of Orinda, 2017 Paving Rehabilitation Project & BART-Downtown Access Ramp & Lighting Project Construction Cost: \$10M & \$900,000 (respectively)**  
Construction Manager for this project that required work to occur on 65 different streets within the City. Roadway rehabilitation is primarily through Full Depth Reclamation with extensive drainage and concrete curb & gutter replacement work. Other work consists of utility adjustments, replacement AC dikes and roadway delineation. BART-Downtown Access Ramp consisted of removing an existing concrete stairway and replacing with a new stairway and ADA compliant ramp to link the City's busy Theater District with the adjacent Orinda BART Station. A series of seven retaining walls were

constructed to achieve the ADA ramp in small work area, located on Caltrans right-of-way. Other work includes improved lighting and new landscaping with an improved irrigation system.

- **City of San Rafael, Public Works & Engineering Department, San Rafael, CA**  
**City Owned Property Improvements, Roadway and Drainage Improvements**  
Steve is Project Manager and Resident Engineer for numerous City Projects ranging in construction costs from \$30,000 to \$2 million and including street rehabilitation, curb ramp improvements, drainage improvements, bridge resurfacing, City-owned facility improvements and sanitary sewer replacements. Assisting City Staff to develop and/or assist delivery of project documents for construction, advertise projects for bidding, answer pre-bid questions and evaluate bids, conduct pre-construction meetings and monitor contract progress.
- **Moraga Road Utility Undergrounding, Sidewalks & Pavement Resurfacing Projects, Town of Moraga, CA - \$2.7M**  
Steve was the Resident Engineer/Project Manager on these three projects for the Town of Moraga that were construction simultaneously.
  - ✓ **Utility Undergrounding, \$1.7M** – A Rule 20A project with PG&E for the Town to convert existing overhead utilities to new underground facilities along one of the main roadways for the Town. Work consisted of extensive daily traffic control for vehicles and pedestrians to perform the installation of new joint trench and utility vault systems.
  - ✓ **Bicycle & Pedestrian Improvements, \$160k** – A federally funded project to construct about 300 LF of sidewalk to connect two critical side streets along Moraga Road.
  - ✓ **Resurfacing Project, \$800k** – A federally funded project that removed and replaced the top 3-inches of existing Moraga Road. Pone of the Town’s busiest roadways and only a 2-lane road, daily one-way traffic control was required. Advance notice and monitoring of traffic control was critical to the community outreach on the project.
- **City of Orinda 2014 Street Rehabilitation Project, Orinda, CA**  
Resident Engineer for this \$1.4 million pavement rehabilitation project. Steve was responsible for managing all aspects of this project including contract administration, contract compliance and acceptance, project costs and schedule, and public relations.
- **City of Emeryville, Safe Routes to School Project, Emeryville, CA**  
Resident Engineer for this federally funded \$650K project that upgraded multiple cross-walk intersections, installed rectangular rapid flash beacon systems and speed feedback assemblies, and upgraded an existing traffic signal. Work was coordinated with Caltrans, as it was performed on State Route 123 (San Pablo Ave).
- **Mission Blvd/Warren Ave/Freight Rail Relocation Program, Santa Clara Valley Transportation Authority (VTA), San Jose, CA**  
Steve was the Resident Engineer on the preliminary creek alignment project and grade separation project that totaled \$60M and prepared the corridor for BART’s Silicon Valley/ Berryessa Extension.
- **Countywide Microsurfacing Project – Contra Costa County, CA**  
Steve was the Resident Engineer for the County on this \$2 million project. The project scope included: applying micro-surface treatment to 21 miles of roadway on ten roads at seven separate locations. Work will include surface preparation, stripe removal, thermoplastic striping and Class II bike lanes.

**EXHIBIT 10-01 CONSULTANT PROPOSAL DBE COMMITMENT**

1. Local Agency: City of San Rafael 2. Contract DBE Goal: 4%  
 3. Project Description: Construction Inspection & Materials Testing Services for Francisco Blvd East Sidewalk Improvements  
 4. Project Location: San Rafael, California  
 5. Consultant's Name: Park Engineering, Inc. 6. Prime Certified DBE:

7. Description of Work, Service, or Materials Supplied	8. DBE Certification Number	9. DBE Contact Information	10. DBE %
Construction Inspection	41711	Park Engineering, Inc. 372 Village Sq., Orinda, CA	90
<b>Local Agency to Complete this Section</b>			<b>11. TOTAL CLAIMED DBE PARTICIPATION</b> 90 %
17. Local Agency Contract Number: _____ 18. Federal-Aid Project Number: _____ 19. Proposed Contract Execution Date: _____  Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.	IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Written confirmation of each listed DBE is required.		
_____ 20. Local Agency Representative's Signature	_____ 21. Date	 _____ 12. Preparer's Signature	_____ 13. Date
_____ 22. Local Agency Representative's Name	_____ 23. Phone	Jaemin Park, PE _____ 14. Preparer's Name	_____ 15. Phone
_____ 24. Local Agency Representative's Title		_____ 16. Preparer's Title	

DISTRIBUTION: Original – Included with consultant's proposal to local agency.


**ADA Notice:** For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

Park Engineering does not have any lobbying activities to report.

Exhibit 10-Q Disclosure of Lobbying Activities

DISCLOSURE OF LOBBYING ACTIVITIES

COMPLETE THIS FORM TO DISCLOSE LOBBYING ACTIVITIES PURSUANT TO 31 U.S.C. 1352

<b>1. Type of Federal Action:</b>		<b>2. Status of Federal Action:</b>		<b>3. Report Type:</b>	
<input type="checkbox"/> a. contract	<input type="checkbox"/> b. grant	<input type="checkbox"/> c. cooperative agreement	<input type="checkbox"/> d. loan	<input type="checkbox"/> e. loan guarantee	<input type="checkbox"/> f. loan insurance
<b>4. Name and Address of Reporting Entity</b>		<b>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</b>		<b>For Material Change Only:</b>	
<input type="checkbox"/> Prime	<input type="checkbox"/> Subawardee	Tier _____, if known		year _____ quarter _____	date of last report _____
Congressional District, if known _____		Congressional District, if known _____			
<b>6. Federal Department/Agency:</b>		<b>7. Federal Program Name/Description:</b>		CFDA Number, if applicable _____	
<b>8. Federal Action Number, if known:</b>		<b>9. Award Amount, if known:</b>			
<b>10. a. Name and Address of Lobby Entity</b> (If individual, last name, first name, MI)		<b>b. Individuals Performing Services</b> (including address if different from No. 10a) (last name, first name, MI)			
(attach Continuation Sheet(s) if necessary)					
<b>11. Amount of Payment (check all that apply)</b>		<b>13. Type of Payment (check all that apply)</b>			
\$ _____ <input type="checkbox"/> actual <input type="checkbox"/> planned		<input type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. other, specify _____			
<b>12. Form of Payment (check all that apply):</b>					
<input type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind; specify: nature _____ value _____					
<b>14. Brief Description of Services Performed or to be performed and Date(s) of Service, including officer(s), employee(s), or member(s) contacted, for Payment Indicated in Item 11:</b>					
(attach Continuation Sheet(s) if necessary)					
<b>15. Continuation Sheet(s) attached:</b>		Yes <input type="checkbox"/> No <input type="checkbox"/>			
<b>16. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying reliance was placed by the tier above when his transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to Congress semiannually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b>		Signature: _____		Print Name: <u>Jaemin Park, PE</u>	
		Title: <u>President</u>		Telephone No.: <u>925.818.3756</u> Date: <u>02/13/20</u>	
<b>Federal Use Only:</b>		Authorized for Local Reproduction		Standard Form - LLL	

Standard Form LLL Rev. 04-28-06



372 Village Square  
Orinda, CA 94563  
(925) 257.2508





# City of San Rafael

## Francisco Blvd East Sidewalk Improvements Project

Cost Proposal for Construction Inspection & Materials Testing Services

City Project No. 11349 / City File No. 16.01.241.01

Federal Project No. ATPL-5043(042)

Name/Classification	Rates			Hours		Total Regular Hours	Total Overtime Hours	Cost	
	Base Rate	Regular Loaded Rate	Overtime Rate	Construction	Close-out				
Brian Zapalski Construction Inspector	\$ 55.00	\$ 127.11	\$ 190.67	1,600	40	1,640	80	\$ 223,714.48	
Applied Materials & Engineering, Materials Testing	(Estimate - As Needed)								\$ 40,000.00
							<b>Total =</b>	<b>\$ 263,714.48</b>	

1. Rate includes vehicle, mobile phone, laptop and all equipment required to perform required duties.
2. Based on 200 Working Days per Contract Documents.



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: COMMUNITY DEVELOPMENT**

*Paul A. Jensen*

**Prepared by: Paul Jensen (AMG)  
Community Development Director**

**City Manager Approval:** \_\_\_\_\_ *AS*

**TOPIC: ANNUAL PROGRESS REPORT (APR) ON HOUSING**

**SUBJECT: ANNUAL PROGRESS REPORT (APR) ON: HOUSING UNITS SUBMITTED, APPROVED AND BUILT IN 2019; AND UPDATE ON PROGRESS OF IMPLEMENTING PROGRAMS IN THE HOUSING ELEMENT. CASE NO. P20-003**

**RECOMMENDATION:**

It is recommended that the City Council:

- a. Open the public hearing and accept comments; and
- b. Accept report.

**BACKGROUND:**

Government Code Section 65400 requires local jurisdictions to prepare an Annual Progress Report (APR) on the status of the City's Housing Element and the progress in meeting its share of regional housing needs. A copy of the report must be submitted to both the Governor's Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD) by April 1st for the previous calendar year (January 1-December 31). Historically, the APR has been prepared in narrative format and informally reported to the City Council as part of routine updates on housing. However, the State housing laws have dramatically changed in the last several years, and now mandate higher reporting standards and a greater level of accountability by the local jurisdiction. The housing laws require that a public hearing on the APR be conducted by the local jurisdiction to allow for public comment.

The APR is reported on [forms](#) prescribed by HCD. Prior to the 2018 reporting year, the APR forms were simpler, requiring the reporting of housing units approved (entitled) in the reporting calendar year, and progress on the implementation programs contained in the Housing Element. However, in response to changes in the State housing laws, in 2019, the forms became far more complex. The APR now requires that the local jurisdictions itemize and report the number of housing units: a) submitted; b) approved/entitled; c) issued building permits; and d) built and issued final inspections for occupancy. Further, the APR requires reporting the type of housing unit and the level of affordability. As noted above, the APR also requires listing all of the housing programs outlined in the Housing Element and status of

**FOR CITY CLERK ONLY**

**File No.:** \_\_\_\_\_

**Council Meeting:** \_\_\_\_\_

**Disposition:** \_\_\_\_\_



implementation of these programs. Lastly, the recent changes to the APR require that local jurisdictions report on housing development processed using the by-right housing approval process prescribed by Senate Bill 35 (SB 35). The APR now contains nine (9) reporting tables briefly described as follows:

1. Table A – Housing Development Applications Submitted. An “application” is a formal permit application submittal of a project for approval. This application is either for a discretionary entitlement (e.g. Environmental and Design Review, Use Permit), or where a ministerial process is solely required, such as an application for a building permit.
2. Table A2 – Annual Building Activity Report Summary. This table requires reporting all new housing construction, approved/entitled units, building permits issued, and built units issued a Certificate of Occupancy/final inspection.
3. Table B – Regional Housing Needs Allocation Progress. This table tallies the reporting year and prior year(s) of building permits issued for housing units under the current Regional Housing Need Allocation (RHNA) Planning Cycle (current cycle is 2015-2023). Permitted housing units are reported by their affordability (e.g., low-income, above moderate income/market rate). This table tracks the local jurisdictions progress towards meeting the RHNA. Table B contains the RHNA by income level and compares that number with total annual new housing units and housing units to date.
4. Table C – Properties Rezoned to Accommodate a Shortfall of Housing Need. State housing law requires that if the local jurisdiction approves a housing development on a housing opportunity site that results in fewer units than the number estimated for the site in the Housing Element, the shortfall of units must be made by rezoning another site to accommodate the shortfall. For the 2019 reporting year, the City was not required to rezone any site(s) to accommodate a shortfall of housing need.
5. Table D – Housing Element Program Implementation. This table requires that all Housing Element programs be listed and accompanied by a report on the progress of program implementation.
6. Table E – Commercial Development Bonus. This table allows for reporting of commercial development bonus for applications that include an agreement for partnered housing that contributes affordable housing through a joint project or two separate projects encompassing affordable housing. For the 2019 reporting year, the City did not approve any project involving a commercial development bonus.
7. Table F – Housing Units Rehabilitated, Converted from Non-affordable to Affordable and Preserved. This table allows the local jurisdiction to report housing units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved. For the 2019 reporting year, there were no housing units approved/built that meet this criterion.
8. Table G – City-owned Properties Sold, Leased or Otherwise Disposed. This table requires the local jurisdiction to identify any City-owned property that has been included in the Housing Element Sites Inventory that have been sold, leased, or otherwise disposed of during the reporting year. The City did not dispose of any such property during the 2019 reporting period.

9. Summary Table. This table tallies the data from several of the tables listed above. The summary data focuses on the total of all permits issued and all applications submitted and approved for the 2019 reporting period.

**ANALYSIS:**

Staff has completed the APR for the 2019 calendar year. The APR tables are attached (Attachment 1). Although the City is past the April 1 deadline for filing, staff contact HCD staff in mid-March informing them that the filing would be late due to COVID-19 and the shelter-in-place order. HCD staff advised that we proceed with completing the report and filing it by June 1. The following is a summary of the City’s progress on housing approvals/entitlements, building permits issued and housing units completed for occupancy.

- As reported in Table A, a total of 67 housing development applications (Planning applications and building permits) were submitted to the City in 2019. A total of 11 units qualified as low-income units due to size. HCD allows accessory units that are less than 500 square feet in area to reported for low-income (non-deed restricted) as rental prices for these units fall within the low-income rental rates.
- Table A2 data includes the following report for 2019:
  - a. Housing Units Approved/Entitled: 289 units
  - b. Building Permits Issued: 28 units
  - c. Units Built and Granted Final Occupancy: 19 units
  - d. Units Lost: 1 unit
- RHNA progress is presented in Table B (below).

Table B													
Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
		1	2								3	4	
Income Level	RHNA Allocation by Income Level	#REF!									Total Units to Date (all years)	Total Remaining RHNA by Income Level	
Very Low	Deed Restricted	240	2	-	-	1	-				3	237	
	Non-Deed Restricted		-	-	-	-	-						
Low	Deed Restricted	148	10	5	-	1	-				57	91	
	Non-Deed Restricted		4	-	7	24	6						
Moderate	Deed Restricted	181	-	-	-	-	-				11	170	
	Non-Deed Restricted		10	-	-	1	-						
Above Moderate		438	94	21	20	14	22				171	267	
Total RHNA		1007											
Total Units			120	26	27	41	28	0	0	0	0	242	765

Note: units serving extremely low-income households are included in the very low-income permitted units totals

As mentioned above the tables use building permit issuance for the purposes of determining progress towards RHNA. As such, housing projects that have been approved/entitled are not necessarily reflected in the APR if they did not also receive a building permit. Those units will be counted in future reporting periods once building permits are issued. Some key projects that received approvals/entitlements in 2019 that are reported but are not counted toward the RHNA for this reporting period include:

- 703 Third Street (Seagate) 120 units
- 1010 Northgate Walk 136 units
- 1628 5<sup>th</sup> Avenue 9 units

While Table B only shows credit for 27 units, the City entitled a total of 289 units in 2019 getting us closer to reaching our RHNA goals.

- As reported in Table D, there are a number of Housing Element programs that are ongoing and serve to streamline housing development within the City and provide housing protections to vulnerable communities. The following are some key programs that were part of the 2019 reporting period:
  - a. H11-b. & H16-a. Accessory Dwelling Units and Junior Accessory Dwelling Units. The city began drafting of an ADU Ordinance however due to an additional round of changes in state legislation on this topic, work on this topic will continue for the 2020 reporting period.
  - b. H-5a. Fair Housing Program. In 2019, the City adopted renter protection policies, practices and programs. In late 2019, the City adopted a "just cause for eviction" and "mandatory mediation" ordinance.
  - c. H-7b. Preserving Existing Rental Housing Affordable to Low Income Households at Risk of Conversion.
  - d. H-14d. Air Rights Development (over a City parking garage). The city has received one inquiry for air rights development (over a City parking garage) during this reporting period. The developer is working with City staff on this proposal. In 2019, City staff completed a planning feasibility study of six City-owned public parking lots to assess the potential for housing development.
  
- Summary Table. The Summary Table tab includes a summary of Tables A through G. There are only two relevant tables as shown below. As shown in these tables there were total 28 building permits issued for the 2019 reporting period. This is also the total number of units that count toward the City's RHNA goals.

<b>Building Permits Issued by Affordability Summary</b>		
<b>Income Level</b>		<b>Current Year</b>
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	6
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		22
<b>Total Units</b>		<b>28</b>
Note: Units serving extremely low-income households are included in the very low-income permitted units totals		

<b>Housing Applications Summary</b>	
<b>Total Housing Applications Submitted:</b>	<b>31</b>
<b>Number of Proposed Units in All Applications Received:</b>	<b>68</b>
<b>Total Housing Units Approved:</b>	<b>34</b>
<b>Total Housing Units Disapproved:</b>	<b>0</b>

The APR does not include housing projects that have received approvals/entitlements in 2020. Since January 2020, the City has approved/entitled a total of 150 units for the following projects:

- 350 Merrydale Road – 44 Units (APPROVED)
- 190 Mill Street – 32 supportive units (APPROVED)
- 999 3<sup>rd</sup> Street - Whistlestop/EDEN Housing 67 senior units 100% affordable (APPROVED)
- 104 Shaver Street - 7 Units (APPROVED by Planning Commission pending appeal to City Council)

In addition, in 2020 to date, the City has received building permit applications for 12 new Accessory dwelling units and 2 single family residential units. The above entitled units and all units that received building permits in 2020 will be reported in the 2020 annual progress report.

**ENVIRONMENTAL REVIEW:**

As required by State law (California Environmental Quality Act), review and action on the APR must be reviewed to determine if it is subject to environmental review. As the APR is an informational report, it will have no physical impact on the environment. The APR is classified as a planning study, which qualifies for a Statutory Exemption from the provisions of the CEQA Guidelines under 14 CRR Section 15262.

**COMMUNITY OUTREACH:**

Notice of the public hearing was conducted in accordance with the public review period and noticing requirements contained in Chapter 29 of the Zoning Ordinance. Notice of public hearing was mailed to all neighborhood associations and stakeholders including the San Rafael Chamber of Commerce and housing advocacy groups.

**FISCAL IMPACT:**

There is no fiscal impact associated with the completion and submittal of the 2019 APR.

**OPTIONS:**

1. Accept the APR as presented by staff;
2. Accept the APR with modifications; or
3. Reject the APR and direct staff to return with additional information.

**ATTACHMENTS:**

1. 2019 HCD Annual Progress Report Tables
2. Public Hearing Notice



Jurisdiction	San Rafael	
Reporting Year	2019	(Jan. 1 - Dec. 31)

## ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

(CCR Title 25 §6202)

Note: "+" indicates an optional field  
Cells in grey contain auto-calculation formulas

**Table A**

### Housing Development Applications Submitted

Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes							Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Notes	
1					2	3	4	5							6	7	8	9	10
Prior APN +	Current APN	Street Address	Project Name +	Local Jurisdiction Tracking ID +	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Date Application Submitted	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project (Auto-calculated Can Be Overwritten)	Was APPLICATION SUBMITTED Pursuant to GC 65913.4(b)? (SB 35 Streamlining)	Notes +
Summary Row: Start Data Entry Below								1	32	0	11	0	0	24	68	34	0	0	
	1109223	1519 Lincoln Avenue		ADU19-010	ADU	R	6/4/19							1	1	1	0	No	
	1406401	311 Belle Avenue		ADU19-013	ADU	R	7/15/19							1	1	1	0	No	
	16517137	11 Park Ridge Road		ADU19-019	ADU	R	8/12/19							1	1	1	0	No	
	1215209	216 Bayview Street		ADU19-017	ADU	R	9/17/19							1	1	1	0	No	
	1218103	339 D Street		ADU19-019	ADU	R	10/7/19							1	1	1	0	No Existing unit legalized.	
	1207216	18 Frances Street		ADU19-020	ADU	R	10/10/19							1	1	1	0	No Detached unit	
	17805206	369 Orange Blossom Lane		JSU19-002	ADU	R	4/8/19				1			1	1	1	0	No	
	1121214	1016 C Street		UP19-028	ADU	R	7/3/19							1	1	1	0	No	
	1011109	20 Edgewood Way		ADU19-002	ADU	R	1/28/19							1	1	1	0	No	
	17822142	765 Beechnut Court		ADU19-014	ADU	R	7/30/19							1	1	1	0	No	
	1316134	75 Blossom Drive		ADU19-016	ADU	R	8/26/19				1			1	1	1	0	No	
	1231010	353 Clorinda Avenue		ADU19-021	ADU	R	11/7/19							1	1	1	0	No	
	1214155	39 Clayton Street		ED19-090	SFD	O	11/7/19							1	1	0	0	No	
	1214160	33 Clayton Street		ED19-091	SFD	O	11/7/19							1	1	0	0	No	
	1419212	190 Mill Street		UP19-014	5+	R	4/26/19		32					32	0	0	0	No By-right project includes prope	
	1035101	3 Shannon Lane		ADU19-006	ADU	R	4/10/19				1			1	1	1	0	No	
	1108418	21 Graceland Drive		ADU19-001	ADU	R	1/17/19				1			1	1	1	0	No	
	17529231	24 Drakes Cove		ADU19-005	ADU	R	4/3/19							1	1	1	0	No	
	17814220	716A Montecillo Road		ADU19-007	ADU	R	5/15/19				1			1	1	1	0	No	
	1202408	137 Spring Grove Avenue		ADU19-009	ADU	R	5/15/19				1			1	1	1	0	No Detached Unit	
	1205401	202 Miramar Avenue		JSU19-001	ADU	R	1/9/19				1			1	1	1	0	No Existing Unit legalized	
	17522245	771 Tamarack Drive		JSU19-003	ADU	R	4/26/19				1			1	1	1	0	No	
	1027817	78 W Crescent Drive		ADU19-004	ADU	R	3/27/19				1			1	1	1	0	No Existing Unit legalized	
	1208140	197 Hillside Avenue		ADU19-012	ADU	R	7/11/19							1	1	1	0	No	
	1314135	544 Bret Harte Road		ADU19-018	ADU	R	10/2/19							1	1	1	0	No	
	1115103	120 H Street		ADU19-022	ADU	R	12/19/19				1			1	1	1	0	No	
	1511223	77 Locust Avenue		UP19-038	ADU	R	9/24/19				1			1	1	1	0	No	
	1124540	104 Shaver Street		ED19-030	5+	R	4/25/19		1					6	7	7	0	No	
	1229119	Meyer Road		ED19-060	SFD	O	7/17/19							1	1	1	0	No	
	18403001	2000 Point San Pedro Road		ED19-082	SFD	O	10/4/19							1	1	1	0	No	
	1222218	51A Grove Street		B1910-24	ADU	R	4/29/19							1	1	1	0	No	

<b>Jurisdiction</b>	San Rafael	
<b>Reporting Year</b>	2019	(Jan. 1 - Dec. 31)

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
(CCR Title 25 §6202)

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.  
Please contact HCD if your data is different than the material supplied here

**Table B**  
**Regional Housing Needs Allocation Progress**  
**Permitted Units Issued by Affordability**

Income Level		RHNA Allocation by Income Level	2								3	4	
			2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	240	2			1						3	237
	Non-Deed Restricted												
Low	Deed Restricted	148	10	5		1						57	91
	Non-Deed Restricted		4		7	24	6						
Moderate	Deed Restricted	181										11	170
	Non-Deed Restricted		10			1							
Above Moderate		438	94	21	20	14	22					171	267
<b>Total RHNA</b>		<b>1007</b>											
<b>Total Units</b>			<b>120</b>	<b>26</b>	<b>27</b>	<b>41</b>	<b>28</b>					<b>242</b>	<b>765</b>

Note: units serving extremely low-income households are included in the very low-income permitted units totals  
Cells in grey contain auto-calculation formulas





# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

(CCR Title 25 §6202)

<b>Jurisdiction</b>	San Rafael	
<b>Reporting Year</b>	2019	(Jan. 1 - Dec. 31)

**Table D**

### Program Implementation Status pursuant to GC Section 65583

#### Housing Programs Progress Report

Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
H-1a. Annual Housing Element Review.	Provide an annual assessment of housing element.	Annually	The City has prepared the Annual Report for Year four of its 2015-2023 Housing Element, including reporting on progress towards meeting RHNA goals and program implementation.
H-2a. Design Concerns of Single-Family Homes.	Examine and amend, as needed, zoning regulations and guidelines for single-family homes.	2017	This program not yet been implemented; it is targeted for a Mid-Term time frame.
H-2b. Compatibility of Building Patterns.	Adopt design guidelines to ensure compatibility of neighborhood building patterns.	2017	This program has not yet implemented; it is targeted for a Mid-Term time frame. However, in 2018, the City prepared and approved "Good Design" Criteria for Downtown Development. These criteria combine and update several design guideline documents adopted by the City over the past 25 years. Much of this effort was focused on pursuing good design for housing projects in Downtown San Rafael, which are higher density developments close to commuter rail and transit.
H-3a. Neighborhood Meetings.	Require neighborhood meetings for larger housing development proposals and those that have potential to change neighborhood character.	Ongoing (as part of project review)	Neighborhood meetings are held (as needed) as part of individual project review. The City also encourages applicants to implement other outreach measures, including holding informal meetings with small groups.
H-3b. Information and Outreach on Housing Issues.	Continue to provide information to improve awareness of housing needs, issues and programs, and to collaborate with housing organizations.	Annually	The City has continued to provide information and to collaborate with housing organizations to foster awareness of housing resources. The City's website includes webpages on specific, housing-related topics, Housing Element policies and pending/approved housing developments. In addition, the City Manager publishes a newsletter ("Snapshot"), which often includes reports on housing issues and developments.

H-4a. Inter-Jurisdictional Housing Activities and Resources.	Continue to implement Shared responsibilities, common regulations, coordinated lobbying efforts and the housing data clearing house to efficiently and effectively respond to housing needs within the cities and county of Marin.	Ongoing	The City has continued to collaborate with Marin jurisdictions in addressing regional housing needs. The Marin jurisdiction Planning Directors meet monthly to share housing policies and tools. A County of Marin website is being develop to establish a central clearinghouse and repository for all of the local ADU and JDU ordinances and regulations. Further, a collective, cross-agency application will be filed this spring for securing SB2 Planning Grant Program funds to develop "objective design standards" (SB35 ministerial review process) that are generally applicable to and shared by the local cities/towns.
H-4b. Community Collaboration.	Encourage cooperative and joint ventures between owners, developers, and community non-profit groups in the provision of affordable housing.	Ongoing	The Community Development Department staff routinely uses its expertise and connections in affordable housing to assist local developers in pursuing housing development. In 2019, the City secured SB2 Planning Grant funds to assist a non-profit organization (Homeward Bound) with its supportive housing project for extremely-low income residents. The SB2 funds cover the cost for the Planning review process and serves as a "pilot" for a by-right review process for affordable housing projects.
H-5a. Fair Housing Program.	Ensure that written materials regarding fair housing law are provided at various public locations, and continue to refer discrimination and tenant/landlord complaints to Fair Housing of Marin, or other appropriate agency.	Ongoing	City staff continues to refer complaints to Fair Housing of Marin and Marin Mediation Services. The City continues to fund Marin Mediation Services, when the need for the service arises. The City is currently assessing and pursuing adoption of renter protection policies, practices and programs. In late 2019, the City adopted a "just cause for eviction" and "mandatory mediation" ordinance.
H-6a. In-Lieu Fees for Affordable Housing.	Contribute funding towards at least one affordable rental project for lower income households. Activities may include: acquisition/rehabilitation of existing housing; new construction of affordable housing; and rehabilitation of privately owned rental housing in exchange for affordability covenants.	Ongoing	The City continues to collect affordable in lieu fees for new residential and non-residential (commercial linkage fee) development, and has collected over \$1.5 million to date. The collected fees are held in an Affordable Housing Trust Fund. Further, a number of market-rate housing projects were entitled by the City in 2019, which incorporate affordable/BMR units (Northgate Walk, 815 B St, 703-723 3rd Street), which also include some contribution to this affordable housing fund. In 2019, the City adopted a new program and procedures for administering the Affordable Housing Trust Fund, which includes a NOFA process.
H-6b. Funding Resources.	Work with community and elected leaders to identify potential public and private funding resources for affordable housing. Seek to secure at least two new funding sources and a minimum of \$200,000 in outside funds during the planning period.	Ongoing	Resources are considered and tapped on a case-by-case basis, as affordable project applications are received. In 2019, the City received \$310,000 from the SB2 Planning Grant Program. As discussed under Program H-2b above, an application for SB2 funds have supported completing a "by right" zoning process for a non-profit sponsored supportive housing development projects for the extremely low-income community. SB2 Planning Grant funds have also been secured to develop an updated permit system to streamline housing development review and construction.

H-6c. Funding Applications.	Coordinate applications for State and Federal subsidies for affordable housing, and provide technical assistance in public funding resources and local processing requirements, including community involvement.	Annually	In 2019, the City secured \$310,000 from the SB2 Planning Grants Program. As discussed under Program H-6b above, the SB2 funds are being used to develop programs and tools to streamline housing development.
H-7a. Condominium Conversion Ordinance.	Prohibit conversion of existing multifamily rental units to market rate condominium units unless the City's rental vacancy rate is above 5.0 percent, with exceptions of limited equity cooperatives, co-housing, and other housing proposals affordable to low- and moderate-income households.	Ongoing (as part of project review)	The City continues to monitor the rental vacancy rate and restricts condominium conversions accordingly. There have been no conversions as the rental vacancy rate remains below 5%.
H-7b. Preserving Existing Rental Housing Affordable to Low Income Households At Risk of Conversion.	Conserve all 291 very low income rental units at risk of conversion to market rate as long-term affordable housing.	Contact non-profit owners within one year of potential affordability expiration.	None of the City's at-risk rental projects have converted to market rate.
H-7c. Preserving Existing Rental Housing Affordable to Low Income Households through Ongoing Affordability Restrictions.	For units owned by non- profit agencies, continue to monitor these units as required by the original funding source. For private units produced pursuant to City inclusionary requirements, continue to monitor through annual income and rent certification from property owners.	Annual rent and income certification	The City's BMR rental program is being administrating by the Marin Housing Authority. In addition, the City has an adopted "conservation of dwelling unit" ordinance, which permits residential units to be replaced or rebuilt if under their current conditions they would normally be non-conforming.
H-7d. BMR Resale Regulations.	Continue to require resale controls on ownership BMR units to assure that units remain affordable and continue to monitor database with Marin Housing.	Annually	The City, in coordination with the Marin Housing Authority continues to monitor resale controls on below market rate (BMR) units. For sale BMR unit agreements include a clause that an owner must sell the unit back to the Marin Housing Authority so the affordability can be maintained and the unit can remain in the affordable housing inventory.
H-7e. Retention of Mobile homes and Preservation of Existing Mobile home Sites.	Retain where possible this type of housing and its affordability by continuing to implement the mobile home Rent Stabilization Ordinance.	Ongoing	The rent stabilization ordinance applicable to the local mobile home parks remains in effect.
H-8a. Apartment Inspection Program.	To assure safe living conditions, continue to enforce housing codes for all apartment projects, three units or larger in size.	Inspect all apartment units in the City every 5 years	The City's Code Enforcement Division continues to administer the apartment and hotel inspection program (HIP). This Citywide program is near completion of its second cycle.

H-8b. Code Enforcement and Public Information Programs.	Coordinate housing, building and fire code enforcement to ensure compliance with basic health and safety building standards and provide information about rehabilitation loan programs for use by qualifying property owners.	Bi-weekly meetings of the Development Coordinating Committee	The City continues to conduct bi-weekly meetings of Development Coordinating Committee and Health & Safety Committee (including representatives of Fire, Police, Building, Planning, Code Enforcement and Public Works) to review development submittals and other matters of interdepartmental concern. During this period, the City launched an amnesty program for residential property owners. The amnesty allows homeowners the opportunity to obtain permits for unpermitted/illegal construction work with no levying of fines or penalties.
H-8c. Residential Rehabilitation Loan Program.	Continue to require a portion of the City's CDBG allocation to the Marin Housing Authority to provide property improvement loans and technical assistance to very low-income homeowners. Provide rehabilitation assistance to 3 very low income households annually, subject to funding availability.	Annual through the CDBG funding allocation process	The City continues to advertise the Rehabilitation Program on the City's website, and disseminate program brochures at City Hall. This program is administered by the Marin Housing Authority on behalf of the City. In 2019, the City of San Rafael in coordination with the Marin Housing Authority approved a refinancing loan to a private residential property owners for a large apartment complex. As part of the refinancing agreement, the property owner committed to complete improvements and upgrades to the apartment units.
H-8d. Relocation Assistance.	Require applicants to provide certain limited relocation assistance, per Section 14.16.279, for low-income tenants displaced by new development or property improvements.	Ongoing (as part of project review)	This requirement is reviewed as part of all development applications involving displacement of existing low income residents. During 2019, there were no reported remodeling or demolition projects that resulted in resident displacement or need for relocation assistance.
H-9a. Adaptive Housing.	Ensure compliance with State and Federal requirements for accessible units. Conduct regular "coffee and codes" meetings with design and construction industry members to discuss requirements under the Americans with Disabilities (ADA) Act.	Ongoing	The Building Division holds regular "coffee and codes" meetings with design and construction industry members to discuss ADA requirements. In 2019, the City's dormant ADA Advisory Committee was re-established and re-purposed with new by-laws. The ADA Advisory Committee provides an advisory role to the City's Chief Building Official, City Engineer and City Council.
H-9b. Reasonable Accommodation.	Implement zoning regulations to provide individuals with disabilities reasonable accommodation in rules, policies, practices, and procedures that may be necessary to ensure equal access to housing.	Ongoing	City staff continues to use a standardized set of forms to simplify and streamline the review of reasonable accommodation requests. No requests for Reasonable Accommodation were received during this reporting period.
H-9c. Housing Opportunities for Persons Living with Disabilities	Coordinate with the Golden Gate Regional Center to disseminate information on resources available to persons with developmental disabilities, including making information available on the City's website.	2015	The City has included a link to the Golden Gate Regional Center in its Planning Library as a resource for persons with developmental disabilities.

H-9d. Housing for Extremely Low Income Households.	Prioritize some in-lieu funds and Successor Agency affordable housing funds for the development of housing affordable to extremely low-income households and supportive housing.	Annually	Ongoing, as affordable housing applications are received. As discussed in Programs H-4b and H-6c above, the City is currently working with a non-profit organizations that us proposing a supportive housing development project for extremely low-income residents. The Planning process for this project is funded through a secured SB2 Planning Grant and is a pilot for a new "by right" review process for affordable housing projects.
H-10a. Co-Housing, Cooperative, and Similar Collaborative Housing Development.	Provide zoning flexibility through Planned Development District zoning to allow housing development that is based on co-housing and similar approaches that feature housing units clustered around a common area and shared kitchen, dining, laundry, and day care facilities.	Ongoing (as part of project review)	No inquiries or actions taken during the reporting period.
H-10b. Manufactured Housing.	Continue to allow quality manufactured housing in all zoning districts which allow single-family residences.	Ongoing (as part of project review)	No applications received during the planning period.
H-10c. Single Room Occupancy (SRO) Units.	Actively promote existing incentives for SRO apartments, such as no density regulations and lower parking standards, in multifamily and mixed use districts in recognition of their small size and low impacts.	Ongoing	No applications or inquiries for SROs were received in this reporting period.
H-10d. Zoning for Live/Work Opportunities.	Continue to accommodate live/work quarters in commercial districts, and allow for flexibility in parking requirements as supported by a parking study.	Ongoing	No applications or inquiries for live/work units were received in this reporting period.
H-11a. Home sharing and Tenant Matching Opportunities.	Continue to support, and consider increased participation in, the Shared Housing Project in collaboration with community partners.	Ongoing	No inquiries received during the reporting period.
H-11b. Junior Second Units	Coordinate with other Marin jurisdictions in evaluating appropriate zoning regulations to support in the creation of "Junior Second Units" Adopt standards to facilitate and seek to issue permits for at least 20 units during planning period.	2015	In 2019, the City approved three (3) junior second units (JSUs).

H-12a. Countywide Efforts to Address Homeless Needs.	Continue to support and allocate funds, as appropriate, for programs providing emergency shelter, supportive and/or transitional housing and counseling services for the homeless or persons at risk of homelessness.	Ongoing (as part of project review)	City staff (Director of Homeless, Planning and Outreach) is participating in a countywide effort to seek both temporary and permanent housing opportunities for homeless. The City is a member of "Opening Doors," which is a Committee comprised of Marin County elected officials, housing advocates/developers and homeless advocated. City also hired new Director of Homeless Planning & Outreach to bring a strategic focus to the City's efforts and to partner with other organizations.
H-12b. Good Neighborhood Relations Involving Emergency Shelters and Residential Care Facilities	Where determined necessary during review of an application, encourage positive relations between neighborhoods and providers of emergency shelters and residential care facilities by requiring shelter outreach communication programs with the neighborhoods.	As part of project review	No applications were processed for emergency shelters or residential care facilities during the reporting period.
H-12c. Residential Care Facilities.	Regularly update zoning regulations to conform to laws and do not result in overconcentration of care facilities. Explore the feasibility of requiring affordable units in assisted living facilities.	2018	This program, which is also linked to Program H-13a (Assisted Living) has not yet been implemented by the City. However, in 2018, the City Council directed staff to complete a study of the residential care and assisted living-type facilities to: a) determine their impact on the community (an aging community); and b) identify appropriate measure for affordable and/or inclusionary housing requirements. This study will be completed in 2020.
H-12d. Emergency Shelters, Transitional and Supportive Housing.	Implement Zoning Code provisions to accommodate emergency shelters, transitional and supportive housing. Amend Code Section 14.16.115 to clarify: a) Requirements for staff and services to assist residents in obtaining permanent shelter and income are permissive, not mandatory; and b) while a written Management Plan is required, it is not subject to discretionary approval.	2014	City completed Zoning Code revisions in compliance with SB 2 in 2014. City in process of amending Code to further clarify shelter provisions as specified in the Housing Element.
H-13a. Assisted Living.	Evaluate current zoning regulations for new assisted living housing, and assess options to regulate as a residential, rather than a commercial use. Evaluate establishing inclusionary housing requirements for assisted living.	2018	This program, which is also linked to Program H-12c (Residential Care Facilities) has not yet been implemented by the City. However, in 2018, the City Council directed staff to complete a study of the residential care and assisted living-type facilities to: a) determine their impact on the community (an aging community); and b) identify appropriate measure for affordable and/or inclusionary housing requirements. This study will be completed in 2020.

H-13b. "Age-in-Place" Assistance.	Continue to provide assistance to older residents to remain independent in their homes, such as the Police Department's "Are You OK?" program, the Fire Department's "Safety Check" program, Code Enforcement's continuing cooperation with Marin Social Services, and Community Services social activities offered through the Community Centers.	Annually	The City continues to offer a variety of programs and services to support seniors to age in place in their homes. The City has adopted standards to facilitate Accessory Dwelling Units (ADUs) and junior dwelling units (JDUs) to assist "over-housed" senior homeowners to remain in their homes.
H-14a. Residential and Mixed Use Sites Inventory.	Maintain a current inventory of suitable sites, and provide this information to interested developers along with information on incentives.	Ongoing	As part of the 2015-2023 Housing Element update, in 2015, the City undertook a comprehensive update of its sites zoned and suitable for residential and mixed-use development. Planning staff continues to inform developers of density bonuses and concessions available for development projects, where appropriate.
H-14b. Efficient use of Multifamily Housing Sites.	Do not approve residential-only development below minimum designated General Plan densities unless physical or environmental constraints preclude its achievement.	Ongoing (as part of project review)	The City continues to require developers/applicants to meet the minimum density requirements in designing their housing projects. The City has not approved a housing project that is below the minimum density requirements specified by the General Plan 2020 or zoning.
H-14c. Continue to implement Zoning Provisions to Encourage Mixed Use.	Encourage adaptive reuse. Explore zoning incentives to encourage lot consolidation. Review zoning requirements for retail in a mixed use building or site, and amend as necessary to allow for residential-only buildings in appropriate mixed-use zoning districts.	2017	The City continues to support mixed use development as project applications are received.
H-14d. Air Rights Development.	Evaluate the feasibility of air rights development and consider possible zoning incentives. Encourage developers of affordable housing to utilize air rights, such as above public parking lots or commercial uses Downtown.	2020	One inquiry for air rights development (over a City parking garage) was informally presented to the City during this reporting period. The developer is working with City staff on this proposal. In 2019, City staff completed a planning feasibility study of six, City-owned public parking lots to assess opportunities to partner with housing developers and consider housing development on these lots.

H-15a. Downtown Station Area Plan.	Complete Station Area parking study and Transit Center relocation analysis (2015). Study other Plan recommendations to increase housing opportunities near transit. Build upon lessons learned from the Station Area parking analysis to reevaluate parking standards on a citywide basis.	One year after the start of SMART services	In 2018, the City initiated the preparation of General Plan 2040, which is a citywide update. Included in this work is the preparation of a Downtown Precise Plan, which will cover an area that is generally 1/2-mile around the Downtown SMART commuter rail station. The intent and goal of the Downtown Precise Plan is to develop and incorporate a form-based code as a tool to streamline the environmental and development review process for Downtown projects, particularly for new housing development. This Precise Plan will incorporate the recommendations of the Downtown Parking & Wayfinding Study (adopted by the City Council in 2018), which includes creative measures for reducing parking and parking cost. The Downtown Precise Plan is expected to be adopted in 2020
H-15b. Civic Center Station Area Plan.	Study Station Area Plan recommendations to facilitate housing opportunities near transit, and implement through General Plan amendments and Zoning Code changes where appropriate.	One year after the start of SMART services	As noted in Program H-15a (Downtown Station Area Plan) above, in 2018, the City initiated the preparation of General Plan 2040, which is a citywide update. The General Plan 2040 will incorporate the recommendations of the Civic Center Station Area Plan, which includes rezoning and up zoning key sites for housing development that are within 1/2-mile of the Civic Center SMART commuter rail station. The draft General Plan 2040 includes a recommended new program to pursue funding and completion of a "specific plan" or "precise plan" for the Northgate area. It is expected that the San Rafael General Plan 2040 will be adopted in 2020.
H-16a. New Second Units	Based on past trends, support the production of an average of five second units annually, with the goal of achieving 40 units over the planning period.	Ongoing	The Community Development Department has prepared helpful informational handouts to assist property owners in determining feasibility of a second unit. In 2019, the City approved 25 ADUs. A new ADU Ordinance has been drafted and is being revised to address the recent State law changes applicable to ADUs and JDUs.
H-17a. State Density Bonus Law.	Implement State density bonus requirements, as specified within the city's Affordable Housing Ordinance, in connection with the city's Inclusionary Housing requirement.	Ongoing (as part of project review)	San Rafael has integrated State density bonus requirements within its Affordable Housing Ordinance (Zoning Code Section 14.16.030), depicting the connection with the City's Inclusionary Housing requirements. Since adoption of this ordinance, the City has approved approximately 15 residential housing developments that have included a density bonus.
H-17b. Height Bonuses.	Continue to offer height bonuses for projects that include affordable housing, and provide early design review to assist with potential design issues. Evaluate utilizing height bonuses as a tool to incentivize lot consolidation.	Evaluate lot consolidation by 2016	Since the adoption of the height bonus allowance, the City has approved approximately 15 residential housing developments that have included a height bonus.



H-17c. Waiver or Reduction of fees	Continue to offer fee waivers/reductions for applications including affordable units. Eliminate traffic mitigation fees on second units, and coordinate with local jurisdictions to lobby Las Gallinas Valley Sanitary District to reduce sewer connection fees for second units and affordable housing.	Ongoing (as part of project review)	The City received one request for fee waiver for a 32-unit supportive housing project in 2019. The fee waiver was approved by the City Council in 2020. The City has eliminated traffic mitigation fees on Accessory and Junior Accessory Dwelling units. In 2019, the San Rafael City Council received a report on the challenges to approving and developing housing. One of the identified challenges is the cost of fees for housing development projects. The City Council directed staff to study the current fees and return with a program to defer, reduce or eliminate fees for housing project to promote development. This study is underway and will be completed and presented to the City Council in late 2020.
H-17d. Efficient Project Review.	Continue to implement the Permit Streamlining Act and provide concurrent permitting.	Ongoing (as part of project review)	The City's Building Division continues to implement permit tracking and over-the-counter one-stop permitting. Planning staff continues to inform developers of density bonuses and concessions available for development projects, where appropriate. In 2019, the San Rafael City Council received a report on the challenges to approving and developing housing. One of the identified challenges is time it takes to process a Planning application through action for a housing project. Staff was directed to find ways to streamline the Planning review process by studying options to the current Design Review Permit process. Staff is reviewing options to the current Design Review Board platform for reviewing projects. It is expected that this study will be completed in mid-to-late 2020.
H-18a. Inclusionary Housing Nexus Study	Conduct affordable housing nexus study. Evaluate the Inclusionary Housing Ordinance and in-lieu fee requirements for effectiveness in providing affordable housing and amend the Inclusionary Housing Program as warranted.	2016	Through the SB2 Planning Grant process, the City has secured funds to update the 2003 affordable housing nexus study. The City is partnering with the County of Marin and other cities/towns in Marin County on the completion of this study. It is expected that the updated nexus study will be completed in mid-to-late 2020. In 2019, the San Rafael City Council received a report on the challenges to approving and developing housing. One of the identified challenges is the City's current inclusionary housing requirements (20% inclusionary). The City Council has directed staff to study options to the current inclusionary housing requirements such as: a buy-out and payment of an in-lieu fee; a combination or a reduced amount of on-site inclusionary housing and in-lieu fee payment; and a reduction in the current requirements (e.g., reducing the requirement from 20% to 15%). This study will be completed and presented to the City Council by mid-2020, followed by likely changes to the City's inclusionary housing ordinance.
H-19a. Sustainability Policies and Programs	Implement the Sustainability Element in the San Rafael General Plan to guide sustainable housing development and renovation.	Ongoing	Housing projects are required to meet Green Building and Cal Green Standards. The Green Building informational handout, which is posted on the City website, provides information on requirements, including incentives available to residential projects that achieve at least 100 Green Points or non-residential projects that achieve at least a LEED Gold rating. On May 20, 2019, the City adopted Climate Action Plan 2030 which includes local measures and programs to reduce greenhouse gas emissions.

<b>Jurisdiction</b>	San Rafael	
<b>Reporting Period</b>	2019	(Jan. 1 - Dec. 31)

# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

(CCR Title 25 §6202)

Note: "+" indicates an optional field  
Cells in grey contain auto-calculation formulas

Table E									
Commercial Development Bonus Approved pursuant to GC Section 65915.7									
Project Identifier				Units Constructed as Part of Agreement				Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
1				2				3	4
APN	Street Address	Project Name +	Local Jurisdiction Tracking ID +	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
Summary Row: Start Data Entry Below									
No commercial development bonus approved in 2019									

Jurisdiction	San Rafael	
Reporting Period	2019	(Jan. 1 - Dec. 31)

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
 (CCR Title 25 §6202)

Note: "+" indicates an optional field  
 Cells in grey contain auto-calculation formulas

**Table F**

**Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)(2)**

This table is optional. Jurisdictions may list (for informational purposes only) units that do not count toward RHNA, but were substantially rehabilitated, acquired or preserved. To enter units in this table as progress toward RHNA, please contact HCD at APR@hcd.ca.gov. HCD will provide a password to unlock the grey fields. Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in Government Code section 65583.1(c)(2).

Activity Type	Units that Do Not Count Towards RHNA <sup>+</sup> Listed for Informational Purposes Only				Units that Count Towards RHNA <sup>+</sup> Note - Because the statutory requirements severely limit what can be counted, please contact HCD to receive the password that will enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1 <sup>+</sup>
	Extremely Low-Income <sup>+</sup>	Very Low-Income <sup>+</sup>	Low-Income <sup>+</sup>	TOTAL UNITS <sup>+</sup>	Extremely Low-Income <sup>+</sup>	Very Low-Income <sup>+</sup>	Low-Income <sup>+</sup>	TOTAL UNITS <sup>+</sup>	
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Units									
Total Units by Income									

<b>Jurisdiction</b>	San Rafael	
<b>Reporting Period</b>	2019	(Jan. 1 - Dec. 31)

**NOTE: THIS table must only be filled out if the housing element sites inventory contains a site which is or was owned by the reporting jurisdiction, and has been sold, leased, or otherwise disposed of during the reporting year.**

Note: "+" indicates an optional field  
Cells in grey contain auto-calculation formulas

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
(CCR Title 25 §6202)

<b>Table G</b>						
<b>Locally Owned Lands Included in the Housing Element Sites Inventory that have been sold, leased, or otherwise disposed of</b>						
<b>Project Identifier</b>						
<b>1</b>						<b>4</b>
<b>APN</b>	<b>Street Address</b>	<b>Project Name +</b>	<b>Local Jurisdiction Tracking ID +</b>	<b>Realistic Capacity Identified in the Housing Element</b>	<b>Entity to whom the site transferred</b>	<b>Intended Use for Site</b>
Summary Row: Start Data Entry Below						
No locally owned lands sold in 2019						

<b>Jurisdiction</b>	San Rafael	
<b>Reporting Year</b>	2019	(Jan. 1 - Dec. 31)

<b>Building Permits Issued by Affordability Summary</b>		
<b>Income Level</b>		<b>Current Year</b>
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	6
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		22
<b>Total Units</b>		<b>28</b>

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

<b>Housing Applications Summary</b>	
Total Housing Applications Submitted:	31
Number of Proposed Units in All Applications Received:	68
Total Housing Units Approved:	34
Total Housing Units Disapproved:	0

<b>Use of SB 35 Streamlining Provisions</b>	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

<b>Units Constructed - SB 35 Streamlining Permits</b>			
<b>Income</b>	<b>Rental</b>	<b>Ownership</b>	<b>Total</b>
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

Cells in grey contain auto-calculation formulas

# Marin Independent Journal

4000 Civic Center Drive, Suite 301  
San Rafael, CA 94903  
415-382-7335  
legals@marinij.com  
2070419

CITY OF SAN RAFAEL  
CITY OF SAN RAFAEL  
CITY CLERK, ROOM 209  
1400 FIFTH AVENUE, SAN RAFAEL, CA 94901  
SAN RAFAEL, CA 94915-1560

## PROOF OF PUBLICATION (2015.5 C.C.P.)

### STATE OF CALIFORNIA County of Marin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer of the MARIN INDEPENDENT JOURNAL, a newspaper of general circulation, printed and published daily in the County of Marin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Marin, State of California, under date of FEBRUARY 7, 1955, CASE NUMBER 25566; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

**05/02/2020**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated this 5th day of May, 2020.



Signature

## PROOF OF PUBLICATION

Legal No. **0006481522**

### CITY OF SAN RAFAEL NOTICE OF PUBLIC HEARING

Notice is hereby given that the San Rafael City Council will hold a public hearing on the following project:

#### MEETING DATE/TIME/LOCATION: Monday, May 18, 2020, 7:00 p.m. COVID-19 ADVISORY NOTICE

Consistent with Executive Orders No.-25-20 and No. N-29-20 from the Executive Department of the State of California and the Marin County March 16, 2020 Shelter in Place Order, the San Rafael City Council meeting of May 18, 2020 will not be physically open to the public and the meeting will be streamed live to YouTube at <https://www.youtube.com/cityofsanrafael>. Instructions on how to participate online will be available on the YouTube channel.

#### PROJECT DESCRIPTION: ANNUAL PROGRESS

**REPORT (APR) ON HOUSING** – Per State law, the City of San Rafael is required to complete and submit an Annual Progress Report (APR) on housing to the State of California Department of Housing and Community Development. The APR includes data on the number of housing units submitted, approved and built in 2019, and an update on the progress of implementing programs in the City's Housing Element. Further, State law requires that the City conduct a public hearing on the APR to solicit public comments. File No.: P20-003.

As required by State law (California Environmental Quality Act), review and action on the APR must be reviewed to determine if it is subject to environmental review. As the APR is an informational report, it will have no physical impact on the environment. The APR is classified as a planning study, which qualifies for a Statutory Exemption from the provisions of the CEQA Guidelines under 14 CRR Section 15262.

**WHAT WILL HAPPEN:** You may comment on the project online through YouTube or over the telephone by calling the number provided on the agenda. The City Council will consider public comment/testimony and decide whether to accept the APR.

**IF YOU CANNOT PARTICIPATE:** You may send a letter to Lindsay Lara, City Clerk, City of San Rafael, 1400 5th Ave, San Rafael, CA 94901 or via email [Lindsay.Lara@cityofsanrafael.org](mailto:Lindsay.Lara@cityofsanrafael.org).

#### FOR MORE INFORMATION:

Contact Alicia Giudice, Principal Planner at **(415) 485-3092** or [alicia.giudice@cityofsanrafael.org](mailto:alicia.giudice@cityofsanrafael.org). **City offices are currently closed to public walk in, but you can contact the planner for more information.** You can also view the staff report after 5:00 p.m. on the Friday before the meeting at <http://www.cityofsanrafael.org/meetings>.

#### SAN RAFAEL CITY COUNCIL

/s/ Lindsay Lara  
Lindsay Lara  
CITY CLERK

No. 432 May 2, 2020



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: City Manager's Office

Prepared by: Cristine Alilovich,  
Assistant City Manager

City Manager Approval: \_\_\_\_\_

**TOPIC: COVID-19 ECONOMIC RECOVERY PLAN**

**SUBJECT: INFORMATIONAL REPORT ABOUT THE CITY OF SAN RAFAEL'S DRAFT COVID-19 ECONOMIC RECOVERY PLAN**

**RECOMMENDATION:** Accept report and provide feedback on the draft COVID-19 Economic Recovery Plan (CERP)

**BACKGROUND:**

Marin County and six other Bay Area jurisdictions have been under a Shelter in Place public health order due to COVID-19 since March 17, 2020. Marin County has developed a reopening initiative called [Marin Recovers](#). It calls for a sequential reopening of the economy informed by 13 industry-specific advisory work groups that have been formed to develop protocols that support social distancing protocols, a safe working environment, and describe specifically how each type will operate once re-opened. City staff are involved in both leading and participating in these efforts.

On [May 4, 2020](#) the City Council heard an informational report describing preliminary financial impacts of COVID-19 on the City's services based on projected revenue losses of almost \$12M through fiscal year 2020-21. The report described initial, but sudden impacts on service delivery and revenues due to the closure of City facilities, business and commerce, parks and open space, and more. It also detailed the efforts of the City and its partners to address the community's needs during this time through public safety, caring for vulnerable populations, assisting businesses, workplace safety, and public information.

The City Council also approved several initial programs to begin curbing expenses including a voluntary retirement separation program, voluntary work hours reduction program, and a mandatory furlough program.

---

**FOR CITY CLERK ONLY**

File No.: \_\_\_\_\_

Council Meeting: \_\_\_\_\_

Disposition: \_\_\_\_\_

Lastly, the May 4<sup>th</sup> informational report called for a COVID-19 Economic Recovery Plan (CERP). The purpose of this staff report is to present the draft CERP (Attachment 1) and seek initial feedback from the City Council.

For general context, below is the latest information related to COVID-19 cases in Marin County and California.

COVID-19 Activity (as of May 12, 2020)

	Marin County	California
Confirmed Cases (cumulative)	271	69,347
Deaths	14	2,779
Persons Tested	7,732	955,664
Confirmed Hospitalizations (cumulative)	48	3,218

**ANALYSIS:**

The purpose of the CERP is to communicate how the City plans to economically recover from this public health and subsequent financial crisis. The CERP has the following four sections:

- **Introduction and Purpose** – including City EOC response examples
- **Budget and Fiscal Impacts of COVID-19** – including estimates for City revenue losses and expense reductions and specific recovery strategies both already taken and in-progress/future
- **How City Services will be Impacted** - including a brief overview of likely impacts
- **Getting to Economic Recovery** - including preparing for a phased reopening, getting people back to work, and the City economic recovery actions already taken and in-progress/future.

The plan will be amended as needed due to the changing nature of the public health and fiscal crisis. Progress reports and updates will be made regularly to the City Council and to the community.

Staff’s intention is to receive your feedback and comments on this draft CERP and would then bring back a final for your consideration as part of our annual budget in June.

**COMMUNITY OUTREACH:**

The City has been communicating COVID-19 information through regular email, video, and social media updates. The May 4 City Council meeting was streamed on YouTube and has over 400 views. Staff has developed portions of this plan based on regular communication with the San Rafael Chamber of Commerce and other partners.

**FISCAL IMPACT:**

As this is an informational report, there is no fiscal impact to accepting it and providing feedback on the CERP.



**OPTIONS:**

The City Council has the following options to consider on this matter:

1. Accept informational report and provide staff with feedback on the CERP.
2. Take no action.

**RECOMMENDED ACTION:**

Accept informational report.

**ATTACHMENTS:**

1. Draft COVID-19 Economic Recovery Plan (CERP)

# COVID-19 ECONOMIC RECOVERY PLAN



DRAFT MAY 2020

## PURPOSE

The goal of the COVID-19 Economic Recovery Plan (CERP) is to communicate to San Rafael's residents, businesses, elected officials, and the City workforce how the City plans to economically recover from this public health and subsequent financial crisis. We must respond with urgency to preserve the vitality of our City and remain resilient during these unprecedented times by controlling costs and finding innovative ways to create new revenues.

This CERP describes the strategies the City has already taken to address the economic impacts of the COVID-19 Shelter in Place (SIP) orders on the City of San Rafael, both as a provider of critical government services and as a community. Additionally, it forecasts additional strategies to reduce expenses, increase revenues, and enhance the economic vitality of our City.

The CERP also outlines our work plan to reopen and reinvigorate local businesses and the economy of San Rafael.

## EMERGENCY MANAGEMENT RESPONSE TO COVID-19

To better coordinate our response to COVID-19 and the SIP orders, the City of San Rafael has been operating our remote Emergency Operations Center (EOC) since the proclamation of a Local State of Emergency on March 10, 2020. Through the EOC, City staff has been managing the logistical and operational activities behind the City's response to the pandemic, including public information communications, supporting non-profits and local businesses, and maintaining a continuity of government through innovative digital solutions in the face of disaster. The City has a [dedicated section of the City website](#) for resources and the latest information on COVID-19. Throughout the crisis, the City's public safety first responders have been there for all of us responding to calls and serving as the City's front line of defense against COVID-19.



**SAN RAFAEL IS  
RESILIENT**

# EXAMPLES OF SAN RAFAEL EMERGENCY OPERATIONS CENTER (EOC) EFFORTS TO DATE



## Emergency Childcare Program for Essential Workers

Early in the crisis the City of San Rafael's Library and Recreation Department began providing popup childcare for healthcare workers, first responders, disaster service workers, and other essential workers working or living in the county while classroom instruction is suspended. All childcare centers are following social distancing, sanitation, and hygiene guidelines.



## Support for Local Businesses

The City has partnered with the County of Marin, Chamber of Commerce, BID, and others to create a San Rafael Small Business COVID-19 Disaster Relief Fund to help businesses struggling to maintain cash flow and financial solvency during these unprecedented times. To date, over \$200,000 has been raised and over 280 grant applications were submitted. The City has also assisted businesses to interpret the Federal CARES Act and Payroll Protection Program (PPP), provided financial and legislative advocacy, maintained a directory of open businesses on the website and is playing a leadership role in the Marin Recovers reopening plan.



## COVID-19 Testing and Surge Planning

The City of San Rafael Office of Emergency Services and Fire Department have worked in coordination with the County of Marin Health and Human Services in the setup of drive-thru COVID-19 testing facilities and surge planning for potential increases in patient volume.



## Assistance for Our Vulnerable Communities

Staff has worked in coordination with local service providers to set up food distribution and local lodging providers to provide shelter for people who were experiencing homelessness and who are medically vulnerable or required to be in quarantine due to exposure to COVID-19. The City has also supported food banks, blood drives, and have even turned book drops into face covering donation sites. A [Neighbor to Neighbor Toolkit](#) was created to harness the superpower of neighbors helping neighbors to get through these difficult times together.



## Equitable Access to Information and Services

Staff has also worked in coordination with the County of Marin and San Rafael School District to expand internet access to students and families with limited or no access. The City has developed stronger translation services for public information to ensure public safety messaging is reaching as much of our community as possible, including regular informational videos in English and Spanish.



## Online Access to City Services

City staff has developed remote access to City services including a Virtual Recreation Center and an Online Library where you can participate in online story times, workshops, and live chat, or get books delivered to your doorstep. Many services are now being offered online such as remote access to building and planning permit applications.



# BUDGET AND FISCAL IMPACTS OF COVID-19

In addition to the health impacts of COVID-19, the restrictions put into place through the public health order have taken an unprecedented toll on our federal, state, and local economy. Economists are predicting cities such as San Rafael who are heavily reliant on sales tax, transaction and use tax (TUT), and transient occupancy tax (TOT) will endure the hardest financial hit.

As of April 30, it is preliminarily projected that over the next 16 months, the City will experience reductions in revenue in the range of approximately \$11,790,000, which is 14% of the City's General Fund budget. The breakdown of this financial hit is as follows: 71% of the revenue reductions are due to loss of sales and TUT, 10% is attributed to TOT, 6% is attributed to business licenses and the remaining 13% is an accumulation of several smaller revenue generating sources.

While the fiscal year 2019-20 general fund budget for operating expenses was more than \$80 million, approximately \$43 million or more than 53% was for the funding of public safety operations. Although staff is recommending reductions to these operations, the majority is planned to come from the non-public safety operating budget. Theoretically, if staff was asked to make cuts of \$12 million solely in non-public safety areas, it would take closing down the libraries, eliminating all recreation activities, cutting community development services and we still would not get to the target amount.

The economic impacts of the pandemic and shelter in place orders have a direct negative impact on our local businesses and the revenues used to operate our city. To meet our financial challenges, the City is taking steps that will create a balanced budget for fiscal year 2020-21 in line with the City Council's goals and strategies. Budget development is guided by tenets such as:

- Continually assess and improve efficiency in the delivery of services.
- Manage the size and compensation of the workforce to best deliver services given our current and anticipated financial realities.
- Seek additional revenues from all sources to meet the community's expectations of a high level of service.
- Collaborate with other Marin governmental agencies to consider partnerships and/or regionalized services to leverage resources and improve efficiency.

## REVENUE LOSS ESTIMATES

REVENUE ITEM	% LOSS	FY 19/20	FY 20/21	TOTAL LOSSES
Sales/Transaction & Use Tax	71%	\$4,930,000	\$3,440,000	\$8,370,000
Transient Occupancy Tax	10%	\$860,000	\$290,000	\$1,150,000
Business Licenses	6%	\$240,000	\$500,000	\$740,000
Permitting/Franchise/Investment Earnings	13%	\$1,120,000	\$410,000	\$1,530,000
<b>Projected Revenue Losses as of 4/30/2020</b>		<b>\$7,150,000</b>	<b>\$4,640,000</b>	<b>\$11,790,000</b>


## PROJECTED REDUCTION OVER THE NEXT 16 MONTHS

**\$11,790,000**

### THAT'S ROUGHLY...

 **\$24,194,338**

1/2 of our Police Department General Fund Budget for one year

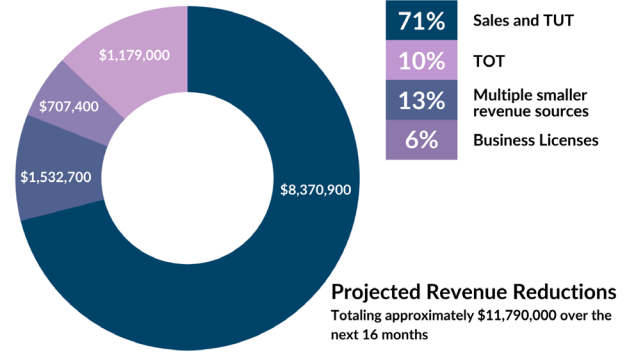
 **\$18,925,306**

2/3 of our Fire Department General Fund Budget for one year.

 **\$12,021,259**

Our entire Department of Public Works General Fund Budget for one year.

There are a number of efforts and programs that will be necessary to reduce expenses and increase revenues. In an effort to meet the revenue loss estimates, the below table lists current and potential future actions. A hiring freeze has already been instituted which would result in approximately \$1.4 million in savings annually. The City Council approved a mandatory furlough program for non-safety employees which is expected to save approximately \$700,000 for the year. This would reduce non-public safety compensation by 5%.



The City Council also approved a Voluntary Retirement Separation Program which will result in on-going salary and benefit savings to the City by not filling the vacant positions or restructuring around the vacancies. This program is expected to yield approximately \$600,000 but it is completely dependent upon the number of applications and selections.

The Council additionally approved a Voluntary Work Hours Reduction Program. This program will depend upon the number and position of the employees participating and would lower that employee's base annual pay for a period of time.

These measures will significantly help to address the projected General Fund deficit, however additional efforts will be needed including using one-time funds available from the prior year and use of the City's Emergency Reserve.

Following the Great Recession, the City has been able to build its Emergency Reserves from less than 3% to meet its policy of 10%. While a reserve figure of 15% or 20% would be optimal, the below chart illustrates reducing our reserve by a total of 5% (bringing it to 5%) through Fiscal Year 20/21. Even with these reductions, an additional \$4.2 million could be needed to meet the estimated revenue losses on the prior page. These additional budget reductions will significantly add to the negative impacts on city services, such as described on pages six and seven.

## EXPENSE REDUCTION RECOMMENDATIONS

COST CUTTING MEASURES FOR FY 19/20 & FY 20/21	AMOUNT
Hiring Freeze for non-public safety employees	\$1,420,000
Furloughs for non-public safety employees	\$700,000
Voluntary retirement separation program	\$600,000
One-time funds available from prior year	\$1,104,000
Emergency Reserve up to 2.5% per year for 2 years	\$3,766,000
Additional budget reductions	\$4,200,000
<b>Estimated Sources to Fund Projected Deficit</b>	<b>\$11,790,000</b>

# RECOVERY STRATEGIES

The City's immediate response to the economic downturn was to implement a variety of measures to reduce expenses and City staff have also identified additional cost-savings opportunities to be implemented over the coming months. We will continue to monitor the impacts of revenue and expenses and make additional recommendations for the City Council's consideration as the situation evolves.



## Actions Taken:

- Implemented a hiring freeze for non-essential positions.
- Left 14 positions vacant since March and all new, non-essential vacancies will remain unfilled.
- Halted all non-essential/discretionary spending and projects.
- Eliminated planned cost of living compensation increases for executives, management and bargaining units without closed contracts for fiscal year 2020-21.
- Offered a Voluntary Retirement Separation Program that provides an incentive to encourage employees to retire earlier than they would otherwise.
- Offered a Voluntary Work Hours Reduction Program which allows employees to voluntarily take time off work without pay.
- Actively seeking COVID-19 related state and/or federal financial assistance through the support of our local legislators.



## Actions in Progress/Future:

- Implement a Mandatory Time Off Work (MTO)/Furlough Program for non-public safety employees which is a 5% pay reduction. **(in progress)**
- Focus on re-opening the local economy and enhancing efforts on business attraction and retention during the recovery process to support businesses and increase revenues. **(in progress)**
- Continue to pursue any federal stimulus funding made available to local governments and other grants that can provide resources for projects and other one-time needs. **(in progress)**
- Finalize the fiscal year 2020-21 budget including reducing the Emergency Reserve to 5%, if needed, as well as implementing additional departmental reductions in expenses. **(in progress)**
- Evaluate savings associated with the voluntary retirement, voluntary time off without pay, and mandatory furlough program to determine if reductions in force are necessary to balance the budget.
- Meet with employee unions to work on collaborative ways to control costs and analyze other operational cost savings opportunities. **(in progress)**
- Consider increasing the Paramedic Tax within the current voter-approved cap limits.
- Evaluate the City's "master fee schedule" to bring them in line with the costs of similar Bay Area agencies and insure total cost recovery of our services. **(in progress)**
- Continue to explore and gauge community interest in other revenue generating possibilities.
- Collaborate with the County and all Marin cities and towns to evaluate opportunities for savings through partnerships, shared services, and/or other consolidation efforts. **(in progress)**
- Participate in regional groups such as Marin Recovers (and its Industry Advisory Groups) and the Marin County Council of Mayors and Councilmembers Adhoc Economic Recovery Committee that are working on reopening businesses and regional financial recovery solutions. **(in progress)**

# HOW WILL CITY SERVICES BE IMPACTED?

The City Council adopts specific [goals and strategies](#) each year along with the budget adoption process. The goals are broken down into the following 5 categories:

1. Neighborhood & Economic Vitality
2. Quality of Life
3. Public Safety
4. Public Assets
5. Foundational Services

The public health crisis has made it nearly impossible for City staff to remain focused solely on the goals/strategies developed pre-COVID-19 as the EOC and other disaster service work has been more urgent and a much higher priority in serving the community. In addition, the specific impact of the mandatory furlough means City services will need to be closed to the public for 13 calendar days during fiscal year 2020-21. Described below are some of the anticipated impacts to city services by each goal category:



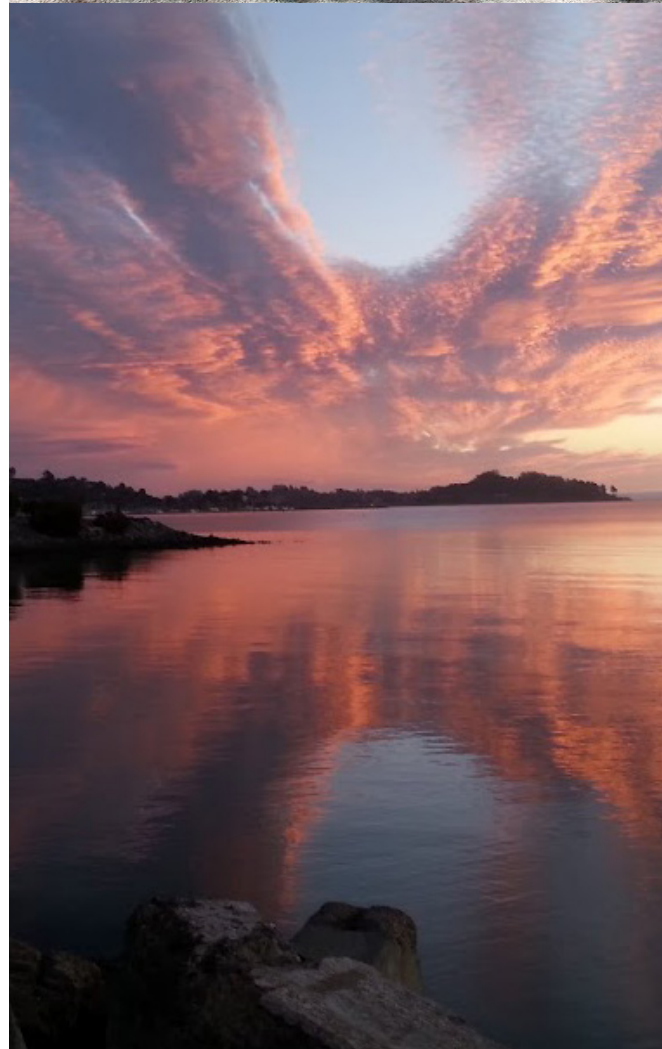
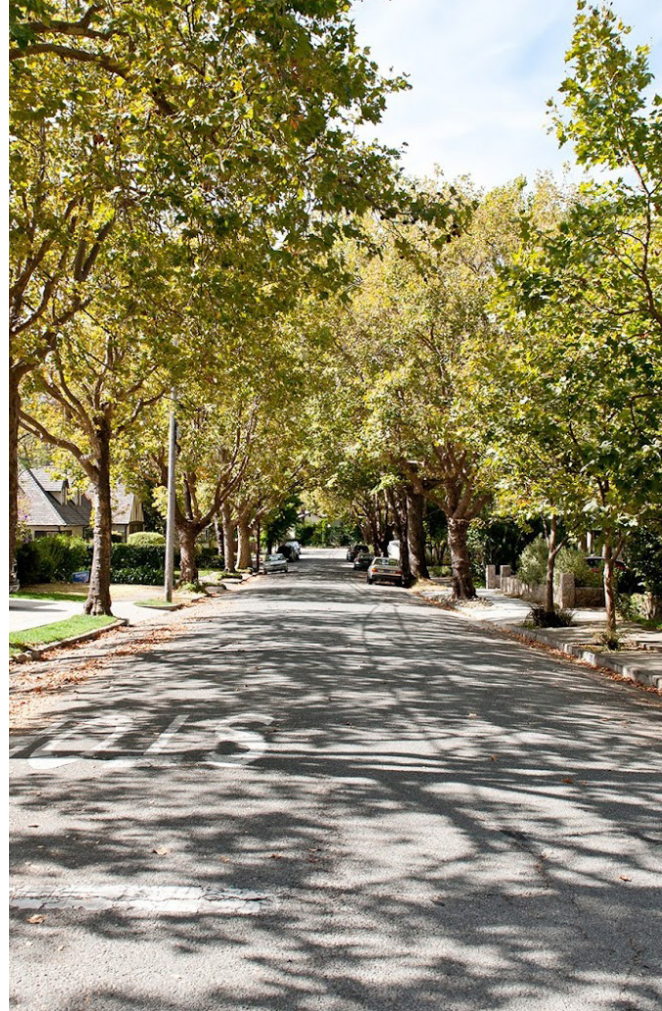
## Neighborhood & Economic Vitality

Regaining and sustaining the vibrancy of our City will be an enormous challenge in the years ahead, both as it relates to housing as well as business attraction and retention. Additionally, this goal includes the work that City staff has been successfully implementing to reduce the number of individuals experiencing homelessness in our community. Unfortunately due to job loss and economic hardships due to COVID-19 we expect to see those numbers increase. With greater needs and fewer staff resources available to help, some of the initiatives underway in this area might be slowed down and take longer to accomplish. In addition, the number of hours staff can provide public services over the counter for processing permits, etc. will be reduced and the processing of current planning development applications will be slowed. While greenhouse gas emissions are down due to the economy coming to a halt, however now is not a time to get complacent about climate change. Implementation of our Climate Change Action Plan is as important as ever.



## Quality of Life

This category is focused on the arts, culture and recreational experiences of our community, as well as improving resident engagement and governmental transparency. Due to our revenue losses, the City's three library branches may need to reduce their operational hours of service. Staff will continue to look for ways to mitigate for closures to the public. In addition, some recreation programs may not be justified if we cannot achieve full cost recovery for our staff to operate them. There are many priority initiatives planned for the coming years to improve engagement with our Latinx community and develop a City-wide data program to monitor the success of City services. City staff may need to be re-directed to focus on critical/essential delivery of services, which may result in the deferral or reduced pace of progress in these areas.





## Public Safety

We will continue to provide critical public safety services, protect our most vulnerable populations, and prioritize maintaining as much funding toward these activities as possible. However, due to the need to reduce budget in both police and fire we will need to defer equipment and vehicle purchase which in the longer term can become a safety issue. In addition, there will be less resources available for professional development/training available for our police officers and fire fighters.

In addition, the Police Department’s cadet program will be on hold which is a key strategy for identifying up and coming talent and training and retaining new public safety officers.



## Public Assets

After years of deferred maintenance due to the Great Recession, the City was beginning to make progress in improving our roads and parks. Unfortunately, this economic crisis will result in continued deferral of maintenance projects of the City’s key facilities, such as the downtown San Rafael and Terra Linda community centers. With significant projected losses in gas taxes coming from the State, as well as reductions of other funding sources, the City’s Capital Improvement Program will be impacted and fewer core infrastructure projects will be able to be accomplished in the coming year. In addition, the City may not be able to implement another sidewalk application program this year, resurfacing of streets is likely to be reduced, and we will not be able to make improvements to outdated park structures and public restrooms.



## Foundational Services

The City has a focus on exemplary service which relates to creating and sustaining a high performing team and improving our technology and digital presence. Our [Together San Rafael](#) culture initiative has grown over the last few years and has received significant awards from state and national organizations. Staff will continue to prioritize innovation and service design improvements, but it can’t be ignored that there will be far fewer staff carrying out initiatives. For example, existing staff will be needed to backfill for the many current and future vacant positions due to the hiring freeze.

While our City staff work to adapt services that meet health and safety requirements and move services online, enhancing our technological infrastructure and some improvements to digital services may need to wait until new revenue sources can be found for more costly projects. Delays in technology investments, enhancements, and automation will have a direct impact on efforts to improve service delivery.





# GETTING TO ECONOMIC RECOVERY

The novel coronavirus is causing major disruptions to businesses and communities across the world. COVID-19 is compromising supply chains, workers' hours and income, and demand for products and services as consumers are encouraged to avoid public places.

Economic recovery requires a safe start and healthy workforce. Workplaces will continue to look and operate differently. Continued physical distancing, teleworking, and other measures will continue to be necessary to keep workers and customers safe.



## A phased approach:

Businesses should be prepared for a phased comeback approach which will start with the State of California, and then be [customized by the County of Marin](#), to meet the specific needs of our community. Industries and venues will be reopened based on their ability to address health risks and comply with the state and county orders.



## Maintain physical distancing and other public health requirements:

Businesses and public spaces will need to maintain physical distancing and make modifications as necessary to keep employees, customers and the public safe.

## PREPARING FOR A PHASED REOPENING

### Leverage lessons learned:

Apply best practices from industries and businesses that have adjusted to new COVID-19 safety standards.

### Listen & Learn:

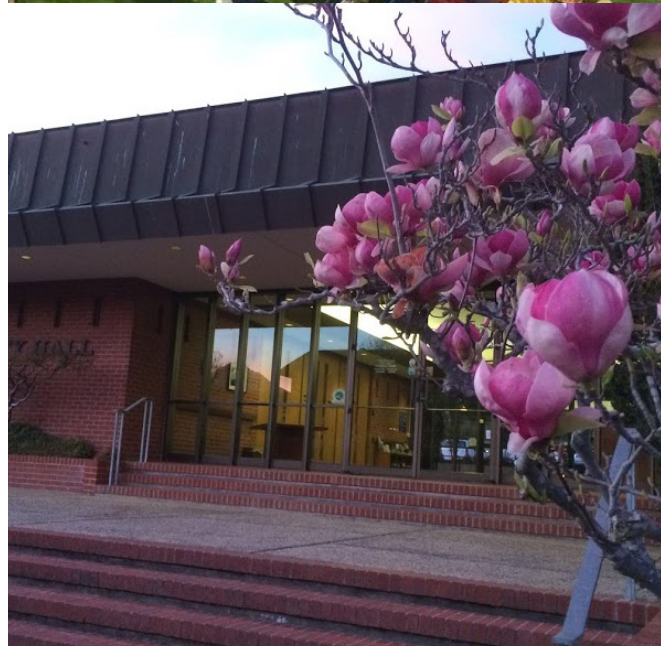
Engage with the business community to understand challenges and evolve our approach based on what we learn.

### Assist small businesses:

Help prepare restaurants, main street businesses, and manufacturers, that are critical to local economies, understand changing health and safety protocols.

### Support the recovery of regional economies:

Develop and use a data-based approach to determine support needed by sector and region to assist with recovery.





## ECONOMIC RECOVERY

San Rafael's quality-of-life is maintained and sustained by a healthy local economy. The City's beautiful natural setting, sense of community, public safety, recreation facilities, and efficient government is supported by municipal revenues. These unprecedented times require us to respond swiftly to maintain the strength of our City while controlling costs and being innovative in stabilizing revenues. Staff will be focused on long-term COVID-19 business recovery, advancing key development projects, conducting business outreach and education, and keeping local partnerships strong.

## ACTIONS TAKEN

- Partnered with the County of Marin, the San Rafael Chamber of Commerce, BID and others to administer Small Business COVID-19 Disaster Relief Grants
- Participating and advancing the County's [Marin Recovers](#) plan and taking part in the [County of Marin's Retail Industry Advisory Group](#)
- Continuing to communicate available small business federal, state, and local COVID-19 disaster relief and recovery programs
- Improving revenue stability by communicating business reopening health and safety protocols
- Promoting which San Rafael businesses are "Open for business" to the community

## ACTIONS UNDERWAY | GETTING TO A SUSTAINED RECOVERY.



### Business Recovery Support:

- Ensure businesses have a strong voice in the State and local reopening protocols and get people back to work.
- Directly assist our local businesses in taking advantage of Federal, State and Local recovery programs.
- Partner with the Chamber of Commerce and BID to find creative out-of-the-box ways to support our local businesses to maintain their viability.
- Continue to invest in our business ecosystem including infrastructure improvements (e.g. Third Street project, East and West Francisco Boulevards) and beautification efforts.



### Continued business outreach, education, and marketing/promotions.

Partner with Chamber, BID, commercial property owners, merchants, developers, and brokers to support our existing commercial base and achieve our economic goals.



### Stimulate business growth through retention, expansion, and advancing new development projects:

- Encourage business growth, private investment, and economic vitality including but not limited to: in-fill development, biotech, large format stores, hotel/lodging
- Create local employment opportunities
- Expand cannabis licenses and license types
- Improve the fiscal condition of the City by expanding the tax base



### Develop a post-COVID-19 economic development recovery strategy

Work with our community partners to advance a comprehensive and forward-looking strategy to stimulate the economic vitality of San Rafael in the post-COVID world.



## SUMMARY AND CONCLUSIONS

The City of San Rafael faces serious financial challenges to recover from the COVID-19 public health emergency and due to the unprecedented nature of this economic downturn, we will need to remain vigilant about updating our financial projections and assumptions in order to ensure we are doing enough. As economic conditions change our staff will continue to develop solutions that balance our expenses with available resources.

We have an amazing team who will work diligently to find innovative ways to keep our organization operating and providing the highest quality services to our community possible. However, we will face challenges in maintaining pre-COVID service levels with less funding and fewer staff to provide services. We will do our very best to continue building trust with our community and will always look for something we can say yes to. And we will take every necessary action to ensure the City's finances and operations remain resilient moving forward.

The City Council will move forward with the efforts outlined in this plan and will adopt the fiscal year 2020-21 budget in June. This plan will also be amended as necessary to keep up with the rapidly changing COVID-19 crisis environment. Progress reports will be prepared as part of the City's regular updates to the City Council. We will also provide updates regularly in the City Manager's Snapshot e-newsletter.

## QUESTIONS OR COMMENTS

If you have questions or comments about the Economic Recovery Plan you can make them [online at the City Website](#).



**SAN RAFAEL IS  
RESILIENT**



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Community Development**

*Paul A. Jensen*

**Prepared by: Paul Jensen, Director  
Ethan Guy, Principal Analyst**

**City Manager Approval:** \_\_\_\_\_

*AS*

**TOPIC: PLAN BAY AREA 2050 - PRIORITY DEVELOPMENT AREAS (PDA)**

**SUBJECT: INFORMATIONAL REPORT ON PROPOSED PRIORITY DEVELOPMENT AREAS FOR THE CITY OF SAN RAFAEL; P20-004**

**EXECUTIVE SUMMARY:**

As part of the General Plan 2040 preparation process for the Neighborhood Element, there has been direct outreach to and communication with the individual community and neighborhood groups/organizations throughout the City. In response, City staff has received requests from representatives of the North San Rafael/Northgate and Canal communities to pursue a deeper dive planning effort for these two areas. These representatives have requested that the General Plan 2040 incorporate programs that would commit to pursuing funding and development of a Specific, Precise or Neighborhood Plan for the Canal neighborhood and North San Rafael. In addition, community members have indicated that funding and developing a Specific/Precise Plan for their respective areas should be identified as a high priority, short-term program in the General Plan 2040. The General Plan 2040 Neighborhood Element will incorporate these programs.

The timing for programming and initiating a Specific/Precise Plan requires funding certainty and is heavily reliant on outside funding sources such as grants. The Downtown Precise Plan, which is being prepared concurrent with the General Plan 2040 was funded primarily by a One Bay Area Grant (OBAG), as the Downtown area is designated as a "Priority Development Area" (PDA). A PDA is a planning/funding tool and a key component of Plan Bay Area, a regional plan developed by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG). Plan Bay Area is updated every four (4) years).

MTC/ABAG has started developing Plan Bay Area 2050, the third update of this regional plan. ABAG/MTC has launched a call for "letters of interest" to local jurisdictions to designate new PDAs. ABAG/MTC has prepared a map showing areas potentially eligible for designating a new or expanded PDA (see Map 1, below). Eligible areas include the Canal neighborhood, and portions of North San Rafael and Northgate adjacent to US 101. The definition of a PDA has changed since its inception in 2007; PDAs are now more broadly defined as places with convenient public transit service prioritized

---

**FOR CITY CLERK ONLY**

**File No.:** \_\_\_\_\_

**Council Meeting:** \_\_\_\_\_

**Disposition:** \_\_\_\_\_

by local governments for housing, jobs, and services. PDAs are voluntarily nominated by cities and counties and are key to focusing on reducing greenhouse gas emissions, meeting the housing needs of every community, and advancing equity, mobility, and economic vitality. As the PDA nomination process is typically launched every four (4) years concurrent with the Plan Bay Area update, the next PDA nomination cycle (following this current call) is not expected until 2024.

It is important to note that establishing a PDA designation has no impact on a local jurisdiction's authority over its zoning, development review, or other land use decision. Plan Bay Area 2050 does not mandate any changes to local zoning rules, general plans, or processes for reviewing projects; nor is the plan an enforceable direct or indirect cap on development locations or targets in San Rafael.

Expanding PDAs within San Rafael presents an opportunity to access designated funding to support several City Goals and housing priorities, including:

- Adopting community-driven special or precise plans for the Canal and Northgate neighborhoods by 2025;
- Allocating additional resources to support planning for an increased RHNA allocation and corresponding Housing element update; and,
- Increasing access to designated funding and tools for streamlining planning and housing development.

Staff has met with representatives of North San Rafael/Northgate and Canal communities to discuss the potential for and pursuing a PDA designation. As part of these discussions, numerous questions were raised about how such a designation would, among others: a) impact their community; b) relate to State mandates such as the Regional Housing Need Allocation (RHNA); and c) CEQA/environmental review streamlining for development within these areas. Therefore, this report includes a discussion of a number of topic areas that are related and indirectly related to the PDA topic.

Staff finds that a nomination of PDAs in the North San Rafael/Northgate and Canal Neighborhoods is worthy of consideration, understanding that this action will increase the resources available to facilitate community-driven planning processes in these communities. Given the submittal timing requirements, nomination of PDAs will allow the City to continue to move this process forward without any impact to local planning control. Staff recognizes that additional community conversations are needed regarding these PDA boundaries. The PDA designation process is the first step of many community conversations to influence and determine the future of these PDA boundaries. Funding a Specific/Precise Plan is a tall order for the City, which requires reliance on outside funding sources such as grants. With both areas meeting the eligibility requirements for a PDA designation, the Plan Bay Area 2050 process provides an opportunity to consider the PDA designation to leverage outside funding resources to conduct this planning. The PDA designation would also set a time frame (2025) for pursuing funding and completing a Specific/Precise Plan, which is in line with the community interest to prioritize programming.

**RECOMMENDATION:**

Direct the City Manager to submit a Letter of Interest nominating Priority Development Areas for the City of San Rafael and return to City Council with an authorizing resolution before June 30, 2020.

**BACKGROUND:**

**SB 375 Sustainable Communities Strategy – Plan Bay Area**

In 2008, former Governor Schwarzenegger signed Senate Bill 375 (SB 375), which promoted a direct linkage of regional transportation plans (RTP) with the statewide goals to reduce greenhouse gas (GHG) emissions. SB 375 requires that regional metropolitan transportation organizations develop a Sustainable Communities Strategy (SCS), which is to serve as a new element to the RTP. The goal of the SCS is to reach a GHG reduction for each region. The GHG reduction target for the Bay Area was set at 15% per capita. Partnering with the Association of Bay Area Governments (ABAG), the Metropolitan Transportation Commission (MTC) developed Plan Bay Area 2040 to serve as the Bay Area's SCS. The goal of Plan Bay Area 2040 was to focus and concentrate future growth in and around a sustainable transportation system in the inner, urban areas of the Bay Area, thus reducing the need to continue to reach out to the undeveloped "green field" areas of the region to accommodate housing growth. By focusing growth in the inner urban areas, there would be less reliance on vehicle travel, which would reduce GHG emissions. As a regional Plan, the goal and intent of Plan Bay Area is to chart the course for the future of the nine-county San Francisco Bay Area. Plan Bay Area lays out regional planning policies and a set of investments that can be implemented in the Bay Area over the next 30 years; the Plan is not a near-term action or legislative proposal. The initial Plan Bay Area 2040 was completed in 2013.

It is important to note that Plan Bay Area is an aspirational regional planning document; however, it is a critical component to how transportation funding is allocated to the Bay Area (noted below). Any recommendations or findings from the Plan Bay Area process are not considered legally binding. Plan Bay Area holds no mandate or authority over local land use planning and development decisions. Any changes to planning or land use policies are held with the authority of the local jurisdictions. MTC does not have the authority to direct jurisdictions to change their planning or land use policies. Under state law, regional plans such as Plan Bay Area cannot supersede local land use authority. As stated in California Government Code Section 65080(b)(2)(K),

*"[n]othing in a sustainable communities strategy shall be interpreted as superseding the exercise of the land use authority of cities and counties within the region... Nothing in this section shall require a city's or county's land use policies and regulations, including its general plan, to be consistent with the regional transportation plan or an alternative planning strategy."*

Senate Bill 375 also established new CEQA exemptions and environmental review tools to encourage Transit Priority Projects (TPP). A Transit Priority Project is a residential or mixed-use development (at least 50% residential) that has a floor area ratio of not less than 0.75, a minimum net density of at least 20 dwelling units per acre, and is located within ½-mile of a major transit stop or a high quality transit corridor included in a regional transportation plan.<sup>1</sup> A Transit Priority Project must be consistent with the local General Plan density and intensity limitations, and the applicable policies specified for the project area in either an SCS (Plan Bay Area) or an alternative planning strategy. This legislation added new sections to CEQA to Public Resources Code 21555-21555.4<sup>2</sup> addressing streamlining review for Transit Priority Projects. The provisions are briefly summarized as follows:

---

<sup>1</sup> A high-quality transit corridor means a corridor with fixed-route bus service with service intervals of no longer than 15 minutes during peak commute hours. A project is considered to be within ½-mile within a major transit stop or high-quality transit corridor if all parcels within the project have no more than 25% of their area farther than ½-mile from the stop or corridor and if no more than 10% of the residential units, or 100 units, whichever is less in the project are further than ½-mile from the stop or corridor.

<sup>2</sup> It is important to note that there are numerous CEQA streamlining provisions for projects, particularly projects near transit. SB 743 legislation (2013) established similar streamlining for transit-oriented infill projects located within a Transit Priority

1. Per Public Resources Code Section 21155.1, a Transit Priority Project qualifies for a full CEQA exemption if it meets a list of environmental criteria including, among others: a) the site must not contain wetlands or riparian areas and would not have a significant impact on wildlife; b) the site does not contain hazardous materials that would expose future residents to health hazards; c) the project would not have a significant impact on historic resources; d) the site is not within a wildlife hazard zone; e) the site is not located on developed open space. Further, to qualify as an exempt Transit Priority Project under this section, the site cannot exceed eight acres in size, the project does not contain more than 200 units, the project does not contain any single-level building that exceeds 75,000 square feet, and the project would not result in the net loss of existing affordable units in the project area. Lastly, to be exempt, the project must provide either a component of affordable housing units or public open space equal to or greater than five acres per 1,000 residents. The legislative body is required to hold a public hearing to determine if the project meets this criteria.
  
2. Per Public Resources Code Section 21155.2, environmental review for a Transit Priority Project that incorporates all the required mitigation measures in a prior, applicable certified EIR can be streamlined through either: a) the preparation of an Sustainable Communities Environmental Assessment; or b) the preparation of a limited scope EIR. A Sustainable Communities Environmental Assessment requires the preparation of an Initial Study to identify all significant or potentially significant impacts of the project based on substantial evidence in light of the whole record. The assessment is required to be circulated for public review for a period of no less than 30-days. Notably, while a Sustainable Communities Assessment functions similar to an Initial Study/Negative Declaration, it is subject to the more deferential substantial evidence standard of review in litigation, similar to an EIR. The limited scope EIR alternative under this statute would be prepared if the project has the potential to result in new significant or changed impacts for which there is substantial evidence to conclude they will be significant and unavoidable. Neither the Sustainable Communities Environmental Assessment or the EIR alternative are required to analyze any growth-inducing impacts or any project specific or cumulative impacts from cars and light-duty trucks on global warming or the regional transportation network. Where an EIR is prepared for a qualifying residential or mixed-use project, it is not required to analyze a reduced density alternative or address the effects of car and light-duty truck trips generated by the project.
  
3. Per Public Resources Code Section 21155.4, a Transit Priority Project is exempt from environmental review if: a) it is within a Transit Priority Area;<sup>3</sup> b) the project is undertaken to implement and is consistent with an adopted Specific Plan for which a supportive EIR has been certified; c) the project is consistent with the general plan use designation, density/intensity limits; and d) the project is consistent with the applicable policies specified for the project area in the SCS.

San Rafael has areas eligible for Transit Priority Projects. To date, the City has not received any requests for streamlined CEQA review for a Transit Priority Project. While staff has not tested individual sites or potential projects for such review, the criteria to qualify for a Transit Priority Project are very prescribed, making it challenging for a development project to meet these minimum criteria. At present, no Transit Priority Project would be eligible for a CEQA exemption under SGC Section

---

Area. For such projects, aesthetics, and parking impacts of a residential, mixed-use or employment center project are not considered significant impacts, so are essentially waived from review.

<sup>3</sup> Per CEQA Guidelines Section 21099, a Transit Priority Area means an area within ½-mile of a major transit stop included in a Transportation Improvement Program or applicable Regional Transportation Plan.

21155.4 as the City does not have an adopted Specific Plan with a supportive EIR. The pending Downtown Precise Plan and supportive EIR is being prepared to provide project streamlining and possible exemptions. The full exemption under SGC Section 21155.1 could be available to the City if the project could meet all of the criteria, as no Specific Plan covering the project area is required for this exemption.

### **Plan Bay Area 2050**

Plan Bay Area 2050, the third generation of this SCS is currently underway and being developed by MTC (MTC now includes ABAG). Plan Bay Area 2050 will focus on four key issues—the economy, the environment, housing, and transportation—and will identify a path to make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. This new regional plan will outline strategies for growth and investment through the year 2050, while simultaneously striving to meet and exceed federal and state requirements. The current Plan Bay Area 2050 process has four main phases:

- Horizon- The Horizon phase started the Plan Bay Area update process. Horizon was conducted in 2018 and focused on wrestling with challenging questions about the external forces that could shape the Bay Area through 2050.
- The Blueprint- This is our current phase. The Plan Bay Area 2050 Blueprint is a package of strategies designed to advance the regional vision. Currently, MTC is in the process of developing the Draft Blueprint Plan. The vision of this draft plan is to ensure by the year 2050 that the Bay Area is affordable, connected, diverse, healthy, and vibrant for all.
- Plan Bay Area 2050- Plan Bay Area 2050 will outline a roadmap for the Bay Area's future. While it will pinpoint policies and investments necessary to advance the goal of a more affordable, connected, diverse, healthy, and vibrant Bay Area, Plan Bay Area 2050 neither funds specific infrastructure projects nor changes local policies. Cities and counties will retain all local land use authority. Plan Bay Area 2050 does identify a potential path forward for future investments – including infrastructure to improve our transportation system and to protect communities from rising sea levels – as well as the types of public policies necessary to realize a future growth pattern for housing and jobs.
- Implementation Plan- This phase will outline tangible actions that MTC, ABAG and their partners could advance to make the Bay Area more equitable and resilient in the future.

Plan Bay Area 2050 reflects a shared vision – one that cannot be implemented by any single organization or government agency. Only through partnership with local, state, and federal governments – as well as with businesses and non-profit organizations – will the Plan's vision come to fruition. Before the Plan is adopted in 2021, MTC and ABAG, along with partner organizations, will create an implementation plan that will advance the strategies outlined in Plan Bay Area 2050.

To achieve this vision, MTC staff will be adjusting their analysis to focus on [Growth Geographies](#) and [Growth Strategies](#), within the areas of Transportation, Housing, Economic, and Environmental. Purpose of the growth Strategies and Geographies for the Draft Blueprint are designed to work in concert; both are designed to align the Plan more closely with RHNA.

Plan Bay Area 2050 must meet a range of federal and state requirements. First, the Plan must be fiscally constrained, which means that strategies and investments recommended in the Plan must be possible to fund using reasonably anticipated monies. Second, as required by SB 375, the Plan must meet or exceed a recently increased GHG reduction target. Third, the Plan must accommodate housing growth at all income levels; its process is paralleling the next Regional Housing Need Allocation (RHNA) cycle process, which will influence the ultimate Plan growth pattern. Failure to achieve any of these



requirements could result in the Plan not being approved by federal or state agencies, which would lead to transportation funding consequences for the Bay Area.

### **Priority Development Areas (PDA)**

#### ***PDA History for San Rafael***

The key Plan Bay Area tool to achieving concentrated growth and reduction in vehicle trips has been the establishment of "Priority Development Areas" (PDA). The initial Plan Bay Area 2040 defined a PDA as a "geographic area close to, along or within transit nodes and connections that is sustainable for concentrated growth, particularly housing growth." The initial incentives for a PDA included, among others, greater grant and funding opportunities for planning, transportation, and infrastructure. For San Rafael, the initial Plan Bay Area 2040 designated two planned PDAs, Downtown and Civic Center.

In 2008 and 2009, the City submitted a FOCUS<sup>4</sup> application to designate Downtown San Rafael and the Civic Center/North San Rafael Town Center, respectively, as PDAs. These PDAs covered a ½-mile radius surrounding the then planned SMART stations. These applications were pursued as an opportunity for San Rafael to have access to planning funds and grants that were earmarked for PDAs, and to be eligible for a greater percentage of transportation dollars that are allocated to Marin County. In preparation for the arrival of the SMART service, the designation made it possible for San Rafael to be eligible for a planning grant to study the planned Downtown and Civic Center SMART stations, specifically to study needed infrastructure improvements for bicycle and pedestrian access, parking, security, land use opportunities and design guidelines.

In 2010, the City received a One Bay Area planning grant (OBAG) to prepare the [Downtown Station Area Plan](#) and the [Station Area Plan for the Civic Center SMART station area](#). Both Station Area Plans were completed and accepted by the City Council in 2012, presenting a "vision" for the ½- mile area surrounding the planned SMART stations.<sup>5</sup> As a vision document, the two Station Area Plans presented a list of recommendations to improve access and connectivity to the planned SMART station, recommendations for station parking and recommendations for land use changes. A number of the Plan recommendations required further study (particularly environmental review) and formal actions by the City (e.g., General Plan Amendment, Rezoning).

On September 16, 2013, City Council adopted [Resolution 13619](#) rescinding the Civic Center/North San Rafael PDA and [Resolution 13618](#) amending the Station Area Plan to scale back a number of the land use recommendations. The decision to rescind followed public concern regarding the designated Civic Center Priority Development Area and the recommendations of the Civic Center Station Area Plan. The City Council held a study session on September 6, 2013 to discuss the responses to the community questions on the Civic Center PDA and to discuss the recommendations of the Civic Center Station Area Plan. Following lengthy discussion and public comment, the City Council directed staff to prepare a resolution amending the Civic Center Station Area Plan for [presentation to City Council](#).

The Downtown San Rafael PDA remains, which made it possible to receive funding in 2018 to prepare the Downtown Precise Plan (underway). The recommendations of the 2012 Downtown Station Area Plan are being incorporated into the Downtown Precise Plan.

---

<sup>4</sup> MTC/ABAG administered the FOCUS process, which offered the local jurisdictions of the Bay Area the opportunity to designate "Priority Development Areas" (PDA).

<sup>5</sup> When the two PDAs defined them as locally identified, infill development opportunity areas within existing communities. They are generally areas of at least 100 acres where there is local commitment to developing more housing along with amenities and services to meet the day-to-day needs of residents in a pedestrian-friendly environment served by transit. To be eligible to become a PDA, an area had to be within an existing community, near existing or planned fixed transit or served by comparable bus service and planned for more housing.

***Current PDA Opportunity for Plan Bay Area 2050***

Plan Bay Area 2050 continues to use the PDA as a tool for planning future growth. However, since the initial Plan Bay Area 2040, PDAs have been more broadly redefined as places with convenient public transit service prioritized by local governments for housing, jobs, and services. PDAs range from downtowns to main streets to aging malls. PDAs are voluntarily nominated by cities and counties and are included in Plan Bay Area - the region's long-range strategy for reducing greenhouse gas emissions, meeting the housing needs of every community, and advancing equity, mobility, and economic vitality.

As mentioned earlier, PDAs are used as a key tool for MTC staff to help prioritize Growth Geographies for new housing and jobs in the Plan Bay Area 2050 Draft Blueprint. The analysis used for the Growth Geographies will utilize specific density and land use assumptions based upon Draft Blueprint Housing Strategies. MTC has released [maps of the region identifying PDA-eligible areas for all jurisdictions and the reasons for their eligibility](#).

The following areas are excluded from PDA eligibility, and not used in calculating the share of a jurisdiction's PDA-eligible land locally nominated:

- Wildland urban interface areas;
- Areas of unmitigated sea level rise (i.e., areas at risk from sea level rise through year 2050 that lack mitigation strategies in Plan Bay Area 2050 Environment Element);
- Areas outside locally adopted urban growth boundaries; and
- Parkland and other open spaces within urbanized areas identified in the California Protected Areas Database.

In local jurisdictions that have nominated less than 50 percent of the PDA eligible areas as PDAs, MTC will apply these specific density and land use assumptions on all remaining Transit-Rich Areas and High-Resource Areas within ¼ mile of a bus stop with 16- to 30-minute peak period headways. These areas can be identified in MTC maps linked above.

MTC has posted a list of frequently asked questions about PDAs, which can be accessed [here](#).

**2019 PDA Nomination Process**

MTC uses a Letter of Interest (LOI) process to allow jurisdictions to nominate PDA-eligible areas to be designated as a PDA. By nominating a PDA, the City will be providing a critical local lens in identifying additional areas that are best suited for growth in the Final Blueprint.

As stated above, establishing a PDA has no impact on a jurisdiction's authority over its zoning, development review, or other land use decision. PDAs are voluntary local designations that help ensure regional planning and investment decisions are shaped by community priorities. Jurisdictions retain local land use authority and that local jurisdictions will continue to determine where future development occurs. Plan Bay Area 2050 will be supported through implementation efforts such as neighborhood-level planning grants for PDAs and local technical assistance. As with the initial Plan Bay Area 2040, the current Plan Bay Area 2050 does not mandate any changes to local zoning rules, general plans or processes for reviewing projects; nor is the plan an enforceable direct or indirect cap on development locations or targets in the region. As is the case across California, the Bay Area's cities, towns, and counties maintain control of all decisions to adopt plans and to permit or deny development projects.

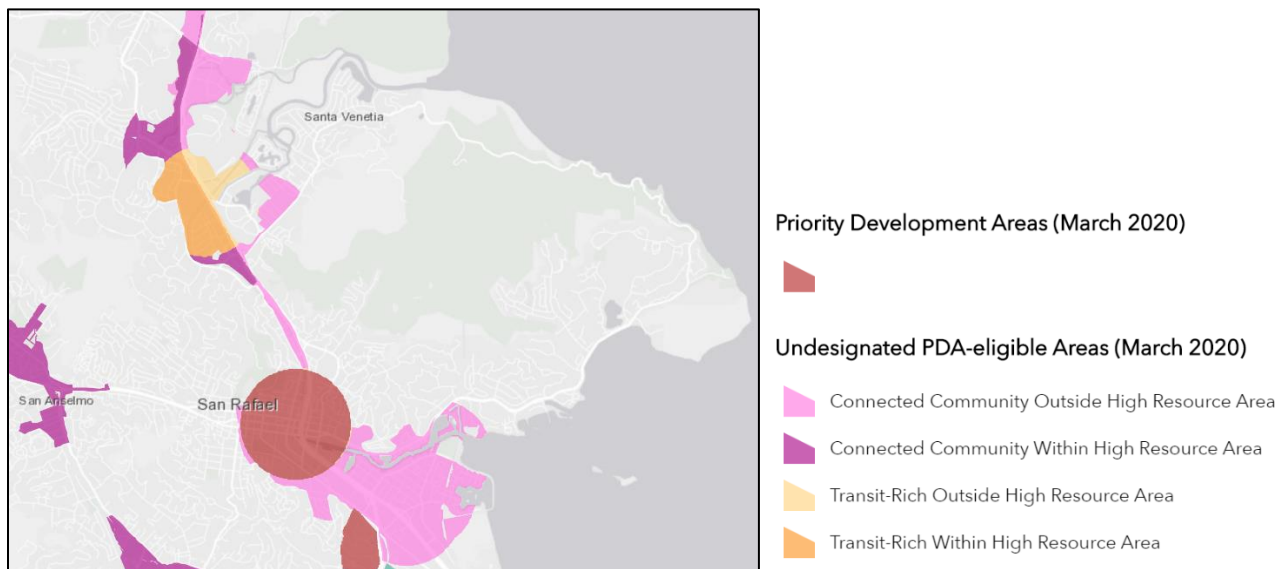
Last year, MTC conducted an LOI process to nominate new and expanded PDAs for consideration as locations for focused housing growth in advance of the Plan Bay Area 2050 Blueprint planning process.

However, many jurisdictions did not nominate most of their PDA-eligible areas for consideration, creating challenges in advancing critical equity and sustainability goals for the region and the state. In response, MTC initiated a second LOI process for jurisdiction to nominate PDAs for consideration in Plan Bay Area 2050 Final Blueprint.

Under this second round of nominations, LOIs must be submitted by May 31, 2020. LOIs can be signed by the Planning Director or City Manager. However, Resolutions from a City Council or Board of Supervisors are required for new PDAs, and must be adopted or agendized by May 31, 2020, with all agendized resolutions adopted by June 30, 2020.

While designating a PDA does not modify local land use control, continued [PDA eligibility is contingent on initiating a specific, precise, or equivalent plan for housing and job growth by 2025](#). For PDA areas designed a “Connected Community Outside High Resource Area”—as is the case with proposed Canal PDA described in the Analysis section—jurisdiction also need to adopt Vehicle Miles Traveled (VMT) reduction plans by 2025. The Canal and Northgate areas meet the eligibility requirements for PDA designation (**Map 1**). Because the new General Plan 2040 will include prescribed programs committing to pursue funding and completion of Specific/Precise Plans for the Canal and Northgate areas, it is worthy to consider a PDA designation for these areas.

**Map 1. Spring 2020 PDA Guide Map- San Rafael**



To assist with the adopting of these plans, Jurisdictions with PDAs have access to dedicated funding for plans and infrastructure improvements in PDAs. Since 2012, MTC has invested more than \$630 million in PDA projects that advance community goals, including new sidewalks and bike lanes, downtown plans, and improved transit access.

**ANALYSIS:**

Due to the many state programs related directly and indirectly to the Plan Bay Area process, staff has provided the below summary table outlining the key program elements:

**Summary of Relevant State Programs**

<b>Topic</b>	<b>Priority Development Area (PDA)</b>	<b>Regional Housing Need Allocation (RHNA)</b>	<b>Transportation Priority Project (TPP)</b>
Update Cycle	<ul style="list-style-type: none"> <li>• Every four (4) years</li> </ul>	<ul style="list-style-type: none"> <li>• Every eight (8) years</li> </ul>	<ul style="list-style-type: none"> <li>• As needed</li> </ul>
Methodology	<ul style="list-style-type: none"> <li>• Uses TCAC Opportunity Maps &amp; Indicators<sup>6</sup></li> <li>• Transit Proximity</li> </ul>	<ul style="list-style-type: none"> <li>• Uses TCAC Opportunity Maps &amp; Indicators</li> </ul>	<ul style="list-style-type: none"> <li>• Transit Proximity</li> </ul>
Jurisdiction	<ul style="list-style-type: none"> <li>• MTC/ABAG</li> </ul>	<ul style="list-style-type: none"> <li>• California HCD</li> </ul>	<ul style="list-style-type: none"> <li>• California HCD</li> </ul>
Requirement	<ul style="list-style-type: none"> <li>• Voluntary by local jurisdiction</li> </ul>	<ul style="list-style-type: none"> <li>• Required by State Law</li> </ul>	<ul style="list-style-type: none"> <li>• Projects within a designated area allowed access to streamlined CEQA review<sup>7</sup></li> </ul>
Process to Change	<ul style="list-style-type: none"> <li>• Allowed throughout the planning process</li> <li>• can be rescinded, if necessary</li> </ul>	<ul style="list-style-type: none"> <li>• No Change within a planning cycle</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
Penalties for non-compliance	<ul style="list-style-type: none"> <li>• None, cannot impact local planning</li> </ul>	<ul style="list-style-type: none"> <li>• Yes, limitations placed on local oversight</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
Funding	<ul style="list-style-type: none"> <li>• Jurisdictions with PDAs have access to additional funding</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>

Staff finds that it is worthy to consider designating a Canal PDA and reconsidering a more focused PDA for Northgate area based on the following findings and information:

**1. Relationship to the City’s Housing Priorities**

As part of the [housing policy priorities approved by the City on January 21st, 2020](#), staff was directed to pursue options policy and development opportunities to reduce the constraints to housing development. Nomination of PDAs of Plan Bay Area 2050 falls firmly within this direction. The PDA process would begin the planning for necessary to accommodate increases in housing and jobs as well as conducting the environmental review needed to spur housing development.

Like the Downtown Precise Plan, a PDA designation will allow the City opportunities to leverage important funding and technical assistance provided through MTC. MTC anticipates releasing a call for funding for PDA planning--which would allow activities similar to the Downtown Precise Plan—Fall 2020. Additional planning funding is likely to also be available through the next Plan Bay Area, which is scheduled for adoption in 2021, making funding likely available in 2022. Designation of multiple PDAs would also not create a disadvantage to access to these funds. Funding application would be conducted for each individual PDA, and the applications would be assessed the same as all others.

In addition, many competitive state transportation and housing funding programs now prioritize projects in places that implement regional plans such as PDAs. Increasing the number of PDAs in San Rafael will increase the number of projects competitive for these statewide funding opportunities.

<sup>6</sup> <https://belonging.berkeley.edu/tcac-2020-preview>

<sup>7</sup> None of the streamlining mechanisms available under SB 375 apply to developments in PDAs. Additionally, for projects in a TPP, the scope of topics that must be discussed in CEQA documents is so vast, the value of eliminating these topic areas is somewhat limited.

**2. Relationship to RHNA**

Plan Bay Area 2050 does not establish new state-mandated [Regional Housing Needs Allocation](#) (RHNA) numbers for any jurisdiction. RHNA cannot allocate specific housing requirements to a PDA as allocations must be done at the jurisdiction level. However, the indicators used to determine RHNA allocations overlap with the indicators used to determine PDA eligible areas. The PDA designation itself does not increase the RHNA allocation. Jurisdictions with PDA eligible areas will get a higher RHNA allocation, regardless if the area is designated a PDA or not.

While RHNA and Plan Bay Area 2050 are separate planning processes, Plan Bay Area 2050 is required to incorporate RHNA allocations for the period of time with RHNA is valid. Due to this relationship, MTC has made a concerted effort this year to better align development of both documents. The key difference between these documents is RHNA has legal implications and Plan Bay Area 2050 is solely a planning and aspirational document. But by nominating these areas as PDA's we expand our access to the funding and technical assistance provided by MTC to better meet these RHNA goals.

**3. Relationship to Pending General Plan 2040**

The designation of two new PDAs would not impact the current work on nor prejudice the outcome of the San Rafael General Plan 2040. The draft San Rafael General Plan 2040 and supportive Draft Environmental Impact (DEIR) are near complete and are expected to be published for public review within the next month. With work in earnest on Plan Bay Area 2050 not occurring until after the completion of the General Plan process, pertinent data or projections from this regional plan would be reviewed and considered when pursuing a subsequent Specific/Precise Plan process for these two areas. A decision on the PDA designation by the MTC/ABAG Board will not occur until fall 2020. The same approach is being taken with the San Rafael Transit Center Relocation Project. A specific site for this project has yet to be selected, so the San Rafael General Plan 2040 and Downtown Precise Plan will acknowledge that the determination of the selected site will be made after the city adopts these Plans.

As part of the General Plan 2040 process, representatives from the Northgate and Canal communities have requested incorporation of Plan programs: a) requesting a deeper dive into long-range planning for their respective neighborhoods; and b) endorsing the City to pursue funding and development of Specific/Precise or similar plans for their respective areas. Further, community members have indicated that funding and developing a Specific/Precise Plan for their respective areas should be identified as a high priority, short-term program on the General Plan 2040. Funding a Specific/Precise Plan is a tall order for the City, which requires reliance on outside funding sources such as grants. With both areas meeting the eligibility requirements for a PDA designation, the Plan Bay Area 2050 process provides a strong argument to consider the PDA designation to leverage outside funding resources to conduct this planning. The PDA designation would also set a time frame (2025) for pursuing funding and completing a Specific/Precise Plan, which is in line with the community interest to prioritize programming.

**4. Rationale to Consider a Canal PDA**

A Canal PDA would help align regional planning with the priorities identified in the General Plan 2040. Nominating a Canal PDA would present a significant opportunity to increase access to dedicated regional funding and technical assistance. A potential increase in dedicated funding could be used to facilitate a robust community-driven planning process to develop a specific or precise plan for the Canal Neighborhood. Access to these planning funds could not be timelier with the inequities felt by the Canal neighborhood as a result of the region's housing crisis and the disproportionate impact presented by sea level rise. Additionally, with the "Connected Community" PDA designation,

the City efforts would also include adoption two or more policies shown to reduce vehicle miles traveled.

**5. Rationale to Reconsider a Northgate PDA**

There have been a number of significant changes since the City's 2013 action rescinding the Civic Center/Northgate PDA. First, the definition of a PDA as it applies to San Rafael has changed from being a ½-mile radius surrounding a rail station or transit center to a more fluid configuration that considers numerous factors such as proximity to transit and the transportation network and opportunities for housing. The local jurisdictions are given the discretion to custom-configure areas eligible for a new PDA or expanded PDA. This change is critical as one of the major concerns about the former Civic Center/Northgate PDA was that it included lands east of US 101 and the developed neighborhood south of Mt. Olivet Cemetery (San Rafael Meadows, Merrydale/Redwood Highway). The rescinding of the PDA designation also resulted in amending the Civic Center Station Area Plan to: a) propose no land use or development changes to the areas east of US 101; and b) reduced building heights and development intensities along the Redwood Highway and Merrydale Road frontages south of the SMART rail line and Mt. Olivet Cemetery. Second, with the ability to customize the PDA boundaries, the area can be focused on and around the Northgate Mall, which is the site of most interest in the community for a deeper planning study.

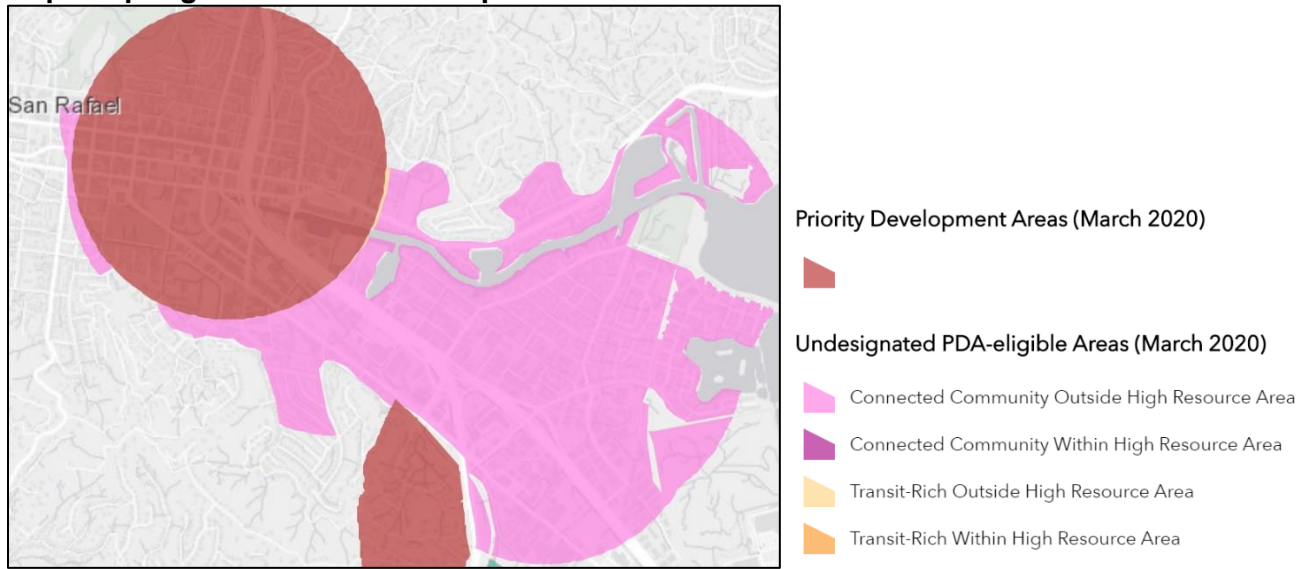
To file a LOI, the City is required to define the boundaries of the PDA and provide basic jobs, housing, and population data for the defined areas. Staff has prepared PDA boundary options for each potential PDA (See Attachment 2). The boundary options and related information are described below, followed by a staff recommendation for each potential PDA. Once the LOI is submitted, it will go to the ABAG Board for approval, likely in August or September 2020. If approved, the PDAs would then be included in the analysis conducted as part of Plan Bay Area 2050 and be eligible for funding opportunities related to PDAs.

It is also important to note, MTC Staff have confirmed that the City will be to make future adjustments to the PDA boundaries after Plan Bay Area is adopted. For instance, if during the development of a Precise Plan, or any subsequent planning process, new PDA boundaries are determined, future updates to Plan Bay Area would reflect these changes. Additionally, MTC Staff have stressed there is no requirement that a local plan achieve consistency with Plan Bay Area (i.e. housing densities). Plan Bay Area 2050 is studying a possible pattern of future growth to 2050 to understand what is needed to meet the regions GHG reduction targets and does not come with any requirements for the jurisdiction.

**Proposed Canal PDA**

As seen in **Map 2**, the PDA eligible area in the Canal Neighborhood includes large area's west of Highway 101 and portions of Point San Pedro Road along the Canal. After review of the PDA eligible areas, Staff has created three PDA options. Based upon community feedback, in all three options, staff has extended the PDA boundary to include the non-PDA-eligible areas southeast of Bellam Blvd, in-order to include the Canalways property and businesses along Windward Way.

**Map 2. Spring 2020 PDA Guide Map- Canal**



Inclusion of the Canal as a PDA is consistent with the following General Plan policies:

**NH-1. Neighborhood Planning.**

Engage neighborhood associations in preparing neighborhood plans for their area.

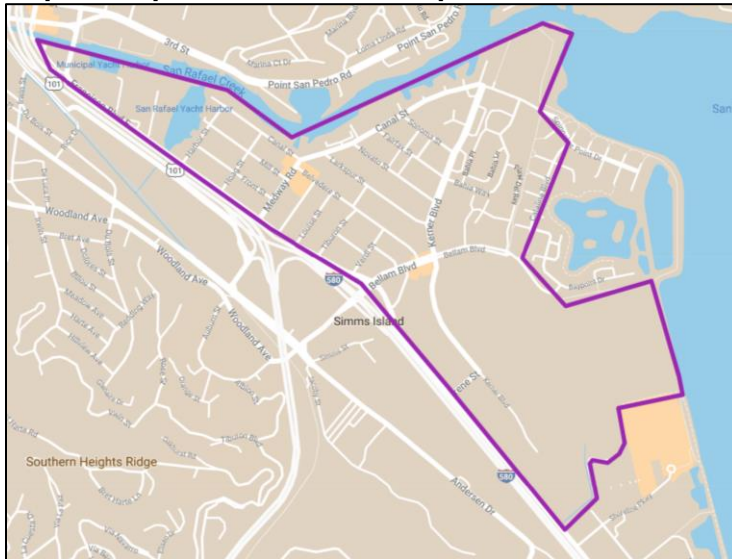
NH-1a. Neighborhood Planning Process. Develop a neighborhood planning process where there is significant desire or need for a neighborhood plan. As of July 2003, neighborhoods expressing a desire for a neighborhood plan are Bret Harte, Gerstle Park, Lincoln/San Rafael Hill, the Santa Margarita area in the Terra Linda neighborhood and **the Canal**.

**NH-50. Canal Neighborhood Plan.**

Prepare a new Canal Neighborhood Plan. Building on the results of Canal Voice, create a vision for the neighborhood that addresses the need for better access, more shopping and services, and improved housing.

Canal PDA Option 1

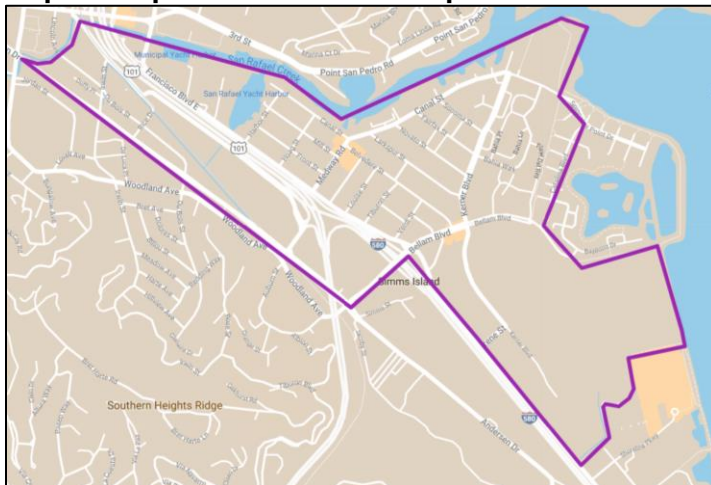
**Map 3. Proposed Canal PDA- Option 1**



Canal PDA Option 1 (**Map 3**) includes the major boundaries of the area canal waterfront and a large portion of the Canal neighborhood (see General Plan 2020). This area contains most of the residential areas and include the Canalways property. It does not include Spinnaker/Baypoint, which is developed with single family homes

Canal PDA Option 2 -Canal with Marin Square

**Map 4. Proposed Canal PDA - Option 2**



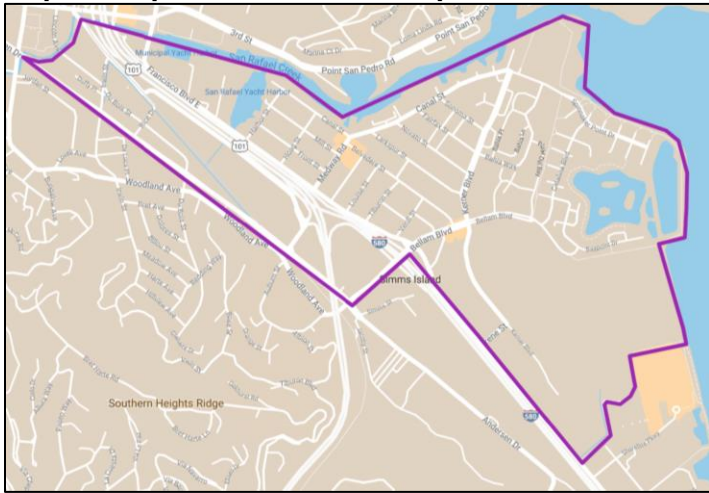
Canal PDA Option 2 (**Map 4**) includes the major boundaries of the area canal waterfront and a large portion of the Canal neighborhood (see General Plan 2020). It does not include Spinnaker/Baypoint, which is developed with single family homes. This Option includes the-PDA eligible areas to the west of the highway bounded on the west by Andersen Dr. and would connect with the Downtown PDA at San Rafael Creek to the north. Also included in this option is the Marin Square property, which would be consistent with General Plan Policy NH-58:



*Encourage joint planning for the Marin Square/Gary Place area, including improved access to Gary Place. With any future redevelopment of the Marin Square shopping center and Gary Place, emphasize the following land uses: mixed-use (retail on the ground level and residential above), and possibly a hotel*

**Canal PDA Option 3 -Canal with Marin Square**

**Map 5. Proposed Canal PDA- Option 3**

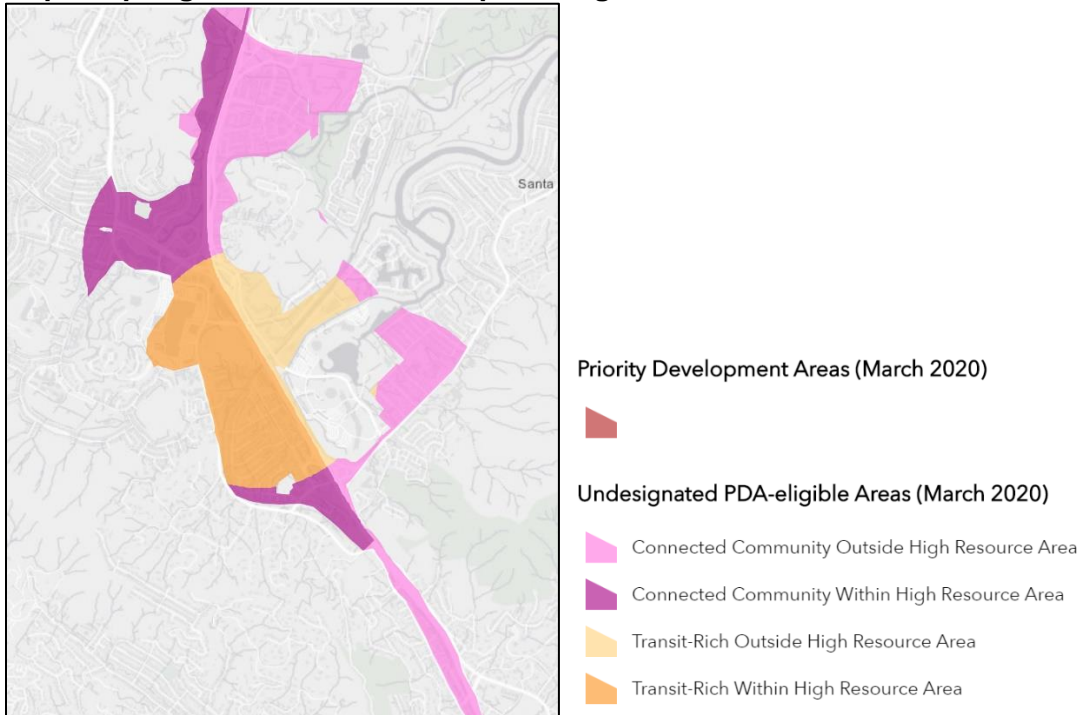


Canal PDA Option 3 (**Map 5**) would include all areas described in Option 2, and expand the boundary to include Spinnaker/Baypoint.

**Proposed Northgate PDA**

As seen in **Map 6**, the PDA eligible area in North San Rafael includes a large area ranging for immediate surrounding the Civic Center SMART Train station and following the path of the SMART train along Lincoln Ave. Due to feedback received during the 2013 PDA process, Staff has proposed three PDA options that are much more limited in size and scope than what is PDA eligible. As a result of this limited size, staff proposes naming this PDA the “Northgate PDA” rather than the “Civic Center/North San Rafael PDA” naming convention used in 2013. Like the Canal PDA options above, while staff has provided a recommendation, City Council may also suggest a different PDA boundary to be included in the resolution under consideration.

**Map 6. Spring 2020 PDA Guide Map- Northgate**



In all three options, staff has included Northgate Mall, Northgate III, Northgate I center and the Las Gallinas office and gas station areas. In all options, Mt. Olivet Cemetery has been removed. The Northgate Mall areas include land that is designated General Commercial/Office which provides opportunities for residential densities of 15-32 units per acres. Inclusion of this area in the PDA would be consistent with the following General Plan Policies:

General Plan Policy NH-132 Town Center Activities, which states:

*Create a Town Center with high quality retail stores for local residents as well as the broader community. Broaden the appeal of the Town Center area by improving pedestrian traffic, increasing the number of local shoppers, and attracting a mix of high-quality stores, entertainment, and services.*

NH-133. Northgate Mall, which states:

*Revitalize the economic health of the Northgate Mall and surrounding business areas. Encourage efforts to revitalize and expand Northgate Mall, including improving the mix of activities and the quality of shops, and upgrading the appearance of the buildings and landscaping, while maintaining a scale consistent with the surrounding community and not exceeding infrastructure capacity. Allow the addition of residences, maximize the potential for affordable housing, and incorporate promenade improvements as described in the North San Rafael Promenade Conceptual Plan in any substantial rehabilitation or expansion of the mall.*

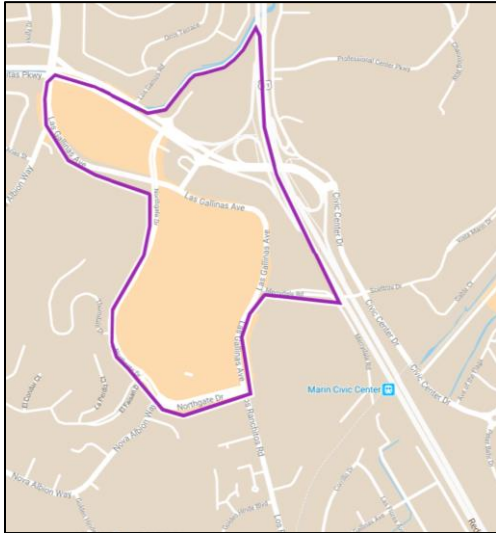
NH-139. Pedestrian and Bicycle Safety and Accessibility, which states:

*Improve access and bicycle/pedestrian connections between Northgate One, the Mall at Northgate and Northgate Three.*

Northgate PDA Option 1

Northgate PDA Option 1 includes only the PDA-eligible areas surrounding Northgate Mall, Northgate III, and the Four Points by Sheraton, and extending to the intersection of Las Gallinas Avenue and Manuel T. Freitas Parkway.

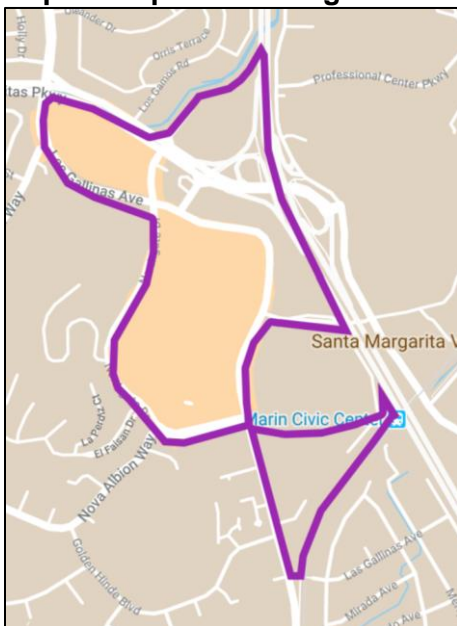
**Map. 7 Proposed Northgate PDA- Option 1**



Northgate PDA Option 2

Northgate PDA Option 2 (**Map 8**) includes all of the Option 1 area and expands the PDA boundary to include the triangle shaped area immediate west of the Civic Center SMART station bound on the north by Mt. Olivet Cemetery, on the south by the SMART train tracks, and the west by Los Ranchitos Rd.

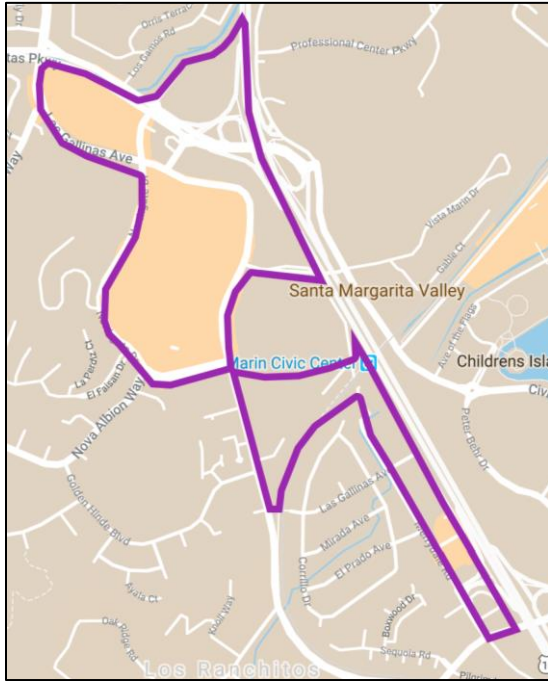
**Map. 8 Proposed Northgate PDA- Option 2**



Northgate PDA Option 3

Northgate PDA Option 3 (**Map 9**) includes all of Option 2 and expands the PDA boundary along the 101 Corridor to include the business south of the Civic Center SMART station between Redwood Highway and Merrydale Rd. ending at San Pedro Rd.

**Map. 9 Proposed Northgate PDA- Option 3**



**Staff PDA Recommendation**

Staff finds that a nomination of PDAs in the North San Rafael/Northgate and Canal Neighborhoods is worthy of consideration, understanding that this action will increase the resources available to facilitate community-driven planning processes in these communities. Given the submittal timing requirements, nomination of PDAs will allow the City to continue to move this process forward without any impact to local planning control. With both areas meeting the eligibility requirements for a PDA designation, the Plan Bay Area 2050 process provides an opportunity to consider the PDA designation to leverage outside funding resources to conduct this planning. The PDA designation would also set a time frame (2025) for pursuing funding and completing a Specific/Precise Plan, which is in line with the community interest to prioritize programming.

**COMMUNITY OUTREACH:**

Due to the COVID-19 Shelter-In-Place and the required timing for response, robust community engagement was unable to occur as part of the Letter of Interest process. However, City staff conducted conference meetings with key representatives of the Canal neighborhood and North San Rafael areas. Canal representatives are receptive and supportive of a PDA designation for the Canal area.

In the conference with the North San Rafael representatives, there were concerns expressed and some very good and detailed questions raised about the impacts of creating a PDA. The questions and issues

raised have been covered in this report. In addition, representatives inquired about similar call for letters of interest to nominate Priority Conservation Areas (PCA). Plan Bay Area defines a PCA as follows:

*“Priority Conservation Areas, or PCAs, are regionally significant open spaces which have broad agreement for long-term protection. These are lands that are being pressured by urban development and other factors, and they are supported through local government consensus.”*

There are 165 Priority Conservation Areas that have been adopted throughout the region. These areas typically include natural landscapes (e.g., wetlands), agricultural land, urban greening, and recreation that is of regional significance. Marin County includes PCAs, most spanning large areas of West Marin agricultural land and large areas of permanent open space in the eastern corridor. The window for submitting nominations for new PCAs closed in 2019.

It is also important to note, that the Letter of Interest nominating a PDA is only the first step of the PDA process. One of the main purposes of the PDA process is to better focus planning efforts and ensure regional planning and investment decisions are shaped by community priorities. MTC is finalizing their engagement strategy to respond to COVID-19, but regardless of the format, they will be highlighting the role of PDAs – emphasizing local nomination - as part of the Plan’s strategies. Additional information will be made available when finalized.

As stated earlier, refinement of the PDA will be a community driven process utilizing subsequent planning processes, like specific and precise places. A PDA designation will allow the City to access designated funding and tools provided by MTC to help facilitate these discussions.

**FISCAL IMPACT:**

There is no fiscal impact of nominating a PDA. As described in the Background section, Jurisdictions with PDAs have better access to designated funding streams specifically design for the implementation of PDAs. For example, the PDA designation for Downtown San Rafael provide access to One Bay Area Grants (OBAG), which greatly subsidized the Downtown Station Area Plan (\$250,000) and the Downtown Precise Plan (\$600,000). The City was awarded OBAG funds for sidewalk improvements along Francisco Boulevard East (\$2.1 million), as this street is within the boundaries of (and tributary to) the Downtown PDA. Lastly, in 2013, the City was awarded OBAG funds (\$1.9 million) for Downtown transportation enhancement improvements (signalization upgrades and other improvements) to prepare for the planned SMART rail service. These enhanced transportation improvements were identified as a high priority program in the Downtown Station Area Plan (2012).

**OPTIONS:**

The City Council has the following options to consider on this matter:

1. Direct the City Manager to submit a Letter of Interest nominating Priority Development Areas for the City of San Rafael and return to City Council with an authorizing resolution before June 30, 2020.
2. Direct the City Manager with modifications.
3. Direct staff to return with more information.
4. Take no action.

**RECOMMENDED ACTION:**

Direct the City Manager to submit a Letter of Interest nominating Priority Development Areas for the City of San Rafael and return to City Council with an authorizing resolution before June 30, 2020



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Finance**

**Prepared by:**

**Bill Guerin, Director of Public Works  
Susan Andrade-Wax, Library &  
Recreation Director  
Nadine Atieh Hade, Finance Director**

**City Manager Approval:**



**TOPIC: MEASURE A WORK PLAN AND PRELIMINARY CAPITAL IMPROVEMENT PROGRAM**

**SUBJECT: RESOLUTION APPROVING THE MEASURE A WORK PLAN FOR PROPOSED EXPENDITURE OF MEASURE A FUNDS FOR JULY 1, 2020 – JUNE 30, 2021; AND REPORT ON PRELIMINARY THREE-YEAR CAPITAL IMPROVEMENT PROGRAM**

**RECOMMENDATION:**

1. Adopt a resolution approving the Measure A – Open Space Work Plan for Fiscal Year 2020-2021.
2. Accept informational report regarding the preliminary three-year Capital Improvement Program for FY 2020-21 through FY 2022-23 and provide direction to staff.

**INTRODUCTION:** The purpose of this report is to present the preliminary three-year Capital Improvement Program for Fiscal Year (FY) 2020-21 through FY 2022-23 for review, as well as to present the Measure A – Open Space Work Plan for approval. This presentation will provide the City Council and community members an opportunity to participate in reviewing and sharing feedback relating to the CIP and the Measure A – Open Space Work Plan. While the CIP will be formalized in a full, detailed report and incorporated into a final, proposed citywide budget for FY 2020-21 to be presented to the City Council for approval in June 2020, staff seeks City Council feedback of the preliminary CIP project list at this time. The Measure A – Open Space Work Plan will also be approved as part of the recommended action of this report.

The preliminary capital improvement program work plan was discussed at the City Council Finance Subcommittee meeting on April 14, 2020, and the Measure A – open space work plan was discussed at the City Council Finance Subcommittee meeting on May 12, 2020 at which time staff was directed to bring forth these items to the City Council.

---

**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

**BACKGROUND:**

***Measure A***

In November 2012, an ordinance of the County of Marin (“Measure A”) was approved by a two-thirds majority of the electors voting on the Measure. Measure A imposes a nine-year, one-quarter of one (0.025) percent retail transactions and use tax (TUT) that is administered by the County of Marin. The purpose of Measure A is to support the preservation of Marin County parks, open space preserves and farmland. The tax is estimated, at current collection levels, to generate approximately \$10 million per year. This level of revenue changes during the life of the Measure due to the variability in annual receipts.

Measure A’s expenditure plan outlines three (3) programs for spending the sales tax proceeds. Each program is described by its funding allocation, and types of projects and activities that the funding supports.

- County Parks and Open Space Program (65%)
  - 80% is to protect or restore natural resources and maintain existing county parks and open space preserves.
  - 20% is dedicated to the permanent preservation of land for public open space, community separators, wildlife corridors, greenbelts, and habitat.
- Farmland Preservation Program (20%)
  - To protect Marin County farmland at risk of subdivision and development and preserve Marin's working farms and ranches.
- City, Town, and Applicable Special District Program (15%)
  - Funding is allocated to cities, towns, and special districts to manage parks, open space preserves, nature preserves, recreation programs, and vegetation to promote biodiversity and reduce wildfire risk.

Of the 15% that is allocated to towns, cities and special districts (approximately \$2.12 million), the City of San Rafael receives 22.91% based on its population. The City uses this funding to support park maintenance, vegetation removal and management, protection of open space, and park-related capital improvement projects.

Though they go under the same name, Measure A Parks is not to be confused with Measure A Transportation Sales Tax, administered by the Transportation Authority of Marin (TAM).

***Capital Improvement Program (CIP)***

The CIP is a multi-year planning tool used to identify and implement the City’s capital needs over the upcoming 3-year period: FY 2020-21 through FY 2022-23. The CIP document summarizes the City’s planned capital and infrastructure improvement projects, including their funding sources, and prioritizes projects after analysis and coordination with other City departments in order to ensure that all department needs are represented. Project selection and priority is based on recommendations by a Working Group representing various City departments to accommodate high priority needs, which focused on life/safety, maintenance and repair, public and Council input, and other factors. The CIP is intended to provide a comprehensive three-year project list for the City’s known capital and infrastructure needs.

**ANALYSIS:**

***Measure A***

Since 2013, the City has received \$2,974,635 in Measure A funding, \$890,146 of which has been used for park-related capital improvement projects. Table A shows a year-by-year breakdown of the park improvement projects.

**Table A: Measure A Funding of Park Capital Improvement Projects**

Park Capital Improvement Projects	FY 2014 Expenses	FY 2015 Expenses	FY 2016 Expenses	FY 2017 Expenses	FY 2018 Expenses	FY 2019 Expenses	FY 2020 Projected Expenses	Total
Miscellaneous Park Repairs (pathways, sidewalks, etc.)	\$131,155	\$6,220						\$137,375
Miscellaneous Equipment (slides, tables, etc.)	\$5,246	\$58,598	\$10,621					\$74,465
Sun Valley Park Basketball Court			\$46,873					\$46,873
Albert Park Playground				\$37,761	\$50,618	\$221,957		\$310,336
Victor Jones Park Playground				\$80,275	\$19,725			\$100,000
Bret Harte Park Restroom					\$2,183	\$170,798		\$172,981
Pickleweed Park Field Conversion							\$6,523	\$6,523
Albert Park Stadium Field Fencing							\$41,593	\$41,593
	<b>\$136,401</b>	<b>\$64,818</b>	<b>\$57,494</b>	<b>\$118,036</b>	<b>\$72,526</b>	<b>\$392,755</b>	<b>\$48,116</b>	<b>\$890,146</b>

Historically the City has used Measure A funding to support four general activities: park maintenance, vegetation management, protection of open space and park improvements. In April, the City of San Rafael received notification that its allocation for FY 2020-21 was estimated at \$365,003. Due to the financial impacts COVID-19 has had and will continue to have on local sales tax, Marin County predicted a 25% reduction below last year’s Measure A allocation.

As a result of the reduced allocation, Measure A will be unable to absorb the same amount of activities and services as in years prior. Therefore, the funding to open space rangers and additional vegetation management will be removed. As the services are valuable to the City, Staff is looking for other eligible funding sources such as Measure C (Marin Wildfire Prevention).

- **Vegetation Management and Parks Maintenance:** Public Works utilizes \$155,000, or 42% of Measure A funding for a vegetation management and parks maintenance program that focuses on City parks and open space. The program relies on goats and vegetation “chipper days” to reduce invasive species and to control erosion.
- **Park Capital Improvements and Maintenance:** The City’s FY 2020-21 Capital Improvement program will rely on \$210,003, or 58% of Measure A funding, to support the following projects:
  - \$150,000 will be used to fund the development of a comprehensive, City-wide Parks and Recreation Master Plan that is intended to be integrated with the City’s General Plan. The Master Plan will provide a framework for directing City resources toward parks, facilities and programs, and for addressing current and future community recreational needs over the next ten (10) years.
  - \$60,003 will be allocated towards the highest priority parks projects at the outcome of the City-wide Parks and Recreation Plan.



These planned expenditures are summarized in the Measure A Work Plan for July 1, 2020 through June 30, 2021 (Attachment 2).

***Capital Improvement Program (CIP)***

**Project List Development:** Projects identified for the CIP are recommended by Public Works staff in the course of their work, studies and reports, including, but not limited to, the 2018 Bicycle and Pedestrian Master Plan (BPMP) or the Facility Assessment Study, other Department Directors or, may arise from direct community or Council input. Additionally, projects with specific discrete funding sources are included in the CIP.

While most street and transportation projects are informed by the General Plan, BPMP, or traffic studies and observations, improvement projects to City parks and buildings/facilities have historically been informed by Department Directors, the publicly appointed Parks and Recreation Commission, and the Facilities Maintenance division of Public Works.

New to the CIP development process this year was the creation of a working group consisting of staff from various City departments. The working group met to discuss proposed projects and rank them based on the following criteria: 1) health/safety/liability; 2) priority initiatives/City goals; 3) time sensitive funds; and 4) maintain/enhance functionality. Furthermore, these four criteria were all weighted, with the category of health/safety/liability worth 35% of the overall points available. Having a weighted system allows for the most important projects to rise to the surface and ensure they are a priority.

Another change to the CIP this year involves the use of a 15% contingency in which not all available funding is allocated to deliver CIP projects. Prior experience suggests that unanticipated needs arise mid-year and having a contingency fund to cover these ensures staff are not unnecessarily performing adjustments to the current CIP priority list. In some fund types, the number of projects exceeds available funding. In this case, these future projects are identified in the CIP as “unfunded.”

Major new projects identified in the FY 2020-21 to FY 2022-23 CIP include:

- Third Street Safety Improvements Project
- Francisco Blvd West Multi-use Pathway Phase II Project
- Schoen Park Modifications
- Canal Neighborhood Pedestrian Improvements
- Woodland Avenue Retaining Wall
- San Rafael High School Crosswalk Improvements
- Southern Heights Blvd at Courtright Rd Retaining Wall
- Park and Recreation Master Plan
- Fifth Avenue and Garden Parking Lot Resurfacing
- City Hall Council Chambers Accessibility and Security Improvements

**Project Funding:**

**The five major annual funding sources for the CIP, including Measure A Parks, are:**

<b>Fund #</b>	<b>Fund Name (CIP Category)</b>	<b>Average Annual Revenues</b>	<b>Description</b>
<b>603</b>	<b>Building Maintenance</b>	\$500,000	The Building Maintenance Fund supports both routine maintenance and capital improvement projects associated with the City’s buildings, parks and other facilities. The Building Fund is an internal revenue fund, which means General Fund monies are the sole

	<i>(City Owned Property, Parks)</i>		source of revenue for the fund. Historically, \$500,000 in General Fund monies has been contributed annually to the Building Fund.
<b>241</b>	<b>Measure A</b> <i>(Parks)</i>	\$210,003	Measure A is a nine-year ¼ percent transactions and use tax that was passed in 2012 and is managed by the County of Marin. The purpose of the tax is to care for existing parks and open spaces, support regional community parks, projects, and programs and to further farmland restoration. Library and Recreation, in concert with the Parks and Recreation Commission, provides input each year as to which Parks projects should be prioritized to receive Measure A funding.
<b>205</b>	<b>Stormwater Fund</b> <i>(Drainage)</i>	\$840,000	Established to fund Stormwater maintenance, programs, and improvements throughout the City—including maintenance and repair of the City’s 12 storm water pump stations. This fund receives annual revenues of approximately \$840,000 from the City’s Stormwater Activity fee (Municipal Code Chapter 9.40).
<b>206</b>	<b>Gas Tax</b> <i>(Streets/ Transportation)</i>	\$3,300,000	<p>The Gas Tax is a revenue distributed from the state based on a percentage tax on each gallon of gas purchased in San Rafael. Gasoline tax is collected and distributed to jurisdictions by the State on an annual basis and may be used for capital projects and maintenance to local streets, roads, traffic, and bicycle pedestrian facilities.</p> <p>Fund #206 also collects annual Measure A Transportation Sales Tax dollars (distributed by Transportation Authority of Marin). A ½-cent sales tax approved initially by voters in 2004 and reapproved in November 2018.</p> <p>Note: As a result of COVID-19 and the decrease in economic and fueling activity, the City has followed a generally accepted estimate in assuming a 30% decrease in gas tax revenue assumptions for FY 2020-21 in the CIP.</p>
<b>246</b>	<b>Traffic Mitigation Fee</b> <i>(Transportation)</i>	~\$600,000 (depends on development)	Traffic Mitigation Fees are charged to a developer in connection with the approval of a development project. The funds are used to support improvements to the traffic/transportation network. The City utilizes Traffic Mitigation Fees for circulation projects identified in Exhibit 21 of Policy 6A of General Plan 2020 and similar qualifying projects.

As has been noted in prior year CIPs, the long-term capital and infrastructure improvement needs for City-owned property, parks, and drainage far exceed the available revenues each year. Therefore, a considerable number of projects are identified as real capital and infrastructure needs (and maintained on the CIP project list) but are categorized as “Unfunded”.

Historically, staff transfers \$400,000 each year from the Gas Tax to the General Fund to support personnel costs of Streets Maintenance staff, which we propose to do again this year. Personnel costs of employees performing street and road maintenance and repairs total over \$2M annually in the General Fund and are an allowable use of State gas tax monies. Due to the economic uncertainty caused by the COVID-19 virus and need for additional General Fund support, staff propose an additional one-time transfer of \$1,246,000 to the General Fund to more fully support personnel costs for

street maintenance crews supporting Gas Tax projects above and beyond the annual \$400,000 contribution.

**CIP Prior-Year Completed Projects:** As a part of the annual CIP, the Department also recaps major projects completed in the prior fiscal year, including the following:

- Essential Facilities: Fire Station 57
- Essential Facilities: Public Safety Center (near completion)
- Francisco Blvd West Multi-use Pathway Phase I Project
- Quiet Zone Implementation for Larkspur Extension
- City Hall Solar Panel Installation
- Pickleweed Park Playground Improvements
- Street Restriping 2018/19
- Second and Third Street queue cutters
- Street Resurfacing FY 2018/19

**FISCAL IMPACT:**

***Measure A***

The impact of approving the Measure A – Work Plan is the authorization of \$365,003 in spending from restricted, Measure A tax proceeds. Projected FY 2020-21 Measure A revenues of \$365,003 are sufficient to support the proposed Work Plan. This Work Plan has no fiscal impact on the City's General Fund.

***Capital Improvement Program (CIP)***

There is no direct fiscal impact associated with the preliminary Capital Improvement Program because the information being provided is for the purpose of discussion, public input, and direction to staff. However, for planning purposes, the funding source by project phase and year is identified for each project in the CIP. The figures in the CIP are engineer's estimates and are not based on actual bids received. It is important to note that while the City Council is accepting an informational report relating to a preliminary list and prioritization of projects within the CIP, including which projects are funded vs. those that remain unfunded, all CIP projects are subject to the City's Purchasing Policy, including the City Council and City Manager contract thresholds at the time a contract is awarded. For example, when a construction contract is awarded for a project and the contract amount is above City Manager's award authority (\$175,000 for Public Works projects), the contract and project would be brought forth to the City Council for approval.

**OPTIONS:** The City Council has the following options to consider relating to this item:

1. Accept informational report regarding the preliminary Capital Improvement Program and provide direction to staff. Adopt a resolution approving the FY 2020-21 Measure A – Open Space Work Plan.
2. Accept informational report regarding the preliminary Capital Improvement Program and provide direction to staff. Adopt a resolution as amended, approving the FY 2020-21 Measure A – Open Space Work Plan.
3. Accept informational report regarding the preliminary Capital Improvement Program and provide direction to staff. Do not adopt a resolution approving the FY 2020-21 Measure A – Open Space Work Plan and provide direction to staff.

**RECOMMENDATION:**

1. Adopt a resolution approving the Measure A – Open Space Work Plan for Fiscal Year 2020-2021.

2. Accept informational report regarding the preliminary three-year Capital Improvement Program for FY 2020-21 through FY 2022-23 and provide direction to staff.

**ATTACHMENTS:**

1. Resolution – Measure A
2. Exhibit I to Resolution: Measure A Work Plan
3. Preliminary FY 2020-21 CIP Project Listing

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL  
APPROVING THE MEASURE A WORK PLAN FOR PROPOSED EXPENDITURE OF  
MEASURE A FUNDS FOR JULY 1, 2020 – JUNE 30, 2021**

**WHEREAS**, on November 6, 2012 Marin County voters passed Measure A, a one-quarter of one percent transactions and use tax, dedicated to parks and open space for the duration of nine years; and

**WHEREAS**, fifteen percent of the Measure A revenues is earmarked for Marin municipalities for the purpose of managing parks, open space preserves, recreation programs and vegetation; and

**WHEREAS**, the County of Marin is responsible for the administration of the Measure A funds, and has developed a form of agreement and program materials for use by Marin municipalities; and

**WHEREAS**, the City of San Rafael is eligible to receive Measure A funds, and entered into an agreement with the County of Marin in October of 2013, submitting a Work Plan of Expenditures for the first year of fund disbursement; and

**WHEREAS**, the City of San Rafael is projected to receive a total of \$365,003 for FY 2020-2021, to support the Work Plan; and

**WHEREAS**, the County of Marin requires a Work Plan for the proposed Expenditure of Measure A funds in the amount of \$365,003 for July 1, 2020 – June 30, 2021;

**NOW, THEREFORE, BE IT RESOLVED** that the San Rafael City Council approves the Measure A Work Plan for Proposed Expenditure of Measure A funds for July 1, 2020 - June 30, 2021, a copy of which is hereby attached and by this reference made a part hereof; and

**BE IT FURTHER RESOLVED** that the Finance Director is authorized to execute, on behalf of the City of San Rafael, the Work Plan for Proposed Expenditure of Measure A funds for July 1, 2020 to June 30, 2021.

**I, LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on Monday, the 18th day of May 2020, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

---

LINDSAY LARA, City Clerk



## **Work Plan**

### **Measure A City, Town, and Applicable Special District Program Proposed Expenditure of Measure A Funds for July 1, 2020 to June 30, 2021**

Timely and accurate completion of this report is a condition of receiving Measure A funds.

#### **Instructions:**

- This work plan must be completed by an authorized representative of the recipient.
- Please complete this work plan, then scan and e-mail it to Kevin Wright, Marin County Parks External Affairs Manager ([kwright@marincounty.org](mailto:kwright@marincounty.org)), by June 1, 2020.
- Contact Mr. Wright by e-mail ([kwright@marincounty.org](mailto:kwright@marincounty.org)) or phone (415) 497-3553 if you have any questions, or if you have suggestions to improve this form.
- Marin County Parks will review this plan within one month of its receipt to ensure that proposed expenditures are consistent with Marin County Ordinance 3586 (Measure A).
- Recipients must provide Marin County Parks with 30-days prior notice of any project additions or substitutions that are proposed while a work plan is in effect.
- Total actual project expenditures may not exceed recipient's actual Measure A funding for any given fiscal year, plus any balance remaining from previous years.

---

This portion of page is intentionally blank. Proceed to next page.

**A. Name of Recipient (city, town, or special district):** City of San Rafael

**B. Recipient's representative and contact information:** (Please print all information)

**Name:** Nadine Atieh Hade  
**Title:** Finance Director  
**Address:** 1400 Fifth Avenue  
**City, Zip:** San Rafael, CA 94901  
**Phone:** (415) 485-3062  
**E-mail:** Nadine.hade@cityofsanrafael.org

**C. Total estimated funds for Fiscal Year 2020-21:**

<b>i. Estimated carry-over balance of recipient's Measure A funds from previous fiscal years</b>	<b>ii. Estimate of recipient's Measure A funds for FY 2020-21. (This information will be provided by Marin County Parks)</b>	<b>iii. Total estimated available funds for FY 20-21 (i + ii).</b>
\$ 80,000	\$ 365,003	\$ 445,003

**D. Recipient's Measure A Work Plan for Fiscal Year 2020-21:**

Name of work or project:	Primary purpose of work or project. Select only one from list below. **	Description. Be as specific as possible. Include numbers related to square footage of facilities, acreage, etc. If Measure A funds were used for maintenance, use numbers to indicate change from pre-Measure A conditions.	Amount of Measure A funds estimated to be used:	Source(s) and amount(s) of matching funds projected for use. If none, enter "0"	Total expenditures projected for work or project in current reporting year
Contractual Vegetation Removal for Parks & Open Space; Invasive Species Removal	g	Contractual Services – Removal of Vegetation & Invasive Species in City Parks & Open Space	\$100,000		\$100,000
Contractual Parkette Maintenance	a	Contractual Services – Park Maintenance	\$55,000		\$55,000
Park Improvements	b	Park & Recreation Master Plan	\$210,003		\$210,003
<b>Estimated Total</b>					<b>\$365,003</b>

**\*\*Select work or project purpose only from the following menu:**

- a) Routine maintenance
- b) Renovation of existing recreational facility, including infrastructure (includes planning, environmental review, permitting, design development, etc.)
- c) Construction of new park or recreation facility (includes planning, environmental review, permitting, design development, etc.)
- d) Parkland acquisition
- e) Fuel reduction - all types of fuelbreaks, including primary, ridgeline, etc.
- f) Flashy fuel reduction (ROW, street ends, trail heads, etc.)
- g) Natural resource protection and restoration, and invasive plant control



- h) Maintaining vehicle access
- i) Sudden Oak Death
- j) Hazard tree removal
- k) Inventory and monitoring
- l) Wildlife management monitoring
- m) Vegetation and wildlife management - Other-

**E. Certification**

I certify that the information contained herein is true and accurate, to the best of my knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date



**SAN RAFAEL**  
THE CITY WITH A MISSION

# CAPITAL IMPROVEMENT PROGRAM

FY20/21 - 22/23

*This page intentionally left blank.*



**SAN RAFAEL**

THE CITY WITH A MISSION

Capital Improvement Program  
FY 20/21 - 22/23

City Council

Gary O. Phillips, Mayor

Kate Colin, Vice Mayor

Maribeth Bushey, Councilmember

Andrew Cuyugan McCullough, Councilmember

John Gamblin, Councilmember

## Table of Contents

<b>Section I. Overview .....</b>	<b>5</b>
Background .....	5
CIP Process and Project Selection .....	5
<b>Section II. Project Funding.....</b>	<b>8</b>
Fund Types .....	8
Fiscal Year 20/21 Funding .....	9
<b>Section III. FY 19/20 Completed Projects.....</b>	<b>15</b>
<b>Section IV: Project Description and Budget Details .....</b>	<b>18</b>
<b>Section V: Rating Categories and Project Ratings .....</b>	<b>45</b>
<b>Section VI: Project Funding Tables .....</b>	<b>50</b>

## Section I. Overview

### Background

Marin County's oldest City, San Rafael lies midway between San Francisco and California's famous wine country. The City is in central Marin County, and while serving as the County seat, is the economic, financial, cultural, and service center of the region. With a history dating back almost 150 years, the public infrastructure includes miles of streets and sidewalks, numerous public buildings, acres of medians and open space, and many other assets.

The City has a tradition of prudent financial management, including maintaining public assets in good condition to minimize lifecycle costs. Residents and business owners greatly value the beauty of the community's built and natural environment and have high expectations regarding the upkeep of public facilities. These factors have led the City to engage in active planning of capital improvements.

The City of San Rafael's Capital Improvement Program (CIP) is a comprehensive, multi-year planning tool used to guide the City's decision-making process for construction, repair, and replacement of City assets such as roadways, storm drain systems, parks, City buildings, and public safety facilities. The CIP document summarizes projects, including their funding sources, and prioritizes projects after analysis and coordination with other City departments to ensure a comprehensive and equitable approach is achieved. In the City of San Rafael, a new CIP budget is developed every year outlining proposed improvements for the next three years. When the City's annual budget is adopted, the CIP for that year is also adopted.

The CIP seeks to balance the need to repair and replace existing assets and to deliver new assets where they are most needed taking into account available resources. Beginning this fiscal year, the CIP reflects a new process to identify and prioritize community values and core principles of *Together San Rafael*. The City's previous CIP prioritization process established several years ago focused on infrastructural conditions, regulatory mandates, and project readiness. In contrast, the updated CIP development process utilized this year incorporated other factors such as equity, whether or not projects already have community support, and public health.

Incorporated in 1874, San Rafael has an aging infrastructure and backlog of deferred maintenance of City-owned facilities and assets. With the development of the CIP each year, more projects are identified and requested than available resources can accomplish. To this end, staff developed a model to prioritize and select projects to move forward for consideration.

### CIP Process and Project Selection

Projects identified in the CIP are primarily driven by staff evaluation or engineering studies and/or reports such as the 2018 Bicycle and Pedestrian Master Plan (BPMP). City staff also receive input from community members, the City Council, Department Directors, and commissions such as the Parks and Recreation Commission.

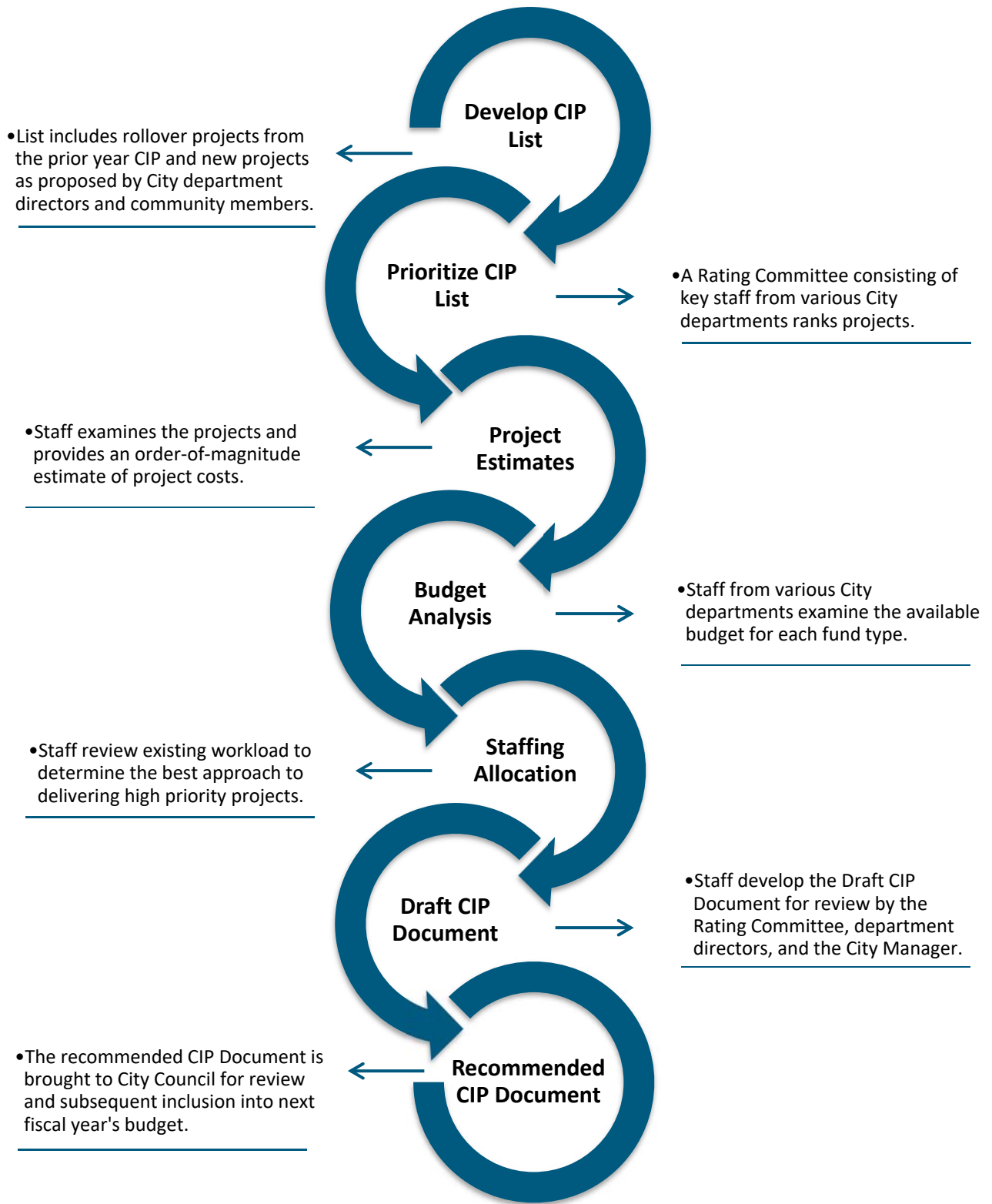
Project selection and priority is based on recommendations by a Rating Committee consisting of key staff from various City departments. When rating projects, the Committee considers

health/safety/liability, priority initiatives, time sensitivity of funds involved, and the ability of a project to maintain or enhance functionality. These four criteria, which are weighted factors shown as percentages, are further defined as follows:

1. Health/Safety/Liability (35%) – Projects that are critical to public health and safety or significantly reduce the City’s risk of liability will receive a higher rating.
2. Priority Initiatives (20%) – This category assigns priority to projects based on City’s goals, including the guiding principles of Together San Rafael, the General Plan, City Council/community supported projects, and that advance equity in the community.
3. Time Sensitive Funds (25%) – CIP projects funded by state or federal grants often have funding deadlines or project milestones. As such, grant funded projects will be rated higher to accommodate timely-use-of-fund requirements from the granting agency.
4. Maintain/Enhance Functionality (20%) – This category rates projects according to the importance and urgency of the proposed repair, rehabilitation, or replacement. Proposed maintenance that can be deferred will be rated lower than a pressing maintenance item associated with a critical City asset.

Once the Rating Committee has prioritized projects, staff reviews available funding and allocates an order-of-magnitude budget for the highest ranked projects from each category. New this year, staff recommends retaining a contingency budget in each category as opposed to allocating all available funding to projects. This will ensure that should an unanticipated project surface mid-year, staff have available funds to address this without impacting planned projects. Should contingency funds remain at the end of the fiscal year, they will be allocated to a project during the next fiscal year.

Section V of this document provides a table of the rating criteria above as well as a summary of the final ratings based on the Rating Committee’s ranking. The following flowchart outlines the process staff follow during the development of the CIP.





## Section II. Project Funding

### Fund Types

Capital Improvement Program projects are paid for through a variety of different funds. Each fund type has its own source of revenue as well as restrictions governing its use. The table below summarizes the primary funding sources.

<b>Fund #</b>	<b>Fund Name</b>	<b>Description</b>
<b>205</b>	<b>Stormwater Fund</b>	Established to fund storm water maintenance, programs, and improvements throughout the City. Fund #205 receives annual revenues from the City’s Stormwater Activity fee (Municipal Code Chapter 9.40).
<b>206</b>	<b>Gas Tax; Measure AA; Senate Bill 1 Funds</b>	The Gas Tax is revenue collected, and subsequently distributed, by the State of California based on a percentage tax on each gallon of gas purchased in San Rafael. Gas Tax may be used for capital projects or maintenance on local streets, roads, traffic, and bicycle/pedestrian facilities. Additionally, local sales tax, passed by voters in 2018 as Measure AA, contributes to a portion of this fund for roadway improvement projects.
<b>208</b>	<b>Childcare Fund</b>	Projects identified in the CIP as utilizing Childcare Funds are restricted to facility improvements at the City’s childcare centers.
<b>235</b>	<b>Baypoint Lagoon Assessment District</b>	The Baypoint Lagoons Lighting and Landscape District was formed to protect and enhance wildlife habitat and water quality in Baypoint (Spinnaker) Lagoon and the adjacent diked salt marsh.
<b>236</b>	<b>Loch Lomond Assessment District</b>	The Loch Lomond (Melo-Roos) Assessment District was established in 1992 to pay for the repair and maintenance of the Stormwater system infrastructure in the District.
<b>240</b>	<b>Parkland Dedication</b>	This fund was established to account for long-term developer deposits used to acquire and increase capacity of the City’s park infrastructure.
<b>241</b>	<b>Measure A</b>	Measure A is a nine-year ¼ percent transactions and use tax managed by the County of Marin. The tax is restricted to care for parks and open spaces. The Department of Library and Recreation, in consultation with the Parks and Recreation Commission, provides input each year as to which parks projects should be prioritized to receive Measure A funding.
<b>246</b>	<b>Traffic Mitigation Fee</b>	Traffic Mitigation Fees are an impact fee charged to a developer in connection with the approval of a private land development project with the purpose of offsetting or subsidizing public improvements made necessary by the private development. The City utilizes Traffic

		Mitigation Fees for circulation-related projects identified in the General Plan.
<b>420</b>	<b>Measure E</b>	Measure E was passed by the voters of San Rafael in November 2013 extending an existing 0.5% sales tax for 20 years and adding 0.25% (25 cents on a \$100 purchase). In February 2014, the City Council directed staff to set aside the revenues from the added quarter percent to fund public safety facilities improvements.
<b>501</b>	<b>Parking Services</b>	Projects identified in the CIP as utilizing Parking Services Funds are restricted to parking-related projects, including maintenance and upgrades at City parking garages and parking lots.
<b>603</b>	<b>Building Maintenance</b>	The Building Maintenance Fund supports routine maintenance and capital projects associated with the City's buildings, parks and other facilities. The Building Maintenance Fund is an internal revenue fund, which means General Fund monies are the sole source of revenue.
	<b>Grants (various)</b>	The City actively seeks grant funding for capital projects and programs. Grant funding is available from regional, State, and Federal agencies for safety, transportation, emergency response, and other types of projects.

**Fiscal Year 20/21 Funding and Revenue Reductions**

While several CIP projects are grant funded, most are not and are paid for through Funds 205 (Stormwater), 206 (Gas Tax), 246 (Traffic Mitigation), and 603 (Building Maintenance). Within each fund type is an Operating Budget, which consists of expenses related to maintenance of infrastructure, equipment purchasing, miscellaneous contractual services, Annual Programs, and other non-project related work. Additionally, after deducting the Operating Budget from the total available funding in each fund type, staff allocated a 15-percent contingency of the remaining funds to provide a buffer for unanticipated expenses which may arise mid-year.

The public health state of emergency due to the COVID-19 pandemic has created severe financial burdens for the City, its residents and businesses. Inevitably, this economic downturn is resulting in a dramatic reduction of the City's revenues impacting CIP funding revenues in Funds 206 (Gas Tax), 208 (Childcare), 241 (Measure A-Parks), and 501 (Parking Services). The proposed projects in this year's CIP represent those projects staff can deliver based on revenue assumptions at this time, including known projected reductions. Staff plan to track revenues throughout the fiscal year to determine if additional reductions in project budgets are necessary.

Assumptions or comments for each of these funds includes:

Fund # and Type	Assumptions	Comments
206 (Gas Tax)	<ul style="list-style-type: none"> <li>• FY 20/21 – 30% Reduction</li> <li>• FY 21/22 – 15% Reduction</li> <li>• FY 22/23 – 0% Reduction</li> </ul>	Reduced revenues have already been considered when determining which projects to pursue in the CIP.
208 (Childcare)		Unclear at this time how much funding decrease there may be. Previously started design contracts are being suspended until further notice.
241 (Measure A-Parks)	<ul style="list-style-type: none"> <li>• FY 20/21 – 25% Reduction</li> </ul>	
501 (Parking Services)		Unclear at this time how much funding decrease there may be. Previously planned design contracts for FY 20/21 have been postponed. No planned projects to pursue in FY 20/21.

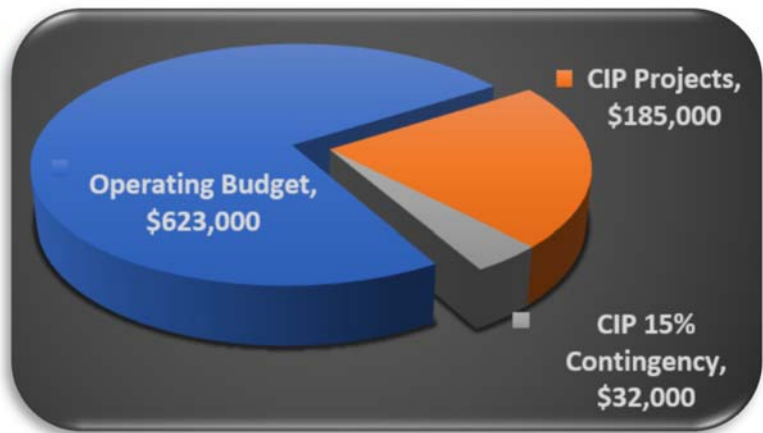
The following is a breakdown of these specific fund types for Fiscal Year 20/21 to illustrate how these funds are typically utilized.

---

## **Fund 205: Stormwater Fund**

---

<b>Fund 205 Total Available</b>	<b>\$840,000</b>
Operating Budget	\$623,000
CIP Projects	\$185,000
CIP 15% Contingency	\$32,000



### Total Available Funds

The 205 Stormwater Fund receives approximately \$840,000 in annual revenues from the City's Stormwater Activity Fee.

### Operating Budget

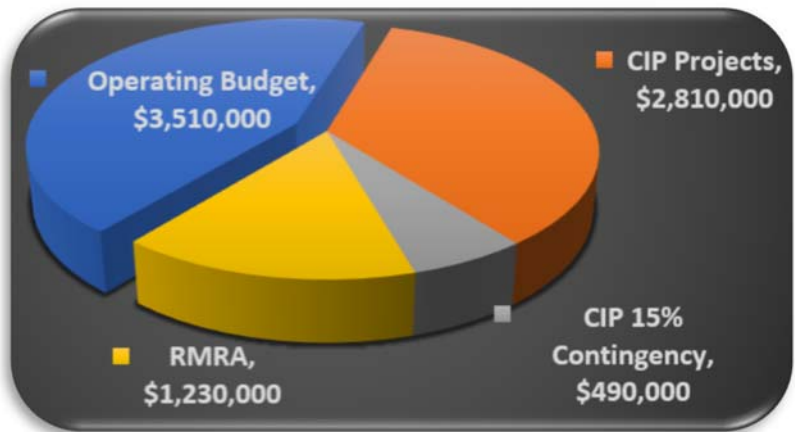
The Operating Budget for Fund 205 covers expenses incurred for the maintenance of the City's drainage system, and primarily its stormwater pump stations. Expenses include pump and motor replacement at various stations, generator rentals, utilities, etc.

### CIP Projects and Contingency

The 205 Stormwater Fund pays for CIP projects that involve the improvement of the City's drainage infrastructure including storm drain pipes, drainage basins, levees, and pump stations. Fifteen percent of the non-operating budget funding is reserved to account for any small, unanticipated expenses not identified in the CIP document.

## **Fund 206: Gas Tax**

<b>Fund 206 Total Available</b>	<b>\$8,040,000</b>
Operating Budget	\$3,510,000
CIP Projects	\$2,810,000
CIP 15% Contingency	\$490,000
RMRA	\$1,230,000



### Total Available Funds

The 206 Gas Tax Fund receives annual revenues from a variety of sources, including the State Gas Tax, the City's Refuse Regulatory Fee, Construction Impact Fee, Senate Bill 1: Road Maintenance and Rehabilitation Account (RMRA), and local gas tax funds through voter approved initiatives such as Measures A and AA.

As a result of the anticipated loss of revenue stemming from the COVID-19 pandemic, staff estimate a 30% reduction in available Gas Tax Measure A, AA, and RMRA revenues for Fiscal Year 20/21. The \$8,040,000 shown in the table above reflects this 30% reduction and includes a \$2.3 million fund balance carried over from Fiscal Year 19/20.

### Operating Budget

The Operating Budget for Fund 206 covers the costs of the City's CIP Annual Programs including Bridge Maintenance, MCSTOPP Implementation, Replacement of CMP Storm Drains, and Sidewalk Repair Program. Additionally, funds are also earmarked for the maintenance of local streets, traffic signals, miscellaneous contractual services, and partially cover the salaries of street maintenance staff.

### CIP Projects and 15% Contingency

Eligible CIP projects for the 206 Gas Tax Fund include a variety of projects within the public right-of-way such as street resurfacing/restriping, curb ramp installation, pedestrian and bicycle improvements, bridge repair, storm drain improvements, etc. Fifteen percent of the non-operating budget funding is reserved to account for any small, unanticipated expenses not identified in the CIP document.

### Senate Bill 1: Road Maintenance and Rehabilitation Account (RMRA)

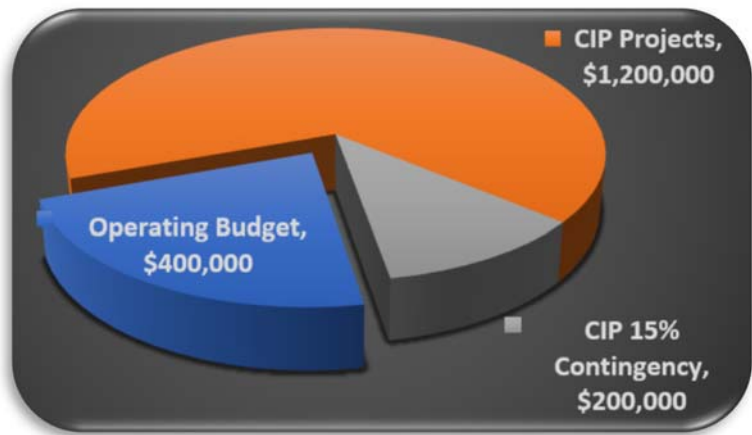
Senate Bill 1 generates additional revenues that become part of the 206 Gas Tax Fund. These restricted funds are reserved for specific projects, and their use is audited at the end of every fiscal year. Project eligibility is the same as other 206-funded projects.

---

## **Fund 246: Traffic Mitigation**

---

<b>Fund 246 Total Available</b>	<b>\$1,800,000</b>
Operating Budget	\$400,000
CIP Projects	\$1,200,000
CIP 15% Contingency	\$200,000



### Total Available Funds

The Traffic Mitigation Fund (#246) receives revenues from the Traffic Mitigation Fee charged to developers in connection with the approval of a private land development project. Designed as an impact fee, revenues aim to offset additional vehicular trips associated with a development by providing funding high priority circulation improvements throughout the City identified in the General Plan. Since the fee is dependent on approved development, annual revenues vary widely from year to year, and future revenues are largely unpredictable during the development of the CIP each spring. Staff has estimated that \$600,000 in annual revenues are anticipated in the upcoming three-year period.

### Operating Budget

The Operating Budget for Fund 246 covers the cost of implementing the Bicycle Pedestrian Master Plan, Citywide Crosswalk Improvements, and miscellaneous contractual costs associated with citywide signalization improvements.

### CIP Projects and 15% Contingency

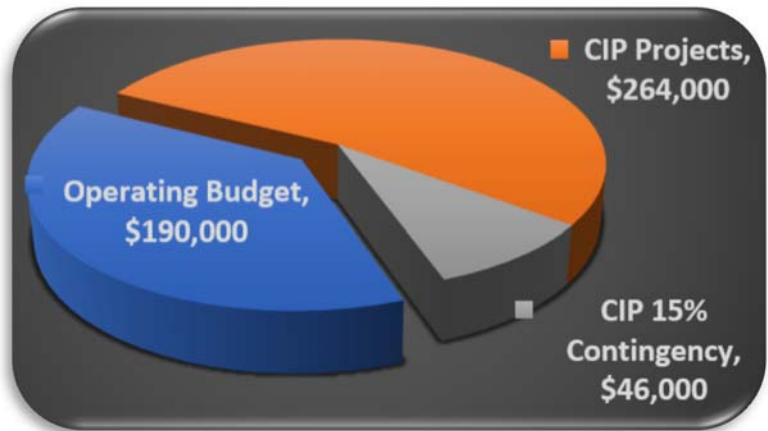
Eligible projects for 246 funds are those specifically identified as circulation improvements in Exhibit 21A of the 2020 General Plan. etc. Fifteen percent of the non-operating budget funding is reserved to account for any small, unanticipated expenses not identified in the CIP document.

---

### **Fund 603: Building Maintenance**

---

<b>Fund 603 Total Available</b>	<b>\$500,000</b>
Operating Budget	\$190,000
CIP Projects	\$264,000
CIP 15% Contingency	\$46,000



#### Total Available Funds

The 603 Building Maintenance Fund is an internal revenue fund supported by the City's General Fund. The budget for this fund is set at \$500,000 annually.

#### Operating Budget

The Operating Budget for Fund 603 covers the costs of various upkeep projects completed by the Building Maintenance staff. Smaller scale maintenance such as replacement of failed lighting fixtures, repairs to HVAC systems, and replacement of worn carpet are examples of operating budget expenses.

#### CIP Projects and 15% Contingency

The 603 Building Maintenance Fund pays for improvement projects to City-owned property, including the community centers, library, City Hall, City park infrastructure, etc. Fifteen percent of the non-operating budget funding is reserved to account for any small, unanticipated expenses not identified in the CIP document.

## Section III. FY 19/20 Completed Projects



### Essential Facilities – Fire Station 57

The new 9,855 square foot, two-story fire station now houses five on-duty fire fighters/paramedics and accommodates six on-duty personnel. The core elements of the new station include: three drive-through apparatus bays, apparatus support spaces, public lobby, accessible restrooms, office, kitchen, dining, dayroom, laundry room, private sleeping quarters, unisex restrooms, mechanical, electrical, communications rooms, and staff parking.

### Pickleweed Park Playground Improvements

The Pickleweed Park Playground Improvements replaced the outdated playground with new play structures, slides, swings, and other assorted play features. This project was funded through a federal Community Development Block Grant (CDBG).



Building Better Neighborhoods



### Street Restriping 2018-2019

The Restriping Project consisted of upgrading existing traffic striping, pavement markings, and markers along 12 miles of City streets to conform to new striping standards for roadways. The new thermoplastic striping will last many years longer than previously installed paint and be more visible to motorists.



---

### City Hall Solar Panel Installation

During Spring 2020, new solar panel arrays were installed on the roof of City Hall as well as in the lower parking lot. This project assists the City in fulfilling its goal of being 'green' and sustainable.



---

### Francisco Blvd West Multi-Use Pathway (Andersen Dr to Rice Dr) – Phase I

As a highly desired capital improvement, the City partnered with SMART to construct a 10-foot wide, ½-mile long multi-use path parallel to the railroad tracks between Andersen Drive and Rice Drive. Breaking ground in June 2018, the Pathway was opened for service in July 2019. Funding was a combination of local City funds as well as grants from the Transportation Authority of Marin, Measure A (HIP), Metropolitan Transportation Commission, State Local Partnership Program (LPP), BAAQMD, and County of Marin.



---

### Quiet Zone Implementation for SMART's Larkspur Extension

In partnership with SMART, the City diligently worked to create a Quiet Zone from Downtown San Rafael to Larkspur such that the train horn is not sounded when a train crosses a street.



## Other Completed Projects

---

- **Essential Facilities – Public Safety Center**
  - Construction of a new 44,000-square-foot Public Safety Center to co-locate fire, police, and emergency services. The project includes a subterranean garage, public plaza, and landscaping improvements.
  
- **Sea Level Rise Vulnerability Study**
  - This study focused on the ‘low hanging fruit’ in which recommendations are provided for small-scale improvements to reduce the impact of sea level rise. This study coincides with sea level rise work underway by the Community Development Department and the General Plan 2040.
  
- **B Street Community Center Restroom Remodel**
  - Project included full demolition of the existing restrooms and installation of new ADA-compliant restrooms for women and men.
  
- **Street Resurfacing 2018-2019 (annual project)**
  - Work included street resurfacing or rehabilitation on various street throughout the City. The project requires coordination with residents, businesses, utility companies, and transit operators to minimize disruption to the community.
  
- **Stormwater Operations and Maintenance (annual project)**
  - Maintenance of the City’s 12 pump stations
  
- **2<sup>nd</sup> and 3<sup>rd</sup> Street Signalization Improvements at the Railroad Tracks**
  - Installation of new traffic signal indications at the railroad tracks to increase public safety, keep motorists away from the tracks, and satisfy federal requirements for a Quiet Zone.
  
- **Andersen Drive Microseal**
  - Installation of a microseal street resurfacing product on Andersen Dr from Jacoby St south to the Central Marin Sanitation Agency wastewater treatment plant.
  
- **Merrydale North Promenade Study (i.e. Merrydale Pathway – North Connector)**
  - Preparation of various design alternatives working in concert with residents and members of the Bicycle and Pedestrian Advisory Committee.
  
- **Tivoli Lighting on 4<sup>th</sup> Street (Shaver Street to Tamalpais Avenue)**
  - Installation of decorative street lighting across 4<sup>th</sup> Street in the heart of Downtown San Rafael.
  
- **Sidewalk Repair Program 19-20**
  - Working hand in hand with community members, buckling sidewalks were replaced at many locations across the City. As necessary, trees were removed to accommodate installation of new sidewalk while reducing the possibility of future uplifting from tree roots.

## Section IV: Upcoming Projects; Project Description and Budget Details

### FUND 205: STORMWATER FUND

#### 205.1 — Rotary Manor Culvert Replacement

##### Project Information

The damaged corrugated metal pipe (CMP) culvert located underground at Rotary Manor requires replacement and reestablishment of the community gardens above.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	205 Stormwater	\$164,000	\$15,000		
Construction	External T.B.D. Fund Type				\$750,000
	<b>Subtotal</b>	<b>\$164,000</b>	<b>\$15,000</b>		<b>\$750,000</b>
<b>Total Cost Estimate</b>		<b>\$929,000</b>			

#### 205.2 — San Quentin Pump Station Reconstruction

##### Project Information

The San Quentin Pump Station Reconstruction project will construct a new station to convey storm drain runoff from low lying areas into the bay as well as rehabilitate the existing discharge pipe located between the station and the bay.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	205 Stormwater	\$375,000			
Construction	205 Stormwater Grant: FEMA (unsecured)				
	<b>Subtotal</b>	<b>\$375,000</b>			
<b>Total Cost Estimate</b>		<b>\$375,000</b>			

## 205.3 — Storm Drain Replacement at 2111 Francisco Blvd East

### Project Information

The Bay Area Toll Authority (BATA) plans to construct a widened sidewalk on Francisco Blvd East from the Bay Park Center office complex to Grange Way. This work will complete a gap closure in the bicycle/pedestrian network connecting the Richmond San Rafael Bridge to the Andersen Dr flyover. Existing City storm drain pipes under the proposed sidewalk require replacement and should be performed concurrently with the sidewalk widening project or in advance in conjunction with sanitary sewer work.

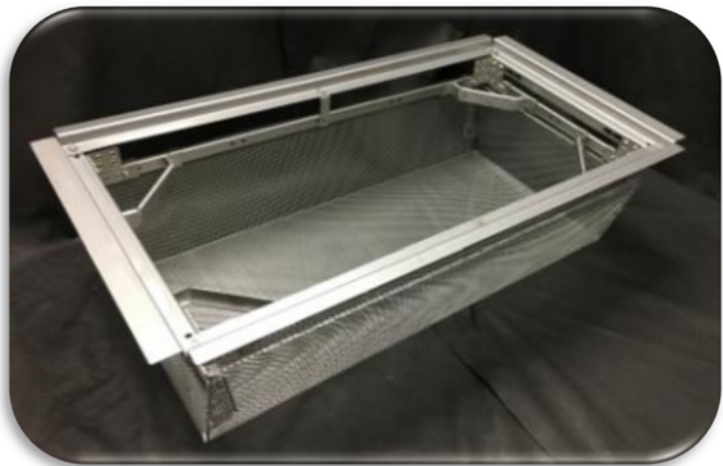


	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	205 Stormwater				
Construction	205 Stormwater		\$100,000		
	<b>Subtotal</b>		<b>\$100,000</b>		
<b>Total Cost Estimate</b>		<b>\$100,000</b>			

## 205.4 — MCSTOPPP – Catch Basin Trash Capture Feasibility Study

### Project Information

Due to regulations imposed by the Marin County Stormwater Pollution Prevention Program, cities in Marin County will soon be required to implement devices to capture and remove trash from the storm drain system before water is conveyed to San Francisco Bay. This feasibility study will identify means and methods of how the City of San Rafael can comply with these requirements.

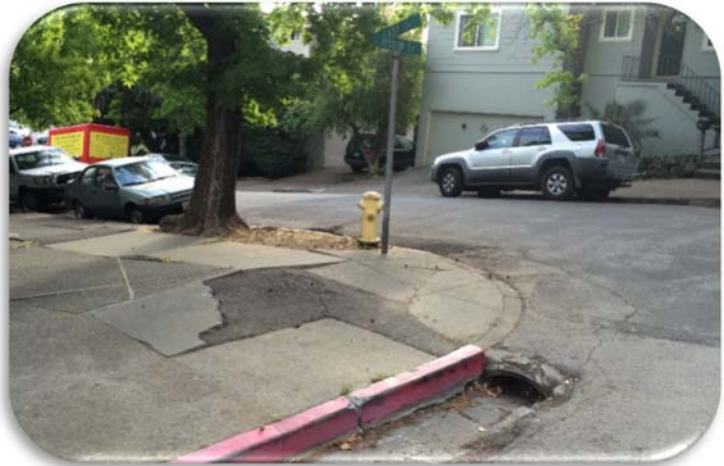


	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	205 Stormwater 206 Gas Tax		\$30,000 \$100,000		
Construction	205 Stormwater				
	<b>Subtotal</b>		<b>\$130,000</b>		
<b>Total Cost Estimate</b>		<b>\$130,000</b>			

## 205.5 — East and Jessup Storm Drain Improvements

### Project Information

The neighborhood adjacent to East St at Jessup St is one of the older areas of San Rafael. Stormwater runoff is conveyed downhill utilizing surface features such as gutters and shallow storm drain pipes. The neighborhood has experienced flooding as a result of development reducing impervious areas and antiquated drainage facilities. This project proposes to install underground storm drain pipe on Jessup St between West and East Streets and connect to the City’s existing system at Second St and East St. At this time, only the design is proposed to be moved forward until additional funds can be identified for construction.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	205 Stormwater			\$45,000	
Construction	205 Stormwater				
	<b>Subtotal</b>			<b>\$45,000</b>	
<b>Total Cost Estimate</b>		<b>\$45,000</b>			

## 205.6— C St Storm Drain Improvements – First to Second

### Project Information

The intersection of Second St at C St is subject to flooding as a result of settlement of storm drain pipes and the inability to adequately convey water to the downstream storm drain system. This project will make pipe repairs as well as install a new underground drainage system on C St from Second St to First St.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	205 Stormwater			\$40,000	
Construction	206 Gas Tax				
	<b>Subtotal</b>			<b>\$40,000</b>	
<b>Total Cost Estimate</b>		<b>\$40,000</b>			

## 205.7 — Los Gamos and Oleander Flood Warning System

### Project Information

The intersection of Los Gamos Rd at Oleander Dr frequently floods during major rain events. After studying various drainage alternatives, all of which would require significant storm drain improvements both in the public right of way as well as on private property, this project proposes to install a warning system to inform motorists of possible flooding.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	205 Stormwater				
Construction	205 Stormwater			\$50,000	
	<b>Subtotal</b>			<b>\$50,000</b>	
<b>Total Cost Estimate</b>		<b>\$50,000</b>			

## 205.8 — First and D St Storm Drain Improvements

### Project Information

The intersection of First St at D St has several storm drain pipes that feed into the San Rafael Creek. This project proposes to replace a corrugated metal pipe (CMP) storm drain pipe on D St between Frances St and First St.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	205 Stormwater				
Construction	205 Stormwater		\$65,000		
	206 Annual CMP Program		\$100,000		
	<b>Subtotal</b>		<b>\$165,000</b>		
<b>Total Cost Estimate</b>		<b>\$165,000</b>			

## 205.9 — Woodland Ave Storm Drain Improvements

### Project Information

Built in the early 1900s, the neighborhood surrounding Woodland Ave is subject to occasional flooding as all rainwater is surface runoff utilizing existing gutters. This project proposes to install an underground drainage system on Woodland Ave between Eva St and Picnic Ave that connects to an open ditch behind 254 Woodland Ave via a drainage easement on private property.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	205 Stormwater				\$100,000
<b>Construction</b>	205 Stormwater				
	<b>Subtotal</b>				<b>\$100,000</b>
<b>Total Cost Estimate</b>		<b>\$100,000</b>			

## FUND 206: GAS TAX

### 206.1 — Southern Heights Bridge Replacement

#### Project Information

The Southern Heights Bridge is a wood bridge constructed decades ago with its last significant renovation occurring in 1981. The bridge was subject to immediate closure in December 2017 upon inspection by Caltrans bridge inspectors. The City has completed design and construction is scheduled to begin in 2020.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	206 Gas Tax	\$3,000			
	Grant: Caltrans HBP	\$718,000			
Construction	Grant: Caltrans HBP		\$4,000,000		
	<b>Subtotal</b>	<b>\$721,000</b>	<b>\$4,000,000</b>		
<b>Total Cost Estimate</b>		<b>\$4,721,000</b>			

### 206.2 — Third Street at Hetherton Street Improvements

#### Project Information

The intersection of Third Street at Hetherton Street is one of the busiest in San Rafael with a large volume of not only vehicles but pedestrians as well. This project will replace traffic signal equipment, install one wheelchair ramp on the northeast corner, install a new crosswalk on the east leg, and eliminate the existing crosswalk on the south leg of the intersection.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	206 Gas Tax	\$25,000			
	Grant: Caltrans HSIP	\$60,000			
Construction	Grant: Caltrans HSIP	\$500,000			
	<b>Subtotal</b>	<b>\$585,000</b>			
<b>Total Cost Estimate</b>		<b>\$585,000</b>			



## 206.3 — Smith Ranch Road and Lucas Valley Road Resurfacing

### Project Information

Lucas Valley Road/Smith Ranch Road from Los Gamos Drive to Redwood Highway resides within State of California right of way. This project will remove the top layer of existing asphalt pavement and resurface the roadway with new asphalt. Additionally, new wheelchair ramps will be installed to comply with ADA requirements.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	206 Gas Tax	\$8,000			
Construction	206 Gas Tax (RMRA)	\$1,700,000			
	<b>Subtotal</b>	<b>\$1,708,000</b>			
<b>Total Cost Estimate</b>		<b>\$1,708,000</b>			

## 206.4 — Francisco Blvd West Multi-use Pathway Phase II

### Project Information

In 2019, the City partnered with SMART to complete construction of a multi-use pathway between Andersen Dr and Rice Dr parallel to the railroad tracks as part of Phase I of this project. Phase II will install a bicycle pathway on Francisco Blvd West between Second St and Rice Dr by converting the roadway to a one-way southbound street allowing the City to repurpose the other travel lane on the roadway into a bicycle pathway. This project completes the regional bicycle facility from Larkspur to Downtown San Rafael.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	Grant: CNRC Urban Green	\$250,000			
Construction	Grant: TDA Article 3		\$568,000		
	Grant: CNRC Urban Green		\$950,000		
	Grant: TAM Measure AA		\$400,000		
	Grant: MUP Phase I		\$100,000		
	Rollover from BAAQMD				
	<b>Subtotal</b>	<b>\$250,000</b>	<b>\$2,018,000</b>		
<b>Total Cost Estimate</b>		<b>\$2,268,000</b>			

## 206.5 — Francisco Boulevard East Sidewalk Widening

### Project Information

The existing sidewalk along Francisco Boulevard East is utilized daily by pedestrians and bicyclists that must navigate the congestion of fire hydrants and power poles. This project will install an 8-foot-wide sidewalk/bike pathway on Francisco Boulevard East between Vivian Street and Grand Avenue.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	206 Gas Tax	\$318,000			
<b>Construction</b>	Grant: Caltrans CMAQ		\$2,100,000		
	Grant: Caltrans ATP	\$4,025,000			
	<b>Subtotal</b>	<b>\$4,343,000</b>	<b>\$2,100,000</b>		
<b>Total Cost Estimate</b>		<b>\$6,443,000</b>			

## 206.6 — Northbound 101 Offramp – Second Right Turn Lane

### Project Information

This project includes the installation of a second right-turn lane from the northbound Central San Rafael offramp onto Second Street. Construction for this improvement will be funded by Caltrans in conjunction with their bridge replacement project scheduled to start in late 2020.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	206 Gas Tax	\$41,000			
<b>Construction</b>	206 Gas Tax				
	<b>Subtotal</b>	<b>\$41,000</b>			
<b>Total Cost Estimate</b>		<b>\$41,000</b>			

## 206.7 — Third Street Safety Improvements: Lindaro Street to Union Street

### Project Information

Funded in part by a Caltrans Highway Safety Improvement Program grant, this project will install new wheelchair ramps, modify traffic signals, install a new communications network, and rehabilitate the asphalt pavement.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	206 Gas Tax	\$31,000			
	Grant: Caltrans HSIP	\$280,000			
Construction	206 Gas Tax (RMRA)			\$1,000,000	
	Grant: TAM Measure A			\$1,000,000	
	Grant: Caltrans HSIP			\$1,295,000	
	246 Traffic Mitigation			\$800,000	
	<b>Subtotal</b>	<b>\$311,000</b>		<b>\$4,095,000</b>	
<b>Total Cost Estimate</b>		<b>\$4,406,000</b>			

## 206.8 – Third Street Rehabilitation: Miracle Mile to Lindaro Street

### Project Information

The City received major allocation from the Transportation Authority of Marin through the Measure A program to rehabilitate Third Street. In 2019, the City completed a Feasibility Study for Third Street corridor, since then the corridor has been subdivided into two City projects with this project covering Miracle Mile to Lindaro St. The Third Street Safety Improvements project will make roadway improvements from Lindaro to Union. The intent of the improvements is to provide congestion relief and safety improvements along Third Street.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	Grant: TAM Measure A	\$1,300,000			
Construction	Grant: Local Partnership			\$1,500,000	
	Grant: TAM Measure A			\$8,700,000	
	<b>Subtotal</b>	<b>\$1,300,000</b>		<b>\$10,200,000</b>	
<b>Total Cost Estimate</b>		<b>\$11,500,000</b>			

## 206.9 — Canal Neighborhood Pedestrian Improvements

### Project Information

The scope of work for this pedestrian improvement project includes installation of solar powered flashing beacons, additional warning signage in advance of crosswalks, and ADA-compliant wheelchair ramps at up to five intersections.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	206 Gas Tax	\$58,000			
<b>Construction</b>	206 Gas Tax Grant: Lifeline Phase 3		\$35,000 \$248,000		
	<b>Subtotal</b>	<b>\$58,000</b>	<b>\$283,000</b>		
<b>Total Cost Estimate</b>		<b>\$341,000</b>			

## 206.10 — Francisco Boulevard East Resurfacing

### Project Information

This project includes removal of the existing asphalt and resurfacing Francisco Boulevard East from Vivian Way to Grand Avenue. Adjustment of utilities covers and installation of new striping is included in the scope of work.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	206 Gas Tax				
<b>Construction</b>	206 Gas Tax 206 Gas Tax (RMRA)		\$200,000 \$1,200,000	\$200,000	
	<b>Subtotal</b>		<b>\$1,400,000</b>	<b>\$200,000</b>	
<b>Total Cost Estimate</b>		<b>\$1,600,000</b>			

## 206.11 — B Street at Woodland Avenue: Box Culvert Ceiling Repairs

### Project Information

Feeding into the upper reaches of San Rafael Creek is a reinforced concrete box culvert conveying water away from the Gerstle Park neighborhood. A small portion of the ceiling of the culvert requires rehabilitation to provide better structural stability of the system. This project will consider alternatives to replacing or repair the top slab as well as coordination with utility companies and regulatory environmental agencies.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	206 Gas Tax	\$10,000	\$30,000		
<b>Construction</b>	206 Gas Tax		\$300,000		
	<b>Subtotal</b>	<b>\$10,000</b>	<b>\$330,000</b>		
<b>Total Cost Estimate</b>		<b>\$340,000</b>			

## 206.12 — Public Safety Center Street Resurfacing

### Project Information

With the new Public Safety Center (PSC) nearing completion and portions of the roadways surrounding the PSC to be converted to two-way traffic, this project will resurface C St (Mission to Fourth), D St (Fifth to Fourth), Fifth Ave (C to D), and Via Sessi.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	206 Gas Tax	\$15,000			
<b>Construction</b>	206 Gas Tax		\$245,000		
	<b>Subtotal</b>		<b>\$245,000</b>		
<b>Total Cost Estimate</b>		<b>\$260,000</b>			

## 206.13 — Woodland Avenue Retaining Wall

### Project Information

Adjacent to 132 Woodland Avenue is a wood retaining wall that supports an asphalt pathway sidewalk. The retaining wall has deteriorated and needs rehabilitation or replacement. This project will review retaining wall alternatives, construct a concrete sidewalk, curb, gutter, and other safety improvements in this location.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	206 Gas Tax		\$75,000		
Construction	206 Gas Tax			\$420,000	
	<b>Subtotal</b>		<b>\$75,000</b>	<b>\$420,000</b>	
<b>Total Cost Estimate</b>		<b>\$495,000</b>			

## 206.14 — San Rafael Highschool Crosswalk Improvements

### Project Information

San Rafael Highschool has secured grant funding to support the design and construction of a mid-block pedestrian crosswalk to safely allow students and the public to cross Third St east of Union St. The City, partnering with San Rafael City Schools District, will administer the construction contract and contribute to the construction budget.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	206 Gas Tax				
Construction	206 Gas Tax		\$100,000		
	Grant: TAM Measure A		\$100,000	\$300,000	
	<b>Subtotal</b>		<b>\$200,000</b>	<b>\$300,000</b>	
<b>Total Cost Estimate</b>		<b>\$500,000</b>			

## 206.15 — Lincoln Avenue Bridge Repair Study

### Project Information

Recent Caltrans bridge inspection reports indicate that the Lincoln Avenue bridge over Mahon Creek needs repair. This project will evaluate what rehabilitation work is required to provide for continued use of the bridge long term. The City will also seek grant funding from Caltrans to perform any repairs to the bridge.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	206 Gas Tax	\$12,000			
<b>Construction</b>	Grant: Caltrans HBP Unsecured				
	<b>Subtotal</b>	<b>\$12,000</b>			
<b>Total Cost Estimate</b>		<b>\$12,000</b>			

## 206.16 — First Street at Mahon Creek Wall Repair

### Project Information

During a winter storm, a small portion of an existing rock retaining wall washed out. This project includes the repair of the wall, which is located on First Street between D and E Streets.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	206 Gas Tax	\$15,500			
<b>Construction</b>	206 Gas Tax			\$250,000	
	<b>Subtotal</b>	<b>\$15,500</b>		<b>\$250,000</b>	
<b>Total Cost Estimate</b>		<b>\$265,500</b>			

## 206.17 — Bungalow Avenue Resurfacing

### Project Information

Bungalow Avenue, which is an older street with a concrete road below, requires resurfacing. The project will include installation of wheelchair ramps, rehabilitation of the underground storm drain system, and improved drainage to mitigate flooding at Woodland Ave.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	206 Gas Tax				
<b>Construction</b>	206 Gas Tax		\$525,000		
	<b>Subtotal</b>				
<b>Total Cost Estimate</b>		<b>\$525,000</b>			

## 206.18 — Southern Heights Boulevard at Courtright Road Retaining Wall

### Project Information

Southern Heights Boulevard at the intersection of the private driveway of Courtright Road shows signs of settlement. This project will install a retaining wall system to support the roadway.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	206 Gas Tax	\$148,000	\$30,000		
<b>Construction</b>	206 Gas Tax				\$600,000
	<b>Subtotal</b>	<b>\$148,000</b>	<b>\$30,000</b>		<b>\$600,000</b>
<b>Total Cost Estimate</b>		<b>\$778,000</b>			



## 206.19 — Schoen Park Modifications

### Project Information

As a result of installing new playground amenities at the nearby Pickleweed Park, the City proposes to repurpose the existing area of Schoen Park to create additional on-street parking and help alleviate in part the demand for public parking in the Canal and Spinnaker Point neighborhoods.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	206 Gas Tax	\$73,000			
<b>Construction</b>	206 Gas Tax		\$610,000		
	<b>Subtotal</b>	<b>\$73,000</b>	<b>\$610,000</b>		
<b>Total Cost Estimate</b>		<b>\$683,000</b>			

## 206.20 — Fairhills Drive Slide Repair: Feasibility Study

### Project Information

This study will study three separate locations on Fairhills Drive in which settlement of the roadway appears possible near 216, 407, and 447 Fairhills Drive.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	206 Gas Tax			\$40,000	
<b>Construction</b>	206 Gas Tax				
	<b>Subtotal</b>			<b>\$40,000</b>	
<b>Total Cost Estimate</b>		<b>\$40,000</b>			

## 206.21 — Center Street Resurfacing

### Project Information

Center Street located in the Sun Valley neighborhood, which is an older street with a concrete road below, requires resurfacing. The project will include installation of wheelchair ramps and improvements to the storm drain system.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	206 Gas Tax				\$60,000
<b>Construction</b>	206 Gas Tax				
	<b>Subtotal</b>				<b>\$60,000</b>
<b>Total Cost Estimate</b>		<b>\$60,000</b>			

## 206.22 — Fourth Street Curb Ramp Replacement

### Project Information

Fourth Street in Downtown San Rafael is the heart of the downtown business district with a large volume of pedestrians. This project will study and identify pedestrian improvements at intersections between E Street and Grand Avenue.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	206 Gas Tax				\$60,000
<b>Construction</b>	206 Gas Tax				
	<b>Subtotal</b>				<b>\$60,000</b>
<b>Total Cost Estimate</b>		<b>\$60,000</b>			

# FUND 208: CHILDCARE FUND

## 208.1 — Childcare Portable Building Replacement

### Project Information

The scope of work includes replacement of portable buildings used for childcare centers at the Mary Silveira and Lucas Valley school campuses as well as the Pickleweed Preschool adjacent to the Albert J. Boro Community Center.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	208 Childcare	\$166,000			
Construction	208 Childcare				
	<b>Subtotal</b>	<b>\$166,000</b>			
<b>Total Cost Estimate</b>		<b>\$166,000</b>			

## FUND 235: BAYPOINT LAGOON ASSESSMENT DISTRICT

### 235.1 — Cayes Pump Station Control System

#### Project Information

The Cayes pump station was originally constructed in the 1960s and is operated manually with no remote access. The project will upgrade the pump station controls to allow for remote monitoring and control of equipment, include coordination with PG&E to upgrade the electrical service, and provide connection to the City’s existing SCADA system. More automated control of the water level will reduce the potential odors caused by hot weather and algae growth in the adjacent lagoon located within the Baypoint Lagoons Assessment District.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	235 Baypoint Lagoon AD	\$74,000			
	CIP Engineering Operating Budget	\$6,000			
<b>Construction</b>	Grant: CDBG		\$85,328		
	Grant: Unsecured Funds		\$324,672		
	<b>Subtotal</b>	<b>\$80,000</b>	<b>\$410,000</b>		
<b>Total Cost Estimate</b>		<b>\$490,000</b>			

## FUND 241: MEASURE A – PARKS

### 241.1 — Park and Recreation Master Plan

#### Project Information

In consultation with the Parks and Recreation Commission, the City will review the conditions of all parks and playground structures to understand deficiencies and where future improvements should be focused to meet current codes and ADA regulations. This assessment will become part of a Park and Recreation Master Plan.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	241 Measure A- Parks		\$150,000		
<b>Construction</b>	241 Measure A- Parks				
	<b>Subtotal</b>		<b>\$150,000</b>		
<b>Total Cost Estimate</b>		<b>\$150,000</b>			

## FUND 246: TRAFFIC MITIGATION FUND

### 246.1 — Bike Connection from Second/Tamalpais to Third/Tamalpais

#### Project Information

Beginning in Summer 2020, the City will install a bicycle cycle-track on Francisco Boulevard West between Rice Drive and Second Street. This project will consider improvements on Tamalpais Avenue between Second and Third Streets to receive cyclists exiting the cycle-track on the south side of Second Street.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	246 Traffic Mitigation	\$10,000			
<b>Construction</b>	246 Traffic Mitigation	\$30,000			
	<b>Subtotal</b>	<b>\$40,000</b>			
<b>Total Cost Estimate</b>		<b>\$40,000</b>			

### 246.2 — C and D Streets Conversion to 2-way Streets

#### Project Information

In conjunction with the opening of the new Public Safety Center, located on Fifth Avenue between C and D Streets, the City will convert C Street (First Street to Fifth Avenue) and D Street (Second Street to Fifth Avenue) to two-way traffic.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	246 Traffic Mitigation				
<b>Construction</b>	246 Traffic Mitigation	\$120,000			
	<b>Subtotal</b>	<b>\$120,000</b>			
<b>Total Cost Estimate</b>		<b>\$40,000</b>			

## 246.3 — Innovative Developments to Enhance Arterials (IDEA)

### Project Information

The traffic signals in the Downtown San Rafael area play a critical role in keeping traffic moving. The Innovative Developments to Enhance Arterials, or IDEA, project is a grant funded project to improve traffic signal equipment throughout the downtown area.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	246 Traffic Mitigation				
Construction	246 Traffic Mitigation	\$380,000			
	<b>Subtotal</b>	<b>\$380,000</b>			
<b>Total Cost Estimate</b>		<b>\$380,000</b>			

## 246.4 – Fourth Street Signal System Improvements: B Street to Cijos Street

### Project Information

Fourth Street is the heart of the Downtown Business District conveying pedestrians, bicyclists, and motorists through San Rafael. The existing traffic signal system needs to be updated to meet current design standards and ensure reliability of the system for all types of users.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	246 Traffic Mitigation		\$50,000		
Construction	246 Traffic Mitigation				\$300,000
	<b>Subtotal</b>		<b>\$50,000</b>		<b>\$300,000</b>
<b>Total Cost Estimate</b>					<b>\$350,000</b>

## 246.5 – North San Rafael Traffic Signal Connections

### Project Information

Coordination of traffic signals is a critical element to keeping traffic moving. This project includes upgrading existing communication equipment which allows signals to work in tandem. The area of focus is traffic signals near the Northgate Mall.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	246 Traffic Mitigation		\$50,000		
<b>Construction</b>	246 Traffic Mitigation				\$150,000
	<b>Subtotal</b>		<b>\$50,000</b>		<b>\$150,000</b>
<b>Total Cost Estimate</b>		<b>\$200,000</b>			

## 246.6 — Second Street Intersection Improvements

### Project Information

Second Street is a major thoroughfare through downtown San Rafael. This project will rehabilitate critical intersections, and includes pavement resurfacing, wheelchair ramps, and traffic signal upgrades with new communication equipment.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	246 Traffic Mitigation	\$280,000	\$100,000		
<b>Construction</b>	246 Traffic Mitigation				\$620,000
	<b>Subtotal</b>	<b>\$280,000</b>	<b>\$100,000</b>		<b>\$620,000</b>
<b>Total Cost Estimate</b>		<b>\$1,000,000</b>			



## FUND 420: MEASURE E – ESSENTIAL FACILITIES

### 420.1 — Fire Station 54 and 55 Remodel

#### Project Information

Work includes remodeling of the existing fire stations to meet current state and local codes for the safety of the fire fighters and the residents they serve. This is part of Phase II of the strategic plan approved in July 2015 for essential public safety facilities.



Fire Station 54



Fire Station 55

	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	420 Measure E	\$655,000			
Construction	420 Measure E		\$6,718,000		
	<b>Subtotal</b>	<b>\$655,000</b>	<b>\$6,718,000</b>		
<b>Total Cost Estimate</b>		<b>\$7,373,000</b>			

### 420.2 — Repurposing of Former City Hall Police Station

#### Project Information

This project includes re-examining the first-floor space at City Hall, which will be vacated as the Police Department occupies the new Public Safety Center. Reconfiguration of the space will be needed to house other City departments.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	420 Measure E				
Construction	420 Measure E		\$400,000		
	<b>Subtotal</b>		<b>\$400,000</b>		
<b>Total Cost Estimate</b>		<b>\$400,000</b>			

## FUND 501: PARKING SERVICES

### 501.1 – Seismic Upgrades to Parking Structure – Fifth/C St

#### Project Information

The parking garage at Fifth/C St will be studied with improvements designed. This study will build upon previous work at this location.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	501 Parking Services			\$25,000	
<b>Construction</b>	501 Parking Services				
	<b>Subtotal</b>			<b>\$25,000</b>	
<b>Total Cost Estimate</b>		<b>\$25,000</b>			

### 501.2 – Seismic Upgrades to Parking Structure – Third/Lootens

#### Project Information

This project will consider the design for seismic upgrades to the parking structure if it is determined that development in this area does not result in the existing structure being removed and replaced.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	501 Parking Services				\$100,000
<b>Construction</b>	501 Parking Services				
	<b>Subtotal</b>				<b>\$100,000</b>
<b>Total Cost Estimate</b>		<b>\$100,000</b>			

## FUND 603: BUILDING MAINTENANCE

### 603.1 – Albert Park Ball Field: ADA Wheelchair Ramp and Access Improvements

Albert Park Ball Field is utilized throughout the year for sporting events. This project includes ADA improvements, including a new wheelchair ramp adjacent to an existing staircase as well as improvements to the disabled parking stall and path of travel to the ball park field.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	603 Building Maintenance		\$40,000		
<b>Construction</b>	603 Building Maintenance			\$140,000	
	<b>Subtotal</b>		<b>\$40,000</b>	<b>\$140,000</b>	
<b>Total Cost Estimate</b>		<b>\$180,000</b>			

### 603.2 – Albert Park Ball Field: ADA Restrooms

This project will review alternatives and production of design documents for installation of an ADA compliant, prefabricated restroom.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	603 Building Maintenance		\$30,000		
<b>Construction</b>	603 Building Maintenance			\$130,000	\$90,000
	<b>Subtotal</b>			<b>\$130,000</b>	<b>\$90,000</b>
<b>Total Cost Estimate</b>		<b>\$250,000</b>			

### 603.3 – Gerstle Park Restroom Repair

#### Project Information

The Facility Assessment Study, which was completed in 2018, identified deficiencies within several City facilities. This project is based on the recommendations in the study and includes replacing the siding of an existing restroom at Gerstle Park.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	603 Building Maintenance				
<b>Construction</b>	603 Building Maintenance			\$30,000	
	<b>Subtotal</b>			<b>\$30,000</b>	
<b>Total Cost Estimate</b>		<b>\$30,000</b>			

### 603.4 – Shoreline Park Restroom

#### Project Information

The restroom has been non-operational and closed for several years. Repairs are necessary to restore proper functioning of the restroom. The new restroom installed will be built to meet the latest ADA standards.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
<b>Planning/Design</b>	603 Building Maintenance				
<b>Construction</b>	603 Building Maintenance	\$140,000			
	<b>Subtotal</b>	<b>\$140,000</b>			
<b>Total Cost Estimate</b>		<b>\$140,000</b>			

## 603.5 – City Hall: Council Chambers Accessibility and Security Improvements

### Project Information

The project also includes security upgrades to the Council Chambers for emergency access as well as installation of an ADA compliant wheelchair ramp within the Chambers.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	603 Building Maintenance	\$9,000			
Construction	603 Building Maintenance		\$175,000		
	<b>Subtotal</b>		<b>\$175,000</b>		
<b>Total Cost Estimate</b>		<b>\$184,000</b>			

## 603.6 – B Street Community Center: Stage Area Electrical Panel Upgrade

### Project Information

The B Street Community Center stage has been well used over many decades. The electrical panel system for stage lighting requires replacement to meet current electrical codes.



	Funding Source	Prior Funding	FY 2020-21	FY 2021-22	FY 2022-23
Planning/Design	603 Building Maintenance				
Construction	603 Building Maintenance				\$160,000
	<b>Subtotal</b>				<b>\$160,000</b>
<b>Total Cost Estimate</b>		<b>\$160,000</b>			

**Section V: Rating Categories and Project Ratings**

RATING CATEGORIES	Health / Safety / Liability	Priority Initiative	Time-Sensitive Funds	Maintain/Enhance Functionality
WEIGHTING	35%	20%	25%	20%
RANK SCORING 1 to 10	7 - 10 strong contribution toward public health & safety and/or reduction of city liability	7 - 10 strong support from community/council aligns with city goals	10 grant funded, urgent	7 - 10 urgent repair/rehab/replacement of city asset necessary
	4 - 6 some improvement to public health & safety and/or reduction of city liability	4 - 6 some support from community/council meets city objectives	7 grant funded, upcoming timeline 3 grant funded, no timeline	4 - 6 repair/rehab/replacement of city asset should be completed eventually
	0 - 3 little improvement to public health & safety and/or reduction of city liability	0 - 3 little support from community/council little contribution toward city goals	0 not time sensitive	0 - 3 repair/rehab/replacement of city asset can be deferred

***Health / Safety / Liability:***

Projects that are critical to public health and safety or significantly reduce the City’s risk of liability will receive a higher rating. This category includes projects with may be the result of litigation.

***Priority Initiative:***

This category assigns priority to projects based on City’s goals including the guiding principles of Together San Rafael, the General Plan, community and/or City Council supported projects, and equity.

***Time-Sensitive Funds:***

CIP projects funded by state/federal grants often have funding deadlines. Grant-funded projects will be rated higher and consider timely-use-of-fund requirements from the granting agency.

***Maintain Functionality:***

This category rates projects according to the importance and urgency of the proposed repair, rehabilitation, or replacement. Proposed maintenance that can be deferred will be rated lower than pressing maintenance on a critical city asset.

# Project Rating System

FUNDING SOURCE	PROJECT NAME	RANK SCORING 1 to 10	Health / Safety / Liability	Priority Initiative	Time- Sensitive Funds	Maintain / Enhance Functionality
			35%	20%	25%	20%
205 Stormwater	Rotary Manor Culvert Replacement	7.5	10	10	0	10
205 Stormwater	San Quentin Pump Station Reconstruction	7.1	10	8	0	10
205 Stormwater	Storm Drain Replacement at 2111 Francisco Blvd East	5.8	8	6	0	9
205 Stormwater	MCSTOPP: Catch Basin Trash Capture: Feasibility Study	5.7	7	8	0	8
205 Stormwater	East and Jessup Storm Improvements	5.4	8	5	0	8
205 Stormwater	C St Storm Drain Improvements - First to Second	5.1	6	6	0	9
205 Stormwater	Los Gamos and Oleander Flood Warning System	5.0	8	7	0	4
205 Stormwater	First and D St Storm Drain Improvements	4.6	5	5	0	9
205 Stormwater	Woodland Ave Storm Drain Improvements	4.4	5	5	0	8
205 Stormwater	Las Casas Drainage Basin Repair	4.2	5	5	0	7
205 Stormwater	Piombo Pump Station: Electrical Panel Replacement	4.0	4	5	0	8
205 Stormwater	Levee Analysis Inventory Study	3.1	3	8	0	2
205 Stormwater	Spinnaker Point Salt Marsh Remediation (Conceptual Design Only)	1.7	2	3	0	2
<b>206 Gas Tax - RMRA</b>						
206 Gas Tax - RMRA	Third Street Safety Improvements: Lindaro to Union	8.9	9	8	10	8
206 Gas Tax	Third Street Rehabilitation: Miracle Mile to Lindaro	7.8	8	8	7	8
206 Gas Tax	Canal Neighborhood Pedestrian Improvements	7.3	9	8	7	4
206 Gas Tax - RMRA	Francisco Blvd East Resurfacing	7.0	8	8	3	9
206 Gas Tax	B St at Woodland Ave: Box Culvert Ceiling Repairs	7.0	10	8	0	9
206 Gas Tax	Public Safety Center Street Resurfacing	7.0	9	10	0	9
206 Gas Tax	Woodland Ave Retaining Wall	6.8	9	9	0	9
206 Gas Tax	San Rafael Highschool Crosswalk Improvements	6.7	8	8	5	5
206 Gas Tax	Lincoln Avenue Bridge Repair Study	6.4	7	7	3	9
206 Gas Tax	First Street at Mahon Creek Wall Repair	6.4	9	8	0	8
206 Gas Tax - RMRA	Bungalow Avenue Resurfacing	6.3	6	9	3	8
206 Gas Tax	Southern Heights at Courtright Road Retaining Wall	6.2	9	7	0	8
206 Gas Tax	Schoen Park Modifications	5.7	6	10	0	8
206 Gas Tax	Fairhills Drive Slide Repair: Feasibility Study	5.6	8	7	0	7
206 Gas Tax - RMRA	Center Street Resurfacing	5.3	5	6	3	8
206 Gas Tax	Fourth Street Curb Ramp Replacement	5.3	7	7	0	7
206 Gas Tax - RMRA	Redwood Hwy Resurfacing (Civic Center to Smith Ranch)	4.9	5	5	3	7
206 Gas Tax	Mission Ave (Boyd Park) Sidewalk Gap Closure (front of Falkirk)	4.1	7	5	0	3
206 Gas Tax	Merrydale Pathway - North Connector Study	4.0	5	8	0	3
206 Gas Tax	121 Irwin St Headwall/Weir	3.3	3	4	0	7
206 Gas Tax	Lincoln Avenue Curb Ramps	3.2	4	4	0	5
206 Gas Tax	Riviera Drive Resurfacing - Phase 1	3.2	4	4	0	5
206 Gas Tax	Riviera Drive Resurfacing - Phase 2	3.2	4	4	0	5
206 Gas Tax	Manderly Road Medians	2.9	3	5	0	4
206 Gas Tax	Freitas Parkway and Montecillo Intersection (K-rail Only)	2.7	6	3	0	0



# Project Rating System

FUNDING SOURCE	PROJECT NAME	RANK SCORING 1 to 10	Health / Safety / Liability	Priority Initiative	Time- Sensitive Funds	Maintain / Enhance Functionality
			35%	20%	25%	20%
208 Childcare Fund	Childcare Portable Building Replacement (Silveira, Pickleweed and Lucas)	7.5	10	10	0	10
208 Childcare Fund	Childcare Portable Building Replacement (Vallecito)	5.3	7	7	0	7
208 Childcare Fund	Parkside Preschool Playground Tent Replacement	5.3	7	6	0	8
<b>235 Baypoint Lagoon Assessment Cayes Pump Station Control System</b>						
235 Baypoint Lagoon Assessment	Cayes Pump Station Control System	6.1	6	7	3	9
<b>241 Measure A: Parks</b>						
241 Measure A: Parks	Park and Recreation Master Plan	6.2	8	9	0	8
241 Measure A: Parks	Bernard Hoffman Playground Improvements	6.0	8	6	0	10
241 Measure A: Parks	Gerstle Park Tennis Court Resurfacing and ADA Improvements	5.9	7	8	0	9
241 Measure A: Parks	Peacock Gap Tennis Court Resurfacing and ADA Improvements	5.9	7	8	0	9
241 Measure A: Parks	Boyd Park Tennis Court Resurfacing and ADA Improvements	5.9	7	8	0	9
241 Measure A: Parks	Santa Margarita Tennis/Basketball Court Resurfacing and ADA	5.9	7	8	0	9
241 Measure A: Parks	Sun Valley Park Playground Improvements	5.5	7	7	0	8
241 Measure A: Parks	Peacock Gap Park Playground Improvements	4.9	6	7	0	7
241 Measure A: Parks	Gerstle Park Playground Improvements	4.4	5	7	0	6
241 Measure A: Parks	Boyd Park Playground Improvements	4.0	5	5	0	6
241 Measure A: Parks	Pickleweed Park Field Renovation	3.2	1	10	0	4
241 Measure A: Parks	Terra Linda Community Center: Pool Shade Structure	3.1	3	4	0	6
241 Measure A: Parks	Terra Linda Community Center: Basketball Court Repaving	2.9	3	4	0	5
241 Measure A: Parks	Bernard Hoffman Drainage and Irrigation Improvements	2.0	1	3	0	5
241 Measure A: Parks	Starkweather Park Improvements	1.8	1	3	0	4
<b>246 Traffic Mitigation</b>						
246 Traffic Mitigation	Third Street Intersection Improvements: Grand to Lindaro	see 206	-	-	-	-
246 Traffic Mitigation	Fourth Street Signal System Improvements: B Street to Cijos Street	6.6	8	7	3	8
246 Traffic Mitigation	North San Rafael Traffic Signal Connections	6.0	7	7	3	7
246 Traffic Mitigation	Second Street Intersection Improvements	5.3	6	8	0	8
246 Traffic Mitigation	Fifth Avenue Signal System Improvements: Court to E Street	5.1	5	6	3	7
246 Traffic Mitigation	Freitas and Las Gallinas: Left turn signal head	5.1	6	5	3	6
246 Traffic Mitigation	Fourth Street at Miracle Mile Intersection Improvements	4.9	5	5	3	7
246 Traffic Mitigation	Safe Routes to School: Davidson Phase 2	4.7	5	5	3	6
246 Traffic Mitigation	Bellam Blvd and Andersen Dr Intersection Improvements	4.7	5	4	3	7
246 Traffic Mitigation	North San Pedro and Merrydale Intersection: Feasibility Study	3.7	6	3	0	5
<b>420 Measure E: Essential</b>						
420 Measure E: Essential	Fire Station 54 & 55 Remodel	7.5	10	10	0	10
420 Measure E: Essential	Repurposing of Former City Hall Police Station	5.1	3	10	0	10
<b>501 Parking Services</b>						
501 Parking Services	Seismic Upgrades to Parking Structures at Third/A Street and Third/C	6.9	10	9	0	8
501 Parking Services	Seismic Upgrades to Parking Structure at Fifth/C Street	6.9	10	9	0	8
501 Parking Services	Fifth Street and Garden Parking Lot Resurfacing	6.2	8	9	0	8
501 Parking Services	Seismic Upgrades to Parking Structure at Third/Lootens	4.7	10	0	0	6

# Project Rating System

FUNDING SOURCE	PROJECT NAME	RANK SCORING 1 to 10	Health / Safety / Liability	Priority Initiative	Time- Sensitive Funds	Maintain / Enhance Functionality
			35%	20%	25%	20%
603 Building Maintenance	Albert Park Ball Field: ADA Wheelchair Ramp and Access Improvements	7.5	10	10	0	10
603 Building Maintenance	City Asset Condition Assessment Study	7.5	10	10	0	10
603 Building Maintenance	Albert Park Ball Field: ADA Restrooms	6.5	10	10	0	5
603 Building Maintenance	City Hall/Library Fire Sprinkler System (Study/Design Only)	6.5	10	8	0	7
603 Building Maintenance	Gerstle Park Restroom Repair	6.3	10	5	0	9
603 Building Maintenance	Shoreline Park Restroom	6.3	10	5	0	9
603 Building Maintenance	City Hall: Council Chambers Accessibility and Security Improvements	6.1	10	7	0	6
603 Building Maintenance	B Street Community Center: Stage Area Electrical Panel Upgrade	5.9	10	5	0	7
603 Building Maintenance	City Hall: Server Room Sewer Repair	5.1	7	7	0	6
603 Building Maintenance	Terra Linda Pool House Electrical Upgrades	4.9	7	5	0	7
603 Building Maintenance	B Street Community Center: Parking Lot Resurfacing	4.5	7	5	0	5
603 Building Maintenance	Pickleweed Park Resilience Hub	4.3	6	6	0	5
603 Building Maintenance	Terra Linda Community Center: HVAC Replacement	3.1	3	5	0	5
603 Building Maintenance	A.J. Boro Community Center: HVAC Repair	3.1	3	5	0	5
603 Building Maintenance	Resurface City Hall Parking Lots, Lower and Upper	2.9	3	4	0	5
603 Building Maintenance	Downtown Library: Reroof	2.7	3	3	0	5
603 Building Maintenance	Victor Jones Park Restroom Repair	2.7	3	3	0	5
603 Building Maintenance	Court Street Plaza Fountain Repair	2.1	2	2	0	5
603 Building Maintenance	Downtown Library: Children's Patio Enclosure	2.1	2	3	0	4
603 Building Maintenance	Terra Linda Recreation Center Hardscape Repair	2.1	2	2	0	5
603 Building Maintenance	A.J. Boro Community Center: Parking Lot Expansion (Schoen Park)	2.0	0	5	0	5
603 Building Maintenance	Downtown Library: Restroom Addition	0.8	0	2	0	2

**Section VI: Project Funding Tables**



Fund 235 - Baypoint Lagoon Assessment District									
Project Name	Rank Scoring 1 to 10	Prior Funding		FY 2020-21		FY 2021-22		FY 2022-23	
		Planning / Design	Construction	Planning / Design	Construction	Planning / Design	Construction	Planning / Design	Construction
Cayes Pump Station Control System	6.1	\$74,000							
Transfer from CIP Engineering Operating Budget		\$6,000							
Grant: CDBG 2020-22					\$85,328				
Grant: Unsecured					\$324,672				
Funded Project Total					\$0		\$0		\$0

Fund 241 - Measure A: Parks									
Project Name	Rank Scoring 1 to 10	Prior Funding		FY 2020-21		FY 2021-22		FY 2022-23	
		Planning / Design	Construction	Planning / Design	Construction	Planning / Design	Construction	Planning / Design	Construction
Park and Recreation Master Plan	6.2			\$150,000					
Bernard Hoffman Playground Improvements	6								
Peacock Gap Tennis Court Resurfacing and ADA Improvements	5.9								
Grant: Prop 68 Per Capita									
Santa Margarita Tennis/Basketball Court Resurfacing and ADA Improvements	5.9								
Grant: Prop 68 (Unsecured)									
Gerstle Park Tennis Court Resurfacing and ADA Improvements	5.9								
Boyd Park Tennis Court Resurfacing and ADA Improvements	5.9								
Sun Valley Park Playground Improvements	5.5								
Peacock Gap Park Playground Improvements	4.9								
Gerstle Park Playground Improvements	4.4								
Boyd Park Playground Improvements	4								
Pickleweed Park Field Renovation	3.2	\$20,000							
Unfunded Projects Shown Below									
Terra Linda Community Center: Pool Shade Structure	3.1								
Terra Linda Community Center: Basketball Court Repaving	2.9								
Bernard Hoffman Drainage and Irrigation Improvements	2								
Starkweather Park Improvements	1.8								
Funded Project Total					\$150,000		\$0		\$0

Fund 246 - Traffic Mitigation									
Project Name	Rank Scoring 1 to 10	Prior Funding		FY 2020-21		FY 2021-22		FY 2022-23	
		Planning / Design	Construction	Planning / Design	Construction	Planning / Design	Construction	Planning / Design	Construction
Third Street Safety Improvements: Lindaro to Union (transfer to Fund 206)	See 206						\$300,000		\$500,000
Bike Connection from Second/Tamalpais to Third/Tamalpais	In Progress	\$10,000	\$30,000						
C and D Streets Conversion to 2-way Streets	In Progress		\$120,000						
Innovative Developments to Enhance Arterials (IDEA) Grant	In Progress		\$380,000						
Fourth Street Signal System Improvements: B Street to Cijos Street	6.6			\$50,000					\$300,000
North San Rafael Traffic Signal Connections	6			\$50,000					\$150,000
Second Street Intersection Improvements	5.3	\$280,000		\$100,000					\$620,000
Unfunded Projects Shown Below									
Fifth Avenue Signal System Improvements: Court to E Street	5.1								
Freitas and Las Gallinas: Left turn signal head	5.1								
Fourth Street at Miracle Mile Intersection Improvements	4.9								
Bellam Blvd and Andersen Dr Intersection Improvements	4.7								
Safe Routes to School: Davidson Phase 2	4.7								
North San Pedro and Merrydale Intersection: Feasibility Study	3.7								
Funded Project Total					\$200,000		\$300,000		\$1,570,000

Fund 420 - Essential Facilities									
Project Name	Rank Scoring 1 to 10	Prior Funding		FY 2020-21		FY 2021-22		FY 2022-23	
		Planning / Design	Construction	Planning / Design	Construction	Planning / Design	Construction	Planning / Design	Construction
Fire Station 54 & 55 Remodel	7.5	\$655,000			\$6,718,000				
Repurposing of Former City Hall Police Station	5.1				\$400,000				
Funded Project Total					\$7,118,000		\$0		\$0

Fund 501 - Parking Services									
Project Name	Rank Scoring 1 to 10	Prior Funding		FY 2020-21		FY 2021-22		FY 2022-23	
		Planning / Design	Construction	Planning / Design	Construction	Planning / Design	Construction	Planning / Design	Construction
Seismic Upgrades to Parking Structure at Fifth/C Street	6.9					\$25,000			
Seismic Upgrades to Parking Structure at Third/Lootens	4.7							\$100,000	
Unfunded Projects Shown Below									
Seismic Upgrades to Parking Structures at Third/A Street and Third/C Street	6.9								
Fifth Street and Garden Parking Lot Resurfacing	6.2								
Funded Project Total					\$0		\$25,000		\$100,000

Fund 603 - Building Maintenance									
Project Name	Rank Scoring 1 to 10	Prior Funding		FY 2020-21		FY 2021-22		FY 2022-23	
		Planning / Design	Construction	Planning / Design	Construction	Planning / Design	Construction	Planning / Design	Construction
Albert Park Ball Field: ADA Wheelchair Ramp and Access Improvements	7.5			\$40,000			\$140,000		
Albert Park Ball Field: ADA Restrooms	6.5			\$30,000			\$130,000		\$90,000
Gerstle Park Restroom Repair	6.3						\$30,000		
Shoreline Park Restroom	6.3		\$140,000						
City Hall: Council Chambers Accessibility and Security Improvements	6.1	\$9,000			\$175,000				
B Street Community Center: Stage Area Electrical Panel Upgrade	5.9								\$160,000
Unfunded Projects Shown Below									
Terra Linda Pool House Electrical Upgrades	4.9								
B Street Community Center: Parking Lot Resurfacing	4.5								
Pickleweed Park Resilience Hub	4.3								
A.J. Boro Community Center: HVAC Repair	3.1								
Terra Linda Community Center: HVAC Replacement	3.1								
Resurface City Hall Parking Lots, Lower and Upper	2.9								
Downtown Library: Reroof	2.7								
Victor Jones Park Restroom Repair	2.7								
Court Street Plaza Fountain Repair	2.1								
Downtown Library: Children's Patio Enclosure	2.1								
Terra Linda Recreation Center Hardscape Repair	2.1								
A.J. Boro Community Center: Parking Lot Expansion (Schoen Park)	2								
Downtown Library: Restroom Addition	0.8								
Funded Project Total					\$245,000		\$300,000		\$250,000




**Agenda Item No: 6.d**  
**Meeting Date: May 18, 2020**

**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: City Attorney**

**Prepared by: Lisa Goldfien**  
**Assistant City Attorney**

**City Manager Approval:** \_\_\_\_\_ 

**TOPIC: RESPONSE TO GRAND JURY REPORT ON WEB TRANSPARENCY**

**SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE CITY OF SAN RAFAEL RESPONSE TO THE 2019-2020 MARIN COUNTY GRAND JURY REPORT ENTITLED "FOLLOW-UP REPORT ON WEB TRANSPARENCY OF AGENCY COMPENSATION PRACTICES," DATED APRIL 28, 2020**

**RECOMMENDATION:**

Adopt the resolution approving the proposed response to the Grand Jury.

**BACKGROUND:**

The City of San Rafael’s website is a vital form of communication and is the face of the City online. Staff uses the website to convey the City’s messages and provide the public with relevant, current, and accurate information and services. For many residents, visitors and businesses, the City website is their first impression of the City and a well-designed website can directly lead to reducing staff time spent on phone calls and research. In October 2016, to improve the functionality and accessibility of the City’s website to the public, the City comprehensively updated the website making it more mobile-friendly and modern with significantly updated content and navigation to more readily answer the most common public inquiries.

The Marin County Grand Jury, recognizing the importance of an agency’s website in making government transparent to the general public, has devoted much attention in recent years to examining the websites of several local governmental agencies within Marin County. In March 2016 the Grand Jury issued its “Web Transparency Report Card,” which evaluated the quality of each agency’s online information such as budgets, audits and board member information. In that report, issued before the City updated its website, the Grand Jury gave the City of San Rafael a “B” grade, finding the City provided easy access to information regarding budget, meetings, administrative officials, audits, public records, revenue sources and municipal specific issues, but fell short in providing information about City contracts and elected/appointed officials. Following that report, the City updated its website and included information consistent with the recommendations of the Grand Jury, including the recommendation that all the local agencies should update their websites “to include the annual compensation of . . . elected officials, officers and employees.”

The 2019-2020 Grand Jury has now issued an April 28, 2020 report entitled “Follow-up Report on Web Transparency of Agency Compensation Practices” which is focused just on the completeness and

---

**FOR CITY CLERK ONLY**

**Council Meeting:** \_\_\_\_\_

**Disposition:** \_\_\_\_\_

accessibility of website information on the compensation of a local agency's employees and particularly their elected officials. The City is required to respond to this report. Penal Code section 933(c) states in part:

"No later than 90 days after the Grand Jury submits a final report...the governing body of the public agency shall comment to the presiding Judge of the Superior Court on the findings and recommendations...[contained in the report]."

To comply with this statute, the City's response to the Grand Jury report is required to be approved by Resolution of the City Council and submitted to the Presiding Judge of the Marin County Superior Court and the Foreperson of the Grand Jury on or before July 27, 2020.

**ANALYSIS:**

The California Government Code requires most public agencies to report the annual compensation (total wages and total retirement/health contribution) of their "elected officials, officers, and employees" to the State Controller's office, which posts this information on its Government Compensation in California website at [publicpay.ca.gov](http://publicpay.ca.gov) (Public Pay). A companion statute requires that each agency with a website also post this compensation information "in a conspicuous location" on its website, which it may do by posting a link to the Public Pay website.

For its April 28 report, the Grand Jury audited the websites of 34 of Marin's local public agencies, including the County of Marin, the 11 cities and towns, 10 sanitary districts, 9 fire districts, and 3 water districts, to evaluate their compliance with these legal requirements as well as to determine their ease of use in finding current compensation information for the agency. The City of San Rafael has been requested to respond to two of the Grand Jury's six findings and three of the seven recommendations in this report. Staff has implemented all of the Grand Jury's recommendations as follows:

In evaluating the accessibility of compensation information to the public, and in making findings and recommendations, the Grand Jury used the following standards:

1. An agency's website link to the Public Pay website should take the user directly to the page showing the agency's most current compensation information on its employees and officials.

Grand Jury Finding (F3) and Recommendations (R3, R4): The Grand Jury's Finding F3 states that a website that fails to go directly to the agency's current compensation data for employees and elected officials on the Public Pay website does not satisfy the intent of the Government Code that information be easily located, and Recommendations R3 and R4 propose that such links should be put in place within 90 days.

City Response: Agreed. The City's Human Resources Department webpage, under "Salary Schedules," prominently displays a link that takes the user directly to the City's employee compensation page of the Public Pay website. Similarly, the City Council webpage, under "Compensation" has a button called "Actual Compensation" that links directly to the City's Public Pay compensation page for elected City officials. However, at the time the Grand Jury conducted its review, these links were not set to take the user automatically to the most recently posted information. Staff agrees with the Grand Jury's finding and recommendations, and the City's links have now been updated so that they do automatically take the user to the most recent posted compensation data.

2. On the agency's own website, the agency should disclose compensation policies and detail all elements of actual compensation for their elected officials (e.g. health and retirement benefits, compensation for serving on other boards or committees, equipment benefits, etc.).

Grand Jury Finding (F5) and Recommendation (R6): The Grand Jury's Finding F5 states that most public agencies' websites do not break out all components of compensation paid to their elected officials. Recommendation R6 suggests that within 120 days, agencies should adopt a practice to compile and publish an annual report detailing the compensation actually paid to their elected officials for the previous calendar year with a link to that report on the agency's board or council webpage.

City Response. Agreed. While as noted above, the City annually reports the total compensation paid to its elected officials--the Mayor, City Council, City Clerk and City Attorney—the City's web pages for these officials have not contained a detailed breakdown of the various elements of their prior year's compensation. Staff agrees with the Grand Jury's finding and the recommendation has now been implemented with the posting of the requested information on the City's website pages for the City Council, City Clerk, and City Attorney.

Staff recommends that the City Council adopt the attached resolution approving the Grand Jury response form with the foregoing responses.

**FISCAL IMPACT:**

There is no direct fiscal impact from the action recommended in this report.

**OPTIONS:**

The City is required to respond, however, the City Council has the following options to consider on this matter:

1. Adopt Resolution approving the proposed Grand Jury response;
2. Adopt Resolution with modifications to the proposed response;
3. Direct staff to return with more information.

**RECOMMENDATION:**

Staff recommends that the City Council adopt the attached Resolution approving the proposed response to the Grand Jury report and authorizing the Mayor to execute the response.

**ATTACHMENTS:**

1. Resolution Approving Response to Grand Jury Report
2. Proposed Response to Grand Jury Report
3. Grand Jury Report "Follow-Up Report on Web Transparency of Agency Compensation Practices" dated April 28, 2020



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE CITY'S RESPONSE TO THE MARIN COUNTY GRAND JURY REPORT ENTITLED "FOLLOW-UP REPORT ON WEB TRANSPARENCY OF AGENCY COMPENSATION PRACTICES," DATED APRIL 28, 2020**

**WHEREAS**, pursuant to Penal Code section 933, a public agency which receives a Grand Jury Report addressing aspects of the public agency's operations must, within ninety (90) days, provide a written response to the Presiding Judge of the Superior Court with a copy to the Foreperson of the Grand Jury, responding to the Report's findings and recommendations; and

**WHEREAS**, Penal Code section 933 specifically requires that the "governing body" of the public agency provide said response and, in order to lawfully comply, the governing body must consider and adopt the response at a noticed public meeting pursuant to the Brown Act; and

**WHEREAS**, the City Council of the City of San Rafael has received and reviewed the Marin County Grand Jury Report, dated April 28, 2020, entitled "Follow-up Report on Web Transparency of Agency Compensation Practices," and has agendized it at this meeting for a response.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of San Rafael hereby:

1. Approves and authorizes the Mayor to execute the City's response to the Marin County Grand Jury's April 28, 2020 report entitled "Follow-up Report on Web Transparency of Agency Compensation Practices," a copy of which response is attached hereto and incorporated herein by reference.

2. Directs the City Clerk to forward the City's response forthwith to the Presiding Judge of the Marin County Superior Court and to the Foreperson of the Marin County Grand Jury.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the San Rafael City Council held on the 18th day of May 2020, by the following vote to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

\_\_\_\_\_  
LINDSAY LARA, City Clerk

## FORM FOR RESPONDING TO GRAND JURY REPORT

**Report Title:** "Follow-up Report on Web Transparency of Agency Compensation Practices"  
**Report Date:** April 28, 2020  
**Public Release Date:** April 28, 2020  
**Response by:** Mayor Gary Phillips and San Rafael City Council

### FINDINGS

- I (we) agree with the findings numbered: **F3 and F5**
- I (we) disagree wholly or partially with the findings numbered: **n/a**

### RECOMMENDATIONS

- Recommendations numbered **R3, R4 and R6** have been implemented.
- Recommendations numbered **n/a** have not yet been implemented but will be implemented in the futures.
- Recommendations numbered **n/a** require further analysis.
- Recommendations numbered **n/a** will not be implemented because they are not warranted or are not reasonable.

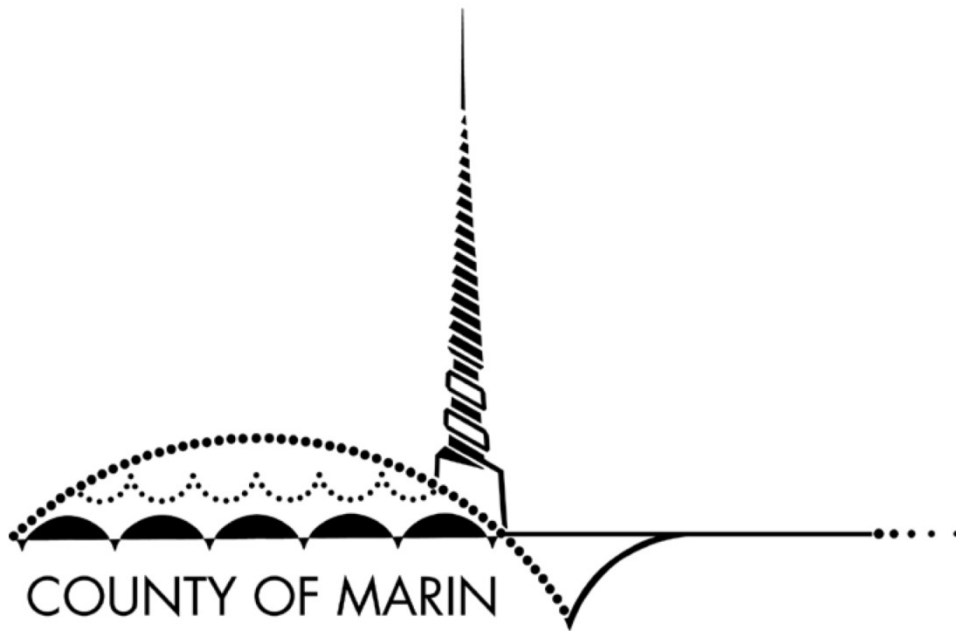
Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Number of pages attached: 0

2019–2020 MARIN COUNTY CIVIL GRAND JURY

# Follow-Up Report on Web Transparency of Agency Compensation Practices

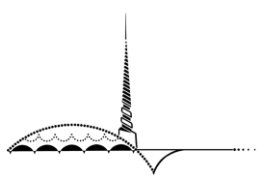
April 28, 2020



### **A Note about the Coronavirus Pandemic**

The 2019–2020 Marin County Civil Grand Jury is issuing its reports during the unprecedented conditions of the COVID-19 pandemic. We are well aware that Marin County is in crisis and that critical public health concerns, operational difficulties, and financial challenges throughout the county have a greater claim to government attention right now than the important issues raised by this Grand Jury.

We are confident that, in due course, Marin will come through this crisis as strong as ever.



# Follow-Up Report on Web Transparency of Agency Compensation Practices

## Summary

Many Marin public agencies fail to make the compensation for their elected officials and employees fully transparent on their public websites, despite state legal requirements and past Grand Jury recommendations that they do so. The 2019–2020 Grand Jury examined the current status of 34 Marin public agency websites to determine if they are meeting transparency standards with respect to compensation disclosures.

California law requires most public agencies to report the annual compensation of their “elected officials, officers, and employees” to the state controller’s office, which posts this information on its Government Compensation in California website at *publicpay.ca.gov* (Public Pay).<sup>1</sup> Each local agency with a website also is legally required to post “in a conspicuous location . . . information on the annual compensation of its elected officials, officers and employees.”<sup>2</sup>

All of Marin’s cities, towns, and major agencies have websites, so each of them is required to post annual compensation data, and the public should be able to easily find this information.

Over and above these basic legal requirements, the public has an interest in understanding compensation policies with regard to elected officials, including information about wages, health and retirement benefits, and reimbursement policies. There is a wide variance in compensation policies and the total amounts and benefits paid to elected officials. The public should be able to access this information easily and quickly rather than having to dig through meeting minutes or policy manuals that may or may not be easy to find on a website.

The 34 agency websites audited included those of the County of Marin, Marin’s 11 cities and towns, 10 sanitary districts, 9 fire districts, and 3 water districts. The Grand Jury wanted to know if the legal disclosure requirements were met and if detailed information about compensation and benefits for elected officials was readily available.

This investigation revealed that a great majority of audited agency websites failed to comply fully with legal compensation disclosure requirements. Compensation information was often difficult to find and outdated. Information on actual compensation paid to elected officials was also missing, difficult to find, or insufficient. In many cases, it was difficult to find information about compensation policies for elected officials. In contrast, the Marin Municipal Water

---

<sup>1</sup> California Government Code § 53892, accessed March 30, 2020, [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=53892](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=53892).

<sup>2</sup> California Government Code § 53908, accessed March 30, 2020, [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=53908](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=53908).

District<sup>3</sup> (MMWD) and the North Marin Water District<sup>4</sup> each annually post a detailed report on the compensation of their elected officials.

This Grand Jury report makes specific recommendations for every agency to follow to ensure compliance with legal requirements and to go beyond compliance to achieve higher standards of public transparency.

## Background

The transparency of public agencies and their compensation policies has been an ongoing topic of state and local concern. In recent years, the state legislature amended the California Government Code to require the posting of annual compensation data on agency websites.<sup>5</sup> Local agencies are now required to report their compensation data to the state controller's office, which posts the data on the Public Pay site.<sup>6</sup>

Since 2014, the Marin County Civil Grand Jury has published four reports on web transparency:

- A 2013–2014 Grand Jury report, *What Are Special Districts and Why Do They Matter?*, recommended that the county post a complete list of all of Marin's special districts on its website to enable residents to understand the extent of local government.<sup>7</sup> The county did not fulfill this recommended action.
- In March 2016, the 2015–2016 Grand Jury followed up with its *Web Transparency Report Card*, reiterating, among other things, that the master list of special districts should be completed.<sup>8</sup> It also recommended that all agencies should update their websites “to include the annual compensation of . . . elected officials, officers and employees.”<sup>9</sup> These recommended actions were not completed.
- The 2016–2017 Grand Jury issued its *Web Transparency Report Card Update*, which noted a marked improvement in the quality of agency websites. This report card also noted additional room for improvement for many agencies.<sup>10</sup>

---

<sup>3</sup> Marin Municipal Water District, *Annual Report on Board Compensation*, August 7, 2018, <http://marinwater.org/DocumentCenter/View/3602/Board-Compensation-Annual-Report?bidId=>.

<sup>4</sup> North Marin Water District, 2018 Compensation Report, accessed March 30, 2020, <https://www.nmwd.com/pdfs/NMWDCompensationReportCY2018.pdf>.

<sup>5</sup> California Government Code § 53908

<sup>6</sup> Government Compensation in California, accessed March 30, 2020, <https://publicpay.ca.gov>.

<sup>7</sup> Marin County Civil Grand Jury, *What Are Special Districts and Why Do They Matter?*, May 20, 2014, [https://www.marincounty.org/-/media/files/departments/gj/reports-responses/2013/spd\\_master\\_list\\_report.pdf](https://www.marincounty.org/-/media/files/departments/gj/reports-responses/2013/spd_master_list_report.pdf).

<sup>8</sup> Marin County Civil Grand Jury, *2015–2016 Web Transparency Report Card: Bringing Marin County's Local Governments to Light*, March 10, 2016, [https://www.marincounty.org/-/media/files/departments/gj/reports-responses/2015/responses/webtransparencypcard/2015\\_16-web-transparency-report-card.pdf](https://www.marincounty.org/-/media/files/departments/gj/reports-responses/2015/responses/webtransparencypcard/2015_16-web-transparency-report-card.pdf).

<sup>9</sup> Marin County Civil Grand Jury, *2015–2016 Web Transparency Report Card: Bringing Marin County's Local Governments to Light*, p. 10.

<sup>10</sup> Marin County Civil Grand Jury, *2016–2017 Web Transparency Report Card Update*, June 8, 2017, <https://www.marincounty.org/-/media/files/departments/gj/reports-responses/2017/web-transparency-update.pdf>.

- In a report entitled *Special Districts Transparency Update*, the 2018–2019 Grand Jury noted that the special districts list recommended by the 2013–2014 Grand Jury still had not been created.<sup>11</sup> The report reiterated this recommendation and suggested that the special district list include “complete compensation components and amounts (including salary, insurance, stipends, in kind goods, conference fees and other benefits, and reimbursements).”<sup>12</sup>

The Grand Jury has focused on these issues for more than six years, without satisfactory resolution. Perhaps with this follow-up report, agencies will come to understand the vital importance of public transparency and will be more forthcoming with this information and finally improve their websites. Public transparency regarding compensation of elected officials is essential because the public needs accurate information about its government agencies. Transparency helps to maintain trust in the government and gives information to the public that helps guide decisions on matters of self-governance. It makes responsive democracy work.

## Approach

The Grand Jury reviewed the work of prior juries as published in the four previous reports and audited the websites of 34 of Marin’s public agencies, including the County of Marin, Marin’s 11 cities and towns, 10 sanitary districts, 9 fire districts, and 3 water districts (this report uses the term “agency” to refer to these diverse jurisdictions). Jurors reviewed these websites to determine if they met the legal requirements by providing easy access to accurate, current compensation data for public employees. Jurors also checked the board or council pages of these websites to determine if they included detail about annual compensation for elected officials.

The audit was conducted by having at least one juror review each agency’s website and compile a list of any deficiencies. This work was then reviewed by at least two other jurors. Those three jurors then reached a consensus for each agency. These agency website reviews were valid as of February 20, 2020.

## Discussion

### The Public Should Know the Compensation of Its Elected Officials

The taxpaying public has a right to know the compensation of its elected officials. Compensation may include the following:

- Monthly wages or a fixed stipend per meeting attended
- Additional compensation for sitting on affiliated boards, subcommittees, or commissions, or for attending extra meetings on behalf of their agency

---

<sup>11</sup> Marin County Civil Grand Jury, *Special Districts Transparency Update*, June 13, 2019, <https://www.marincounty.org/-/media/files/departments/gj/reports-responses/2018-19/special-districts-transparency-update.pdf>.

<sup>12</sup> Marin County Civil Grand Jury, *Special Districts Transparency Update*, p. 5.

- Healthcare benefits
- Retirement benefits
- Reimbursement for travel, attending conferences, or industry events
- Reimbursement for cell phones, computers, or tablets (or free use of such equipment)

The public should be informed that there is a wide variance in compensation policies. Some agencies have adopted a policy not to compensate their elected officials. In addition, total compensation and benefits paid to elected officials for similar agencies varies. The high and low ranges for compensation at various types of agencies are summarized in Table 1. In some cases, elected officials waive their right to some or all compensation.

### County Supervisors

Unlike elected officials in most cities, towns, and other agencies, Marin County supervisors are full-time employees and receive full-time salaries and benefits. Total 2018 annual compensation for members of the Marin County Board of Supervisors ranged from \$173,000 to \$186,000, plus benefits.

**Table 1. Ranges of Elected Officials Annual Compensation in 2018**

Agency Type	Low*	High
Cities/Towns	\$0	\$17,000
Fire Districts	0	2,800
Sanitation Districts	0	19,000
Water Districts	1,600	39,000

\* Low does not reflect those who waive compensation in agencies that pay their elected officials.

### City and Town Council Members

For town and city councilmembers, total annual compensation for 2018 ranged from zero in Belvedere, Ross, and Tiburon to about \$17,000 in San Rafael. Annual compensation was typically in the \$3,000 to \$5,000 range, and councilmembers in some municipalities, including San Rafael, elected to waive compensation.

### Fire District Board Members

Total 2018 compensation for individual board members in Marin’s nine audited fire districts ranged from zero to \$2,800. Board members in the Bolinas, Sleepy Hollow, Southern Marin, and Stinson Beach Fire Protection Districts do not receive compensation. In the Novato Fire Protection District, 2018 compensation for one board member was about \$2,800. The Central Marin Fire Authority was formed in 2018 and, as of February 1, 2020, had not yet filed its first compensation data with the state controller, but the agency is included in this report so that it will fulfill the requirement that it post its compensation data.

### Sanitation District Board Members

In Marin’s 10 sanitation districts, 2018 total annual board member compensation ranged from zero in the Tiburon and Central Marin Sanitation Districts to as high as \$19,000 in the Las Gallinas Valley Sanitary District. Typically, annual board member compensation in Marin’s sanitation districts ranges from \$1,000 to \$4,000.



## Water District Board Members

The 2018 annual board member compensation in Marin’s three water districts ranged from \$1,600 in the Stinson Beach Water District to \$9,000 in the North Marin Water District to \$39,000 in the Marin Municipal Water District.

## Legal Requirements Regarding Compensation Disclosures

There are two sections in the California Government Code requiring compensation disclosures. Section 53892 requires that most public agencies (school districts are excluded) report annually to the state controller the total compensation of all “elected officials, officers and employees.”<sup>13</sup> The state controller publishes this information for all agencies on the Public Pay website.

Section 53908 requires that if an agency has a website “it shall post, in a conspicuous location on its Internet Web site, information on the annual compensation of its elected officials, officers, and employees that is submitted to the controller.” An agency could comply with this provision by posting a complete table on its website that includes all of the data actually filed with the state controller, and by updating that table each year. Section 53908 also allows an agency to comply with the transparency requirement by posting, “in a conspicuous location on its Internet Web site, a link to” the Public Pay site.<sup>14</sup>

The Grand Jury also notes that Section 53908 mentions *twice* that the Public Pay link must be “conspicuous,” a term that is not defined in the code. For purposes of its investigation, the Grand Jury decided that a link could be deemed conspicuous if it satisfies *both* of the following criteria:

- The link is located on a page that is within three clicks of the website’s home page (where a hover causing a menu to be revealed is equivalent to a click).
- The link can be found within five minutes of starting a search, whether by browsing menus or using a search box on the website.

This is a commonsense approach that, if anything, is generous to agencies, since internet users are unlikely to invest as much as five minutes in such a search.

The Grand Jury also determined that a Public Pay link that does not go directly to the agency’s page on the Public Pay site for the most recently available year should not be considered compliant with the intent of the transparency requirements set forth in the law.

During its investigation, the Grand Jury discovered that some agencies were not reporting board member compensation to the state controller’s office because they had been advised by the state controller’s office that this was not required unless a W-2 form for the compensation was issued. Some elected officials are paid fees for which W-2 forms are not issued. State officials have now confirmed that the elected officials’ compensation must be reported regardless of how they are paid.

---

<sup>13</sup> California Government Code § 53892.

<sup>14</sup> California Government Code § 53908.

## Public Transparency of Compensation for Elected Officials

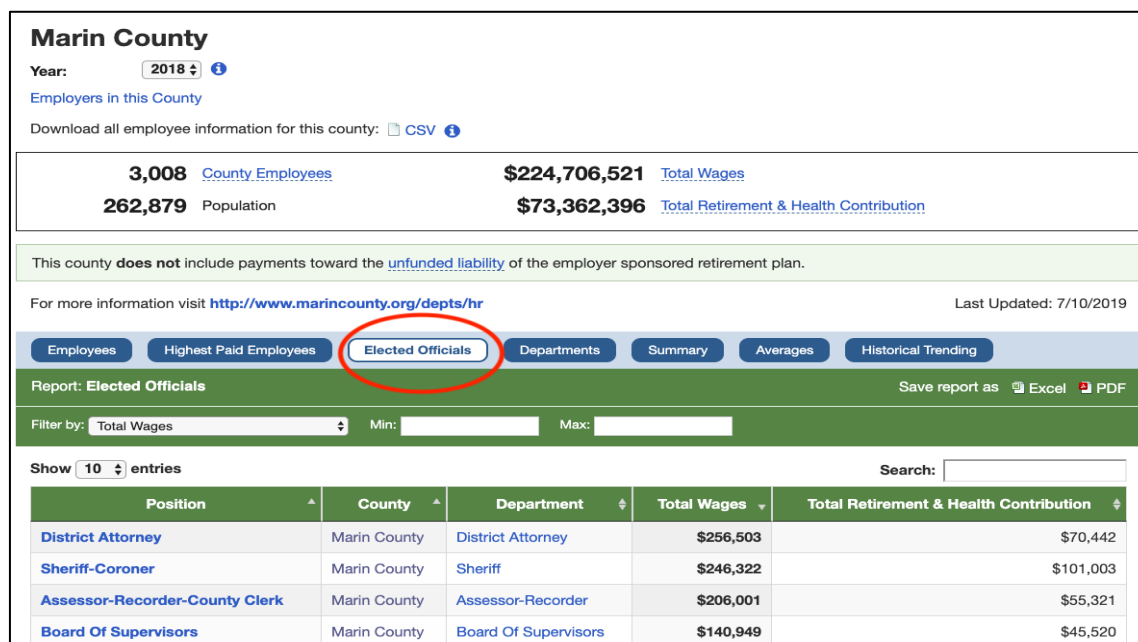
Beyond the basic legal requirements in California state law, public transparency goals would be better served by stronger disclosure of compensation policies and detailed compensation paid to elected officials. While total compensation paid to elected officials can be found by clicking an “Elected Officials” button on the agency’s page on the Public Pay site, as shown in Figure 1, most users would not necessarily see this link and might need to scroll through multiple pages of employees before finding the elected officials.

To make locating the information easier, a link can be included directly from the agency’s website to the elected officials data on the Public Pay site. This can be done by simply adding *&rpt=5* to the end of a regular Public Pay URL link.

The data on the Public Pay site for elected officials is limited to total wages and total retirement and health contributions. The site does not break out elements such as per-meeting stipends, reimbursements or payments for serving as an agency liaison to other advisory committees, councils, and forums. For better transparency on their websites, local agencies should disclose all elements of compensation for their elected officials and establish this higher standard as best practice for all of Marin County.

Both MMWD and the North Marin Water District have excellent practices with regard to transparency on compensation of their elected officials. The MMWD website’s board page provides a quick link to an annual compensation report detailing board compensation policies

**Figure 1. Public Pay Elected Officials Page Example**



**Source:** Government Compensation in California, accessed March 30, 2020, <https://publicpay.ca.gov/Reports/Counties/County.aspx?entityid=21&year=2018&rpt=5>

and annual amounts paid to each member for regular board meetings, board committees, other special board meetings, and liaison assignments to advisory committees, councils, and forums. It also details total annual payments for conferences, training, and memberships, as well as medical and dental benefits and other benefits, including iPad data plans. North Marin Water District discloses several annual board compensation elements by a direct link to the financial report it files with the state controller's office, but it is not as detailed as the MMWD report.

## Results of the Website Audit

The Grand Jury audit found that many website compensation links were missing or broken. In other cases, links were not easy to find. Policies and compensation for elected officials were not always posted. Thirty of the 34 audited agency websites failed to comply fully with legal disclosure requirements.

### Missing or Inconspicuous Links

Fifteen of 34 of the audited agency websites failed to post a compensation report or a "conspicuous" link to their data on the Public Pay site. These agencies are shown in Table 2. The worst example of this was the County of Marin's website, where four jurors were each unable to locate a compensation link after searching for at least 15 minutes.

In the investigation, the Grand Jury observed that several agencies post a link to the Transparent California website rather than to the Public Pay website.<sup>15</sup> Transparent California is not included in Government Code Section 53908, so this does not comply with the legal requirements.

The Grand Jury recommends that all the noncompliant agencies identified in Table 2 remedy these deficiencies by placing a Public Pay link on the web page listed in the table. Generally, the audit revealed that the best location for a Public Pay link is either the finance or human resources section of the agency's website.

### Link Does Not Go Directly to the Agency's Most Recent Data

Many agencies include a Public Pay link on their website that is deficient because it connects the user to an outdated page or to the state's Public Pay home page rather than directly to the local agency data on the Public Pay site. The Grand Jury believes this is largely due to a technical oversight.

Appendix A contains the recommended Public Pay link for each audited agency, as well as links for 22 additional agencies that were not audited. A key feature of these links is that they include the ID number of the agency, but exclude any parameter specifying a year (an example of this parameter is *&year=2016*). By *excluding* the specific year parameter, the link will automatically lead a user to the most recent available data for that agency, and it will not become outdated over time. This will save the agency the work of updating the link on an annual basis while reducing the chance of errors in future postings.

---

<sup>15</sup> Transparent California, accessed March 30, 2020, <https://transparentcalifornia.com>.

**Table 2. Agency Websites with Missing or Inconspicuous Links to Compensation Data**

Agency	Recommended Conspicuous Location for Link
City of Mill Valley	<a href="http://www.cityofmillvalley.org/gov/departments/finance/default.htm">http://www.cityofmillvalley.org/gov/departments/finance/default.htm</a>
City of Sausalito	<a href="https://www.sausalito.gov/departments/administration/finance/financial-documents">https://www.sausalito.gov/departments/administration/finance/financial-documents</a>
Town of Tiburon	<a href="http://townoftiburon.org/154/Administration-Finance">http://townoftiburon.org/154/Administration-Finance</a>
County of Marin	<a href="https://www.marincounty.org/depts/df">https://www.marincounty.org/depts/df</a>
Bolinas Fire Protection District*	<a href="https://www.bolinasfire.org/board-members">https://www.bolinasfire.org/board-members</a>
Central Marin Fire Authority**	<a href="https://centralmarinfire.org/admin/finance">https://centralmarinfire.org/admin/finance</a>
Kentfield Fire Protection District	<a href="https://www.kentfieldfire.org/administration/finance-a-budget">https://www.kentfieldfire.org/administration/finance-a-budget</a>
Sleepy Hollow Fire Protection District	<a href="https://shfpd.org/about-us/finances">https://shfpd.org/about-us/finances</a>
Southern Marin Fire Protection District	<a href="https://www.southernmarinfire.org/admin">https://www.southernmarinfire.org/admin</a>
Stinson Beach Fire Protection District*	<a href="https://www.stinsonbeachfireprotectiondistrict.org/financials-budgets">https://www.stinsonbeachfireprotectiondistrict.org/financials-budgets</a>
Almonte Sanitary District	<a href="https://www.almontesd.org/governance.php">https://www.almontesd.org/governance.php</a>
Central Marin Sanitation Agency	<a href="https://www.cmsa.us/finance/">https://www.cmsa.us/finance/</a>
Las Gallinas Valley Sanitation District	<a href="http://www.lgvsd.org/about-us/board-of-directors/">http://www.lgvsd.org/about-us/board-of-directors/</a>
Ross Valley Sanitary District (Sanitary District No. 1)	<a href="https://www.rvsd.org/31/Open-Government">https://www.rvsd.org/31/Open-Government</a>
Stinson Beach Water District	<a href="http://stinson-beach-cwd.dst.ca.us/index.html">http://stinson-beach-cwd.dst.ca.us/index.html</a>

\* Existing link goes to Transparent California rather than Public Pay

\*\* Formed in 2018 and not required to report for that year

### Agency Websites Should Have a Link Directly to Elected Officials Data

Although it is simple to link directly to a page on the Public Pay website showing actual compensation paid to elected officials, none of the audited agencies currently do so. All Marin public agency websites should have a direct link from their board or council page to their “Elected Officials” page on the Public Pay site. All Marin agencies should adopt this higher standard of transparency.

A link to the “Elected Officials” page on the Public Pay site can be added simply by adding a new parameter to the end of the normal Public Pay link as is shown for all agencies in Appendix A. For instance, the City of San Rafael could include such a link by adding *&rpt=5* to

the end of its Public Pay link, resulting in the following:

<https://publicpay.ca.gov/Reports/Cities/City.aspx?entityid=256&rpt=5>.

### **Agencies Should Post Compensation Policies and Annual Compensation Details**

The Grand Jury audit revealed that compensation policies for many agencies either were not posted or were scattered in a wide variety of hard-to-find locations. Eighteen of the 34 agencies did not post such information on the board or council pages of their websites. As described previously, public transparency is promoted by posting detailed information about the compensation policies for elected officials. All agencies should post this information on their board or council web pages. As an example, MMWD posts detailed information about the annual compensation of its elected officials. All Marin agencies should adopt this higher standard of transparency.

### **Conclusion**

To make informed decisions on matters of self-governance, the public needs to understand the workings of their public agencies, including the compensation of elected officials. Public transparency helps to maintain trust in the government. It makes responsive democracy work.

By following the recommendations in this report, Marin's public agency websites can come into compliance with state legal requirements. Following these recommendations will reduce the chance of errors and minimize the time needed to keep websites current. These changes also will improve public access to important information while increasing the transparency that is essential to good government in a democratic society.

### **Findings**

- F1. Many Marin public agencies fail to include on their websites either a link to the *publicpay.ca.gov* site showing compensation for their elected officials, officers, and employees, or a table showing such data. The Grand Jury determined that these agencies fail to comply with the requirements of Government Code Section 53908.
- F2. Any link to compensation data on an agency's website that takes more than five minutes or three clicks from the home page to locate, does not reasonably satisfy the intent of the Government Code that the information be easily located and "conspicuous" on the agency's website.
- F3. Any link to *publicpay.ca.gov* on an agency's website that fails to go directly to the agency's current compensation data on that website does not satisfy the intent of the Government Code that information be easily located.
- F4. Regarding compensation policies for elected officials, many public agencies do not provide the public with easy access to information regarding salary, meeting fees or stipends (including compensation for serving as liaison to other advisory committees, councils and forums), reimbursements, health and retirement benefits, and other benefits such as equipment.

- F5. Regarding detailed disclosure of total compensation paid, most public agencies do not break out all components of compensation paid to their elected officials, including salary, meeting fees or stipends (including compensation for serving as liaison to other advisory committees, councils and forums), reimbursements, health and retirement benefits, and other benefits such as equipment.
- F6. By comparison to other public agencies, Marin Municipal Water District annually publishes an exemplary report on its website of total compensation paid to its elected officials for salary, meeting fees or stipends (including compensation for serving as liaison to other advisory committees), councils and forums, reimbursements, health and retirement benefits, and other benefits such as equipment.

## Recommendations

- R1. To comply with the intent of Government Code Section 53908, no later than 90 days after the date of this report, agencies should include on their websites a link to the *publicpay.ca.gov* site showing compensation of their elected officials, officers, and employees using the formatted URL examples that are shown in Appendix A.
- R2. No later than 90 days after the date of this report, agencies should modify the location of their existing *publicpay.ca.gov* links to satisfy the requirement of Government Code Section 53908 that their link be “conspicuous.” Conspicuous locations for agencies are suggested in Table 2.
- R3. No later than 90 days after the date of this report, agencies should modify their existing *publicpay.ca.gov* links so that they provide a direct link to their current compensation data on the state site. To eliminate the need for annual updates, the URL used for the link should exclude any parameter specifying a year. Formatted URL examples are shown on Appendix A.
- R4. No later than 90 days after the date of this report, in addition to any other compensation links, agencies should include a link on their board or council web pages that leads directly to their “Elected Officials” page on the *publicpay.ca.gov* site, conforming to the format suggested on Appendix A.
- R5. No later than 120 days after the date of this report, agencies should include on their board or council web pages a comprehensive description of their policies regarding all compensation paid to elected officials specifying, at a minimum, salary, meeting fees or stipends (including compensation for serving as liaison to other advisory committees, councils and forums), reimbursements, health and retirement benefits, and other benefits such as equipment.
- R6. No later than 120 days after the date of this report, agencies should adopt a practice to compile and publish each year an annual report detailing the compensation actually paid to their elected officials for the previous calendar year. Compensation disclosures should include, at a minimum, salary, meeting fees or stipends (including compensation for serving as liaison to other advisory committees, councils and forums), reimbursements, health and retirement benefits, and other benefits such as equipment. A link to this report should be posted on the agency’s board or council web page.

R7. No later than 90 days after the date of this report, agencies not audited in this report should review their websites for compliance with the legal requirements and higher public transparency standards recommended in Recommendations R1–R6 of this report and ensure that their websites include links to the *publicpay.ca.gov* site as shown in Appendix A.

## Request for Responses

According to the California Penal Code, agencies required to respond to Grand Jury reports generally have no more than 90 days to issue a response. It is not within the Grand Jury’s power to waive or extend these deadlines, and to the Grand Jury’s knowledge, the Judicial Council of California has not done so. But we recognize that the deadlines may be burdensome given current conditions caused by the COVID-19 pandemic.

Whether the deadlines are extended or not, it is our expectation that Marin's public agencies will eventually be able to return to normal operations and will respond to this report. In the meantime, however, public health and safety issues are of paramount importance and other matters might need to wait.

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses from the following governing bodies:

Respondent	F1	F2	F3	F4	F5	R1	R2	R3	R4	R5	R6	R7
<b>Audited Agencies</b>												
County of Marin		X	X	X	X		X	X	X	X	X	
City of Belvedere			X		X			X	X		X	
City of Larkspur			X	X	X			X	X	X	X	
City of Mill Valley	X	X	X		X	X	X	X	X		X	
City of Novato			X		X			X	X		X	
City of San Rafael			X		X			X	X		X	
City of Sausalito		X			X		X		X		X	
Town of Corte Madera			X	X	X			X	X	X	X	
Town of Fairfax			X		X			X	X		X	
Town of Ross			X		X			X	X		X	
Town of San Anselmo			X		X			X	X		X	

<b>Respondent</b>	<b>F1</b>	<b>F2</b>	<b>F3</b>	<b>F4</b>	<b>F5</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>R6</b>	<b>R7</b>
Town of Tiburon		X	X		X		X	X	X		X	
Bolinas Fire Protection District	X	X	X	X		X		X	X	X		
Central Marin Fire Authority	X	X				X						
Kentfield Fire Protection District		X	X		X		X	X	X		X	
Novato Fire Protection District			X	X	X			X	X	X	X	
Ross Valley Fire Department				X	X				X	X	X	
Sleepy Hollow Fire Protection District	X	X	X	X	X	X	X	X	X	X	X	
Southern Marin Fire Protection District		X			X		X		X		X	
Stinson Beach Fire Protection District	X	X	X			X		X	X			
Tiburon Fire Protection District			X	X	X			X	X	X	X	
Almonte Sanitary District	X	X	X	X	X	X	X	X	X	X	X	
Alto Sanitary District			X		X			X	X		X	
Central Marin Sanitation Agency		X	X		X		X	X	X		X	
Homestead Valley Sanitary District			X	X	X			X	X	X	X	
Las Gallinas Valley Sanitary District		X	X		X		X	X	X		X	
Novato Sanitary District			X	X	X			X	X	X	X	
Richardson Bay Sanitary District			X	X	X			X	X	X	X	
Ross Valley Sanitary District (Sanitary District No. 1)	X	X	X	X	X	X	X	X	X	X	X	
Sanitary District No. 5 – Tiburon-Belvedere				X	X				X	X	X	



<b>Respondent</b>	<b>F1</b>	<b>F2</b>	<b>F3</b>	<b>F4</b>	<b>F5</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>R6</b>	<b>R7</b>
Sausalito-Marín City Sanitary District			X		X			X	X		X	
Marín Municipal Water District					X				X		X	
North Marín Water District					X				X		X	
Stinson Beach County Water District	X	X			X	X			X		X	
<b>Agencies Not Audited</b>												
Bel Marín Keys Community Services District												X
Belvedere-Tiburon Joint Recreation Committee District												X
Belvedere-Tiburon Library Agency												X
Bolinas Community Public Utility District												X
Central Marín Police Authority												X
Firehouse Community Park Agency												X
Inverness Public Utility District												X
Marín City Community Services District												X
Marín Clean Energy (MCE)												X
Marín County Resource Conservation District												X
Marín County Transit District												X
Marín General Services Authority (MGSA)												X
Marín Healthcare District												X

<b>Respondent</b>	<b>F1</b>	<b>F2</b>	<b>F3</b>	<b>F4</b>	<b>F5</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>R6</b>	<b>R7</b>
Marin/Sonoma Mosquito and Vector Control District												X
Marinwood Community Services District												X
Muir Beach Community Services District												X
Sonoma-Marín Area Rail Transit District												X
Tamalpais Community Services District												X
Tomales Village Community Services District												X
Transportation Authority of Marin												X

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code Section 933 (c) and subject to the notice, agenda, and open meeting requirements of the Brown Act.

Note: At the time this report was prepared, information was available at the websites listed.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury *not* contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

## Appendix A – Direct Public Pay Internet Links

### Properly Formatted PublicPay.ca.gov Link

**Note:** Agencies listed here can create a link to their “Elected Officials” page by adding *&rpt=5* at the end of their Public Pay URL below.

Agency	Agency Public Pay URL
<b>Audited Agencies</b>	
City of Belvedere	<a href="https://publicpay.ca.gov/Reports/cities/city.aspx?entityid=248">https://publicpay.ca.gov/Reports/cities/city.aspx?entityid=248</a>
City of Larkspur	<a href="https://publicpay.ca.gov/Reports/cities/City.aspx?entityid=251">https://publicpay.ca.gov/Reports/cities/City.aspx?entityid=251</a>
City of Mill Valley	<a href="https://publicpay.ca.gov/Reports/cities/city.aspx?entityid=252">https://publicpay.ca.gov/Reports/cities/city.aspx?entityid=252</a>
City of Novato	<a href="https://publicpay.ca.gov/Reports/Cities/City.aspx?entityid=253">https://publicpay.ca.gov/Reports/Cities/City.aspx?entityid=253</a>
City of San Rafael	<a href="https://publicpay.ca.gov/Reports/Cities/City.aspx?entityid=256">https://publicpay.ca.gov/Reports/Cities/City.aspx?entityid=256</a>
City of Sausalito	<a href="https://publicpay.ca.gov/Reports/Cities/City.aspx?entityid=257">https://publicpay.ca.gov/Reports/Cities/City.aspx?entityid=257</a>
Town of Corte Madera	<a href="https://publicpay.ca.gov/Reports/Cities/City.aspx?entityid=249">https://publicpay.ca.gov/Reports/Cities/City.aspx?entityid=249</a>
Town of Fairfax	<a href="https://publicpay.ca.gov/Reports/Cities/City.aspx?entityid=250">https://publicpay.ca.gov/Reports/Cities/City.aspx?entityid=250</a>
Town of Ross	<a href="https://publicpay.ca.gov/Reports/Cities/City.aspx?entityid=254">https://publicpay.ca.gov/Reports/Cities/City.aspx?entityid=254</a>
Town of San Anselmo	<a href="https://publicpay.ca.gov/Reports/Cities/City.aspx?entityid=255">https://publicpay.ca.gov/Reports/Cities/City.aspx?entityid=255</a>
Town of Tiburon	<a href="https://publicpay.ca.gov/Reports/Cities/City.aspx?entityid=258">https://publicpay.ca.gov/Reports/Cities/City.aspx?entityid=258</a>
County of Marin	<a href="https://publicpay.ca.gov/Reports/Counties/County.aspx?entityid=21">https://publicpay.ca.gov/Reports/Counties/County.aspx?entityid=21</a>
Marinwood Community Services District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=947">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=947</a>

**Properly Formatted PublicPay.ca.gov Link**

**Note:** Agencies listed here can create a link to their “Elected Officials” page by adding *&rpt=5* at the end of their Public Pay URL below.

Agency	Agency Public Pay URL
Bollinas Fire Protection District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1237">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1237</a>
Central Marin Fire Authority	Link not available at Public Pay as of February 20, 2020
Novato Fire Protection District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1239">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1239</a>
Ross Valley Fire Department	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2827">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2827</a>
Sleepy Hollow Fire Protection District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1240">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1240</a>
Southern Marin Fire Protection District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1241">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1241</a>
Stinson Beach Fire Protection District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1242">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1242</a>
Tiburon Fire Protection District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1243">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1243</a>
Almonte Sanitary District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1986">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1986</a>
Alto Sanitary District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1987">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1987</a>
Central Marin Sanitation Agency	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2814">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2814</a>
Las Gallinas Valley Sanitary District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1989">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1989</a>
Novato Sanitary District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1990">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1990</a>
Ross Valley Sanitary District (Sanitary District No. 1)	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1992">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1992</a>
Marin Municipal Water District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2529">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2529</a>
North Marin Water District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2404">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2404</a>

**Properly Formatted PublicPay.ca.gov Link**

**Note:** Agencies listed here can create a link to their “Elected Officials” page by adding *&rpt=5* at the end of their Public Pay URL below.

Agency	Agency Public Pay URL
Stinson Beach County Water District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2405">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2405</a>
<b>Agencies Not Audited</b>	
Bel Marin Keys Community Services District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=945">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=945</a>
Belvedere-Tiburon Joint Recreation Committee District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2813">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2813</a>
Belvedere-Tiburon Library Agency	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1623">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1623</a>
Bollinas Community Public Utility District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2198">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2198</a>
Central Marin Police Authority	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2831">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2831</a>
Firehouse Community Park Agency	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2818">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2818</a>
Inverness Public Utility District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2199">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2199</a>
Marin City Community Services District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=946">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=946</a>
Marin Clean Energy (MCE)	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2821">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2821</a>
Marin County Resource Conservation District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2108">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2108</a>
Marin County Transit District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=3399">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=3399</a>
Marin General Services Authority (MGSA)	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2822">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=2822</a>
Marin Healthcare District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1552">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1552</a>
Marin/Sonoma Mosquito and Vector Control District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1685">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1685</a>

**Properly Formatted PublicPay.ca.gov Link**

**Note:** Agencies listed here can create a link to their “Elected Officials” page by adding *&rpt=5* at the end of their Public Pay URL below.

Agency	Agency Public Pay URL
Marinwood Community Services District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=947">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=947</a>
Muir Beach Community Services District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=948">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=948</a>
Sonoma-Marín Area Rail Transit District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=3400">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=3400</a>
Strawberry Recreation District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1905">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=1905</a>
Tamalpais Community Services District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=949">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=949</a>
Tomales Village Community Services District	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=950">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=950</a>
Transportation Authority of Marin	<a href="https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=3480">https://publicpay.ca.gov/Reports/SpecialDistricts/SpecialDistrict.aspx?entityid=3480</a>