SEPTEMBER 9, 2021 SPECIAL/ REGULAR MEETING AGENDA
CITY OF CITRUS HEIGHTS CITY COUNCIL
5:30 PM SPECIAL MEETING
7:00 PM REGULAR MEETING
City Hall Council Chambers
6360 Fountain Square Drive, Citrus Heights, CA

PLEASE NOTE: In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend some requirements of the Brown Act. Council Members may attend City Council meetings telephonically or otherwise electronically.

Per the July 29, 2021 Sacramento County Public Health Order, all individuals are required to wear face coverings in indoor public settings, despite vaccination status.

PLEASE SEE BELOW FOR ZOOM MEETING INFORMATION
Special Meeting 6:00 p.m. Zoom Meeting –Webinar link:
https://us02web.zoom.us/j/81013030252

Regular Meeting 7:00 p.m. Zoom Meeting –Webinar link:
https://us02web.zoom.us/j/85446710429

For those individuals accessing the meetings through Zoom who wish to make a public comment, please use the Zoom hand raise function (or *9 if you join the webinar via telephone) and the host will unmute you when it is time to speak. Speakers will be limited to 3 minutes each. Alternatively, you may submit your comment via email to cityclerk@citrusheights.net or by completion of an online Speaker Card at https://www.citrusheights.net/FormCenter/City-Council-Meetings-Speaker-Card-30. Written public comments shall be limited to 250 words or less. Each comment will be read aloud by the City Clerk.

You are strongly encouraged to observe the City Council meetings on television live on Metro Cable 14, the government affairs channel on the Comcast, Consolidated Communications, and AT&T U-Verse cable systems and replayed on the following Monday at 9:00 a.m. Alternatively, members of the public can view the City Council meeting live webcast at https://www.citrusheights.net/673/Live-City-Council-Meeting-Webcasts.

If you need a disability-related modification or accommodation, to participate in this meeting, please contact the City Clerk’s Office 916-725-2448, cityclerk@citrusheights.net, or City Hall 6360 Fountain Square Drive at least 48 hours prior to the meeting. TDD: California Relay Service 7-1-1.
CALL SPECIAL MEETING TO ORDER
1. Roll Call: Council Members: Bruins, Daniels, Schaefer, Middleton, Miller

PUBLIC COMMENT

CLOSED SESSION
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
   Significant Exposure to Litigation Pursuant to Government Code Section 54956.9 (d)
   (2)
   1 Potential Case

REPORT OUT OF CLOSED SESSION

STUDY SESSION
3. Receive Direction Regarding Short Term Rental Regulations

ADJOURNMENT

CALL REGULAR MEETING TO ORDER
1. Flag Salute

2. Roll Call: Council Members: Bruins, Daniels, Schaefer, Middleton, Miller

3. Video Statement

APPROVAL OF AGENDA

PRESENTATIONS
4. Proclamation Of The City Of Citrus Heights In Recognition Of Alfred Sanchez

5. Proclamation Of The City Of Citrus Heights Proclaiming September Prostate Cancer Awareness Month

6. SACRT Short Range Transit Plan – SACRT ON THE MOVE

COMMENTS BY COUNCIL MEMBERS AND REGIONAL BOARD UPDATES

PUBLIC COMMENT

CONSENT CALENDAR

It is recommended that all consent items be acted on simultaneously unless separate discussion and/or action are requested by a Council Member.

7. SUBJECT: Approval Of Minutes
   RECOMMENDATION: Approve the Minutes of the Regular Meeting of August 12, 2021

8. SUBJECT: Office Of Traffic Safety (OTS) DUI/ STEP Grant
   STAFF: J. Russo/ J. Baldwin
RECOMMENDATION: Adopt Resolution No. 2021-____, a Resolution of the City Council of the City of Citrus Heights, Approving an Agreement, and Accepting Project Funding for Grant PT22122 – with the California Office of Traffic Safety (OTS) and Authorizing the City Manager (or designee) the Execute the Agreement

9. SUBJECT: Structural Engineering On-Call Services Award Of Professional Services Agreements
   STAFF: L. Blomquist / H. Young
   RECOMMENDATION: Adopt Resolution No. 2021-____, A Resolution of the City Council of the City of Citrus Heights, California, Authorizing the Interim City Manager to Execute Consulting Services Agreements with Mark Thomas & Company, Inc. and Dokken Engineering for On-Call Structural Engineering Services

10. SUBJECT: Arcade-Cripple Creek Trail Project ATPSB1L-5475(042)
    STAFF: L. Blomquist
    RECOMMENDATION: Adopt Resolution No. 2021-____, A Resolution of the City Council of the City of Citrus Heights, California, Authorizing the Interim City Manager to Execute Amendment No. 5 to the Contract for Professional Services with GHD, Inc. for the ‘Arcade-Cripple Creek Trail Project’

PUBLIC HEARINGS

11. SUBJECT: 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Funding
    STAFF REPORT: R. Lawrence/ A. Turcotte
    RECOMMENDATION: Adopt Resolution No. 2021-____, Resolution of the City Council of the City of Citrus Heights, California, Accepting the 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Funds In Accordance with State Requirements

REGULAR CALENDAR

12. SUBJECT: Amendment To Chapter 54, Article V, Division 3 Of The Citrus Heights Municipal Code Regarding Tobacco Products
    STAFF REPORT: B. Soriano/ E. Dias/ K. Frey
    RECOMMENDATION: Move to Introduce for a First Reading Ordinance No. 2021-____, and Waive the Reading of the Entire Ordinance, an Ordinance of the City of Citrus Heights amending Chapter 54, Article V, Division 3 of the Citrus Heights Municipal Code Regarding the Sale of Tobacco Products

13. SUBJECT: Request To Execute A Contract With LensLock, Inc. For Body Worn Camera System
    STAFF REPORT: A. Turcotte/ T. Campbell/ C. Morris
    RECOMMENDATION: Adopt Resolution No. 2021-____, a Resolution of the City Council of the City of Citrus Heights, California Authorizing the City Manager to Execute a Contract to Purchase or Lease Body Worn Camera (BWC) Systems with LensLock, Inc.
DEPARTMENT REPORTS

14. SUBJECT: Review And Give Direction On Proposed Resolutions To Be Presented At The 2021 League Of CA Cities Annual Conference
   DEPARTMENT: City Clerk’s Office

CITY MANAGER ITEMS

ITEMS REQUESTED BY COUNCIL MEMBERS / FUTURE AGENDA ITEMS

ADJOURNMENT
CITY OF CITRUS HEIGHTS
CITY COUNCIL
Special/Regular Meeting of Thursday, September 9, 2021
City Hall Council Chambers
6360 Fountain Square Drive, Citrus Heights, CA
Special Meeting 5:30 p.m.
Regular Meeting 7:00 p.m.

HOW TO PARTICIPATE:
The City of Citrus Heights welcomes your interest and involvement in the City’s legislative process. The City of Citrus Heights is allowing for remote and in person participation. The City Council has established a procedure for addressing the Council. Speaker Identification Sheets are provided on the table inside the Council Chambers. If you wish to address the Council during the meeting, please either complete a Speaker Identification Sheet and give it to the City Clerk, if participating via webcast you may use the Zoom hand raise function (or *9 if you join the webinar via telephone) and the host will unmute you when it is time to speak. Speakers will be limited to 3 minutes each. Alternatively, you may submit your comment via email to cityclerk@citrusheights.net or by completion of an online Speaker Card at https://www.citrusheights.net/FormCenter/City-Council-Meetings-Speaker-Card-30. Written public comments shall be limited to 250 words or less. Each comment will be read aloud by the City Clerk.

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Regular Meeting 7:00 p.m. Zoom Meeting –Webinar link: https://us02web.zoom.us/j/88485032955

The City provides three ways to watch a City Council meeting.

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<td>Watch the livestream and replay past meetings on the City website.</td>
<td>Watch live and replays of meetings on Sac Metro Cable, Channel 14.</td>
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September 3, 2021

Amy Van, City Clerk
SPECIAL CITY COUNCIL MEETING
5:30 PM

CALL SPECIAL MEETING TO ORDER

1. Roll Call: Council Members: Bruins, Daniels, Schaefer, Middleton, Miller

PUBLIC COMMENT

CLOSED SESSION

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
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7:00 PM

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APPROVAL OF AGENDA

PRESENTATIONS

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PUBLIC COMMENT
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**DEPARTMENT REPORTS**

14. **SUBJECT:** Review and Give Direction on Proposed Resolutions to be Presented at the 2021 League of CA Cities Annual Conference  
   **DEPARTMENT:** City Clerk's Office

**CITY MANAGER ITEMS**

**ITEMS REQUESTED BY COUNCIL MEMBERS/ FUTURE AGENDA ITEMS**

**ADJOURNMENT**
CALL REGULAR MEETING TO ORDER

The regular council meeting was called to order at 7:00 p.m. by Mayor Miller.

1. The Flag Salute was led by Mayor Miller.

2. Roll Call: Council Members present: Bruins, Daniels, Schaefer, Middleton, Miller
   Council Members absent: None
   Staff present: Blomquist, Boyd, Huber, Jones, Kempenaar, Lawrence, McDuffee, Poole, Reid, Van, Young, and Zenoni.

3. The video statement was read by City Clerk Reid.

APPROVAL OF AGENDA

ACTION: On a motion by Mayor Miller, seconded by Council Member Bruins, the City Council approved the agenda.

   AYES: Bruins, Daniels, Schaefer, Middleton, Miller
   NOES: None
   ABSENT: None

COMMENTS BY COUNCIL MEMBERS AND REGIONAL BOARD UPDATES

Council Member Bruins provided an update from a recent tour of a new Regional Sanitation wastewater treatment plant. Council Member Bruins provided an update from the Arcade-Cripple Creek ribbon cutting. Council Member Bruins also provided an update from the Police Activities League and upcoming events. She also provided an update from the Sunrise Pointe Project.

Council Member Daniels thanked Chief Lawrence and the Citrus Heights Police Department for continued assistance in the area of Sunrise and Old Auburn and Antelope. Council Member Daniels attended the soft opening of Beanhead Coffee, a new business located on Sperry and San Juan.

Council Member Schaefer provided an update from the Sacramento Library Board meeting.

Vice Mayor Middleton provided an update from the SACOG Board meeting.

Mayor Miller provided an update from the Regional Transit meeting. Mayor Miller also shared that all TK-High school students can now ride Sac RT for free by using the Ride Free RT Card. He also provided an update from the City Manager recruitment. Mayor Miller informed the public that that August 26 City Council meeting has been cancelled.
PUBLIC COMMENT

Kathy Morris addressed the City Council regarding item 9 on the Consent Calendar. Morris requested information regarding the difference between step increases for staff wages and salaries versus raises based on merit.

Robert Wickert addressed the City Council via Zoom regarding item 9. He expressed concerns giving staff raises instead of focusing on other areas of need in the City.

CONSENT CALENDAR

4. **SUBJECT:** Approval of Minutes  
   **RECOMMENDATION:** Approve the Minutes of the Special/Regular Meeting of July 22, 2021 and the Special Meeting of July 28, 2021.

5. **SUBJECT:** Quarterly Treasurer’s Report  
   **STAFF REPORT:** T. Nossardi  
   **RECOMMENDATION:** Staff recommends the City Council receive and file the Quarterly Treasurer’s Report for the quarter ending June 30, 2021

6. **SUBJECT:** R3 Consulting Services, Inc. Professional Services Agreement Amendment No. 1 (Project 60-19-001)  
   **STAFF REPORT:** M. Poole  
   **RECOMMENDATION:** Adopt Resolution No. 2021-072, A Resolution of the City Council of the City of Citrus Heights, California, Authorizing the City Manager to Execute Amendment No. 1 to the Contract for Professional Services with R3 Consulting Group, Inc. for Solid Waste Consulting Services for Mandatory Organics and Recycling Compliance Program (Project # 60-19-001)

7. **SUBJECT:** Bonita Way/ Garry Oak Drive/ Twin Oaks Avenue Storm Drain Project – Contract Change Order No. 1 (Additive Alternate) -- Project Number 30-17-004  
   **STAFF REPORT:** L. Blomquist  
   **RECOMMENDATION:** Adopt Resolution No. 2021-073, a Resolution of the City Council of the City of Citrus Heights, California, Authorizing the City Manager to Execute Change Order No. 01 to the Contract with Lund Construction Company for the Bonita Way/Garry Oak Drive/Twin Oaks Avenue Storm Drain Project and Increasing the Total Authorized Construction Budget to $1,617,117.75

8. **SUBJECT:** 2021 Residential Street Resurfacing Project – Contract Change Order No. 1 City PN 45-21-002  
   **STAFF REPORT:** L. Blomquist/ H. Young  
   **RECOMMENDATION:** Adopt Resolution No. 2021-074, a Resolution of the City Council of the City of Citrus Heights, California, Authorizing the City Manager to Execute Change Order No. 01 to the Contract with Goodfellow Bros. for the 2021 Residential Street Resurfacing Project and Increasing the Total Authorized Construction Budget to $1,961,281.31

9. Pulled for discussion.
ACTION: On a motion by Council Member Bruins, seconded by Council Member Daniels, the City Council adopted Consent Calendar Items 4, 5, 6, 7, and 8.

AYES: Bruins, Daniels, Schaefer, Middleton, Miller
NOES: None
ABSENT: None

CONSENT CALENDAR ITEM PULLED FOR DISCUSSION

9. SUBJECT: Resolution Approving Ten-Step Compensation Plan for Full-time Unrepresented Employees and Adopting an Amended Salary Table
STAFF REPORT: B. Zenoni/ M. Alejandrez
RECOMMENDATION: Adopt Resolution No. 2021-075, a Resolution of the City Council of the City of Citrus Heights, California, Approving a Ten-Step Compensation Plan for Full-time Unrepresented Employees and Adopting an Amended Salary Table

Council Member Schaefer pulled the item from consent and expressed concerns regarding the sustainability of implementing the ten-step compensation plan.

Council discussion and comments followed.

ACTION: On a motion by Council Member Bruins, seconded by Mayor Miller, the City Council adopted Consent Calendar Item 9.

AYES: Bruins, Daniels, Middleton, Miller
NOES: Schaefer
ABSENT: None

PUBLIC HEARING

10. SUBJECT: Adoption of a Resolution of the City Council of the City of Citrus Heights Renewing the Sunrise MarketPlace Property and Business Improvement District, Approving the Assessment Formula and Levying the Assessments
STAFF REPORT: M. Huber
RECOMMENDATION: Staff recommends the following:

a. Conduct a Public Hearing for the Sunrise MarketPlace Business Improvement District (SMPPBID) Renewal; and

b. Adopt Resolution No. 2021-076, A Resolution of the City Council of the City of Citrus Heights, California Renewing the Sunrise MarketPlace Property and Business Improvement District, Approving the Assessment Formula and Levying the Assessments.

Economic Development & Communications Manager Huber provided a presentation on the Sunrise MarketPlace Property and Business Improvement District (PBID) renewal process. On June 25, 2021, the City sent a notice to all the property owners. Staff recommends holding the public hearing for public testimony and then the City Clerk will count the ballots received and report back to the City Council for further action.
Mayor Miller opened the public hearing at 7:41 p.m.; hearing no speakers he closed the public hearing.

REGULAR CALENDAR

11. **SUBJECT:** Designation of Voting Delegate and Alternate(s) for the League of California Cities Annual Conference  
   **STAFF REPORT:** H. Reid/ A. Van  
   **RECOMMENDATION:** Make a Motion to designate a voting delegate and alternate(s) to participate at the Annual Business Meeting on September 24, 2021 during the League of California Cities Annual Conference

Management Analyst Reid provided an update for the upcoming League of California Cities Annual Conference.

ACTION: On a motion by Council Member Bruins, seconded by Council Member Daniels, the City Council designated Council Member Schaefer as the voting delegate at the Annual Business Meeting on September 24, 2021 during the League of California Cities Annual Conference.

   AYES:  Bruins, Daniels, Schaefer, Middleton, Miller  
   NOES:  None  
   ABSENT:  None

DEPARTMENT REPORTS

12. **SUBJECT:** Sunrise Tomorrow Project Update  
   **DEPARTMENT:** Community Development Department/ Economic Development

Economic Development & Communications Manager Huber provided an update for the Sunrise Tomorrow Project. The project conducted the third and final Community Workshop on August 5, 2021. Part of the project includes the creation of a Specific Plan to lay the foundation of the Sunrise Tomorrow project.

Planning Manager Kempenaar discussed the logistics of the Specific Plan, which allows up to 2200 housing units, 1 million square feet of office space, 480 hotel rooms, 25-acres of open space, and 320 right sized retail spaces. The Specific Plan will go to the Planning Commission for a deep dive into the logistics on September 1. The next steps in the project include a Planning Commission recommendation in fall/winter 2021 followed by the City Council review and plan adoption.

13. **SUBJECT:** American Rescue Plan Act Funding Update  
   **DEPARTMENT:** Administrative Services Department

Economic Development & Communications Manager Huber provided an update on the American Rescue Plan Act (ARPA) funding. The President approved ARPA funding on March 11, 2021. In May, guidelines for how the funding may be utilized by cities was issued, and Citrus Heights received the first half of the allocation mid-May. The City has utilized the first allocation to amend the 2021-2022 budget and restore 22 positions to the Citrus Heights Police Department. Staff has relied upon community engagement to determine how the funds should be used, aligning with the federal guidelines.

The Council returned to Item 10.
City Clerk Van reported that staff tabulated the ballots received and not withdrawn and 96.84% were in support of the assessment district renewal and 3.16% were in opposition of the assessment district renewal, with ballots weighted according to the amount of the assessment to be imposed on the parcels for which ballots were submitted. Therefore, there is not a majority protest, and if the City Council would like to take action, they are free to do so.

**ACTION:** On a motion by Council Member Bruins, seconded by Council Member Schaefer, the City Council adopted Resolution No. 2021 - 076, A Resolution of the City Council of the City of Citrus Heights, California Renewing the Sunrise MarketPlace Property and Business Improvement District, Approving the Assessment Formula and Levying the Assessments.

- **AYES:** Bruins, Daniels, Schaefer, Middleton, Miller
- **NOES:** None
- **ABSENT:** None

**CITY MANAGER ITEMS**

None

**ITEMS REQUESTED BY COUNCIL MEMBERS/ FUTURE AGENDA ITEMS**

None

**ADJOURNMENT**

Mayor Miller adjourned the regular meeting at 8:22 p.m.

Respectfully submitted,

Amy Van, City Clerk
DATE: September 9, 2021

TO: Mayor and City Council Members
Christopher W. Boyd, Interim City Manager

FROM: Jason E. Russo, Police Commander
Jason Baldwin, Police Lieutenant

SUBJECT: Office of Traffic Safety (OTS) DUI / STEP Grant

Summary and Recommendation

The Citrus Heights Police Department has been approved for the Selective Traffic Enforcement Program (STEP) DUI grant from California Office of Traffic Safety (OTS). The grant funds will be used for costs incurred by the department during activities such as DUI checkpoints, DUI saturation patrols, DUI recognition training, and distracted driving enforcement. The total funding to be provided by OTS is $205,000.00.

Staff recommends Council adopt Resolution No. 2021- ___ approving an agreement, and accepting project funding for grant PT22122 – with the California Office of Traffic Safety (OTS) and authorizing the City Manager (or designee) to execute the agreement.

Fiscal Impact

There is no fiscal impact on the General Fund. OTS will reimburse any fiscal burden within the guidelines of this grant to the designated fund. No match by the City is required. The total award is $205,000.

Background and Analysis

OTS administers several grant programs which includes this DUI / STEP grant program. The purpose of this grant is to reduce the number of driving under the influence incidents within the City, and provide for a safer driving environment for the community. The City of Citrus Heights has had many issues with DUI related incidents, specifically DUI collisions and deaths related to DUI collisions.

This grant and implemented objectives has the ability to reduce the number of DUI drivers in the City. If supported by Council, the Citrus Heights Police Department will send police officers to
National Highway Traffic Safety Administration (NHTSA) Standardized Field Sobriety Testing (SFST), NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE), Drug Recognition Expert (DRE), and SFST Instructor trainings.

In addition, the Citrus Heights Police Department will conduct:
• DUI/CDL Checkpoints
• DUI Saturation patrols
• Traffic Enforcement operations focusing on the primary collision factors
• Motorcycle Safety enforcement operations addressing unsafe motorcycle operations
• Distracted Driving enforcement operations addressing the use of hand held cell phones
• Pedestrian and/or Bicycle enforcement operations to decrease collisions resulting from violations made by pedestrians, bicyclists, and drivers

This grant will support continued efforts of educating the public, promoting a safe environment within the community, and reduce the number of persons killed and injured in crashes involving alcohol, drugs, and other primary collision factors.

**Attachment**

1. Resolution Approving an Agreement, and accepting PT22122 – with the California Office of Traffic Safety (OTS) and authorizing the City Manager (or designee) to execute the agreement.
RESOLUTION NO. 2021- ___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CITRUS HEIGHTS, CALIFORNIA, APPROVING AN AGREEMENT, AND ACCEPTING PROJECT FUNDING FOR GRANT PT22122 – WITH THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) AND AUTHORIZING THE CITY MANAGER (OR DESIGNEE) TO EXECUTE THE AGREEMENT

WHEREAS, the Office of Traffic Safety (OTS) allocates funds to provide equipment and funding for officers to staff Driving Under the Influence (DUI) enforcement and awareness programs to reduce DUI related collisions, thereby reducing injuries and fatalities to our citizens and improving public safety;

WHEREAS, the City of Citrus Heights intends to undertake a certain project designated as the DUI Enforcement and Awareness Program; and

WHEREAS, the City was awarded funding for this project in the amount of $205,000.

NOW THEREFORE BE IT RESOLVED AND ORDERED by the City Council of the City of Citrus Heights that the project funding agreement is hereby approved.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to offset existing appropriations controlled by this body.

BE IT FURTHER RESOLVED AND ORDERED that the City Manager, or his designee, is hereby authorized to execute the agreement and any contracts with other agencies arising from the provisions of this agreement. The City Manager and the City Attorney shall be empowered to make minor provisions of this agreement. The City Manager and the City Attorney shall be empowered to make minor changes in the contract and any other contracts with other agencies arising out of the agreement.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of the City of Citrus Heights, California, this 9th day of September, 2021 by the following vote, to wit:

AYES: Council Members:
NOES: Council Members:
ABSTAIN: Council Members:
ABSENT: Council Members:

____________________________
Steve Miller, Mayor

ATTEST:

____________________________
Amy Van, City Clerk
DATE: September 9, 2021

TO: Mayor and City Council Members
Christopher W. Boyd, Interim City Manager

FROM: Leslie Blomquist, City Engineer
Hunter Young, Principal Civil Engineer

SUBJECT: Structural Engineering On-Call Services 2021
Award of Professional Services Agreements

Summary and Recommendation

On July 6, 2021, staff issued a Request for Qualifications (RFQ) seeking qualified firms to provide on-call structural engineering services on an as-needed basis. A total of six (6) proposals were received on August 5, 2021. After completing an evaluation process, the firms of Mark Thomas & Company, Inc. (Mark Thomas) and Dokken Engineering (Dokken) were selected as the most qualified consultant teams.

Staff recommends the City Council adopt Resolution No. 2021-____ A Resolution of the City Council of the City of Citrus Heights, California, authorizing the Interim City Manager to execute consulting services agreements with Mark Thomas & Company, Inc. and Dokken Engineering for on-call structural engineering services.

Fiscal Impact

The proposed on-call agreements will have no additional fiscal impact on the city. Tasks will be funded within approved Capital Improvement Program (CIP) budgets and other already budgeted funding sources.

Background and Analysis

The City of Citrus Heights has a wide range of structural engineering needs, many requiring specialized knowledge. Over the past several years, the City has utilized one-time contracts and approvals for consultant services adding to overall project cost and schedule.

Under the City’s purchasing policy, contracts in excess of $50,000 require City Council approval, and the process typically takes three to four months from development of a request for proposals to the time the consultant is under contract. Although the majority of the tasks anticipated will be less than $50,000, larger projects may require contracts exceeding this amount.
Establishing on-call contracts will reduce staff time needed to hire consultants for each project or task, reducing overall project timelines, lowering costs, and improving efficiency. Additionally, having multiple contracts enables staff flexibility to work with each consultants’ strengths or focus areas and to provide quicker response times in case of emergencies.

On July 6, 2021, the General Services Department (GSD) released an RFQ for On-Call Structural Engineering services. On August 5, 2021, six statements of qualifications were received from highly qualified firms. Each statement was reviewed in accordance with the evaluation criteria listed in the RFQ and staff now recommends entering into agreements with Mark Thomas and Dokken.

Projects and task orders will be managed by the General Services Department and may include, among other tasks, review and inspection of city bridges, design of retaining walls, culverts, and foundations; and other specialized structural engineering tasks, as needed.

Staff recommends maximum not-to-exceed amounts of $150,000 per year, for three years, with the option of two one-year extensions (five years total) per contract. This contract amount will allow staff to move forward with projects in a timely and efficient manner. A contract amendment and Council approval is needed for any work beyond $150,000 annually.

**Attachments**

1) Resolution No. 2021-____ A Resolution of the City Council of the City of Citrus Heights, California, authorizing the Interim City Manager to execute consulting services agreements with Mark Thomas & Company, Inc. and Dokken Engineering to provide on-call structural engineering services.

2) Consultant Proposals for Structural Engineering On-Call Services 2021
RESOLUTION NO. 2021-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CITRUS HEIGHTS, CALIFORNIA, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE CONSULTING SERVICES AGREEMENTS WITH MARK THOMAS & COMPANY, INC. AND DOKKEN ENGINEERING FOR ON-CALL STRUCTURAL ENGINEERING SERVICES

WHEREAS, the City of Citrus Heights has a wide range of structural engineering needs, many requiring specialized knowledge;

WHEREAS, the City desires to retain qualified consultants on-call to provide structural engineering services;

WHEREAS, standard procedures were followed for selection of the most qualified consultants;

WHEREAS, the cost for these services will utilize existing approved budgets and funding sources; and

WHEREAS, the city now desires to enter into on-call professional services agreements with Mark Thomas & Company, Inc. and Dokken Engineering.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Citrus Heights, the Interim City Manager is hereby authorized to execute consulting services agreements with Mark Thomas & Company, Inc. and Dokken Engineering, for on-call structural engineering services, in a form approved by the City Attorney.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of the City of Citrus Heights, California, this 9th day of September, 2021 by the following vote, to wit:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

___________________________________

Steve Miller, Mayor

ATTEST:

_________________________________________________________________________

Amy Van, City Clerk
QUALIFICATIONS

SUBMISSION DATE
AUGUST 5, 2021

PROJECT
STRUCTURAL ENGINEERING ON-CALL SERVICES
Project No. 15-21-006

PREPARED FOR
City of Citrus Heights
August 5, 2021

City of Citrus Heights, General Services Department
6360 Fountain Square Drive
Citrus Heights, CA 95621
Attn: Hunter Young

To Mr. Young:

The City of Citrus Heights (City) is seeking a qualified consultant team to provide on-call structural engineering services. The selected consultant will perform on-call services for various engineering projects involving structural elements, bridge work, retaining walls and other associated tasks. To successfully complete these tasks, the City needs an engineering firm that has the staff resources to quickly respond to the City’s needs, has availability to complete multiple task order simultaneously and who has experience on federally funded projects. Mark Thomas has this experience and the availability to complete tasks that arise from this on-call contract.

Mark Thomas has a long history of working with local agencies throughout Northern California to provide engineering design and construction management services for local, regional, federal, and state-funded projects. We have established a strong reputation for reliability and customer service. As you can see in our proposal, we bring a significant amount of experience that will directly benefit the City through:

**Experienced and Dedicated Project Team:** Julie Passalacqua, PE will lead the team as project manager and will be the main point of contact for the duration of the on-call contract. With more than 18 years of experience, she brings a depth of experience in the planning and design of a variety of bridge and structures projects. She has extensive experience working directly with the City and City staff on prior projects. She will be supported by a team of in-house structures experts and subconsultant Crawford providing geotechnical and materials testing services.

**Firm Expertise and Experience:** Mark Thomas has been providing on-call services for local agencies for the past 30 years. We know the importance of being responsive and flexible to meet project needs. We have experience working closely with agency staff to scope projects. We have the capabilities and resources to handle multiple concurrent assignments, projects or task orders – small or large. Our key to providing successful on-call services is understanding our clients’ goals and responding promptly to their requests. In most cases, our staff can respond to requests for service within the same day.

Our company is headquartered in San Jose at 2833 Junction Avenue, Suite 110, San Jose, CA 95134. Staff for this project will be dispatched from our local Sacramento office, located at 701 University Avenue, Suite 200, Sacramento, CA 95825.

After reviewing the City’s Consulting Services Agreement we request to revise language in Section 5-Indemnification as follows:

To the fullest extent permitted by law, Consultant shall indemnify, but not defend with counsel acceptable to City, and hold harmless City and its officers, officials, and employees, agents and volunteers (collectively, “Indemnitees”) from and against any and all liability, loss, damage, claims, expenses, and costs, including without limitation, attorney’s fees, costs and fees of litigation, (collectively, “Liability”) of every nature arising out of, pertaining to, or relating to but only to the extent actually caused by the negligence, recklessness, or willful misconduct of the Consultant in performance of the services under this Agreement, except such Liability caused by the sole negligence or willful misconduct of City. Consultant has no obligation to pay for any of the indemnitees’ defense related cost prior to a final determination of liability or to pay any amount that exceeds Consultant’s finally determined percentage of liability based upon the comparative fault of Consultant.

As a Vice President of Mark Thomas, I am authorized to bind the firm contractually. We look forward to working with the City. Please contact Julie Passalacqua with any questions about our proposal at the address on the letterhead, by phone at (916) 712-2197 or via email jpassalacqua@markthomas.com.

Sincerely,

MARK THOMAS & COMPANY, INC.

Matt Brogan, PE
Principal + Vice President
The City is in need of on-call structural engineering support to maintain their assets and respond to emergency projects in a cost effective and efficient manner. Mark Thomas has been providing this support to local agencies for decades. We have compiled a team that is able to handle the technical challenges that can arise from the wide variety of structure projects that may be needed by the City. Our team’s depth and breadth of experience are evidenced by our success in delivering projects throughout Northern California and the Sacramento area.

Through our on-call experience, Mark Thomas has developed an efficient and flexible management approach that will benefit the City’s on-call contract. We have identified the following key qualities and approaches that are required to facilitate a successful on-call working relationship:

**MANAGEMENT APPROACH**

**Task Order Management**

Our approach to task order management is based upon a scalable and flexible project delivery methodology that can be used on project assignments of varying sizes and degrees of complexity. Our approach begins with a strong Contract Manager, Julie Passalacqua, PE, who will oversee the on-call contract with the City, including task scope and fee development, reporting and invoicing, budget and schedule performance. Task Leads will be assigned based on their skills, availability and the requirements of each task. The Contract Manager works with the Task Leads to make sure they have the right resources to complete the task on schedule and within budget.

**Communicating Effectively**

To facilitate a coordinated effort and address any challenges that may arise, we will approach our interaction as a partnership between the City and Mark Thomas. Julie will develop a plan for every task in coordination with City staff. Once approved, we will distribute the plan to the City and the design team for implementation. Staff comments and suggestions will be communicated at the appropriate staff level to foster efficiency and teamwork.

**Actively Managing the Project**

Julie will focus on coordinating with the City, maintaining schedules, tracking budgets and concentrating on making continuous progress on all project fronts. Our Task Leads will oversee the design work, collaborate with our geotechnical subconsultant Crawford & Associates as needed, and work closely with City staff. Every project task will have hands-on leadership input and management.

**Maintaining Task/Project Schedule**

For each task order, we will develop a schedule that identifies critical tasks, deliverables and interrelationships of tasks with outside inputs, and effectively use it to track critical path items. For larger task orders, a Critical Path Method (CPM) project schedule with a prioritized task list will be developed to monitor the progress of critical and concurrent tasks.

**Committing Key Staff and Adequate Resources**

Julie will make sure the Task Lead has the appropriate number of qualified staff necessary to meet the task’s objectives. Mark Thomas has the management structure, on-call experience and ample resources to deliver multiple, concurrent task orders to meet the City’s needs.

**Quality Control**

We firmly believe that quality assurance and quality control (QA/QC) is a company-wide effort. We will implement a QA/QC Program for each task order in accordance with our Quality Management System (QMS). This guides the implementation of the company’s quality policies at all levels. All Mark Thomas Team members will adhere to this Plan. Each of our respective firms supports the idea that it is our responsibility to produce high-quality products that will result in developing a clearly-defined and cost-effective project.
TYPICAL PROJECT APPROACH AND SERVICES

We use the following technical approach in completing any project. Our approach will be tailored specifically to each project, but the following represent the common elements of our approach — independent of a project's type, location, or scope.

Thorough Development of Scope and Work Plan
Once contacted with a task order request, Mark Thomas will ask to meet with City staff within 48 hours to discuss the specifics of the project, the City's expectations, the nuances of the project, and the community's expectations. We can develop the contract scope to directly reflect a mutual agreement among all parties. In addition, our work plan will be based directly on the scope of work. The smallest details of our work plan will be consistent with the City's expectations, and we strive to operate as an extension of City staff. This approach typically avoids surprises and misunderstandings during project delivery. We will also define what is needed from the City to make the project a success.

Field Visits and Data Collection
Our team members will work with the City to gather all readily accessible background information on the project and will visit the site while developing the scope and work plan. This will confirm our understanding of the project and will help us answer any technical questions prior to contract award. We would typically ask to make a field visit prior to contract award with a City representative familiar with the project so that we can be “on the same page” regarding our project understanding and site constraints.

Structural Assessment
Often times the first step in a project is to assess the condition of a structure and provide recommendations for how best to move forward. In completing an assessment, we analyze alternatives with consideration of constructability, environmental impacts, geotechnical conditions, schedule, costs, and long-term maintenance and provide preliminary construction cost estimates to assist the City in evaluating each alternative.

Structure Design
Structure design, including bridges, retaining walls, culverts, is the bread and butter of what we do. We will prepare plans at the 65%, 95%, and 100% (final) levels of completion. We will prepare specifications and special provisions based on the City’s standards, Caltrans standards, and other related agency standards if required. A construction cost estimate will be produced for the City, identifying all bid items.
Bridge Preventive Maintenance Program (BPMP)

While Caltrans completes biennial inspection of the City's bridges, it is the City's responsibility to complete maintenance measures to preserve the City's infrastructure. According to the Caltrans Local Agency Bridge List, the City owns and maintains 32 bridges. Preparation and implementation of a BPMP is an effective way for the City to manage their bridge inventory. Mark Thomas will review the historical and current Bridge Inspection Reports for each of the City's bridges. Recommended work items will be catalogued, bridges in need of supplemental inspections will be identified, and additional work items beneficial for the long-term integrity of the structure proposed. If the City wishes to pursue Federal Highway Bridge Program funding for the BPMP, we will prepare the formal BPMP application following Caltrans BPMP Guidelines.

Once the BPMP is established, bid documents can be developed for the construction of the bridge maintenance items. We recommend grouping together multiple bridges with similar maintenance items, such as bridge deck treatments, into one bid package to increase the bidding pool and reduce construction costs.

Peer Review of PS&E by Third-Parties

Development improvement plans regularly include structural items such as a bridge, culverts or headwalls that can be outside the expertise of City staff. When this occurs, Mark Thomas will assist the City in completing a third-party peer review to ensure the improvement plans are in conformance with current AASHTO and/or CBC requirements. We will review the plans and accompanying reports, such as a geotechnical, and provide written comments on the submittal. Subsequent submittal reviews will be included in the task order for continuity throughout the review process.

Structural Engineering Support During Emergencies

Mark Thomas commits to responding to an emergency on-call task order involving structures within 24 hours of initial contact and typically can respond within hours. We pride ourselves on having a depth of staff that allows any number of our structures engineers to assist the City when a rapid response is needed. Our focus for assessing emergency damages is, first, to verify the site is safe for public use and then, second, determine what remedial work can be implemented quickly to repair and/or reopen the public asset. The analysis will include both short-term and long-term recommendations.

Bridge Inspection

Our FHWA qualified Bridge Inspection Program Manager will lead our staff in performing bridge inspections and analyzing Caltrans bridge inspection reports. We have performed more than 200 bridge inspections in the last 10 years and have experience teaching inspection courses. In addition, load ratings are sometimes needed to verify the safe load carrying capacity of bridges and culverts. Our structures staff is experienced in perform load ratings on existing timber, steel, and concrete bridges both single span as well as multi-span.

We have a thorough understanding of the National Bridge Inspection Standards (NBIS) and the Bridge Inspector’s Reference Manual (BIRM). We have logged significant time in the field performing site investigations and used this experience to develop repair strategies and designs.
Seismic Assessment of City Buildings
Mark Thomas has several in-house licensed Structural Engineers with experience in completing complete building assessments. We have worked on a myriad of structure types and sizes including low- and high-rise concrete, steel, wood, and masonry. Because of their licensure, our Structural Engineers are also qualified to work on, and have performed design and repair work on, schools, fire stations, and other emergency services facilities. Our experience with buildings includes performing seismic analysis to determine seismic vulnerabilities and designing of building seismic retrofits. Many of the buildings we have worked on in the past had sustained some damage during major earthquakes throughout California.

We recently had the opportunity to demonstrate our project approach firsthand when the City contacted us to assist with assessing a sink hole that had begun to form on Mariposa Avenue. Mark Thomas dispatched an engineer to the field within hours of the initial call and assisted the City with a field analysis and a remedial repair which could easily be carried out on-site. The assessment memorandum formally documenting our recommended repair was submitted to the City within two working days following the site visit.

SUBCONSULTANT
We have included a subconsultant to provide geotechnical engineering and materials testing services. Their information is below.

Crawford & Associates, Inc. (CAInc) provides services in geotechnical engineering, construction management, inspection, materials testing, hazardous materials assessments, expert witness, and drafting/renderings. They are committed to public sector projects and stays current with state and local agency requirements. Over the past 40+ years, staff at CAInc have provided services in geotechnical engineering, design and construction services on many project types, including:

- Bridges, Interchanges, and Rail Projects
- Pipelines, Tanks and Pump Stations
- Parks and Trails
- Landslide Control/Storm Damage
- Levees, Dams and Quarries
ABOUT MARK THOMAS

Mark Thomas provides structural, civil and municipal engineering, landscape architecture and planning, surveying, and engineering management services for a wide variety of cities, counties, and regional agencies. With more than 270 professional, technical, and support staff, we provide quality, responsive, and tailored solutions for our clients.

Mark Thomas has extensive experience delivering transportation, flood control, and wastewater structures projects. This includes the design of new bridges, bridge replacements and rehabilitations, bridge widenings, retaining walls, soundwalls, flood walls, water reservoirs, pump station housings, and other structures. We have designed reinforced, cast-in-place and precast prestressed concrete bridges, and steel truss and steel plate girder bridges.

On-Call Structure Design Expertise

Mark Thomas understands that the City requires a team with strong structural engineering skills and a depth of staff readily available to complete a variety of structure design services. Our capabilities are ideally matched to meet the needs of the City’s anticipated upcoming projects. Having managed hundreds of bridge, structural, roadway, and highway projects, our team has an unmatched knowledge base and depth of technical resources to support the bridge design, and structural, civil and survey components for the City’s projects.

We bring expertise in Highway Bridge Program (HBP) replacement structures, structure widenings, and seismic retrofitting for structure types ranging from slab bridges for large structural steel bridges. Further, we have delivered many projects for local agencies involving Caltrans advance planning studies and BPMP.

CONTACT PERSON

This on-call contract will be managed by Julie Passalacqua. She will be the City’s primary contact and will be responsible for oversight of the Mark Thomas team and will serve as Contract Manager. Her contact information is below:

Julie Passalacqua, PE
(916) 712-2197
jpassalacqua@markthomas.com
701 University Avenue, Suite 200
Sacramento, CA 95825
City Experience

We have considerable experience working for the City and other local jurisdictions in Sacramento County. These projects included bridge rehabilitations and replacements, retaining walls, culverts, complete streets, active transportation and multimodal operational improvements. We worked with the City on the development of the Auburn Boulevard Specific Plan and subsequent design plans for improvements to one mile of Auburn Boulevard beginning at the Sylvan Corners intersection. Through this experience, we have an understanding of the City’s standards.

Availability and Dedication

We have the robust capabilities to handle multiple concurrent assignments, projects or task orders – small or large. By submitting this statement of qualifications, we commit to providing an experienced and available team whose time will be dedicated to serving the City. We have evaluated workloads of staff presented herein and they are available to perform their designated roles. We have more than 100 engineers in our Sacramento office and we can also draw from a pool of more than 270 staff company wide who are available to serve as supplemental resources to successfully complete multiple tasks.

Responsiveness

Mark Thomas’ key to providing successful on-call services is understanding our clients’ goals and responding promptly to their requests. In most cases, Mark Thomas can respond to requests for service within the day. Depending upon the urgency or the size of the task, we will work with the City to meet timelines or challenges faced. On-call tasks and consulting projects will be managed by Julie Passalacqua, PE with supplemental staff accessible companywide. We understand that response time is key for the City, and at Mark Thomas we are here and ready to serve. Our project manager and staff return phone calls and emails promptly. Project assignments for the City are prioritized and diligently completed to provide the City rapid delivery, efficient design costs, and reliable service. All assignments are different, but you can be assured that Mark Thomas will provide responsive service and timely project delivery.

In 1990, Mark Thomas opened our Sacramento office and we’ve been dedicated to providing services to cities in the region ever since.
TEAM ORGANIZATION

Our structures team consists of highly qualified individuals that have experience working with local agencies to provide bridge design, replacement, and rehabilitation. We understand the importance of assembling a team who will be available to you throughout the duration of the contract. Our team will be led by our contract manager Julie Passalacqua, PE. She will be the City's main point of contact and will be responsible for the overall management of each task order. She will be supported by Jason Hickey, SE and Jon Sampson, SE for structures. We also have CAInc on our team to provide geotechnical engineering and materials testing. Julie has experience working with all of our team members to deliver similar on-call projects.

The organizational chart to the right depicts the lines of communication and responsibilities for the Mark Thomas team. Resumes of our key team members are presented on the following pages.

MEET OUR PROJECT MANAGER

Julie Passalacqua, PE, will lead the team as contract manager and will be the main point of contact for the duration of the project. Julie brings 18 years of experience delivering bridge design projects throughout Northern California. Her experience includes serving as project manager or project engineer on structure projects. She has been responsible for all aspects of structures project development, from preparing advance planning studies to design support during construction. Her career has been focused on working with local agencies on federally-funded projects, as well as coordination with Caltrans on structures within the state highway system.
Julie Passalacqua has more than 18 years of experience serving as a project manager or project engineer on bridge projects. She has been responsible for all aspects of structures project development, from preparing advance planning studies, retrofit strategy reports, and type selection reports during preliminary engineering to the preparation of PS&E production documents to shop drawing reviews and field investigations during construction. Her career has been focused on working with local agencies on HBP projects, as well as coordination with Caltrans on structures within the state highway system.

REPRESENTATIVE PROJECTS

CRIPPLE CREEK BRIDGE, CITRUS HEIGHTS
Project manager for improvements to Cripple Creek Bridge. The improvements included the design of a pedestrian bridge and a soldier pile wall.

CITY OF LINCOLN ON-CALL, LINCOLN
Contract manager for this on-call contract with the City of Lincoln. Provided engineering and environmental clearance for six bridges as part of the City’s bridge preventive maintenance program (BPMP). The project plans call for bridge deck treatments with methacrylate, removal and replacement of joint seals, repair of concrete spalling and column jacketing. Due to the nature of the project and the lack of impact to jurisdictional waters and species within the waterways a Categorical Exemption under CEQA was deemed sufficient. In addition to environmental clearance, Mark Thomas prepared structure, roadway and traffic handling plans, project special provisions and a construction cost estimate.

CONTRA COSTA COUNTY ON-CALL, CONTRA COSTA COUNTY
Contract manager for a number of task orders for Contra Costa County off of our on-call contracts. Some of these tasks orders have included: Storm Damage; Retaining Wall Design; Wall Mounted Roadside Sign Design; Peer Review of Pedestrian Bridge at Gale Ranch; Peer Review of Prefabricated Pedestrian Bridge at Fire Station 32; Peer Review of Driftwood Drive Headwall; Kirker Pass Road Culvert Inspection.

BPMP BRIDGE EVALUATION, ROSEVILLE
Structures lead responsible for evaluating 15 bridges and assisting the City in obtaining federal funds under the BPMP for these bridge maintenance projects. Performed a site review of each bridge and prepared the BPMP applications. Anticipated repairs include deck treatment, concrete repairs, scour countermeasures and approach slab replacement.

BRIDGE PREVENTIVE MAINTENANCE PROGRAM, STANISLAUS COUNTY
Project manager responsible for evaluating and prioritizing bridge improvements throughout the County. Approximately 200 of the County’s bridges were reviewed under this program. During the assessment, Mark Thomas reviewed the Caltrans bridge inspection reports and performed site inspections to verify existing conditions and document additional observations and deficiencies. Mark Thomas then worked with the County to prioritize improvements to their bridge inventory according to the goals of the BPMP.

MARSHALL PETALUMA ROAD BRIDGE EMERGENCY REPAIR RECOMMENDATIONS, PETALUMA
Project manager for the emergency repair recommendations to the Marshall Petaluma Road Bridge over Salmon Creek. The existing bridge was constructed in 1931, and is a single-span, reinforced concrete T-beam bridge with a history of scour-related problems including channel degradation, undermining of abutment footings, and creek flow skewed to the substructure. Project tasks include attending field meetings, and the preparation of draft and final emergency repair design reports which documents the site conditions and recommendations for repair, including constructability and special provisions.
JASON HICKEY, PE, SE
STRUCTURES

EDUCATION
BS in Civil Engineering
Bridge Inspector Training,
National Highway Institute (NHI), 2016

REGISTRATION
CA 55783
CA C72409

Jason Hickey has more than 16 years of experience in the analysis, design and preparation of PS&E packages for bridge and retaining wall projects. He has been responsible for all aspects of structures project development, from preparing advance planning studies, retrofit strategy reports, and type selection reports during preliminary engineering to the preparation of PS&E production documents to shop drawing reviews and field investigations during construction. Jason's project experience also includes structure inspections, evaluation of existing and damaged structures, design of repairs and strengthening.

REPRESENTATIVE PROJECTS

HUMBOLDT COUNTY ON-CALL ENGINEERING, HUMBOLDT COUNTY
Project manager for the storm damage projects funded by FEMA and FHWA. Managed the preparation of funding and PS&E packages for several storm damage projects. Projects included sites with soldier pile walls up to 40 feet in height, reconstruction of roadways and drainage, roadway retreats and other improvements.

BRIDGE PREVENTIVE MAINTENANCE PROGRAM, STANISLAUS COUNTY
Structures engineer responsible for development of a BPMP for the County's inventory of 232 bridges. Perform inspections for bridges that may need repairs, develop cost estimates and prioritize maintenance and repairs. Design repairs as needed.

BRIDGE INSPECTION SERVICES, SACRAMENTO REGIONAL TRANSIT DISTRICT
Structures engineer responsible for conducting bridge inspections and providing reports for 10 bridge sites in Sacramento Regional Transit District's inventory. Site inspections included evaluation of bridges, observation of structural system and deficiencies. These inspections documented areas of concern including the condition of structural elements, track features, identification of needed repairs and provide guidance on appropriate repair guidelines.

CONTRA COSTA ON-CALL, CONTRA COSTA
Structures engineer for a number of task orders for Contra Costa County off of our on-call contracts. Some of these tasks orders have included: Storm Damage; Retaining Wall Design; Wall Mounted Roadside Sign Design; Peer Review of Pedestrian Bridge at Gale Ranch; Peer Review of Prefabricated Pedestrian Bridge at Fire Station 32; Peer Review of Driftwood Drive Headwall; Kirker Pass Road Culvert Inspection.

CITY WIDE STRUCTURAL ASSESSMENT, DAVIS
Structural inspector responsible for locating, identifying, and inspecting all of the pedestrian bridges and tunnels within the City of Davis. This task also includes retaining walls and sound walls. Cost estimates for maintenance work were provided along with a priority ranking for the most vulnerable structures.

HIGHWAY BRIDGE PROGRAM PROJECTS, MENDOCINO COUNTY
Project engineer for the Moore Street Bridge Seismic Retrofit, the Eureka Hill Bridge Seismic Retrofit, and the replacement of Feliz Creek Bridge. All three projects were funded through the HBP. The retrofit strategy for Moore Street Bridge included catcher blocks at the bent caps, foundation retrofit at a bent, and large diameter CIDH piles at the abutments. A number of different preliminary roadway and bridge design options were reviewed for Eureka Hill Bridge. The PS&E package for Feliz Creek Bridge included the bridge replacement and modifications to an adjacent intersection.

CITY OF VACAVILLE STORM DAMAGE REPAIR, VACAVILLE
Project manager providing professional structural engineering services for the 2017 Storm Damage Repair project for the City of Vacaville. It includes the following Elevated Creekwalk at McBride Senior Center and the Araquipa Court Pedestrian Bridge.
JON SAMPSON, PE, SE
STRUCTURES

EDUCATION
BS in Civil Engineering
Bridge Inspector Training,
WSDOT, 2012

REGISTRATION
CA C46421
CA S4344

Jon Sampson has more than 35 years of experience in the analysis, design and preparation of PS&E packages for bridge, trail, and wall projects, which includes design multiple road bridges, culverts, and trails consisting of concrete, steel, and/or timber following AASHTO design requirements. His project experience includes reviewing design plans and calculations, preparing load ratings and analyzing overloads for bridges. These projects have included bridge designs and retrofits, demolition design, building design, communication tower design, and trails including pedestrian bridges.

REPRESENTATIVE PROJECTS

ON-CALL PROFESSIONAL DESIGN ENGINEERING SERVICES, HUMBOLDT COUNTY
Structures engineer assisting with various tasks under this on-call contract for professional design engineering services. Projects have included ADA ramp improvements at 1,487 curb ramp sites, Systemic Safety Analysis Reports (SSAR) to identify safety improvements and reduce traffic collisions, planning design and feasibility for the Redway Transfer Station improvements, and Federal Disaster Funding Assistance.

PLACER COUNTY COURTHOUSE TUNNEL, PLACER COUNTY
Structures engineer responsible for the inspection of a leaking pedestrian tunnel between two buildings and preparing repair plans, estimate and specifications to stop the infiltration of water into the tunnel. Because the tunnel is underground, a secondary inspection will be made once excavation is complete to verify the validity of the plans for a final solution to the problem.

MARIPOSA AVENUE SINKHOLE EMERGENCY RESPONSE, CITRUS HEIGHTS
Structures engineer who responded to the call regarding a sinkhole that had opened up on Mariposa Avenue. After assessing the situation, an immediate remedial repair was recommended to allow access along Mariposa Avenue. Because this repair was only a temporary fix, a recommended final fix was developed to prevent any future sinkholes from occurring at this location.

LOWER COW CREEK BRIDGE REPAIR, SIERRA NATIONAL FOREST
Senior engineer responsible for the Advanced Planning Study and the final design and all drafting. One exterior girder was damaged due to a tree fall. Original design was for a replacement of the girder and part of the timber deck, but due to the cost, it was determined to be more economical to replace the entire bridge.

FRASER FLAT ROAD BRIDGE WIDENING,
STANISLAUS NATIONAL FOREST
Senior engineer responsible for the final design and drafting. The existing structure was too narrow for lowboy truck passage. The entire superstructure was replaced, but the existing abutments were utilized and tied to the new abutments for the widened roadway.

IRON HORSE TRAIL BRIDGE OVERCROSSING,
DUBLIN
Structures engineer responsible for design development of pedestrian overcrossing that will improve connectivity to BART. The project involves a pedestrian overcrossing of Dougherty Boulevard to provide grade separated access for the existing Iron Horse Trail. Once constructed, the new overcrossing will provide a vital connection between ongoing residential development and transit.

FOUR BRIDGES SYSTEM, BEALE AIR FORCE BASE
Technical lead engineer for the completion of designs for the repair of four bridges located on Beale Air Force Base near Marysville in California. Mark Thomas is serving as the design lead for this project. Services include geotechnical investigations, hydraulic analysis, surveying, preparation of roadway, bridge and mitigation restoration plans and specifications. Mark Thomas is also providing design support during construction.
Ben Crawford is the Founder and President of Crawford & Associates, Inc. He has managed complex projects throughout Northern California, including bridges, roads, pavement rehabilitation, and transportation projects. Ben’s experience includes providing geotechnical recommendations for water and wastewater, schools, residential and commercial structures, water and communication towers, retaining walls, pipelines, and airports. Ben has specific experience in bridge foundation design, including spread footings, large diameter pipe piles, drilled CIDH shafts, driven concrete and H-piles, drilled shaft construction and monitoring, vibrating casing, pile observation and installation during construction, groundwater control, load testing criteria and settlement analysis.

**Related Projects**

**Winding Way Bridge at Chicago Creek – Sacramento County, CA**
The current two-lane bridge was built in 1916 and is considered functionally obsolete. The proposed bridge is a 131.5’ long and 39’ wide single-span, concrete slab deck with precast, prestressed concrete California wide-flange girders. A 41’ long Caltrans Type 5 retaining wall will be placed west of the bridge. In 2015, Taber Consultants prepared a Foundation Report to provide recommendations for design of the bridge foundations and approach roadway. In 2019, Crawford addressed updated seismic design evaluation, foundation loads at abutment supports, and the addition of a Caltrans Type 5 (Case 1) Retaining wall. Provided foundation design data, spread footing foundation design loads, and LRFD strength, construction and extreme event loads for controlling load combinations. Calculated settlement and evaluated sliding resistance for the abutments and retaining wall.

**Rabbit Creek Culvert Repair Project – Amador County, CA**
For this project, Amador County proposed improvements to an existing culvert located between Lake Camanche and Rabbit Creek below Camanche Parkway. For Phase I of the project, Crawford prepared a Geotechnical memo, which provided geotechnical design considerations for performing trenchless culvert pipe installation methods. For Phase II of the project, Crawford provided soil compaction testing during construction of the project. Services included laboratory testing, aggregate base compaction testing, asphalt concrete observation and testing, culvert trench backfill compaction testing, and dam backfill compaction testing. Our field technicians prepared daily field reports with a description of the daily events and test results.

**US 50 and Zinfandel Drive Interchange Project – Rancho Cordova, Sacramento County, California (2014-2018)**
Principal and Geotechnical engineer for a proposed expansion of the west side of the existing bridge to accommodate an additional southbound through lane. The bridge superstructure will be a precast, prestressed, post-tensioned, bath-tub girder. Deep foundations at each abutment and the bent will support the bridge improvement loads. Recommendations included HP 14 x 89 piles to support the bridge improvements. Crawford determined compressive resistance and tension/uplift resistance of the H-piles using the A-Pile computer program developed by Ensoft, Inc. Settlement calculations, lateral load analysis, and approach fill earthwork were also provided.

**Manthey Road Bridge Replacement – City of Lathrop, San Joaquin County, CA (HBP Funded Project)**
Ben was the Principal Geotechnical Engineer for the project. Ben and the Crawford team prepared a Geotechnical Report for the Manthey Road Bridge replacement and realignment. The existing two-lane bridge was built in about 1927 and is comprised of a 539-foot long steel truss. For the report, Crawford reviewed existing subsurface data (e.g., test boring logs, laboratory testing results, cone penetration testing soundings); reviewed geologic and seismic maps pertaining to the site; and performed preliminary engineering analysis for structure foundations. Provided foundation recommendations based on the analysis of subsurface conditions, geology, and potential for seismic events. Provided recommendations for site approach, grading, pavement sections, and retaining walls.

**Sports Park Drive Pedestrian Overcrossing Project – Woodland, Yolo County, CA**
Principal Geotechnical Engineer for a preliminary foundation report for a 3-span bridge approximately 430 ft long and 14 ft wide. The report included a review of site geology and subsurface conditions; seismic data; and foundation recommendations. Key geotechnical considerations associated with the project include possible differential settlement between the bridge and structure embankment approaches due to the presence of thick clay layers and potential for long-term static (consolidation) settlement. Foundation types include driven piles, cast-in-drilled-hole (CIDH) piles, and spread footing foundations.
PROJECT EXPERIENCE & REFERENCES

Mark Thomas brings extensive experience delivering structures and bridge replacement projects. The projects highlighted below represent our experience with similar projects to this on-call. We have an intimate knowledge of the key issues and challenges and our team will efficiently deliver tasks from this on-call contract.

CLIENT REFERENCE
Jenna Caldwell
Contra Costa County
255 Glacier Drive
Martinez, California 94553
☎️ (925) 313-2020

PERIOD OF PERFORMANCE
2015 - Ongoing

KEY FEATURES
Culvert Inspection
Third-Party Reviews
Retaining Wall Design
Storm Damage

CONTR Costa ON-CALL STRUCTURAL
CONTR Costa COUNTY

Mark Thomas has completed a number of task orders for Contra Costa County off of our on-call contracts. Some of these tasks orders have included:

Storm Damage – Provided initial site assessments, preliminary alternatives analysis and final PS&E for three sites damaged during winter storms. Design included slope reconstruction, soldier pile wall design, traffic handling and staging, drainage design and utility coordination.

Wall Mounted Roadside Sign Design – Provided design calculations and details for two roadside signs that were to be mounted to an existing soundwall along Highway 4 nears the Bailey Road Interchange.

Retaining Wall Design – Provided design and independent check calculations to determine the structural adequacy of using a Caltrans Standard Plan retailing wall at a location where the peak ground acceleration (PGA) exceeded the standard of 0.6g. Review and approval of Caltrans was required.

Peer Review of Pedestrian Bridge at Gale Ranch – Completed peer review of third-party designed pedestrian and sewer bridge on behalf of Contra Costa County. Drawings and structural calculations were reviewed and comments provided.

Peer Review of Prefabricated Pedestrian Bridge at Fire Station 32 – Completed peer review of third-party designed pedestrian bridge on behalf of Contra Costa County. Drawings and structural calculations were reviewed and comments provided.

Peer Review of Driftwood Drive Headwall – Completed peer review of third-party plans, calculations and geotechnical report for new CMU headwall.

Kirker Pass Road Culvert Inspection – Performed visual inspection of existing cattle crossing culvert under Kirker Pass Road.
SAN RAFAEL STRUCTURAL ON-CALL
SAN RAFAEL

As part of our on-call contract with the City of San Rafael, Mark Thomas provided culvert inspection services. This work included performing a visual inspection of the inside of a culvert that had experienced roof failure and determining the probable cause of the damage. Subsequently, Mark Thomas prepared preliminary design plans for the culvert after replacement was determined to be the preferred option. Another task Mark Thomas performed off the on-call was inspection of a hillside slide that results from a broken water lateral under Meyer Road. Mark Thomas coordinated with the geotechnical consultant, visited the site and evaluated different repair alternatives for both a short term and long term fix.

CITY-WIDE STRUCTURAL ASSESSMENT
DAVIS

Mark Thomas worked with the City to identify, inspect and assess the condition of the City's structure inventory. This includes existing pedestrian/bicycle tunnels and bridges, retaining walls, and soundwalls.

Mark Thomas identified both City inspected pedestrian/bicycle structures as well as structures that are currently inspected by Caltrans. Mark Thomas visually inspected and evaluated 20 pedestrian/bicycle structures and 14 retaining walls and soundwalls within the City limits. An evaluation summary memo was prepared for each structure, identifying the basic structure dimensions, structure type, associated walls, railings, utilities and any other features. Mark Thomas identified maintenance issues that need to be addressed by the City and provided work recommendations at each location.

A Bridge Inventory and Inspection Report was provided to the City that included a description of the inspection program, a site map showing the locations for all structures, each structure's evaluation, a summary of the work recommendations, and the latest bridge inspection reports prepared by Caltrans.
HUMBOLDT ON-CALL DESIGN SERVICES
HUMBOLDT COUNTY

Mark Thomas has been providing on-call professional design engineering services. Services under this contract include ADA ramp improvements, station improvements, systemic safety analysis reports, and funding assistance. As part of the on-call, Mark Thomas has assisted the County with storm damage repairs that resulted from the 2017 and 2019 winter storms. These projects total nearly $22M in construction costs and include:

**Mitchell Road Storm Damage Repair Project:** Mark Thomas provided preliminary and final engineering for the design of storm damage repairs to Mitchell Road. The roadway sustained damage during the severe 2017 winter storms. The agency received FEMA funding for the design and construction of the project. The project includes the construction of 190 feet soldier pile retaining wall with tiebacks up to 23 feet tall. Improvements also include reconstructing the roadway, installing an underdrain at the toe of the slope, and relocating an 8-inch water line that has been temporarily located above ground. (Construction Completed).

**Shelter Cove Storm Damage Repair:** In the winter of 2017, heavy rains caused damage to a large slope impacting the roadway causing one lane to be closed and a temporary detour to be placed with one way stop control. The slip extends down the slope for more than 70 feet. The road provides the primary access to the community of Shelter Cove in Humboldt County and the only alternate route is along private roads. Mark Thomas designed a 160 foot long soldier pile wall with tieback anchors to stabilize the slope. The wall is more than 40-feet tall at its tallest height. In addition to performing the structural design, Mark Thomas prepared the drainage and roadway plans, construction signs and leading the rest of the team for surveying, environmental clearance, permitting, geotechnical engineering services and right of way acquisitions. (Construction Completed).

**Design of 13 projects on Alderpoint Road:** Projects include soldier pile walls, hillside retreats, digout and reconstruction, rock buttresses, drainage improvement, lightweight embankments, reinforced embankments and other geotechnical and structural repairs. (Under Construction)

**Redway Transfer Station:** Mark Thomas provided project design for site improvements to an existing transfer station totaling $1M in construction costs. These improvements include a new recycling building, new truck scale, new weigh building, improved ADA accessibility and site improvements.

**Garberville Complete Streets:** Completed a master plan to improve Main Street in downtown Garberville. The old highway provides a wide street that is inefficient and encourages increased speed. A master plan was developed to improve parking, reduce speeds and improve business access in downtown Garberville.

**ADA Curb Ramps:** Provided site reconnaissance, design, bidding and construction support for $3.7M in curb ramp construction for high priority deficient intersections.

**Federal Disaster Funding Assistance:** Mark Thomas is providing project management support services and prepared funding documents for a variety of County projects. It includes preparing and revising Damage Assessment Forms (DAF), Request for Authorization (RFA), and others as directed by the County. Mark Thomas worked with the County and Caltrans to finalize the DAF’s and RFAs approvals for the remaining project. Our knowledge and experience with federal funding allows Mark Thomas to support the County on a wide variety of tasks, from Design to Funding assistance.
STANISLAUS COUNTY BPMP
STANISLAUS COUNTY

Mark Thomas was selected by Stanislaus County to evaluate and prioritize bridge improvements and assemble a BPMP for submittal to Caltrans. There are 225 bridges within the County that the County maintains and has jurisdiction over. Approximately 200 of those bridges will be reviewed under this program.

During the assessment, Mark Thomas reviewed the Caltrans bridge inspection reports and performed site inspections to verify existing conditions and document additional observations and deficiencies. We worked with the County to prioritize improvements to their bridge inventory according to the goals of the BPMP. We also were tasked with preparing HBP applications for five bridge replacements and BPMP implementation.

Based on the results of the bridge condition assessments and review of inspection reports, five bridges were programmed for the County to be replaced through HBP. BPMP projects were prioritized and then grouped into geographic areas with similar work types in order to bundle construction and PS&E packages. The highest priority was to address serious structural and scour concerns. After that, tackle projects that would be the most cost effective for the County, improving the bridge inventory, extending the life of the bridges for the lowest cost. Many of these projects were methacrylate deck treatments and minor spall repairs which were grouped by geographic area to allow for similar construction packages.

CITY OF LINCOLN ON-CALL
LINCOLN

As part of our on-call contract with the City of Lincoln, Mark Thomas provided engineering and environmental clearance for six bridges as part of the City’s bridge preventative maintenance program (BPMP). The project plans call for bridge deck treatments with methacrylate, removal and replacement of joint seals, repair of concrete spalling and column jacketing. Due to the nature of the project and the lack of impact to jurisdictional waters and species within the waterways a Categorical Exemption under CEQA was deemed sufficient. In addition to environmental clearance, Mark Thomas prepared structure, roadway and traffic handling plans, project special provisions and a construction cost estimate.
ON-CALL CONTRACTS

Mark Thomas has significant experience providing on-call services for local agencies. We know the importance of being responsive and flexible when meeting project needs. We have expertise in providing task order driven services with limited budgets and reduced schedules. We have found that the cornerstone of a successful project is for us to operate as a true extension of City staff. Our longevity and local experience serve as clear evidence that we know how to manage and deliver projects. A sampling of our on-call contracts is shown below.

| Bay Area Rapid Transit (BART) | On-Call Engineering Services |
| City of Brentwood | On-Call General Civil and Survey |
| City of Concord | On-Call Survey Services (Various Projects) |
| City of Cupertino | On-Call General Civil |
| City of Davis | On-Call General Civil Engineering |
| City of Dublin | On-Call Engineering Services |
| City of Gilroy | Streets, Trails and Sidewalks |
| City of Lincoln | On-Call Engineering Services |
| City of Menlo Park | On-Call Professional Services |
| City of Placerville | On-Call Engineering Services |
| City of Pleasanton | On-Call Transportation Services |
| City of Rancho Cordova | On-Call Consulting Services |
| City of Redwood City | On-Call Civil, Survey Services and Structural |
| City of Roseville | On-Call Engineering |
| City of Sacramento | On-Call Civil Engineering, On-Call Surveying Services (Separate Contracts) |
| City of San Jose | On-Call Trail Design Services, On-Call Surveying Services (Separate Contracts) |
| City of San Jose Water Company | On-Call Structural Services, On-Call Survey Services (Separate Contracts) |
| City of Santa Ana | On-Call Professional Services |
| City of South San Francisco | On-Call Civil Engineering Services, On-Call Survey Services (Separate Contracts) |
| City of Vallejo | On-Call Consulting Services |
| City of Walnut Creek | On-Call Consulting Services |
| Contra Costa County Public Works | On-Call Civil and Structural Engineering (Separate Contracts) |
| Calaveras County | On-Call Construction Management |
| Fresno County | On-Call Engineering |
| Monterey County | On-Call Survey Services |
| Napa County Transportation & Planning Agency | On-Call Engineer/Architect & Project Delivery Services |
| Placer County | On-Call Engineering Services |
| San Mateo County Transit District | On-Call Engineering Services |
| | On-Call Construction Management |
| Santa Clara Valley Water District | On-Call Structural Engineering |
| Sonoma County | On-Call Engineering Services |
| Santa Clara County, Road and Bridges Dept. | Civil Design and Structural Engineering |
| | On-Call Construction Management |
| Trinity County Department of Transportation | On-Call Engineering Services |
| Tuolumne County Department of Public Works | On-Call Engineering Services |
| Union City | On-Call Engineering Services |

COMMITMENT TO THE CITY

We are committed to providing the City with ample staff resources for the duration of each project. Our commitment is backed up with the appropriate number of qualified staff necessary to meet the needs of any potential projects. Regionally, Mark Thomas has more than 100 technical and professional staff in our Sacramento office who can provide support to complete the City’s projects. Our experience and depth of staff enable us to provide the resources to deliver projects on time, within budget.
Per the RFQ, the pricing proposal is included in a separate sealed envelope.
Proposal for Structural Engineering On-Call Services

Submitted by: DOKKEN ENGINEERING

August 5, 2021
Dear Mr. Young and Selection Committee:

As a city in its second decade of incorporation, the City of Citrus Heights is faced with the challenge of maintaining existing structures from its nearly 100 years as an unincorporated entity in Sacramento while developing new projects that will attract residents and business to the area, ultimately allowing the community to prosper and thrive as a model of neighborhood engagement.

Dokken Engineering (Dokken) is eager to assist the City with structural engineering, construction support, and various services for capital and maintenance projects. Dokken has delivered over 2,500 transportation projects in our 35 years in business. We are experts in planning, designing, and delivering California bridge and roadway projects. As a firm that specializes in only Public Agency Projects, we understand the objective of our clients and the importance of addressing project stakeholder needs.

We specialize in providing on-call structural engineering services for public agencies including Sacramento County, City of Sacramento, and City of Folsom, and possess the depth of resources to deliver any type and size of structures project on an on-call basis for the City. We have developed a team to provide all services requested by the City with a steadfast commitment to deliver projects and develop solutions that fit your needs and budget.

As a full-service design firm, our team is uniquely suited for this contract in several important respects:

- Proactive Project Management
- Local Knowledge and Understanding of the Needs of the City of Citrus Heights
- Experienced in Working with Caltrans District 3 Local Assistance
- Proven Flexible, Responsive and Efficient Project Delivery
- Experienced Project Manager Supported by Technically Proficient Staff
- 120+ Qualified Professionals Across 5 Key Disciplines Ready to Serve the City

We understand that performance on individual projects and/or Task Orders through an on-call arrangement requires strong management, specialized expertise, and depth of resources to ensure projects are completed on time and on budget. We have developed a team that has a proven track record and the ability to complete Task Orders effectively and on schedule. Tim Osterkamp, PE, our Project Manager, brings experience and expertise in management and design of infrastructure projects. Our team has managed more than 200 Task Orders with an overall value of over $40 Million in as-needed and on-call contracts throughout California.

Dokken’s mission is to provide superior service to our clients for all their related civil engineering needs. We strive to be responsive and flexible to our clients, which results in projects delivered on time and within budget. Dokken has no exceptions the City’s Consulting Services Agreement provided as Attachment A in the RFP. With all work being conducted out of our headquarters office located less than 30 minutes from the City (address at bottom of this letterhead) we know we can meet your needs quickly and efficiently.

Thank you for the opportunity to submit on this Request for Qualifications and to further build our relationship with the City of Citrus Heights.

Sincerely,

DOKKEN ENGINEERING

Richard T. Liptak, PE
CEO & Principal-in-Charge

Tim Osterkamp, PE
Project Manager
Project Understanding

PROJECT MANAGEMENT APPROACH

Leading our team and coordinating our firm resources is project manager Tim Osterkamp, PE. Tim is a proven leader of road and structure projects and has spent his entire career in transportation, primarily serving local agencies on local or federally funded projects. His time-sensitive approach to managing projects has resulted in expedited project completion and adherence to project budgets.

Since many of our specialty services are in-house, like environmental and right of way, it makes communication and collaboration among team members easy and efficient. Our key staff members can walk to each other’s offices and discuss project ideas and challenges, resolving potential issues quickly.

Our project management philosophy is to treat every client as if they are our only client. For us, project management means contract compliance, meeting budgets and schedules, maintaining accurate file systems, and assembling the appropriate team to do the job. It means monitoring subconsultant work, progress reporting, and assisting our clients with the hundreds of details involved with project delivery.

Dokken uses a consistent project management approach on all projects. It is our goal to be an extension of City staff, with our team providing the resources and tools necessary to deliver the project with minimal City oversight.

- **Project Schedule Monitoring** - Each of Dokken’s projects is guided by a project baseline schedule, clearly indicating milestones, major activities, and deliverables at a level of detail appropriate to the project. The schedule drives the project, not the reverse.

- **Budget Control** - The best way to control the budget is to follow the project schedule. This avoids costly over-runs and extended production times. The key to preserving budgets is to start on time, get it right, and submit the deliverable on deadline.

Tim is directly responsible for project management and the coordination of all technical work to make sure that project issues and action items are addressed. Therefore, Tim, supported by experienced Task Order Managers, will:

- **Work with the City’s Project Manager** to develop and negotiate a realistic scope and budget for each task;

- **Prepare a Work Plan** that provides definitive directions to the project team and includes specific instructions regarding means and methods assumptions included in the scope of work;

- **Implement communication protocols** that facilitate communication between the City and the Dokken team, including face-to-face meetings, phone calls, email, written documents, and web meetings to meet the project needs.

- **Regularly compare** the contracted scope and budget vs. actual real-time expenses;

- **Conduct frequent project team meetings** to facilitate informed discussions and decisions and team consensus on solutions and action items. Schedule, including milestones and deliverables, is discussed at every team meeting;

- **Consistently use project tracking tools**, such as Issues/Decision Logs, progress reports and schedule updates. These documents are frequently maintained and submitted to all team members and discussed at team meetings to ensure all issues are addressed and tasks successfully completed; and
Schedule QC activities with Matt Griggs, PE, the project QA/QC Manager, to ensure the project is meeting the project goals at key milestones of design. Tim will also assess the short- and long-term needs of each task order to ensure that our Dokken team is appropriately staffed and available for the duration of the contract. Tim is also available to meet with City project delivery staff to review the performance of our Dokken team and/or to help City develop ideas to mitigate any issues.

We will provide services to the City with staff from our Folsom Headquarters office less than 30 minutes from the City.

Cost Management
Dokken understands local agencies stretch every dollar to maximize the project benefit and also leverage these local dollars with State and Federal Grants and Programs to further deliver their CIP.

Project construction cost management is performed from preliminary engineering through final Plans, Specifications and Estimate (PS&E) to ensure the most economical project is constructed which meets the project goals.

Each new Task Order is thoroughly studied to identify all tasks required to develop and produce the PS&E ready for advertisement.

Because we have delivered over 2,500 projects in 35 years and deliver multiple infrastructure projects to construction every year, we know what needs to be done and include that right up front in the scope to avoid the need for contract amendments.

Dokken staff takes pride in completing projects within the agreed upon budget. Our success is proven by the number of projects out to construction each year.

For 2020, Dokken delivered 33 projects to construction totaling $200M in construction value.

Our cost control starts with making sure task order assignments are given to the appropriate staff with the expertise that aligns with the needs of the project. Correctly maintaining the budget is achieved through application of several different cost tracking methods. This includes tracking progress (i.e., percent complete) and comparing to costs incurred in order to assess project’s budget status. Dokken will use City standards and formats, making invoice review streamlined and familiar to the City. Tim will monitor the project’s progress on a weekly basis and will use the following approaches to maintain a project’s schedule:

- Assign staff with the appropriate level of expertise that can develop and deliver submittals correctly the first time and avoid costly rework.
- Create a detailed project schedule that outlines all tasks, including QC efforts, and tasks to be performed by City staff, with completion dates necessary to achieve the overall schedule goal.
- Frequently check-in with the team’s production staff to update on task progress and implement corrective measures to maintain schedule.
- Conduct project team meetings during which task progress is discussed related to schedule and tasks means and methods are discussed to ensure production staff remain on the path identified at the project onset.
- Develop thorough meeting minutes and holding team members accountable with specifically identified deadlines and decisions.

Quality Assurance/Quality Control
The Dokken Team is committed to the City in delivering project documents whose quality exceeds industry standards. Quality is not just a priority; it is one of our core values.

From the project inception, QA/QC procedures will be implemented in accordance with the project Quality Management Plan. Our procedures incorporate continuous product review cycles during plan development, as well as a series of formal review procedures completed for major project deliverables. The review of deliverables needed to satisfy the QA/QC procedure is built into our proposed schedule.

Dokken Vice President, Mr. Matt Griggs, PE, will be the QA/QC Manager for all task orders. He will ensure all deliverables are QC reviewed by a Senior Engineer prior to submittal. The documents will then be revised as needed to address the QC review. Prior to submittal, Matt will provide quality assurance by verifying all comments were properly
addressed. He will develop the Quality Management Plan which will describe the processes and the procedures, including checklists to be followed on all task orders.

We take quality very seriously, as a quality plan set provides the most competitive bidding opportunities for projects and helps keep projects within their overall budgets, ultimately resulting in high-quality projects being built, on time with minimal or no change orders.

Typical Structures Project Approach

Having worked under a number of on-call bridge contracts, every local agency has varying project types. We understand that the City is looking for assistance for structural engineering, construction support, and associated services for various capital and maintenance projects, including delivering services such as:

- Retaining Wall, Culvert, Headwall, and Foundation Design and Analysis
- Bridge Design and/or Preventive Maintenance
- Bridge Preventive Maintenance, including BPMP Development
- Caltrans Bridge Inspection Report Analysis
- Peer Review of PS&E
- Construction Support
- Field Inspection of Bridges, including Material Testing of Existing Structures
- Emergency Engineering Support
- Seismic Assessment of City Buildings

Structural engineering involves a variety of bridge types, each with their respective issues that must be considered during design, but (at a minimum) includes environmental impacts; right-of-way take; permitting and agreements; alignment considerations; and construction cost and aesthetic considerations. A typical project includes the following processes and tasks.

The Type Selection task is the starting point in a bridge design process. This would involve a preliminary study that defines the structure’s type, span length and width, and location. Typically, the study would progress the preferred bridge or repair type from the 30% level to the 65% level, which ensures the majority of constraints have been vetted to establish a final project footprint.

During the Type Selection Phase, alternatives will be evaluated, ensuring that the preferred structure:

- fits the topographical and functional requirements of the site and be familiar to local fabricators to ensure maximum quality and price value for the City;
- facilitates a streamlined process for environmental permitting;
- requires low maintenance and provides easy access for routine inspection;
- be of a type that facilitates quick, efficient installation to meet the proposed schedule and minimizes disruptions to utility services;
- provides appropriate level of aesthetic measures; and
- is economically justifiable and meets the minimum life expectancy of the structure

For all structure projects, Dokken’s structural engineers will consider design aesthetics (where appropriate); provide an independent check (prior to the 90% submittal), which will compare bridge plans with roadway plans for conflicts or irregularities; and ensure the final design is in accordance with environmental documents, mitigation, and permit requirements.

Dokken’s engineers will always conduct a Constructability Review to identify design and/or construction staging changes that may reduce the project’s cost, maintain (or accelerate) the schedule, maximize the bridge functionality (service life, safety, etc.), and minimize or eliminate field construction issues.

Furthermore, Dokken routinely applies Value Engineering (VE) methodology to realize the lowest life-cycle cost to meet the performance, safety, maintenance, and aesthetic requirements of the project.
SERVICES AVAILABLE TO MEET AGENCY NEEDS

Experience and expertise in the codes, analysis, and industry standard practices of structural engineering are essential, however, Dokken’s Structures group brings more than just structural expertise. All of Dokken’s structural key staff included in the proposal not only have long histories of providing structural design, but also lead overall project delivery as project managers. This gives our structural team key insights into programming guidelines and timelines, funding limitations, environmental and right of way processes and constraints, construction techniques, methods and access needs, regulatory compliance, and overall project coordination, ensuring that the City will receive deliverables that are fundable, biddable, and buildable.

Dokken has a long history of providing local agencies throughout the state with high quality structural engineering services and is currently on several 2-phase on-call lists similar to this one, including structures on-calls with the City of Sacramento and City of Chico. We have provided a wide range of services from full-service PS&E to peer reviews on designs prepared by local agency staff and other consultants. We performed this work at all stages of project development, from the funding application through design, to construction support and inspection for various sizes of projects from large CIP projects to small repairs and rehabilitations.

Additional Specialty Services

Structure projects are an integral component of Dokken’s services, having completed over 150 structure designs during the past 5 years, ranging from large interchange bridges to maintenance repairs to minor structures such as retaining walls and culvert headwalls. Our engineers design new bridges, rehabilitation and replacement of existing bridges, as well as the required improvements to the surrounding area, such as sidewalks, guardrails, bike and pedestrian pathways, ADA requirements and intersection signalizations.

Additionally, our structure projects are supported by engineering staff from our road, environmental, electrical, and right of way groups. Details on those specialty services that we can provide to the City in support of this on-call contract are described below.

Environmental Planning | Dokken has an experienced in-house Environmental Services Group that works on our roadway, bridge, and infrastructure projects throughout California. We have established professional working relationships with federal and state regulatory agencies based on technical excellence and a thorough understanding of regulatory processes, including:

- Environmental Document Preparation (NEPA/CEQA), Analysis, and Compliance
- Technical Studies & Reports
- Environmental Regulatory Permitting & Compliance

Dokken’s hands-on approach and technical experience have accelerated schedules for all regulatory requirements of the Federal Clean Water Act (CWA), Sections 401, 402, and 404; NEPA; the National Historic Preservation Act (NHPA), Sections 106 and 110; the Federal Endangered Species Act (ESA), Sections 7 and 10; CEQA; the California Endangered Species Act (CESA); and 1600-16116 California Fish and Game Codes. From 2017-2018, our environmental team provided environmental services to secure a Routine Maintenance Agreement for the City of Citrus Heights.
Railroad Coordination | Coordination with the Railroad can often be time consuming and derail a project’s schedule. Dokken has extensive experience working with railroad companies for the approval of both grade-separated and at-grade crossings. We understand the lengthy and often complicated process to obtain a completed Construction and Maintenance Agreement and approval of the GO-88B through the CPUC.

Recently, Dokken provided Railroad Coordination on the following projects:

- West El Camino Bridge over Steelhead Creek & UPRR in Sacramento, CA
- Eastside Road Bridges (UPRR) in the City of Redding
- Fifth Street Bridge Replacement (UPRR) project in Yuba City, CA
- Green Tree Extension (BNSF) project in Victorville, CA
- Hinton UPRR Overhead in Nevada County

For projects involving a railroad, we are prepared to initiate the GO-88B application immediately upon NEPA approval and schedule a “Diagnostic Meeting” on site with the City, CPUC, and railroad. UPRR has recently implemented a new process for initializing coordination, which we have now used on three recent projects.

Hydraulics/Drainage/Stormwater | Dokken employs professional engineering staff dedicated to the specialty of hydraulics and hydrology. These staff members are experts in assessing drainage issues, conducting analyses, and coordinating with other disciplines to develop balanced, cost-effective solutions. Dokken has extensive experience in all aspects of hydrology, hydraulics, and drainage design. Through the application of spread analysis, inlet efficiency, culvert and storm drain analysis, open channel design, and detention basin design, our drainage designs keep roadways and public areas free of flooding.

Protecting the quality of our water resources requires an understanding of the ever-evolving landscape of Clean Water Act policies. From the preparation/enforcement of Storm Water Pollution Protection Plans for General Construction Permit compliance to the evaluation, design, and documentation of permanent BMPs for MS4 compliance, Dokken’s certified QSD/QSP staff have the experience and expertise to assist the City with all related NPDES requirements. Dokken’s staff propose solutions that are easy to maintain and are appropriate to the project environment.

Utility Coordination | Utility coordination and relocation design can often cause significant delay in the project schedule. Beginning discussions with the various utility companies early and often is key to maintaining the project schedule, and for preventing any costly change orders during final design and construction. A critical aspect of the utility process many designers overlook is the coordination with individual property owners. At Dokken, we work closely with the property owners to coordinate any necessary short-term utility shutdowns of their services associated with the utility relocation process. We are very familiar with the utility relocation process, which ensures compliance with all local and federal requirements. The vast majority of our projects require utility coordination and relocation, which include underground or aerial services such as electrical, telecommunication, water, sewer, gas, and fiber optic.
Dokken’s experienced staff members, many of whom are former public agency employees, provide the creative financial strategies needed to assist our clients in meeting their transportation needs and goals. These strategies range from phasing project delivery and aligning costs with available revenue, to identifying and pursuing new and creative revenue sources. We are experienced in a variety of funding mechanisms, including traditional federal, state and local funding sources, as well as revenue bonds, impact fees and grants.

Our engineers and planners have an impressive history in assisting local agencies with funding acquisition through state and federal programs, such as FHWA Grant Programs, STIP programs, HBP, SB1, and other local funding programs. Dokken’s experienced staff members offer the following funding support services:

- **Research and Grant Narratives** – We can illustrate the need for the project. For example, a Class I bike path; an improved interchange; analyze traffic or demographic data, and then organize the data to make a compelling case for the necessity of the project.
- **Engineering Estimates** – Dokken’s engineers can produce accurate numbers that funders will scrutinize to ensure the project’s readiness and deliverability.
- **Environmental Services** – Dokken’s environmental staff can consult on the level of environmental documentation necessary, provide a list of potential species, make a case for aesthetics, and/or prepare a preliminary habitat restoration strategy that further enhances the grant narrative.
- **Design** – Our engineers and graphics team can create renderings, illustrative maps, and exhibits that help grant review committees visualize projects.
- **Right of Way Estimates** – Our right of way team can produce estimates on necessary permanent acquisitions or temporary easements that are, at times, grant requirements or necessary figures to acquire the next phase of funding.

We can work with the City to determine your needs and potential funding sources. This allows us to determine which current program to apply for funds. We have been very successful in obtaining funds for local agencies such as the cities of Sacramento, Modesto, Chico, Elk Grove, Vista, Palm Desert, Norwalk, Downey, Rancho Mirage, Signal Hill, and Seal Beach. Our approach is to determine the fundability of the project using the Application matrix such as the Benefit to Cost ratio. If this ratio is high compared to previous projects approval, then we would recommend moving forward with the application process. If not, then we will search for other funding opportunities.

Dokken has successfully written multiple grants, including the award of a $9 Million TIGER (now BUILD) grant for SR-132 Freeway/Expressway, Modesto CA in 2017 and $20 Million TIGER grant for North County Corridor, Stanislaus County also in 2017. In this challenging and competitive economic environment, Dokken provides the guidance, experience and creativity needed to identify, program, allocate and obligate funds, allowing critical projects to get built.

What sets our Dokken team apart from the others is our turn-key approach. Since we are engineers and not just Grant Writers, we understand the complexity of merging the project description to the application and developing concept plans. We prepare all of the required documents in-house such as accident type and locations maps, labeled concept plans of proposed improvements, develop realistic cost estimate, assess traffic data, and prepare the application. This approach allows input from the City without placing a burden on agency resources to prepare the required documentation. We can also assist the City with outreach to grant agencies to advocate for your projects.
COMPLETING WORK IN A TIMELY MANNER

In order to properly manage the three interdependent elements found in every project – scope, schedule, and budget – it is necessary to implement a sustainable project control methodology. Tim will develop and implement a project controls plan. The plan outlines the procedures for conducting work, managing project resources, and reporting project status and progress.

By applying the above project management tools graphic as a foundation to our process assures on time and within budget project deliverables with minimal CCOs. These tools will enable Tim to provide a systematic approach to deliver any project. All project participants, including the City and Dokken, will be aware of the project status in order to make informed management decisions.

LINES OF COMMUNICATION

In addition to monthly project team meetings, Dokken will keep the City’s Project Manager aware of progress through constant communication, including emails, phone or video conference calls, and regularly scheduled PDT meets. This approach allows the City’s Project Manager to provide any required input throughout the project development process, including schedule and budget.

SCHEDULE MANAGEMENT

A project’s schedule is monitored, and staffing adjusted, to meet milestones. Performance is monitored through quality control checks, review of actual versus planned progress, completion of action items prepared after meetings, monthly invoicing, and progress reporting.

Dokken has found the best way to control budget is to ensure the project schedule is followed. This method avoids costly over-runs and extended production times. The key to preserving budgets is to start on time, get it right, and submit the deliverable on time. Utilizing the same design working group from the project beginning to the end ensures consistent thought and engineering practice, while eliminating wasteful hours spent “getting familiar” with a project. Our team uses Microsoft Office products, including MS Project, to develop and maintain the critical path project schedule. The MS Project schedule will identify all project deliverables and submittal dates.

The deliverables schedule is a critical project management tool because it specifies what is being delivered to the City and when it is to be submitted. The deliverables schedule will be updated monthly and discussed at the monthly team meeting to track the status of completed, in-progress and upcoming deliverables.

One component to schedule management is communication. Maintaining a monthly project team meeting and focus meetings when an issue requires resolution will ensure the project schedule is maintained. We will work closely with the City to keep you informed on the status of your project and any pending decisions, and we are extremely responsive to your needs.

Another component to maintaining the project schedule is identification of risks early in the process and developing ways to mitigate these risks. As experts delivering infrastructure projects only in California, we have routinely mitigated risks which can impact the schedule. For example, these may include:

1. Traffic handling – We give major consideration to traffic handling and staging up front while determining the environmental study limits. Staging and one-lane traffic during construction can extend the approach road impacts beyond typical limits.

2. Environmental Clearance – Before Dokken established in-house environmental services, we often had to revise environmental studies because the final project impacts extended beyond the work limits. This is no longer an issue now that the engineers and environmental planners work closely together.

Similarly, we often had extended waits to get BO’s from NOAA and USFWS. Now we receive BO’s much faster because we know the window for field surveys, we know their staff directly, and they trust our work...
TRUSTED SUBCONSULTANTS

Geocon Consultants Inc.

Role: Geotechnical Engineering & Materials Testing

To supplement Dokken’s in-house resources, we have included trusted local subconsultant Geocon Consultants, Inc. to provide as-needed geotechnical engineering and materials testing. We have been working with Geocon for over 15 years and have teamed with them on Citrus Heights projects such as 7 roadway task orders under the City’s 2004 Civil Engineering On-Call, design of the Green Parking Lot at the Citrus Heights Civic Center, and they are currently partnered with us for the City’s Drainage Master Plan Improvements for Neighborhood Areas 8, 9, and 10.

Geocon is a California Corporation established in 1971 as a professional engineering consulting firm providing comprehensive geotechnical engineering, environmental consulting, materials testing, and special inspection services for over 50 years. They add to the Dokken team over 260 technically strong and highly motivated engineers, geologists, environmental scientists, and technicians. Partnering with Geocon provides us the support of state-of-the-art geotechnical and materials testing laboratories; extensive inventories of field equipment and instrumentation; comprehensive technical libraries; and advanced data-management systems. Geocon has provided geotechnical engineering, materials testing, and special inspection services for many projects within the City of Citrus Heights and surrounding communities over the past 30+ years.

Geocon provides the following services to clients throughout the state and will be able to support the City’s on-call contract in the following areas:

- Geotechnical Engineering
- Engineering Geology
- Hazardous Materials Site Investigations, Remediation, Structure Surveys
- Construction Materials Testing (Field and Laboratory)
- Special Inspection (DSA, ACI, CWI, ICC, PTI

Burne Engineering Services, Inc. (DBE)

Role: Seismic Assessment of City Buildings

We have enlisted the professional expertise of Burne Engineering Services, Inc. to support our team in providing seismic assessment of City buildings. Their knowledge of the California Existing Building Code, California Historic Building Code, ASCE 7, and ASCE 41, along with their practical experience, has resulted in innovative and constructable solutions to projects for the City of Elk Grove, City of Placerville and other jurisdictions, in addition to numerous private entities. The level of analysis performed in these projects ranged from anchoring of new equipment and minor remodels to full seismic retrofit of the lateral force resisting system.

Burne Engineering Services provides planning, design, and construction oversight of a wide range of structural engineering projects including commercial, industrial, and residential buildings, public and private bridges, and incidental transportation and drainage structures throughout the Sacramento Valley. The DBE, SBE, WBE firm focuses is on providing structural engineering and structural detailing services. Specialties include the structural design and independent check of buildings, lateral (wind and seismic) analysis, condition assessment, feasibility studies, constructability review, quality assurance, project specifications, and construction inspection.

Their bridge project experience includes new highway structures, bridge replacements, bridge widenings, rehabilitations, seismic retrofits, pedestrian overcrossings, railroad bridges and preventive maintenance plans. The firm’s engineers are experienced in designing the incidental structures associated with transportation projects such as retaining walls, sound walls, sign structures and box culverts.

The addition of Burne Engineering Services’ professionals allows Dokken to provide the City a complete full-service team under one point of contact.
Project Team

FIRM INTRODUCTION

Founded in 1986, Dokken Engineering (Dokken) is a multi-discipline, professional services firm specializing in all phases of project development and delivery, including preliminary engineering, environmental documents, feasibility studies, PSRs, PA&EDs, PS&Es, and construction management. During the past 35 years, we have developed an exceptional depth of experience and expertise, having engineered and obtained environmental compliance on more than 2,500 infrastructure projects, including more than 1,500 federally funded projects. Dokken almost exclusively works with public agencies, including Sacramento & Placer Counties, the Cities of Marysville, Yuba City, and Sacramento, and other cities, counties, municipal and joint agencies in Caltrans District 3. Our staff is uniquely suited to this role due to our regional expertise and experience working with the City of Citrus Heights on structural projects such as the I-80/Antelope Road Interchange Bike and Pedestrian Improvements Feasibility Study, Emergency repair and restoration of Brooktree Creek at Parkoaks Drive, and pedestrian bridges for 3 Citrus Heights developments.

Our professionals have extensive experience working directly with local agencies or resource agencies. Some of our staff have even previously worked for public agencies! Through this combined experience, we can better understand the circumstances of our clients’ projects and meet their needs by developing the best approach and innovative solutions for project delivery. As a result of our collective experience, we save our clients valuable time and money in delivering their projects.


We employ a diverse group of over 120 civil, structural, traffic, hydraulics/ hydrology, and drainage designers, land surveyor, as well as environmental planners, community outreach experts, funding and right of way specialists, who together provide seamless and cost-effective project delivery.

Having worked on similar professional structural engineering services on-calls, which often included extensive coordination with federal funding sources and urban areas, we understand the complexities and challenges that often accompany on-call contracts. We can help the City bring the planned projects resulting from this on-call to fruition.

One of Dokken’s greatest strengths is our exceptional understanding and experience addressing the specific needs of public agency projects and programs. In the past five years we have provided on-call services for many public agencies, including:

- City of Chico
- City of Elk Grove
- City of Folsom
- City of Rancho Cordova
- City of Redding
- City of Sacramento
- Butte County
- Calaveras County
- El Dorado County
- Orange County
- Placer County
- Plumas County
- Sacramento County
- Stanislaus County
- Town of Paradise
- Tulare County
- Caltrans Districts 1, 2, 3 & 6
- Caltrans Structures Office

Dokken is very familiar with the 2-phase procurement process and understands on-call task orders often have short lead times and can vary widely in scope, schedule, and size. Dokken’s no-bureaucracy culture and responsive project manager make Dokken a very nimble team.
This dexterity, combined with our knowledgeable and experienced staff, allows us to respond to a wide range of needs in a quick and thorough fashion. Our team is committed to responding quickly to task orders and ensuring each project is completed on time and within budget. Dokken’s comprehensive structures team is capable and qualified to provide the City with all requested services listed in the RFQ scope of services in a timely and professional manner.

Dokken will be able to provide all required services listed in the RFQ with the support of our specialty subconsultant Geocon to provide any necessary geotechnical engineering and materials testing services, as well as Burne Engineering to provide structural assessment of City buildings, in support of the City’s structural engineering on-call contract. We also have an in-house right of way and environmental teams that are currently providing outstanding services for the Auburn Blvd Complete Streets Phase 2 project for the City. Should a task order arise that requires surveying, landscape architecture, or traffic engineering, Dokken is prepared to enlist one of our many trusted subconsultants that meet project-specific DBE goals or partner with one of the City’s contracted consultants under other on-call contracts.

EXPERIENCE PROVIDING SIMILAR SERVICES

Our team has reviewed the most recent Capital Improvement Program (CIP) and we have acquired a broad overview of the City’s intended new projects through 2023/2024 which will include creek bank restoration, storm drainage improvements, and pedestrian and bicycle trails. Our project history with the City, as well as our staff availability and our recent experience of several on-call bridge-related contracts throughout California, prove Dokken is well qualified to deliver on task orders for this on-call contract. We have reviewed the 10 requested services presented in the RFQ and examples of our experience is summarized below. Support services, including road design, utility coordination, environmental clearance, geotechnical and hydraulic engineering, and right of way acquisition are routinely provided for these projects.

Design & Analysis of Retaining Walls, Culverts, Headwalls, and Foundations

Dokken provides a full range of structural services, including many retaining wall and culvert projects, and many of our large projects include these minor structures.

Recent experience includes the repair of 21 storm damage sites in Santa Cruz County as part of an on-call services. Repair types included tie back soldier pile, soil nail, reinforced earth and rockery walls. Recent projects in Marysville/Yuba City and Victorville included multiple retaining walls in addition to the bridge design.

Our proposed team has designed hundreds of culverts throughout the state. Currently, our team is wrapping up design of 31 culvert repairs and replacements in the Town of Paradise to remedy damage caused by the Camp Fire in 2018.

Other projects include a combined two-cell cast-in-place/precast concrete box culvert for the Capital SouthEast Connector Segment D3/E1. This structure was determined to be more cost effective than a bridge. Emergency repairs include the Brewer Road 10’ diameter corrugated steel pipe arch replacement in Sutter County, in which the previous culvert suddenly collapsed.

Bridge Design and/or Preventive Maintenance

Our structural engineers deliver first-rate transportation, flood control, and water/wastewater structure projects. This includes the design of new bridges, bridge replacements and rehabilitations, retaining walls, sound walls, flood walls, dams, and other structures. Dokken has successfully completed hundreds of structure designs, from rural one and two-lane HBP bridges, to complex multi-level freeway-to-freeway interchanges.

In addition to bridge design, Dokken also provides seismic stability evaluations, retrofit plans, specifications, and estimates. Our structures team has innovative and cost-effective design solutions which save our clients millions of dollars. Paying careful attention to the details of a project’s setting, along with client and community feedback, Dokken designs meet the unique conditions of each project.
Dokken has provided retrofit and strengthening design of more than 15 bridges in the past 10 years. Additionally, within the past 5 years, we completed the design of 24 HBP Projects with a construction contract value over $120 million. This means over this time frame, Dokken delivered almost 10% of the HBP program statewide! Our team understands structure service and maintenance requirements and standards and can help the City bring any bridge up to local, state, and federal standards without full replacement. If replacement is deemed necessary, we have the tools to support replacement decisions and assist the City with seeking out funding avenues, as needed.

Locally, our team has designed repairs and rehabilitation on over 10 City of Sacramento structures through our City of Sacramento Professional Services On-Call contract, as well as 3 pedestrian bridges and 5 retaining walls in Citrus Heights.

State and Federal Procedures
Every Dokken project requires coordination and compliance with State and/or Federal regulations. For federally funded project, our team has extensive experience working with Caltrans, FHWA, and Federal and State Resource Agencies. Our team understands the Caltrans project development process and has obtained invaluable insight into the local agency side of project funding, programming, authorization paperwork, and Federal regulations that apply to local agency project delivery with Caltrans oversight. We will use these skills and knowledge (from the delivery of over 2,500 projects) to ensure projects are successfully delivered and compliant with oversight agency requirements.

Should the City need to utilize Federal funding for projects, the process to obtain project approval for funding and develop plans, specifications, and construction cost estimate (PS&E) must follow standard Caltrans and FHWA requirements, which include compliance with the National Environmental Policy Act (NEPA) and authorizations at major milestones.

Our team has prepared numerous funding applications for local agencies and has been able to secure these funds to deliver their project improvements. We have successfully delivered projects with Federal funds and understand the requirements to deliver a project on time and within budget.

The flow chart to the right identifies the Local Assistance Process and demonstrates our understanding of the paperwork required. There is a specific process that Caltrans requires each agency to follow. Since our team has a proven track record of project delivery, we know the steps in this process and when exhibits need to be submitted; but we also know when the FHWA holds all additional funding requests in order to close out their fiscal year.

Based on our client’s needs, Dokken has assisted with preparing the Request for Authorization (RFA) packages at all major milestones as well as project development forms (PES, Field Review, Project Change) and project delivery forms (utility coordination and right of way certification).

Dokken’s environmental staff has extensive experience with NEPA/CEQA policies and procedures. We have a close working relationship with Caltrans D3 environmental staff and we will assist the City with all Federal and Caltrans paperwork and requirements. Dokken will work closely with the design team to ensure projects do not have any unmitigatable environmental impacts. We are prepared to address project impacts by including reasonable avoidance and minimization solutions early in the project design phase.
Development of Bridge Preventive Maintenance Program

The purpose of the BPMP is to help local agencies extend the life of their bridges by performing certain activities that have been pre-approved by the Federal Highway Administration (FHWA). The program targets bridges which do not qualify for HBP funding for rehabilitation. Preventive Maintenance (PM) activities should concentrate on treating bridges in fair to good condition and showing no more than minor structural distress. To qualify for funding, the project must demonstrate that the activity is a cost-effective means of extending the useful life of the bridge. Routine maintenance activities are not eligible. Tim has completed a 3-day NHI course on bridge scour and countermeasure design and has been the structures project engineer on numerous BPMP projects.

Our proposed team has provided bridge design preventative maintenance services for the Cities of Folsom, Carlsbad, and Redwood City, and Counties of Orange and San Joaquin. Our team has a deep understanding of the BPMP process from our work on 28 bridges in Orange County and 10 bridges for the City of Carlsbad and is eager to help the City develop a BPMP that will support your structures for years to come.

Analysis of Caltrans Bridge Inspection Reports

As a firm that almost exclusively serves public agencies, our team is extremely familiar with Caltrans processes, standards, and procedures. On all bridge maintenance and replacement projects, our first step is to obtain and review the Caltrans Bridge Inspection Records Information System (BIRIS) report, which includes the Bridge Inspection Report, the Structure Inventory and Appraisal Report, and when available, the as-built plans. Our team members have reviewed hundreds of these reports. As a maintenance evaluation method, we often take the information presented in the Structure Inventory and Appraisal Report and, with an in-house spreadsheet, calculate the impact on the bridge Sufficiency Rating if maintenance repairs are made to specific bridge components and compare the benefits to the cost of performing these repairs.

We routinely work with District 3 Local Assistance staff and have outstanding professional relationships with many of the D3 functional units. Our experience as a consultant on the Caltrans Structures Office (District 59) District 1, 2 and 3 Bridge Design On-Call has afforded us many opportunities to work directly with Caltrans staff.

Field Inspection of Bridges

Dokken is available to perform new and follow-up inspections and assessments as needed for the City of Citrus Heights. In 2017, Tim Osterkamp and many of our same proposed team members, inspected 54 bridges in Orange County to evaluate bridge condition and maintenance needs. A short memorandum was prepared for each bridge listing identified maintenance issues, costs, and if maintenance work qualified for BPMP funding. A more detailed bridge inspection was performed for each bridge maintenance PS&E to fully document and measure the repairs to be performed.

Peer Review of PS&E Prepared by Third Parties

Dokken performs a full Quality Control review of engineering submittals. Typically, the review is performed by senior engineering staff not otherwise involved with the project deliverable. We utilize a Quality Control process that includes specific check lists and a formal documentation of all suggested revisions to the document. For third party reviews, we employ a nearly identical approach to ensuring the final quality of the deliverable. Specifically, a formal record is kept of the correspondence between our reviewers and the document originator. The associated revisions to the deliverables are also tracked.
Construction Support

Dokken places a high priority on quickly responding to construction requests. This includes RFI’s, contractor submittals, change orders, and site visits. We understand time delays often means increased costs. We routinely respond within 24 hours and with our office less than 30 minutes from the City, can be on-site the same day, as needed.

Structural Inspections & Material Testing

We have engaged Geocon Consultants, a highly regarded specialty firm to support the Dokken team. Geocon brings us highly skilled geotechnical professionals and a certified materials testing laboratory to support soil sampling, concrete sampling, lead assessment, sample analysis, and test reports which may be required by this on-call. Depending on the project type, Geocon will perform material testing, or geotechnical investigations, followed by a draft and final project Geotechnical Report.

Sampled materials will be delivered to the laboratory upon completion of the field work. Laboratory test reports will be included in a summary report of observed conditions and will include mitigation measures. Dokken has worked with Geocon on several existing bridge projects to assess concrete conditions, including the Rainbow Bridge rehabilitation in the City of Folsom, and the Larkin Road Bridge in Sutter County.

Emergency Structural Engineering Support

Dokken is prepared to provide emergency structural engineering support to the City on an as-needed basis. We understand the need for prompt response, thorough planning, and accurate designs in the face of an emergency, whether flood, fire, or earthquake related. We have previously provided emergency services for the Cities of Folsom and Sacramento, as well as Counties of Plumas, Stanislaus, and Santa Cruz. Our most recent emergency repair projects include:

- **Parkshore Drive** emergency bridge repair of abutments and sinkhole on bridge roadway approach caused by severe scour to abutments – Folsom, CA
- **Greenhorn Bridge** emergency repair of support column broken by tree debris in a large storm – Plumas County
- **Tuolumne River Bridge at Carpenter Road** emergency response during a fire within a box girder bridge cell to provide guidance and recommendations for bridge reopening – Stanislaus County
- **Casserly Bridge** emergency replacement of bridge failing due to scour undermined abutments – Santa Cruz County
- **Brewer Road Culvert at Coon Creek** emergency replacement due to complete collapse of one of three corrugated metal pipes and partial collapse of a second – Sutter County
- **Bell Avenue Bridge** inspection of and repair recommendations for damaged abutments caused by fire in the transient encampment beneath the bridge – Sacramento, CA
- **12th Avenue Pedestrian Overcrossing** emergency replacement and repair of unsafe, substandard railing on structure over SR-99 – Sacramento, CA

Seismic Assessment of Buildings

For this task, we have enlisted the support of Burne Engineering Services, Inc. The firm has performed condition assessment and feasibility studies of existing buildings for City of Elk Grove, City of Placerville, and other jurisdictions, in addition to numerous private entities. Their knowledge of the California Existing Building Code, California Historic Building Code, ASCE 7, and ASCE 41, along with their practical experience, has resulted in innovative and constructable solutions in these projects. The level of analysis performed in these projects ranges from anchoring of new equipment and minor remodels to full seismic retrofit of the lateral force resisting system.
**Organization Chart**

Dokken is very familiar with the 2-phase procurement process and understands on-call task orders often have short lead times and can vary widely in scope, schedule, and size. Dokken’s comprehensive team members are qualified and capable to provide the City with all requested services listed in the RFQ scope of work in a timely and professional manner.

**Our Project Manager, Tim Osterkamp, PE, will be the principal point of contact for this contract and will work hand in hand with City staff.** He will lead our team and be responsible for planning and executing design work plans, managing the team, including subconsultants, and the delivery of the expected services.

**Project Team Availability**

With a staff of over 120 technical professionals and 20 structure professionals, we are available to address your needs quickly and efficiently. We have identified four highly experienced engineers as task order leads, providing flexibility and ensuring staff will be available when called upon by the City. Upon task order issuance, Tim will review project needs, assess available resources, and assign staff with the appropriate level of expertise that can develop and deliver submittals to the City in a timely and efficient manner. Tim will constantly monitor schedule and task order progress to ensure all tasks are completed on time. By holding weekly staff/project meetings, progress and staff commitments are constantly reviewed to ensure your projects are successfully completed on time.
SUMMARY OF KEY STAFF QUALIFICATIONS

Tim Osterkamp, PE
Project Manager

**EXPERIENCE:**
36 yrs. (9 w/ Dokken)

**LICENSE:**
CA Civil Engineer # C46783

**EDUCATION:**
BS Civil Engineering
MS Civil Engineering

**AREAS OF EXPERTISE:**
- Project Management
- Structural Design
- Structural Analysis
- Seismic Analysis
- Cost Estimating
- Agency Coordination
- Public Outreach
- Specifications
- Advanced Planning Studies
- Project Delivery
- HBP Funding Assistance

Timothy (Tim) Osterkamp has 36 years of experience in the preparation of bridge plans, specifications, and estimates for transportation design projects. Tim has served as a Project Manager, Senior Designer, Independent Design Checker, and Specifications Writer, and Cost Estimator on many successful structural projects. Structure projects under his management have included box girder bridges, cut and cover tunnels, slab bridges, retaining walls, culverts, and roadway embankment and scour protection for clients such as local agencies, Caltrans, transportation authorities, and private developers.

As **Project Manager**, Tim will ensure sufficient resources are available to the team to complete all assigned tasks on schedule, within budget, and to City satisfaction. He will be available to meet with and present to City leadership/stakeholders, assist with funding and obtain project approvals. Tim will also be available to manage various Task Orders as appropriate.

The following is a brief list of Tim’s experience managing on-call and bridge replacement contracts for various public agencies:

- Storm Damage On-Call Repair of 21 Sites | Santa Cruz County
- Storm Damage Repair On-Call | Shasta County
- Professional Services On-Call | Plumas County
- Professional Services On-Call | Folsom, CA
- Rainbow Bridge Rehabilitation and Preventive Maintenance | Folsom, CA
- SB-1 Bridge Maintenance On-Call | Orange County
- Consulting Services for BPMP Group 5 (24 Bridges) | Tulare County

Rosa Griggs, PE
Task Order Lead/Project Engineer

**EXPERIENCE:**
19 yrs. (18 w/ Dokken)

**LICENSE:**
CA Civil Engineer # C54169

**EDUCATION:**
BS Civil Engineering
MS Civil Engineering

**AREAS OF EXPERTISE:**
- Project Management
- Quality Assurance/Control
- Bridge Design
- Structural Analysis
- Seismic Analysis
- Advance Planning Studies
- Type Selection
- Specifications
- Funding Support

Rosa Griggs is a California registered professional engineer with 19 years of experience designing and checking bridges and other transportation related structures. She serves as a project manager and lead project engineer for Dokken’s bridge, structure and roadway designs. She has an extensive background in design and specification writing from delivering PS&E on numerous projects throughout California.

As **Task Order Lead/Project Engineer**, Rosa will lead, direct, and monitor all aspects of the project and team. She will attend and facilitate all project, stakeholder and agency meetings, ensure deliverables are of high quality, and the project schedule and budget are met. She is responsible for coordinating with all subconsultants and communicating with the City regarding policy issues that arise and overall task order progress.

The following is a brief list of Rosa’s experience as Task Order Manager or Project Engineer on similar public agency projects:

- Professional Services for Structures On-Call | Caltrans District 59 (Statewide)
- Storm Damage On-Call Repair of 21 Sites | Santa Cruz County
- Storm Damage Repair On-Call | Shasta County
- Orangevale Bridge Rehabilitation | Folsom, CA
- Rainbow Bridge Rehabilitation | Folsom, CA
- SB-1 Bridge Maintenance On-Call | Orange County
- Bridge Design Training Services | Orange County
- East Rio Bonito Road HBP Bridge Replacement | Butte County
Martin (Marty) Maechler has over 38 years of experience in the bridge engineering field. His experience includes the preparation of planning studies, structural designs on new bridges, light rail aerial structures, rehabilitation and replacement projects, emergency repairs, and seismic retrofit projects. He also provides construction support and reviews shop drawings to verify conformity to contract plans and specifications.

Marty has served as Project Manager, Senior Bridge Designer, Independent Design Checker or Specifications Writer on numerous structural projects covering more than 160 individual bridge structures and is very familiar with Caltrans' standards and current design and detail practices.

As **Task Order Lead/Project Engineer**, Marty will lead, direct, and monitor all aspects of the project and team. He will attend and facilitate all project, stakeholder and agency meetings, ensure deliverables are of high quality, and the project schedule and budget are met. He is responsible for coordinating with all subconsultants and communicating with the City regarding policy issues that arise and overall task order progress.

The following is a brief list of Marty’s experience as Task Order Manager or Project Engineer on similar public agency projects:

- West El Camino Ave at Steelhead Creek Bridge Replacement | Sacramento, CA
- Main Ave over Steelhead Creek Bridge Replacement | Sacramento, CA
- Orangevale Avenue Bridge over Gold Creek PS&E | Folsom, CA
- Pete Miller Road Bridge Seismic Retrofit | Stanislaus County
- Geer Road Bridge Seismic Retrofit | Stanislaus County
- Carpenter Road Bridge at Tuolumne River Fire Damage Repair | Stanislaus County

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Anthony (Tony) Powers is a California registered professional engineer with 37 years of experience in a wide range of projects involving planning, design, and construction of highway and pedestrian bridges within Caltrans, Railroad and local agency right of way. Tony is an avid cyclist and specializes in ensuring well-conceived design elements from the trail users’ perspective. He has prepared bicycle and pedestrian planning studies and master plans. He is a steel bridge and pedestrian facility specialist and an expert on pedestrian and bikeway design criteria and guidance.

As **Task Order Lead/Project Engineer**, Tony will lead, direct, and monitor all aspects of the project and team. He will attend and facilitate all project, stakeholder and agency meetings, ensure deliverables are of high quality, and the project schedule and budget are met. He is responsible for coordinating with all subconsultants and communicating with the City regarding policy issues that arise and overall task order progress.

The following is a brief list of Tony’s experience as Task Order Manager or Project Engineer on similar public agency projects:

- Professional Services On-Call | Sacramento, CA
- Del Rio Trail | Sacramento, CA
- Johnny Cash Bike Trail and Pedestrian Overcrossing | Folsom, CA
- Orangevale Bridge Rehabilitation | Folsom, CA
- Rainbow Bridge Rehabilitation | Folsom, CA
- Calaveritas Bridge Replacement | Calaveras County
# References

## 1. City of Folsom

<table>
<thead>
<tr>
<th>Reference</th>
<th>Brian Reed, PE</th>
<th>Tele: (916) 461-6707</th>
<th>E-Mail: <a href="mailto:breed@folsom.ca.us">breed@folsom.ca.us</a></th>
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### Parkshore Emergency Drive Repair

Dokken provided civil & structural design, foundation design, utility and detour coordination, and environmental services for the emergency repair of the Parkshore Drive bridge. Scour under the bridge abutment after rain events in 2015/16 caused the south abutment to become significantly eroded leading to the development of a sizeable sinkhole on northbound Parkshore Drive.

Dokken provided scour mitigation design under and adjacent to the bridge abutments, including a cut-off wall and rip rap, and developed the design for the permanent repair of the approach roadway immediately south of the existing bridge including drainage improvements. Construction was staged to provide continuous vehicular access over the bridge and maintain access to adjacent buildings.

### Johnny Cash Pedestrian Bridge and Overcrossing

The project was developed to reflect the City’s community values of encouraging alternative transportation, facilitating outdoor recreation, and celebrating its historical heritage; specifically, the legacy of Johnny Cash and his relationship to the second oldest prison in California. The overcrossing was designed with towers reflecting the look of the Romanesque tower of the Folsom State Prison’s east gate. Key issues included the incorporation of aesthetic features that met the City’s vision of a signature crossing, were buildable, and fit within the available funding and aggressive grant funding deadline for design, careful planning of drainage design to avoid right of way and tree impacts, the undergrounding of telephone utilities, and consideration of overhead utilities during construction of the overcrossing.

This Project was completed on time and within budget.

### Orangevale Avenue Bridge Rehabilitation

Dokken served as the prime consultant for this historic bridge rehabilitation project for the City of Folsom by providing project management and environmental, engineering and design services.

Constructed in 1915, Orangevale Avenue Bridge is a reinforced concrete arch bridge with substandard width, poor approach alignment, was in poor condition, and was listed by Caltrans as functionally obsolete and structurally deficient with a sufficiency rate (SR) of 47.9. As a result, the City of Folsom intended to replace the Orangevale Avenue Bridge under the Federal Highway Bridge Program.

During the preliminary environmental and engineering phase, pressure from historic groups resulted in eligibility for the National Register of Historic Places. In response, Dokken provided the City with several options for both rehabilitation and replacement of the structurally deficient bridge. Dokken’s environmental staff coordinated extensively with Caltrans, the State Historic Preservation Officer (SHPO), and individual historic groups to reach a mutually agreeable solution, rehabilitating the bridge without adversely affecting its status as a historic property. Dokken’s comprehensive environmental services also included permitting and extensive construction support.

### Rainbow Bridge Preventive Maintenance

Dokken was selected by the City of Folsom to evaluate, recommend, and design the rehabilitation of the historic Rainbow Bridge over the American River.

Dokken began the project by first inspecting the existing condition of the structure. Access was difficult and Dokken used rope climbing equipment to inspect and map the locations of the spalled concrete and other structural deficiencies on the archways and spandrel columns. In addition, cores of the existing bridge were taken, by sub-consultant Geocon, and tested to determine the compressive strength of the existing concrete and to test for any alkali-silica – an expansive gel which leads to concrete deterioration.

After preforming an initial structural inspection, Dokken preformed a structural analysis and seismic assessment of the structure using the non-linear analysis software, CSiBridge.

After completing this preliminary engineering, Dokken moved directly into developing the PS&E package for bridge rehabilitation. The bid documents were prepared in compliance with Caltrans, AASHTO and City standards. The project construction was advertised and awarded in February 2016. Construction was completed on-time in Winter 2017.
## 2. County of Orange

| Reference: | Co Phung, PE  
Civil Engineer | Tele: | (714) 245-4594  
E-Mail: | co.phung@ocpw.ocgov.com |

### Bridge Preventive Maintenance Professional Services On-Call

Dokken is providing engineering services for maintenance inspection and repair on multiple bridges throughout Orange County. **Plans, specifications, and estimates have been prepared for maintenance repairs of 28 bridges.** Project tasks included field inspections to identify repair needs, developing PS&E, attending meetings with construction staff including Job Order Contracting (JOC) staff, preparing Erosion and Sediment Control Plans, and field visits during construction.

#### Harbor Bridge Fire Damage Repair

Extreme heat from a fire isolated at the structure’s precast girders and deck in front of the north abutment cause concrete spalling on Harbor Bridge. Upon receiving notice from the County that repairs were needed, a Dokken engineer visited the site to assess damage and determine load restriction. Dokken inspected and categorized the spall locations and developed PS&E for the repair.

#### Silverado Canyon Bridge Design & Environmental Services

PS&E was developed for maintenance repairs on 9 bridges in Silverado Canyon. Repairs included deck treatments, spall, joint seal and railing repairs, scour erosion and replacement of broken wingwalls. All bridges were inspected and deficiencies noted and revisited prior to bidding to confirm plan details.

## 3. County of Santa Cruz

| Reference: | Tim Bailey, PE  
Senior Civil Engineer | Tele: | (831) 454-2391  
E-Mail: | Timothy.Bailey@santacruzcounty.us |

### Santa Cruz Storm Damage Repair On-Call

Dokken is providing storm damage repair services on 21 sites throughout Santa Cruz County. These projects were funded by FHWA and FEMA and many included the design of soldier pile, tie-back, gabion and rockery walls. Dokken also obtained environmental clearance on the FHWA sites. Projects were grouped for bidding to allow more efficient and economical design and construction. Construction is complete at 13 sites with the remaining sites to be completed within a year.

### Redwood Road Bridge Repair

Dokken provided project management, preliminary engineering, environmental support, surveying, hydraulic, geotechnical, PS&E and right of way engineering services for the replacement of the Redwood Road Bridge in Santa Cruz County. The project replaced the Redwood Road Bridge over Brown’s Creek tributary with a 88-foot long bridge and improved the approach roadways to the bridge. Redwood Road is not a through street and therefore does not have alternative access to the west. As a result, staged construction was utilized to allow the roadway to remain open during construction. Dokken completed the project within the original contract budget and met the County’s expected construction timeframe.

### Casserly Road Emergency Bridge Replacement

Dokken provided preliminary engineering, final design, and construction support for this emergency bridge replacement project. Caltrans informed the County the bridge would need to be closed due to scour if mitigation was not performed quickly. Casserly Road is a prime agricultural truck route and closure was not an option. Since the bridge was replaced with all local agency funds, a fast, economical solution was paramount.

Dokken worked closely with the County and the geotechnical engineer to develop a design which would be economical and minimize impacts to overhead utilities. Since pile driving would require powerline relocation, Geosynthetic Reinforced Soil abutments were used to support the 33’ long single span, precast concrete girder bridge. These abutments are similar to MSE wall construction, and allowed the abutment loads to be spread out over the soft soils present at the site.

To avoid permits, and extensive environmental documentation, the existing bridge was left in place and the new bridge was constructed over the top which allowed construction to proceed without touching the creek.

The entire project was completed in only 3-1/2 months, from first contact with the County regarding the project to fully constructing and opening the new bridge to traffic.
4. City of Sacramento

Reference: Josh Werner, PE  
Project Manager  
Tele: (916) 808-8300  
E-Mail: jwerner@cityofsacramento.org

City of Sacramento Professional Services On-Call

Dokken is currently “on-call” with the City of Sacramento as one of their select design services contractors providing bridge repair/rehabilitation, railing repair, seismic retrofits, and joint seal replacements.

The following are sample projects from the contract:

**H Street Bridge Rehabilitation** – Dokken inspected, developed the rehabilitation strategy and PS&E package, and provided construction support for this steel truss structure. Rehabilitation work included joint seal replacement, cleaning and treating the bridge deck, reconstructing approach slabs, repairing spalled concrete, reconstructing railing, and removing and replacing the AC overlay. (2017)

**Marconi Avenue Overcrossing Railing Repair** – Dokken provided bridge engineering services for this emergency bridge railing and sidewalk repair project. The structure crosses Business 80 and required close coordination with Caltrans to quickly obtain an encroachment permit to facilitate repairs. (2017)

Additional task orders Dokken is working on or has delivered include:

- T Street Sewer Project Archaeological Support
- Howe Avenue Bridge (NB & SB) over American River Joint Repairs
- Main Avenue Bridge Abutment and Shear Key Repair
- Roseville Road Bridge Channel Repair
- 2nd Street Realignment Study at Crocker Park
- Sacramento City College Pedestrian Bridge Inspection
- 12th Avenue Overcrossing Railing Repair
- Sutterville/I-5 Overcrossing Rail Repair

To date, completed task orders have been completed on time and without change orders.

Dokken also holds an on-call contract for environmental services with the City.
DATE:         September 9, 2021

TO:           Mayor and City Council Members
              Christopher W. Boyd, Interim City Manager

FROM:         Leslie Blomquist, City Engineer

SUBJECT:      Arcade-Cripple Creek Trail Project ATPSB1L-5475(042)
              Approval of Contract Amendment No. 5

Summary and Recommendation

On June 28, 2018, the City Council authorized an Agreement for Professional Services (Agreement) with GHD, Inc. (GHD) to provide support for the Project Approval/Environmental Documentation (PA/ED) phase of the Arcade-Cripple Creek Trail Project (Project). On February 28, 2019, April 11, 2019, January 23, 2020 and September 10, 2020, the City Council authorized Agreement amendments for additional professional services to complete the environmental review, assist with right-of-way services, and develop the final plans for the project.

As part of the final phase of the project, Caltrans notified city staff of additional right-of-way requirements necessary to certify the project and allocate the construction funds. Staff has negotiated the necessary additional scope and fee of $61,122.04 for Contract Amendment No. 5 to provide the additional items of work necessary to complete the final requirements of the Project, and secure easements from our partner agencies.

Staff recommends the City Council adopt Resolution No. 2021-____ A Resolution of the City Council of the City of Citrus Heights, California, Authorizing the Interim City Manager to Execute Amendment No. 5 to the Contract for Professional Services with GHD, Inc. for the ‘Arcade-Cripple Creek Trail Project’.

Fiscal Impact

The current not-to-exceed fee for the PA/ED, final design (PS&E), and right-of-way (ROW) phases of the Project is $956,956.16. Proposed Amendment No. 5 will increase the not-to-exceed fee for professional services by $61,122.04 to $1,018,078.20.

Although not programmed in the 2021-2022 Capital Improvement Program (CIP), there are sufficient Measure A Capital (Pedestrian Safety) funds (Fund 310) available to supplement the programmed project funding and cover the additional professional services.
Background and Analysis

The Arcade-Cripple Creek Trail Project (formerly known as the Electric Greenway Trail Project) is a 2.9 mile multi-use trail between Sunrise Boulevard and Wachtel Way, largely following an existing Sacramento Municipal Utility District (SMUD) electric corridor easement. The Project is located in the city and unincorporated Orangevale, and connects several neighborhoods to eight parks, several schools, and the Sunrise MarketPlace. In addition to a paved multi-use trail, this Project also includes the following:

- A new signalized crossing on Fair Oaks Boulevard;
- Pathway lighting;
- Sidewalk, curb and gutter along a segment of Oak Avenue;
- Drainage improvements;
- Traffic signal modifications; and
- Landscaping.

On June 27, 2019, the City Council adopted resolutions adopting the Initial Study/Mitigated Negative Declaration, Mitigation Monitoring Plan and directing staff to proceed with final engineering design and ROW phases of the Project.

Previously, the city awarded a contract to GHD for the preliminary engineering, final design, and right-of-way phases of the Project. As part of the final phase of the Project, Caltrans notified staff that additional right-of-way requirements are necessary in order to certify the project and allocate the construction funds. These items include additional acquisition services to develop formal documents necessary to obtain easements on Sunrise Recreation and Park District (SRPD) and Orangevale Recreation and Park District (ORPD) property.

Amendment No. 5 to the Agreement (Attachment 2) with GHD will provide the additional scope to complete the final requirements of the Project, secure easements from our partner agencies, and obtain the required right-of-way certification necessary to move the Project into construction.

This project aligns with the City Council’s three-year strategic planning goal to “Maintain Public Infrastructure and Enhance Alternative Modes of Transportation”.

Attachments

1) Resolution No. 2021-____ A Resolution of the City Council of the City of Citrus Heights, California, Authorizing the Interim City Manager to Execute Amendment No. 5 to the Contract for Professional Services with GHD, Inc. for the ‘Arcade-Cripple Creek Trail Project’.

2) Amendment No. 5 to the contract for professional services between the City of Citrus Heights and GHD, Inc. for the ‘Arcade-Cripple Creek Trail Project’
RESOLUTION NO. 2021-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CITRUS HEIGHTS, CALIFORNIA, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AMENDMENT NO. 5 TO THE CONTRACT FOR PROFESSIONAL SERVICES WITH GHD, INC. FOR THE ‘ARCADE-CRIPPLE CREEK TRAIL PROJECT’

WHEREAS, in November 2016, the city received a $350,000 ($7,015,000 total project cost) regional Active Transportation Program (ATP) grant for the preliminary engineering of the Arcade-Cripple Creek Trail Project;

WHEREAS, in September 2017, the city received a $5,866,000 state Active Transportation Program SB1 Augmentation (ATPSB1) grant for the right-of-way, design, and construction phases of the Arcade-Cripple Creek Project;

WHEREAS, on June 28, 2018, the City Council of the City of Citrus Heights, California authorized execution of an agreement with GHD, Inc. in the amount of $470,076.63 for the preliminary engineering phase of the Arcade-Cripple Creek Trail Project;

WHEREAS, on February 28, 2019, the City Council of the City of Citrus Heights, California authorized execution of Contract Amendment No. 1 with GHD, Inc. in the amount of $7,534.36;

WHEREAS, on April 11, 2019, the City Council of the City of Citrus Heights, California authorized execution of Contract Amendment No. 2 with GHD, Inc. in the amount of $17,606.98;

WHEREAS, on January 23, 2020, the City Council of the City of Citrus Heights, California authorized execution of Contract Amendment No. 3 with GHD, Inc. in the amount of $386,662.78;

WHEREAS, on September 10, 2020, the City Council of the City of Citrus Heights, California authorized execution of Contract Amendment No. 4 with GHD, Inc. in the amount of $75,075.41;

WHEREAS, on June 27, 2019, City Council adopted a Resolution directing staff to proceed with the right-of-way and final design phases of the Arcade-Cripple Creek Trail Project;

WHEREAS, the city wishes to amend the agreement to provide professional services associated with the right-of-way (ROW) and final engineering design (PS&E) phases;

WHEREAS, Amendment No. 5, in the amount of $61,122.04 will increase the total not-to-exceed contract fee to $1,018,078.20; and

WHEREAS, the proposed professional services will be paid for with Measure A Capital funds (Fund 310).

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Citrus Heights, the Interim City Manager is hereby authorized to execute Contract Amendment No. 5, in the amount not to exceed $61,122.04, for the Arcade-Cripple Creek Trail Project.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.
PASSED AND ADOPTED by the City Council of the City of Citrus Heights, California, this 9th day of September, 2021 by the following vote, to wit:

AYES: Council Members:
NOES: Council Members:
ABSTAIN: Council Members:
ABSENT: Council Members:

______________________________

Steve Miller, Mayor

ATTEST:

______________________________

Amy Van, City Clerk
AMENDMENT NO. 5 TO CONTRACT FOR PROFESSIONAL SERVICES FOR THE ARCADE-CRIPPLE CREEK TRAIL PROJECT BETWEEN THE CITY OF CITRUS HEIGHTS AND GHD, INC.

This Amendment No. 5 (the “Contract Amendment No. 5”) is entered into by and between the City of Citrus Heights (“City”), a municipal corporation in the State of California, and GHD, Inc., as of ____________________, 2021.

RECITALS

WHEREAS, the City and Consultant previously entered into that Contract for Professional Design Services for the Project Approval/Environmental Documentation (PA/ED) phase of the Electric Greenway Trail Project dated June 28, 2018 (the “Agreement”);

WHEREAS, on February 28, 2019, Contract Amendment No. 1 in the amount of $7,534.36, was executed to perform additional environmental studies;

WHEREAS, on April 11, 2019, Contract Amendment No. 2 in the amount of $17,606.98, was executed to perform additional technical reports and environmental studies;

WHEREAS, on January 23, 2020, Contract Amendment No. 3 in the amount of $386,662.78, was executed to perform professional services for the final engineering design (PS&E) and right-of-way (ROW) phases;

WHEREAS, on September 10, 2020, Contract Amendment No. 4 in the amount of $75,075.41, was executed to perform additional professional services;

WHEREAS, City and Consultant now wish to execute Contract Amendment No. 5 to provide additional professional services for the PS&E and right-of-way ROW phases of the Arcade-Cripple Creek Trail Project (the “Additional Work”); and

WHEREAS, City and Consultant also agree to increase the maximum compensation allowed under the Agreement by sixty-one thousand, one hundred twenty-two dollars and four cents ($61,122.04), for an amended total compensation of not-to-exceed one million, eighteen thousand, seventy-eight dollars and twenty cents ($1,018,078.20).

NOW, THEREFORE, the City and Consultant agree as follows:

1. Introduction. The City and Consultant agree to modify the Agreement to include the Additional Work. Article I, Section A of the Agreement, “INTRODUCTION,” is hereby amended to read as follows:

“A. The work to be performed under this contract is described in Article II entitled Statement of Work and the approved CONSULTANT’s Cost Proposals dated June 6, 2018, January 21, 2019, March 19, 2019, December 20, 2019, August 26, 2020 and August 19, 2021. The approved CONSULTANT’s Cost Proposals are attached hereto as Exhibits A, A1, A2, A3, A4 and A5 and incorporated by reference. If there is any conflict between the approved Proposals and this contract, the contract shall take precedence.”
2. Statement of Work. The City and Consultant agree to modify the Agreement to include the Additional Work. The first paragraph of Article II, of the Agreement, “STATEMENT OF WORK,” is hereby amended to read as follows:

“Subject to the terms and conditions set forth in this Agreement, CONSULTANT shall provide to City the services described in the Scope of Work attached as Exhibits A, A1 A2, A3, A4 and A5, and incorporated herein, at the time and place and in the manner specified therein.

3. Compensation. City and Consultant also agree to increase the maximum compensation allowed under the Agreement by sixty-one thousand, one hundred twenty-two dollars and four cents ($61,122.04). Article V, Section H of the Agreement “ALLOWABLE COSTS”, is hereby amended to read as follows:

“B. In addition to the allowable incurred costs, CITY will pay CONSULTANT a fixed fee of $41,185.77. The fixed fee is nonadjustable for the term of the contract, except in the event of a significant change in the scope of work and such adjustment is made by contract amendment.

“H. The total amount payable by CITY including the fixed fee shall not exceed $1,018,078.20.”

4. Exhibits. The Additional Work described under Sections 1 and 2 of this Amendment and the fee estimate of such work described under Section 3 of this Amendment are attached hereto as Attachment 1 and shall become Exhibit A5 to the Agreement.

5. All other terms and conditions of the Agreement shall remain unchanged and in full force and effect, including but not limited to, the terms and conditions regarding timing of payment, insurance and indemnification, and standard of care.

CITY OF CITRUS HEIGHTS

By: ___________________________ Date: _______________________

Christopher W. Boyd, Interim City Manager

Attest

______________________________

Amy Van, City Clerk

Approved as to Form

______________________________

Ryan Jones, City Attorney

GHD, INC.
By: ____________________________  Date: ________________
Title: __________________________

Page 3
Agenda Packet Page 64
**DIRECT LABOR**

<table>
<thead>
<tr>
<th>Classification/Title</th>
<th>Name</th>
<th>hours</th>
<th>Actual Hourly Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal</td>
<td>Douglas Ries</td>
<td>0</td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td>Project Manager</td>
<td>Lindsey VanParys</td>
<td>16</td>
<td>$71.46</td>
<td>$1,143.36</td>
</tr>
<tr>
<td>Assistant PM</td>
<td>Daniel Kehrer</td>
<td>76</td>
<td>$59.06</td>
<td>$4,488.56</td>
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<tr>
<td>Environmental Planner D3</td>
<td>Snr. Enviro. Planner</td>
<td>0</td>
<td>$52.36</td>
<td>-</td>
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<tr>
<td>Engineer D3</td>
<td>Snr. Engineer</td>
<td>36</td>
<td>$63.62</td>
<td>$2,290.32</td>
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<tr>
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<td>Engineer</td>
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<td>$675.12</td>
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<tr>
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<td>$1,271.40</td>
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<td>$1,671.00</td>
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<td>Administrative Support</td>
<td>Administration</td>
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<td>$20.00</td>
<td>$160.00</td>
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</table>

**LABOR COSTS**

a) Subtotal Direct Labor Costs

b) Anticipated Salary Increases (see page 2 for calculation)

c) TOTAL DIRECT LABOR COSTS [(a) + (b)] $11,699.76

**INDIRECT COSTS**

d) Fringe Benefits (Rate: 33.8%)  
e) Total Fringe Benefits [(c) x (d)] $3,959.20

f) Overhead & G&A (Rate: 133.18%)  
g) Overhead [(c) x (f)] $15,581.74

h) General and Administrative (Rate: __%)  
i) Gen & Admin [(c) x (h)] $0.00

j) TOTAL INDIRECT COSTS [(e) + (g) + (i)] $19,540.94

**FIXED FEE**

k) TOTAL FIXED FEE [(c) + (j) x fixed fee 10.0%] $3,124.07

**CONSULTANT'S OTHER DIRECT COSTS (ODC) - ITEMIZE (Add additional pages if necessary)**

<table>
<thead>
<tr>
<th>Description of Item</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mileage</td>
<td>0</td>
<td>mile</td>
<td>0.545</td>
<td>-</td>
</tr>
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<td>Postage</td>
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<td>-</td>
</tr>
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<td>Copies (8.5x11)</td>
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<td>ea</td>
<td>0.12</td>
<td>-</td>
</tr>
<tr>
<td>Copies (11x17&quot;)</td>
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<td>ea</td>
<td>0.25</td>
<td>-</td>
</tr>
<tr>
<td>Plots (Color oversize)</td>
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<td>ea</td>
<td>35.00</td>
<td>-</td>
</tr>
<tr>
<td>Plots (24&quot;x36&quot;)</td>
<td>0</td>
<td>ea</td>
<td>1.25</td>
<td>-</td>
</tr>
</tbody>
</table>

l) TOTAL OTHER DIRECT COSTS $ -

m) SUBCONSULTANT'S COSTS (Add additional pages if necessary)

<table>
<thead>
<tr>
<th>Subconsultant</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subconsultant 1: Interwest Consulting</td>
<td>$20,209.74</td>
</tr>
<tr>
<td>Subconsultant 2: Subtronic</td>
<td>$ -</td>
</tr>
<tr>
<td>Subconsultant 2: Alta Planning &amp; Design</td>
<td>$6,547.53</td>
</tr>
<tr>
<td>Subconsultant 3: Y&amp;C Transportation</td>
<td>$ -</td>
</tr>
</tbody>
</table>

m) TOTAL SUBCONSULTANTS' COSTS $26,757.27

n) TOTAL OTHER DIRECT COSTS INCLUDING SUBCONSULTANTS [(l)+(m)] $26,757.27

TOTAL COST [(c)+(j)+(k)+(n)] $61,122.04

**NOTES:**
- Employees subject to prevailing wage requirements to be marked with an *.
- ODC items should be based on actual costs and supported by historical data and other documentation.
- ODC items that would be considered "tools of the trade" are not reimbursable.
- ODC items should be consistently billed directly to all clients, not just when client will pay for them as a direct cost.
- ODC items when incurred for the same purpose, in like circumstances, should not be included in any indirect cost pool or in overhead rate.
### 1. Calculate Average Hourly Rate for 1st year of the contract (Direct Labor Subtotal divided by total hours)

<table>
<thead>
<tr>
<th>Direct Labor Subtotal per Cost Proposal</th>
<th>Total Hours per Cost Proposal</th>
<th>Avg Hourly Rate</th>
<th>2 Year Contract Duration</th>
</tr>
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<tbody>
<tr>
<td>$11,699.76</td>
<td>240</td>
<td>$48.75</td>
<td>Year 1 Avg Hourly Rate</td>
</tr>
</tbody>
</table>

### 2. Calculate hourly rate for all years (Increase the Average Hourly Rate for a year by proposed escalation %)

<table>
<thead>
<tr>
<th>Year</th>
<th>Avg Hourly Rate</th>
<th>Proposed Escalation</th>
<th>Year Avg Hourly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1</td>
<td>$48.75</td>
<td>+ 5%</td>
<td>$51.19</td>
</tr>
<tr>
<td>Year 2</td>
<td>$51.19</td>
<td>+ 5%</td>
<td>$53.75</td>
</tr>
<tr>
<td>Year 3</td>
<td>$53.75</td>
<td>+</td>
<td>$56.35</td>
</tr>
</tbody>
</table>

### 3. Calculate estimated hours per year (Multiply estimate % each year by total hours)

<table>
<thead>
<tr>
<th>Estimated % Completed Each Year</th>
<th>Total Hours per Cost Proposal</th>
<th>Total Hours per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1 100.00%</td>
<td>240</td>
<td>240.0</td>
</tr>
<tr>
<td>Year 2 0.00%</td>
<td>240</td>
<td>0.0</td>
</tr>
<tr>
<td>Year 3 0.00%</td>
<td>240</td>
<td>0.0</td>
</tr>
<tr>
<td>Total</td>
<td>240</td>
<td>240.0</td>
</tr>
</tbody>
</table>

### 4. Calculate Total Costs including Escalation (Multiply Average Hourly Rate by the number of hours)

<table>
<thead>
<tr>
<th>Avg Hourly Rate (calculated above)</th>
<th>Estimated hours (calculated above)</th>
<th>Cost per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1 $48.75</td>
<td>* 240</td>
<td>$11,699.76</td>
</tr>
<tr>
<td>Year 2 $51.19</td>
<td>* 0</td>
<td>$0.00</td>
</tr>
<tr>
<td>Year 3 $53.75</td>
<td>* 0</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

Total Direct Labor Cost with Escalation = $11,699.76
Direct Labor Subtotal before Escalation = $11,699.76

Estimated Total of Direct Labor Salary Increase = $0.00

### NOTES:
1. This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the # of years of the contract, and a breakdown of the labor to be performed each yr.
2. An estimation that is based on direct labor multiplied by salary increase % multiplied by the # of years is not acceptable. (i.e. $250,000 x 2% x 5 yrs = $25,000 is not an acceptable methodology)
3. This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
4. Calculations for anticipated salary escalation must be provided.
**EXHIBIT 10-H1 COST PROPOSAL** (Page 1 of 3)

**COST-PLUS-FIXED FEE OR LUMP SUM OR FIRM FIXED PRICE CONTRACTS**

(DESIGN, ENGINEERING, AND ENVIRONMENTAL STUDIES)

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Note: Mark-ups are Not Allowed

Consultant: Interwest Consulting Group, Inc.

Citrus Heights - Electric Greenway Trail

---

Project No. Project: 

Contract No: PPNO:2512 CIP No 9978

Date: 8/13/2021

---

**DIRECT LABOR**

<table>
<thead>
<tr>
<th>Classification/Title</th>
<th>Name</th>
<th>Hours</th>
<th>Actual Hourly Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate Broker</td>
<td>Kent Jorgensen</td>
<td>0.0</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Project Manager</td>
<td>John Almanza</td>
<td>134.0</td>
<td>$ 62.50</td>
<td>$ 8,375.00</td>
</tr>
<tr>
<td>Real Property Technician</td>
<td>IW Staff</td>
<td>8.0</td>
<td>$ 40.87</td>
<td>$ 326.92</td>
</tr>
</tbody>
</table>

Total: 142.0 $ 8,701.92

---

**LABOR COSTS**

a) Subtotal Direct Labor Costs

b) Anticipated Salary Increases (see page 2 for calculations)

c) **TOTAL DIRECT LABOR COSTS** [(a) + (b)]  $ 8,701.92

---

**INDIRECT COSTS**

d) Fringe Benefits

e) Total fringe benefits [(c) x (d)] $ 4,850.45

f) Overhead

g) Overhead [(c) x (f)] $ 4,248.28

h) General and Administrative

i) Gen & Admin [(c) x (h)] $ -

j) **TOTAL INDIRECT COSTS** [(e) + (g) + (i)]  $ 9,098.73

---

**FIXED FEE**

k) **TOTAL FIXED FEE** [(c) + (j)] x fixed fee /2.50%  $ 2,225.08

---

**I) CONSULTANT’S OTHER DIRECT COSTS (ODC) - ITEMIZE (Add additional pages if necessary)**

<table>
<thead>
<tr>
<th>Description of Item</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>Equipment Rental and Supplies</td>
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</tr>
<tr>
<td>Permit Fees</td>
<td></td>
<td></td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>Plan Sheets</td>
<td></td>
<td></td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>Test</td>
<td></td>
<td></td>
<td></td>
<td>-</td>
</tr>
</tbody>
</table>

**TOTAL OTHER DIRECT COSTS**  $ 184.00

---

**m) SUBCONSULTANTS’ COSTS (Add additional pages if necessary)**

Subconsultant 1: __________________________

Subconsultant 2: __________________________

Subconsultant 3: __________________________

Subconsultant 4: __________________________

m) **SUBCONSULTANTS’ COSTS**  $ -

---

**n) TOTAL OTHER DIRECT COSTS INCLUDING SUBCONSULTANTS [(l) + (m)]**  $ 184.00

**TOTAL COST** [(c) + (j) + (k) + (n)]  $ 20,209.74

---

**NOTES:**

1. Key personnel must be marked with an asterisk (*) and employees that are subject to prevailing wage requirements must be marked with two asterisks (**). All costs must comply with the Federal cost principles. Subconsultants will provide their own cost proposals.

2. The cost proposal format shall not be amended. Indirect cost rates shall be updated on an annual basis in accordance with the consultant’s annual accounting period and established by a cognizant agency or accept by Caltrans.

3. Anticipated salary increases calculations (page 2) must accompany.
EXHIBIT 10-H1 COST PROPOSAL (Page 2 of 2)

COST-PLUS-FIXED FEE OR LUMP SUM OR FIRM FIXED PRICE CONTRACTS
(Calculations for anticipated salary increases)

1. Calculate Average Hourly Rate for 1st year of the contract (Direct Labor Subtotal divided by total hours)

<table>
<thead>
<tr>
<th>Direct Labor Subtotal per Cost Proposal</th>
<th>Total Hours per Cost Proposal</th>
<th>Avg Hourly Rate</th>
<th>5 Year Contract Duration</th>
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<tbody>
<tr>
<td>$8,701.92</td>
<td>142.0</td>
<td>$61.28</td>
<td>Year 1 Avg Hourly Rate</td>
</tr>
</tbody>
</table>

2. Calculate hourly rate for all years (Increase the Average hourly rate for a year by proposed escalation %)

<table>
<thead>
<tr>
<th>Year</th>
<th>Avg Hourly Rate</th>
<th>Proposed Escalation</th>
<th>Year</th>
<th>Avg Hourly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1</td>
<td>$61.28</td>
<td>+ 0.0%</td>
<td>Year 2</td>
<td>$61.28</td>
</tr>
<tr>
<td>Year 2</td>
<td>$61.28</td>
<td>+ 0.0%</td>
<td>Year 3</td>
<td>$61.28</td>
</tr>
<tr>
<td>Year 3</td>
<td>$61.28</td>
<td>+ 0.0%</td>
<td>Year 4</td>
<td>$61.28</td>
</tr>
<tr>
<td>Year 4</td>
<td>$61.28</td>
<td>+ 0.0%</td>
<td>Year 5</td>
<td>$61.28</td>
</tr>
</tbody>
</table>

3. Calculate estimated hours per year (Multiply estimate % each year by total hours)

<table>
<thead>
<tr>
<th>Estimated % Completed</th>
<th>Total Hours per Cost Proposal</th>
<th>Total Hours per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each Year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 1 50.0%</td>
<td>142.0</td>
<td>71.0</td>
</tr>
<tr>
<td>Year 2 50.0%</td>
<td>142.0</td>
<td>71.0</td>
</tr>
<tr>
<td>Year 3 0.0%</td>
<td>142.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Year 4 0.0%</td>
<td>142.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Year 5 100%</td>
<td>142.0</td>
<td>142.0</td>
</tr>
<tr>
<td>Total 100%</td>
<td>Total</td>
<td>142.0</td>
</tr>
</tbody>
</table>

4. Calculate Total Costs including Escalation (Multiply Average Hourly Rate by the number of hours)

<table>
<thead>
<tr>
<th>Avg Hourly Rate (calculated above)</th>
<th>Estimated hours (calculated above)</th>
<th>Cost per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1 $61.28</td>
<td>71.0</td>
<td>$4,350.96</td>
</tr>
<tr>
<td>Year 2 $61.28</td>
<td>71.0</td>
<td>$4,350.96</td>
</tr>
<tr>
<td>Year 3 $61.28</td>
<td>0.0</td>
<td>$0.00</td>
</tr>
<tr>
<td>Year 4 $61.28</td>
<td>0.0</td>
<td>$0.00</td>
</tr>
<tr>
<td>Year 5 $61.28</td>
<td>0.0</td>
<td>$0.00</td>
</tr>
<tr>
<td>Total Direct Labor Cost with Escalation = $8,701.92</td>
<td>Estimated total of Direct Labor Salary Increase = $0.00</td>
<td></td>
</tr>
</tbody>
</table>

NOTES:
1. This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the # of years of the contract, and a breakdown of the labor to be performed each year.
2. An estimation that is based on direct labor multiplied by salary increase % multiplied by the # of years is not acceptable. (i.e. $250,000 x 2% x 5 yrs = $25,000 is not an acceptable methodology)
3. This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
4. Calculations for anticipated salary escalation must be provided.
EXHIBIT 10-H1 COST PROPOSAL (Page 3 of 3)

Certification of Direct Costs

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

1. Generally Accepted Accounting Principles (GAAP)
2. Terms and conditions of the contract
3. Title 23 United States Code Section 112 - Letting of Contracts
5. 23 Code of Federal Regulations Part 172 - Procurement, Management, and Administration of Engineering and Design Related Services
6. 48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement. Local governments are responsible for applying only cognizant agency approved or Caltrans accepted Indirect Cost Rate(s).

Prime Consultant or Subconsultant Certifying:

Name: Kent Jorgensen  Title*: VP and Director of Real Estate Services

Signature:  Date of Certification (mm/dd/yyyy): 8/13/2021

Email: kjorgensen@interwestgrp.com  Phone Number: 949-870-5401

Address: 

*An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under this proposed contract:

Project Management and acquisition services.
COST-PLUS-FIXED FEE OR LUMP SUM or FIRM FIXED PRICE CONTRACTS

 consultants are Not Allowed

Position Description/Title Name Hours Total
Principal in Charge Emily Duchon 3 $223.17
Project Manager Brian Burchfield 16 $848.80
Senior Designer Molly McNally 12 $457.56
Engineer Carmela Sambo 24 $620.40

LABOR COSTS

a) Subtotal Direct Labor Costs $2,149.93
b) Anticipated Salary Increases (see page 2 for calculation) $0.00
c) TOTAL DIRECT LABOR COSTS [(a) + (b)] $2,149.93

INDIRECT COSTS

d) Fringe Benefits (Rate: 42.8 %) $920.17
e) Total Fringe Benefits [(c) x (d)] $920.17
f) Overhead (Rate: 134.06 %) $2,882.20
g) Overhead [(c) x (f)] $2,882.20
h) General and Administrative (Rate: 0.00 %) $0.00
i) Gen & Admin [(c) x (h)] $0.00
j) TOTAL INDIRECT COSTS [(e) + (g) + (i)] $3,802.37

FIXED FEE

k) TOTAL FIXED FEE [(c)+(j)] x fixed fee 10.0% $595.23

l) TOTAL OTHER DIRECT COSTS $0.00

m) SUBCONSULTANT'S COSTS (Add additional pages if necessary)

m) TOTAL SUBCONSULTANTS' COSTS $0.00

n) TOTAL OTHER DIRECT COSTS INCLUDING SUBCONSULTANTS [(l)+(m)] $0.00

TOTAL COST [(c)+(j)+(k)+(n)] $6,547.53

NOTES:
1. Key personnel must be marked with an asterisk (*) and employees that are subject to prevailing wage requirements must be marked with two asterisks (**). All costs must comply with the Federal cost principles. Subconsultants will provide their own cost proposals.
2. The cost proposal format shall not be amended. Indirect cost rates shall be updated on an annual basis in accordance with the consultant’s annual accounting period and established by a cognizant agency or accepted by Caltrans.
3. Anticipated salary increases calculation (page 2) must accompany.
1. Calculate Average Hourly Rate for 1st year of the contract (Direct Labor Subtotal divided by total hours)

<table>
<thead>
<tr>
<th>Direct Labor Subtotal per Cost Proposal</th>
<th>Total Hours per Cost Proposal</th>
<th>Avg Hourly Rate</th>
<th>5 Year Contract Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,149.93</td>
<td>55</td>
<td>$39.09</td>
<td>Year 1 Avg Hourly Rate</td>
</tr>
</tbody>
</table>

2. Calculate hourly rate for all years (Increase the Average Hourly Rate for a year by proposed escalation %)

<table>
<thead>
<tr>
<th>Year</th>
<th>Avg Hourly Rate</th>
<th>Proposed Escalation</th>
<th>New Hourly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$39.09</td>
<td>5%</td>
<td>$41.04</td>
</tr>
<tr>
<td>2</td>
<td>$41.04</td>
<td>5%</td>
<td>$43.10</td>
</tr>
<tr>
<td>3</td>
<td>$43.10</td>
<td>5%</td>
<td>$45.25</td>
</tr>
<tr>
<td>4</td>
<td>$45.25</td>
<td>5%</td>
<td>$47.51</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. Calculate estimated hours per year (Multiply estimate % each year by total hours)

<table>
<thead>
<tr>
<th>Estimated % Completed</th>
<th>Total Hours per Proposal</th>
<th>Total Hours per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each Year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 1 100.00%</td>
<td>55</td>
<td>55.0</td>
</tr>
<tr>
<td>Year 2 0.00%</td>
<td>55</td>
<td>0.0</td>
</tr>
<tr>
<td>Year 3 0.00%</td>
<td>55</td>
<td>0.0</td>
</tr>
<tr>
<td>Year 4 0.00%</td>
<td>55</td>
<td>0.0</td>
</tr>
<tr>
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<td>55</td>
<td>0.0</td>
</tr>
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<td>Total 100%</td>
<td>Total</td>
<td>55.0</td>
</tr>
</tbody>
</table>

4. Calculate Total Costs including Escalation (Multiply Average Hourly Rate by the number of hours)

<table>
<thead>
<tr>
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</tr>
</thead>
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<td>55</td>
<td>$2,149.93</td>
</tr>
<tr>
<td>2</td>
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<td>0</td>
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</tr>
<tr>
<td>3</td>
<td>$43.10</td>
<td>0</td>
<td>$0.00</td>
</tr>
<tr>
<td>4</td>
<td>$45.25</td>
<td>0</td>
<td>$0.00</td>
</tr>
<tr>
<td>5</td>
<td>$47.51</td>
<td>0</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

Total Direct Labor Cost with Escalation = $2,149.93
Direct Labor Subtotal before Escalation = $2,149.93
Estimated Total of Direct Labor Salary Increase = $0.00
Transfer to Page 1

NOTES:

1. This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the # of years of the contract, and a breakdown of the labor to be performed each year.
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EXHIBIT 10-H1 COST PROPOSAL  Page 3 of 3

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Prime Consultant or Subconsultant Certifying:

Name: Emily Duchon  Title*: Vice President + CA Regional Manager

Signature: ___________________________  Date of Certification (mm/dd/yyyy): 08/11/2021

Email: emilyduchon@altaplanning.com  Phone Number: 734.678.7096

Address:  617 W 7th Street, #1103, Los Angeles, CA 90017

* An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

Signage, striping and landscape design for the Arcade Cripple Creek Trail Project
August 19, 2021

Leslie Blomquist
City of Citrus Heights
6360 Fountain Square Drive
Citrus Heights, Ca 95621

RE: Electric Greenway Project – PS&E Phase – Fee Amendment Authorization

Dear Leslie:

Below please find the GHD Team’s proposal for extra work the Electric Greenway Trail. This extra work is needed to provide various additional services as requested by the City. The following services are as follows:

**Task J.1 Project Management**

GHD will continue to provide project management services while delivering these additional services.

**Task J.4 Right of Way**

**Plats and Legals**

GHD will prepare fifteen (15) plat and legal descriptions. For the Trail Easements through the various Sunrise Park and Recreation and Orangevale Parks District Parcels as required to obtain R/W certification. The plat maps and legal descriptions will be prepared for and supplied on a form suitable for recordation. The plat and legal description will be provided to the City for review and upon approval those descriptions will be stamped, signed and delivered for recordation. The scope and associated fee assumes the easement will be based on a certain width strip of land equal-offset from the proposed trail alignment. This work can be done without field work. The easements will likely need to be recorded per-parcel number, each park is not necessarily one parcel see below for the list of parcels per park.

<table>
<thead>
<tr>
<th>Park Name</th>
<th># of Parcels needing an Easement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arcade Creek Park Preserve (SRPD)</td>
<td>1</td>
</tr>
<tr>
<td>Tempo Park (SRPD)</td>
<td>3</td>
</tr>
<tr>
<td>Sundance Natural Area (OVPD)</td>
<td>2</td>
</tr>
<tr>
<td>Streng Avenue Open Space (OVPD)</td>
<td>1</td>
</tr>
<tr>
<td>Northwoods Park (SRPD)</td>
<td>3</td>
</tr>
<tr>
<td>C-Bar-C Park (SRPD)</td>
<td>1</td>
</tr>
<tr>
<td>Woodside/Olivine Open Space (SRPD)</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>13</strong></td>
</tr>
</tbody>
</table>

**Additional Acquisition Services**

Interwest Consulting Group, a GHD sub-consultant, will assist the City in coordination and documentation of the proposed easements. Interwest will also assist the City with obtaining right of way certification for the project in coordination with Caltrans District 3 Local Assistance, as required by the project’s funding source.

**Meetings.** Attend meetings with the City. Meeting minutes, agendas and reports are provided when directed by the City's project administrator.
Status Reports. Provide and maintain title, acquisition status reports for all project personnel to access.

Escrow Coordination. The transaction will be handled internally and Interwest will arrange to record the easement deed.

Scheduling. Prepare and provide the City with project schedules, as needed.

Quality Assurance/Quality Control. Provide quality control management for all areas of the project, including coordinating efforts with the City to ensure a compliant project.

Data Management. We will use QuickBase as a project management tool for tracking project-related tasks and milestones, as well as customized dashboards for monitoring individual performance efficiency, timelines and cost containment strategies. Our reports are tailored to each client's specifications to provide the critical information necessary for management decisions.

Acquisition via Donation From Park Districts
Verify that legal descriptions, plat maps, right of way plans, and surveys are accurate.

PTR Review. Interwest's qualified staff reviews the PTRs to inspect each report for accuracy of the stated ownership, Assessor Parcel Numbers and other pertinent information. Additionally, as applicable, the listed liens, encumbrances and/or mortgages, etc., are analyzed to determine if consents/subordinations are required to clear title.

DONATION Package. Prepare and present the Donation agreement to the owner, together with easement deed after review and approval by the City's representative. Submit all legal documents for the City's legal counsel to review when language is added, deleted or revised.

Acquisition via Donation. Conduct negotiations for the acquisition of each parcel in accordance with all federal and state policies and procedures, including making the initial donations offer in person when the owner resides in the project area, if possible. Offers to out-of-area owners will be sent via certified mail with a return receipt.

Open and Monitor Escrows. For the donation parcel, Interwest will arrange to record the easement deed. City and Owner Liaison. Provide liaison duties between the City and property owners.

Contact Documentation. Thoroughly document contact with property owners and/or their representatives, indicating attendees, time and place of meetings. Documentation includes thorough diaries and copies of all correspondence and emails. Diaries are updated immediately after each contact, if possible, and are housed in a permanent acquisition file.

Parcel Files. Establish and maintain an accurate and complete working file for each parcel in a professional and standard format. Additionally, all pertinent project files are maintained in electronic formats and provided to the City at completion of the project.

Meetings. Attend any required or additional meetings, as deemed necessary by the City to communicate progress and discuss project issues.

Close-Out Acquisition File. Complete a final quality assurance/quality control review on the file for close-out, provide final status reports to the City and deliver final files to the City upon completion of the project. Additionally, the City will receive a flash drive with all pertinent project data stored in systematically organized project folders.
RIGHT OF WAY CERTIFICATION
Interwest will coordinate with the City and Caltrans to prepare the Right of Way Certification, as required by Chapter 13, Section 13.10 of the Caltrans Local Assistance Procedures Manual. Our process includes the following:

Coordination. Coordinate with Caltrans Local Assistance or Local Programs to ensure that project requirements are underway. This includes ensuring the City has completed all necessary documents to begin the certification process, (e.g., the E-76 application for Construction/Right of Way).

Assembly. Assemble the Right of Way Certification (1, 2, 3 or 3W) binder with all appropriate documentation to be provided by the City, including documentation showing possession of the necessary right of way, utility notices and agreements, relocation plans and costs, and necessary environmental clearance support.

Drafting. Draft the Right of Way Certification form segmenting the different project land rights acquired along with any supporting documentation, as applicable.

Delivery. Package and deliver a hard copy of the certification directly to Caltrans District Office and provide an electronic copy to the City.

Revisions. Interwest will coordinate revisions between Caltrans and the City, as necessary, and work with the client to ensure that all schedules of right of way certifications are met before the project proceeds to construction.

Task J.5 Additional Engineering
During the design and bid document delivery process, GHD and it’s sub-consultant Alta Planning + Design have performed work beyond the scoped deliverable amounts. Our efforts beyond scoped amount of plan revisions and additional submittals to outside agencies separate from the City submittals have been in the interest of the project and at the direction of the City. The additional efforts included in this proposal are intended to capture the remaining efforts anticipated for the project’s approval and advertisement for construction bids. The assumed budget includes one draft bid document package and one final package for public advertisement, addressing any additional minor comments on the plans.

Conclusion
A breakdown of the proposed costs are included on the following page including an updated 10-H format for grant funds reporting and contractual obligations.

If you have any questions regarding this progress report, or would like to further discuss project issues, please contact me at 916-517-2798.

Sincerely,
GHD

Lindsey Van Parys, PE, QSD/P
Project Manager

Attachments: Budget Breakdown
DATE: September 9, 2021

TO: Mayor and City Council Members
    Christopher W. Boyd, Interim City Manager

FROM: Ronald A. Lawrence, Chief of Police
    Alex Turcotte, Commander

SUBJECT: 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Funding

Summary and Recommendation

Staff recommends the City Council adopt a resolution accepting the recommended expenditures for the 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $24,698, in accordance with state requirements. The FY 2020 funds must be expended by September 30, 2022.

Staff recommends the City Council adopt Resolution No. 2021-___ A Resolution of the City Council of the City of Citrus Heights, California, accepting 2021 JAG funds.

Fiscal Impact

The 2021 JAG grant will be utilized to purchase ballistic shields for the Special Weapons and Tactics (SWAT) Team and for staff to attend training (Fund 222-21-417). There are no matching requirements for the grant money to be expended. Equipment purchases will be made in accordance with the city’s adopted purchasing policies and procedures.

Background and Analysis

Each year, the Bureau of Justice Assistance partners with the Bureau of Justice Statistics to allocate funding for each state and territory. The state distribution is based on violent crime and population size. The state’s award amount is divided between the state and local governments at a rate of 60 and 40 percent, respectively.

Under this program, cities and counties receive federal funds to augment public safety expenditures. This is a non-competitive grant program. There is no guarantee for funding or minimum allocations.
The funds must be used for law enforcement activities to include: technical assistance, strategic planning, research and evaluation, data collection, training, personnel, equipment, forensic laboratories, supplies, contractual support, and criminal justice information systems. During the application phase, the local government is asked to provide what of the above activities the funding will be used for. The Police Department applied for funding for this grant based on the need to purchase ballistic shields for the SWAT team. As well, this grant requires a minimum of three percent be applied for compliance with the federal requirement of National Incident-Based Reporting System (NIBRS). NIBRS will be an updated and uniform way for law enforcement agencies around the country to submit crime data; replacing the current crime reporting practice of Uniform Crime Reporting (UCR).

The Police Department is requesting to strategically use grant funds to support the Department’s equipment and training initiatives. This request will support our goal to provide exceptional police services to the community and enhance officer safety. By accepting and using grant funds in this manner, the Police Department will purchase the ballistic shields and utilize funds for staff to attend training on NIBRS.

**Attachments**

1. Resolution 2021-___ Accepting 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) funds in accordance with state requirements
RESOLUTION NO. 2021- __

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CITRUS HEIGHTS, CALIFORNIA, ACCEPTING 2021 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS IN ACCORDANCE WITH STATE REQUIREMENTS

WHEREAS, under the Bureau of Justice Assistance, the federal government appropriated significant funding for local law enforcement services for FY 2021;

WHEREAS, Citrus Heights’ portion of this funding is $24,698;

WHEREAS, under the conditions of the program, the City Council shall appropriate monies exclusively to fund police equipment, supplies, training, and technology in accordance with this written request submitted by the Chief of Police; and

WHEREAS, the Chief of Police requests to purchase ballistic shields and set aside money for training on the National Incident-Based Reporting System (NIBRS).

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Citrus Heights, California, hereby authorizes the Chief of Police to use the 2021 JAG grant funding to purchase ballistic shields and allow employees to attend training.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of the City of Citrus Heights, California, this 9th day of September 2021 by the following vote, to wit:

AYES: Council Members:
NOES: Council Members:
ABSTAIN: Council Members:
ABSENT: Council Members:

________________________________________
Steve Miller, Mayor

ATTEST:

________________________________________
Amy Van, City Clerk
CITY OF CITRUS HEIGHTS
CITY COUNCIL STAFF REPORT
MEMORANDUM

DATE: September 9, 2021

TO: Mayor and City Council Members
Christopher W. Boyd, Interim City Manager

FROM: Brittney Soriano, STAKE Officer
Eric Dias, Investigations Sergeant
Kris Frey, Investigations Lieutenant

SUBJECT: Amendment to Chapter 54, Article V, Division 3 of the Citrus Heights Municipal Code Regarding Tobacco Products

Summary and Recommendation

Staff is recommending revisions to Chapter 54, Article V, Division 3 of the City of Citrus Heights Municipal Code pertaining to the age restrictions in regard to the sale of tobacco products. These amendments are needed to bring consistency between the city’s code of regulations and state law.

Motion: Move to Introduce for a First Reading Ordinance No. 2021-______, and waive the reading of the entire ordinance, an Ordinance of the City of Citrus Heights amending Chapter 54, Article V, Division 3 of the Citrus Heights Municipal Code regarding the sale of tobacco products.

Fiscal Impact

There is no fiscal impact associated with this action.

Background and Analysis

Upon incorporation in 1997, the city adopted Sacramento County’s existing Municipal Code. Over the years, many sections of the code have been updated but Chapter 54, Division 3, Tobacco Products section is no longer in compliance with state and federal laws; due to a number of changes in state and federal smoking laws in reference to the purchase, sale, and distribution of tobacco to any person under the age of 21.
Brief Summary of Legislation
The following is an overview of the more significant legislation, which specifically defines the age related offenses regarding the sale and use of tobacco products within the city.

- As of December 20, 2019, the federal age of sale for tobacco products is 21 with no exemption for military personnel. Senate Bill No. 7 Chapter 8 SB X2-7 (Ed Hernandez, Chapter 8, Statutes of 2016) – Illegal Underage Sales Increased the minimum age of sale for tobacco products, including electronic cigarettes, from 18 to 21 years of age, making California the second state in the nation to take this action to prevent tobacco initiation by young people (following Hawaii).

- In 2016, The STAKE Act (Stop Tobacco Access to Kids Enforcement) was established to fall under The California Cigarette and Tobacco Act of 2003. The STAKE Act is funded as a result of the California Healthcare, Research and Prevention Tobacco Tax Act of 2016. The STAKE Act establishes various requirements for retailers relating to tobacco sales to minors. The STAKE Act’s mission is to reduce the sales of tobacco to individuals under the age of 21 through effective enforcement.

- In August 2016, the U.S. Food and Drug Administration (FDA) extended their regulation of tobacco products to also include cigarettes, smokeless tobacco, cigars, pipe tobacco, hookah tobacco, gels, dissolvable, and electronic nicotine delivery systems.

Amendments
The proposed changes will replace all age restriction references (formerly 18 years of age) to be consistent with the current state law of 21 years of age. The table below provides each Section proposed to be updated with this ordinance.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 54-283.-</td>
<td>Distribution of tobacco products to minors</td>
</tr>
<tr>
<td></td>
<td>Any person, including a tobacco vending machine owner, who distributes a tobacco product to a minor who is in fact under the age of 21 years, whether or not the fact of such minority was known to such person at the time of distribution, is guilty of an infraction.</td>
</tr>
<tr>
<td>Sec. 54-284.-</td>
<td>Placement of tobacco vending machine by premises managers.</td>
</tr>
<tr>
<td></td>
<td>Any person who authorizes the installation or placement of a tobacco vending machine upon premises which the person manages or otherwise controls and who permits or suffers, knowingly or unknowingly, any tobacco product to be distributed from such vending machine to a minor under the age of 21 years is guilty of an infraction.</td>
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</table>
Subject: Amendment to Chapter 54, Article V, Division 3 of the Citrus Heights Municipal Code Regarding Tobacco Products  
Date:  September 9, 2021  
Page 3 of 3

<table>
<thead>
<tr>
<th>Sec. 54-285.-</th>
<th>Proof of age.</th>
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<td></td>
<td>For the purpose of preventing the violation of section 54-283 or 54-284, any person may refuse to distribute a tobacco product to a person who is unable to produce adequate written evidence that he or she is over the age of 21 years.</td>
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<tr>
<th>Sec. 54-287.-</th>
<th>Purchase of tobacco by minors.</th>
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<td>It shall be unlawful and an infraction for any minor under the age of 21 years to purchase a tobacco product within the city.</td>
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<tr>
<th>Sec. 54-288.-</th>
<th>Posting of signs required.</th>
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<tr>
<td>(a) Every person who distributes tobacco products within the city shall post conspicuously and keep so posted in each place of business from which tobacco products are distributed a sign in letters at least one inch high which states as follows:</td>
<td></td>
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<td>It is unlawful to distribute tobacco products to a minor under the age of 21 years.</td>
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<td>It is unlawful for a minor under the age of 21 years to purchase tobacco products.</td>
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<td>Citrus Heights Code</td>
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<td></td>
<td>Sections 54-283, 54-284, 54-287</td>
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<tr>
<td>(b) Every tobacco vending machine owner shall affix and keep affixed to the front of each tobacco vending machine within the city a sign as described in subsection (a) of this section.</td>
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</table>

**Attachment**

1. Ordinance to Amend Chapter 54, Article V, Division 3 of the Citrus Heights Municipal Code in regard to Tobacco Products
ORDINANCE NO. 2021-___

AN ORDINANCE OF THE CITY OF CITRUS HEIGHTS AMENDING CHAPTER 54, ARTICLE V, DIVISION 3 OF THE CITRUS HEIGHTS MUNICIPAL CODE REGARDING TOBACCO PRODUCTS

The City Council of the City of Citrus Heights does ordain as follows:

SECTION 1. Amendment. Chapter 54, Division 3, Sections 54-281 through 54-288 “Tobacco Products” of the Citrus Heights City Code are hereby amended to read as set forth below:

DIVISION 3. - TOBACCO PRODUCTS

Sec. 54-281. - Purposes.
(a) The protection of the public welfare requires that potential access by minors to all forms of tobacco products be strictly regulated.

(b) Harvard University and the National Institute on Drug Abuse have reported that the nicotine in tobacco is a powerful, habit-forming drug that leads to compulsive use, and produces strong withdrawal symptoms. The U.S. Public Health Service has described nicotine addiction as the most widespread example of drug dependence in our country.

(c) Studies have found that nicotine addiction typically begins in childhood. It has been estimated that thousands of American children smoke for the first time every day. Many youth, particularly male teenagers, use smokeless tobacco. Reported tests have shown that minors as young as 11 years of age have experienced little or no difficulty in purchasing tobacco products.

(d) The purpose of this division is to reduce the likelihood of minors obtaining tobacco products in the city, by regulation of the potential sources thereof without unduly interfering with permitted transactions or prohibiting tobacco vending machines. This division enables affected persons to determine for themselves the methods they will employ to achieve compliance with this division.

Sec. 54-282. - Definitions.
The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Distribute means to sell, give away, or in any way furnish as part of a commercial transaction, including by means of direct retail sale, vending machine sale, or promotional free distribution.

Tobacco product means any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, snuff, or any other form of tobacco which may be utilized for smoking, chewing, inhalation or other manner of ingestion.

Tobacco vending machine means any electronic or mechanical device, the operation of which depends upon the insertion of money, in coin or paper bill, or other thing representative of value, which dispenses or vends a tobacco product.

Tobacco vending machine owner means any person who has an ownership or leasehold interest in a tobacco vending machine and who installs or places, or causes to be installed or placed,
such tobacco vending machine on any premises for the purpose of distributing a tobacco product therefrom.

Sec. 54-283. - Distribution of tobacco products to minors.

Any person, including a tobacco vending machine owner, who distributes a tobacco product to a minor who is in fact under the age of 18 years, whether or not the fact of such minority was known to such person at the time of distribution, is guilty of an infraction.

Sec. 54-284. - Placement of tobacco vending machine by premises managers.

Any person who authorizes the installation or placement of a tobacco vending machine upon premises which the person manages or otherwise controls and who permits or suffers, knowingly or unknowingly, any tobacco product to be distributed from such vending machine to a minor under the age of 18 years is guilty of an infraction.

Sec. 54-285. - Proof of age.

For the purpose of preventing the violation of section 54-283 or 54-284, any person may refuse to distribute a tobacco product to a person who is unable to produce adequate written evidence that he or she is over the age of 18 years.

Sec. 54-286. - Evidence of majority as defense to charge of selling tobacco products to minors.

Proof that a defendant, or his or her employee or agent, demanded, was shown, and reasonably relied upon evidence of majority shall be defense to any action brought pursuant to this division. Evidence of majority of a person is a facsimile of or a reasonable likeness of a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces.

Sec. 54-287. - Purchase of tobacco products by minors.

It shall be unlawful and an infraction for any minor under the age of 18 years to purchase a tobacco product within the city.

Sec. 54-288. - Posting of signs required.

(a) Every person who distributes tobacco products within the city shall post conspicuously and keep so posted in each place of business from which tobacco products are distributed a sign in letters at least one inch high which states as follows:

It is unlawful to distribute tobacco products to a minor under the age of 18 years.

It is unlawful for a minor under the age of 18 years to purchase tobacco products.

(b) Every tobacco vending machine owner shall affix and keep affixed to the front of each tobacco vending machine within the city a sign as described in subsection (a) of this section.

SECTION 2. Severability. If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.
SECTION 3. Effective Date and Notice. This ordinance shall take effect thirty (30) days after its adoption provided it is published in full or in summary within fifteen (15) days of its adoption, in a newspaper of general circulation published and circulated in the City of Citrus Heights.

PASSED AND ADOPTED by the City Council of the City of Citrus Heights this ___ day of ________, 2021 by the following vote:

AYES: Council Members: 
NOES: Council Members: 
ABSENT: Council Members: 
ABSTAIN: Council Members: 

________________________________________
Steve Miller, Mayor

____________________________________
Amy Van, City Clerk
DATE:  September 9, 2021

TO:  Mayor and City Council Members
     Christopher W. Boyd, Interim City Manager

FROM:  Alex Turcotte, Special Operations Commander
        Tiffany Campbell, Support Services Supervisor
        Chad Morris, Special Operations Lieutenant

SUBJECT:  Request to Execute a Contract with LensLock, Inc. for Body Worn Camera Systems

__________________________________________________________________________

Summary and Recommendation

Staff recommends the City Council adopt Resolution No. 2021-___ a Resolution of the City Council of the City of Citrus Heights, California authorizing the City Manager to execute a contract to purchase or lease Body Worn Camera (BWC) Systems with LensLock, Inc.

Fiscal Impact

The purchase or lease of the body worn cameras will be funded from the Citizens’ Option for Public Safety (COPS) grant funding (Fund 223) and funding available from a flexible spending credit provided by the City’s general liability/workers compensation program. The total proposed five-year contract with LensLock, Inc. is for an amount not to exceed $570,000.00.

Background and Analysis

Modern law enforcement agencies that value professionalism, transparency, and compliance with best practices and professional standards choose to implement body camera equipment for their day-to-day operations. The Citrus Height Police Department values our staff and remains committed to providing excellent services to our community.

Multiple studies completed by national and local research groups conclude that body worn cameras have a positive and meaningful impact on police departments that deploy cameras. Moreover, the findings suggest the cameras are actually cost-effective for the following reasons:

- Decrease in frivolous claims of police brutality and unprofessional conduct
- Improved officer safety
- Decrease in overtime pay associated with administrative time (paperwork)
- Expedited case/incident resolution
- Increased civility between officers and the community they serve
This is an area where body worn cameras will further build upon the foundation of trust that the Citrus Heights Police Department and members of the community have grown to expect and admire about our mutually beneficial partnership.

During the past year, CHPD began researching BWC technology, testing equipment and analyzing storage and redaction capabilities. To formally assist in locating the most qualified and state-of-the-art BWC System provider, the Citrus Heights Police Department published a Request for Proposal (RFP) on July 16, 2021. The proposal required a minimum of 90 cameras, providing one to each of our sworn police staff. All service, repair, and replacement of the devices is to be at no cost to the City. In addition to hardware and related accessories, the system had to include software to securely store, manage, retrieve, redact, and share captured digital video and audio. The redaction capabilities had to easily comply with the California Public Records Act and the software had to interface with our current computer-aided dispatch and records management system. Qualified companies had to provide a minimum five-year service agreement, which includes set up, training, maintenance, service and support of all system hardware and software.

A BWC selection committee was formed to review and evaluate the five proposals submitted and LensLock was determined to be the most qualified respondent.

LensLock’s proposal demonstrated their ability and desire to provide the City with a complete BWC solution accomplished by providing experience, technical support, system capabilities and a cost-effective all-inclusive pricing proposal. Their customer service and dedication to our BWC implementation project was evident.

LensLock’s proposal conformed to our Scope of Work as follows:
- Content and Sequence
- Comprehensive all-inclusive pricing structure with not to exceed pricing
- Unlimited on-site implementation training during installation
- Unlimited and secure data storage management via MS Azure Government cloud
- Unlimited number of LensLock portal software licenses
- Includes 24-hr technical support/maintenance and updates via LensLock portal
- Includes outsourced audio and video redaction services
- Includes software that meets the chain of custody requirements of digital evidence
- Automatic BWC replacement at 30-month intervals
- No questions, damaged and broken BWC replacement within 72-hours

The contract is currently being developed and will be reviewed and approved by the City Attorney before execution.

Approval of this resolution meets a City Council goal and a CHPD FY 21/22 Strategic Plan objective to Sustain and Preserve Public Safety.
Attachments
Resolution No. 2021-___ A Resolution of the City Council of the City of Citrus Heights, California Authorizing the City Manager to execute a contract to purchase or lease Body Worn Camera Systems with LensLock, Inc.
RESOLUTION NO. 2021- ___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CITRUS HEIGHTS, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT TO PURCHASE OR LEASE BODY WORN CAMERAS WITH LENSLOCK, INC.

WHEREAS, the City released a Request for Proposal for a Body Worn Camera (BWC) System on July 16, 2021, and responses were due August 6, 2021;

WHEREAS, five companies submitted responses to the RFP;

WHEREAS, the company selected by the BWC Review Committee, LensLock, Inc. was found to be the most qualified respondent providing a complete Body Worn Camera solution; and

WHEREAS, the total cost of the contract over the five year contract period shall not exceed $570,000 and will be funded through the Citizens’ Option for Public Safety (COPS) grant funding and funding available from a flexible spending credit provided by the City’s general liability/ workers compensation program.

NOW THEREFORE BE IT RESOLVED AND ORDERED that the City Council of the City of Citrus Heights does hereby authorize the City Manager to execute a contract to purchase or lease Body Worn Cameras with LensLock, Inc.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of the City of Citrus Heights, California, this 9th day of September 2021 by the following vote, to wit:

AYES: Council Members:
NOES: Council Members:
ABSTAIN: Council Members:
ABSENT: Council Members:

________________________________________
Steve Miller, Mayor

ATTEST:

________________________________________
Amy Van, City Clerk
Annual Conference Resolutions Packet

2021 Annual Conference Resolutions

September 22 - 24, 2021
**INFORMATION AND PROCEDURES**

**RESOLUTIONS CONTAINED IN THIS PACKET:** The League of California Cities (Cal Cities) bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, **two resolutions** have been introduced for consideration at the Annual Conference and referred to Cal Cities policy committees.

**POLICY COMMITTEES:** Three policy committees will meet virtually one week prior to the Annual Conference to consider and take action on the resolutions. The sponsors of the resolutions have been notified of the time and location of the meetings.

**GENERAL RESOLUTIONS COMMITTEE:** This committee will meet at 1:00 p.m. on Thursday, September 23, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of Cal Cities regional divisions, functional departments, and standing policy committees, as well as other individuals appointed by the Cal Cities president. Please check in at the registration desk for room location.

**CLOSING LUNCHEON AND GENERAL ASSEMBLY:** This meeting will be held at 12:30 p.m. on Friday, September 24, at the SAFE Credit Union Convention Center.

**PETITIONED RESOLUTIONS:** For those issues that develop after the normal 60-day deadline, a petition resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Closing Luncheon & General Assembly. This year, that deadline is 12:30 p.m., Thursday, September 23. Resolutions can be viewed on Cal Cities Web site: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

Any questions concerning the resolutions procedures may be directed to Meg Desmond [mdesmond@calcities.org](mailto:mdesmond@calcities.org).
GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within Cal Cities. The principal means for deciding policy on the important issues facing cities is through Cal Cities seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop Cal Cities policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.

2. The issue is not of a purely local or regional concern.

3. The recommended policy should not simply restate existing Cal Cities policy.

4. The resolution should be directed at achieving one of the following objectives:

   (a) Focus public or media attention on an issue of major importance to cities.

   (b) Establish a new direction for Cal Cities policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.

   (c) Consider important issues not adequately addressed by the policy committees and board of directors.
KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

<table>
<thead>
<tr>
<th>Number</th>
<th>Key Word Index</th>
<th>Reviewing Body Action</th>
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1 - Policy Committee Recommendation to General Resolutions Committee
2 - General Resolutions Committee
3 - General Assembly

**HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT POLICY COMMITTEE**

| 2 | Securing Railroad Property Maintenance | 1 | 2 | 3 |

**REVENUE & TAXATION POLICY COMMITTEE**

| 1 | Online Sales Tax Equity | 1 | 2 | 3 |

**TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE**

| 2 | Securing Railroad Property Maintenance | 1 | 2 | 3 |
KEY TO ACTIONS TAKEN ON RESOLUTIONS (Continued)

Resolutions have been grouped by policy committees to which they have been assigned.

<table>
<thead>
<tr>
<th>KEY TO REVIEWING BODIES</th>
<th>KEY TO ACTIONS TAKEN</th>
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<tr>
<td>1. Policy Committee</td>
<td>A Approve</td>
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<td>2. General Resolutions Committee</td>
<td>D Disapprove</td>
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<tr>
<td>3. General Assembly</td>
<td>N No Action</td>
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<td>R Refer to appropriate policy committee for study</td>
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ACTION FOOTNOTES

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<td>Amend (for clarity or brevity) and take No Action+</td>
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Procedural Note:
The League of California Cities resolution process at the Annual Conference is guided by the Cal Cities Bylaws.
1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES ("CAL CITIES") CALLING ON THE STATE LEGISLATURE TO PASS LEGISLATION THAT PROVIDES FOR A FAIR AND EQUITABLE DISTRIBUTION OF THE BRADLEY BURNS 1% LOCAL SALES TAX FROM IN-STATE ONLINE PURCHASES, BASED ON DATA WHERE PRODUCTS ARE SHIPPED TO, AND THAT RIGHTFULLY TAKES INTO CONSIDERATION THE IMPACTS THAT FULFILLMENT CENTERS HAVE ON HOST CITIES BUT ALSO PROVIDES A FAIR SHARE TO CALIFORNIA CITIES THAT DO NOT AND/OR CANNOT HAVE A FULFILLMENT CENTER WITHIN THEIR JURISDICTION

Source: City of Rancho Cucamonga
Concurrence of five or more cities/city officials:
Cities: Town of Apple Valley; City of El Cerrito; City of La Canada Flintridge; City of La Verne; City of Lakewood; City of Moorpark; City of Placentia; City of Sacramento
Referred to: Revenue and Taxation Policy Committee

WHEREAS, the 2018 U.S. Supreme Court decision in Wayfair v. South Dakota clarified that states could charge and collect tax on purchases even if the seller does not have a physical presence in the state; and

WHEREAS, California cities and counties collect 1% in Bradley Burns sales and use tax from the purchase of tangible personal property and rely on this revenue to provide critical public services such as police and fire protection; and

WHEREAS, in terms of “siting” the place of sale and determining which jurisdiction receives the 1% Bradley Burns local taxes for online sales, the California Department of Tax and Fee Administration (CDTFA) determines “out-of-state” online retailers as those with no presence in California that ship property from outside the state and are therefore subject to use tax, not sales tax, which is collected in a countywide pool of the jurisdiction where the property is shipped from; and

WHEREAS, for online retailers that have a presence in California and have a stock of goods in the state from which it fulfills orders, CDTFA considers the place of sale (“situs”) as the location from which the goods were shipped such as a fulfillment center; and

WHEREAS, in early 2021, one of the state’s largest online retailers shifted its ownership structure so that it is now considered both an in-state and out-of-state retailer, resulting in the sales tax this retailer generates from in-state sales now being entirely allocated to the specific city where the warehouse fulfillment center is located as opposed to going into a countywide pool that is shared with all jurisdictions in that County, as was done previously; and

WHEREAS, this all-or-nothing change for the allocation of in-state sales tax has created winners and losers amongst cities as the online sales tax revenue from the retailer that was once spread amongst all cities in countywide pools is now concentrated in select cities that host a fulfillment center; and

WHEREAS, this has created a tremendous inequity amongst cities, in particular for cities that are built out, do not have space for siting a 1 million square foot fulfillment center, are not located along a major travel corridor, or otherwise not ideally suited to host a fulfillment center; and
WHEREAS, this inequity affects cities statewide, but in particular those with specific circumstances such as no/low property tax cities that are extremely reliant on sales tax revenue as well as cities struggling to meet their RHNA obligations that are being compelled by the State to rezone precious commercial parcels to residential; and

WHEREAS, the inequity produced by allocating in-state online sales tax revenue exclusively to cities with fulfillment centers is exasperated even more by, in addition to already reducing the amount of revenue going into the countywide pools, the cities with fulfillment centers are also receiving a larger share of the dwindling countywide pool as it is allocated based on cities’ proportional share of sales tax collected; and

WHEREAS, while it is important to acknowledge that those cities that have fulfillment centers experience impacts from these activities and deserve equitable supplementary compensation, it should also be recognized that the neighboring cities whose residents are ordering product from that center now receive no revenue from the center’s sales activity despite also experiencing the impacts created by the center, such as increased traffic and air pollution; and

WHEREAS, the COVID-19 pandemic greatly accelerated the public’s shift towards online purchases, a trend that is unlikely to be reversed to pre-pandemic levels; and

NOW, THEREFORE, BE IT RESOLVED that Cal Cities calls on the State Legislature to pass legislation that provides for a fair and equitable distribution of the Bradley Burns 1% local sales tax from in-state online purchases, based on data where products are shipped to, and that rightfully takes into consideration the impacts that fulfillment centers have on host cities but also provides a fair share to California cities that do not and/or cannot have a fulfillment center within their jurisdiction.
Source: City of Rancho Cucamonga

Background:
Sales tax is a major revenue source for most California cities. Commonly known as the local 1% Bradley-Burns tax, since the 1950’s, cities have traditionally received 1 cent on every dollar of a sale made at the store, restaurant, car dealer, or other location within a jurisdiction’s boundaries.

Over the years, however, this simple tax structure has evolved into a much more complex set of laws and allocation rules. Many of these rules relate to whether or not a given transaction is subject to sales tax, or to use tax – both have the same 1% value, but each applies in separate circumstances. The California Department of Tax and Fee Administration (CDTFA) is responsible for administering this system and issuing rules regarding how it is applied in our state.

The following chart created by HdL Companies, the leading provider of California sales tax consulting, illustrates the complex structure of how sales and use tax allocation is done in California, depending on where the transaction starts, where the goods are located, and how the customer receives the goods:

With the exponential growth of online sales and the corresponding lack of growth, and even decline, of shopping at brick and mortar locations, cities are seeing much of their sales tax
growth coming from the countywide sales tax pools, since much of the sales tax is now funneled to the pools.

Recently, one of the world’s largest online retailers changed the legal ownership of its fulfillment centers. Instead of having its fulfillment centers owned and operated by a third-party vendor, they are now directly owned by the company. This subtle change has major impacts to how the 1% local tax is allocated. Following the chart above, previously much of the sales tax would have followed the green boxes on the chart and been allocated to the countywide pool based on point of delivery. Now, much of the tax is following the blue path through the chart and is allocated to the jurisdiction in which the fulfillment center is located. (It should be noted that some of the tax is still flowing to the pools, in those situations where the fulfillment center is shipping goods for another seller that is out of state.)

This change has created a situation where most cities in California – more than 90%, in fact – are experiencing a sales tax revenue loss that began in the fourth quarter of calendar year 2021. Many cities may not be aware of this impact, as the fluctuations in sales tax following the pandemic shutdowns have masked the issue. But this change will have long-term impacts on revenues for all California cities as all these revenues benefitting all cities have shifted to just a handful of cities and counties that are home to this retailer’s fulfillment centers.

This has brought to light again the need to address the issues in how sales and use taxes are distributed in the 21st century. Many, if not most cities will never have the opportunity have a warehouse fulfillment center due to lack of space or not being situated along a major travel corridor. These policies especially favor retailers who may leverage current policy in order to negotiate favorable sales tax sharing agreements, providing more money back to the retailer at the expense of funding critical public services.

With that stated, it is important to note the many impacts to the jurisdictions home to the fulfillment centers. These centers do support the ecommerce most of us as individuals have come to rely on, including heavy wear and tear on streets – one truck is equal to about 8,000 cars when it comes to impact on pavement – and increased air pollution due to the truck traffic and idling diesel engines dropping off large loads. However, it is equally important that State policies acknowledge that entities without fulfillment centers also experience impacts from ecommerce and increased deliveries. Cities whose residents are ordering products that are delivered to their doorstep also experience impacts from traffic, air quality and compromised safety, as well as the negative impact on brick-and-mortar businesses struggling to compete with the sharp increase in online shopping. These cities are rightfully entitled to compensation in an equitable share of sales and use tax. We do not believe that online sales tax distribution between fulfillment center cities and other cities should be an all or nothing endeavor, and not necessarily a fifty-fifty split, either. But we need to find an equitable split that balances the impacts to each jurisdiction involved in the distribution of products purchased online.

Over the years, Cal Cities has had numerous discussions about the issues surrounding sales tax in the modern era, and how state law and policy should be revisited to address these issues. It is a heavy lift, as all of our cities are impacted a bit differently, making consensus difficult. We believe that by once again starting the conversation and moving toward the development of laws and policies that can result in seeing all cities benefit from the growth taxes generated through online sales, our state will be stronger.

It is for these reasons, that we should all aspire to develop an equitable sales tax distribution for online sales.
League of California Cities Staff Analysis on Resolution No. 1

Staff: Nicholas Romo, Legislative Affairs, Lobbyist

Committee: Revenue and Taxation

Summary:
This Resolution calls on the League of California Cities (Cal Cities) to request the Legislature to pass legislation that provides for a fair and equitable distribution of the Bradley Burns 1% local sales tax from in-state online purchases, based on data where products are shipped to, and that rightfully takes into consideration the impacts that fulfillment centers have on host cities but also provides a fair share to California cities that do not and/or cannot have a fulfillment center within their jurisdiction.

Background:
The City of Rancho Cucamonga is sponsoring this resolution to “address the issues in how sales and use taxes are distributed in the 21st century.”

The City notes that “sales tax is a major revenue source for most California cities. Commonly known as the local 1% Bradley-Burns tax, since the 1950’s, cities have traditionally received 1 cent on every dollar of a sale made at the store, restaurant, car dealer, or other location within a jurisdiction’s boundaries. Over the years, however, this simple tax structure has evolved into a much more complex set of laws and allocation rules. Many of these rules relate to whether or not a given transaction is subject to sales tax, or to use tax – both have the same 1% value, but each applies in separate circumstances.

Recently, one of the world’s largest online retailers changed the legal ownership of its fulfillment centers. Instead of having its fulfillment centers owned and operated by a third-party vendor, they are now directly owned by the company. This subtle change has major impacts to how the 1% local tax is allocated.

This change has created a situation where most cities in California – more than 90%, in fact – are experiencing a sales tax revenue loss that began in the fourth quarter of calendar year 2021. Many cities may not be aware of this impact, as the fluctuations in sales tax following the pandemic shutdowns have masked the issue. But this change will have long-term impacts on revenues for all California cities as all these revenues benefiting all cities have shifted to just a handful of cities and counties that are home to this retailer’s fulfillment centers.”

The City’s resolution calls for action on an unspecified solution that “rightfully takes into consideration the impacts that fulfillment centers have on host cities but also provides a fair share to California cities that do not and/or cannot have a fulfillment center within their jurisdiction,” which aims to acknowledge the actions taken by cities to alleviate poverty, catalyze economic development, and improve financial stability within their communities through existing tax sharing and zoning powers.
Ultimately, sponsoring cities believe “that by once again starting the conversation and moving toward the development of laws and policies that can result in seeing all cities benefit from the growth taxes generated through online sales, our state will be stronger.”

**Sales and Use Tax in California**
The Bradley-Burns Uniform Sales Tax Act allows all local agencies to apply its own sales and use tax on the same base of tangible personal property (taxable goods). This tax rate currently is fixed at 1.25% of the sales price of taxable goods sold at retail locations in a local jurisdiction, or purchased outside the jurisdiction for use within the jurisdiction. Cities and counties use this 1% of the tax to support general operations, while the remaining 0.25% is used for county transportation purposes.

In California, all cities and counties impose Bradley-Burns sales taxes. California imposes the sales tax on every retailer engaged in business in this state that sells taxable goods. The law requires businesses to collect the appropriate tax from the purchaser and remit the amount to the California Department of Tax and Fee Administration (CDTFA). Sales tax applies whenever a retail sale is made, which is basically any sale other than one for resale in the regular course of business. Unless the person pays the sales tax to the retailer, they are liable for the use tax, which is imposed on any person consuming taxable goods in the state. The use tax rate is the same rate as the sales tax rate.

Generally, CDTFA distributes Bradley-Burns tax revenue based on where a sale took place, known as a *situs-based system*. A retailer’s physical place of business—such as a retail store or restaurant—is generally the place of sale. “Sourcing” is the term used by tax practitioners to describe the rules used to determine the place of sale, and therefore, which tax rates are applied to a given purchase and which jurisdictions are entitled to the local and district taxes generated from a particular transaction.

California is primarily an origin-based sourcing state – meaning tax revenues go to the jurisdiction in which a transaction physically occurs if that can be determined. However, California also uses a form of destination sourcing for the local use tax and for district taxes (also known as “transactions and use taxes” or “add-on sale and use taxes”). That is, for cities with local add-on taxes, they receive their add-on rate amount from remote and online transactions.

Generally, allocations are based on the following rules:
- The sale is sourced to the place of business of the seller - whether the product is received by the purchaser at the seller’s business location or not.
- If the retailer maintains inventory in California and has no other in state location, the source is the jurisdiction where the warehouse is situated. *This resolution is concerned with the growing amount of online retail activity being sourced to cities with warehouse/fulfillment center locations.*
- If the business’ sales office is located in California but the merchandise is shipped from out of state, the tax from transactions under $500,000 is allocated...
via the county pools. The tax from transactions over $500,000 is allocated to the jurisdiction where the merchandise is delivered.

- When a sale cannot be identified with a permanent place of business in the state, the sale is sourced to the allocation pool of the county where the merchandise was delivered and then distributed among all jurisdictions in that county in proportion to ratio of sales. For many large online retailers, this has been the traditional path.

Online Sales and Countywide Pools
While the growth of e-commerce has been occurring for more than two decades, led by some of the largest and most popular retailers in the world, the dramatic increase in online shopping during the COVID-19 pandemic has provided significant revenue to California cities as well as a clearer picture on which governments enjoy even greater benefits.

In the backdrop of booming internet sales has been the steady decline of brick-and-mortar retail and shopping malls. For cities with heavy reliance on in-person retail shopping, the value of the current allocation system has been diminished as their residents prefer to shop online or are incentivized to do so by retailers (during the COVID-19 pandemic, consumers have had no other option but to shop online for certain goods). All the while, the demands and costs of city services continue to grow for cities across the state.

As noted above, the allocation of sales tax revenue to local governments depends on the location of the transaction (or where the location is ultimately determined). For in-person retail, the sales tax goes to the city in which the product and store are located - a customer purchasing at a register. For online sales, the Bradley Burns sales tax generally goes to a location other than the one where the customer lives – either to the city or county where an in-state warehouse or fulfillment center is located, the location of in-state sales office (ex. headquarters) or shared as use tax proceeds amongst all local governments within a county based on their proportionate share of taxable sales.

Under current CDTFA regulations, a substantial portion of local use tax collections are allocated through a countywide pool to the local jurisdictions in the county where the property is put to its first functional use. The state and county pools constitute over 15% of local sales and use tax revenues. Under the pool system, the tax is reported by the taxpayer to the countywide pool of use and then distributed to each jurisdiction in that county on a pro-rata share of taxable sales. If the county of use cannot be identified, the revenues are distributed to the state pool for pro-rata distribution on a statewide basis.

Concentration of Online Sales Tax Revenue and Modernization
Sales tax modernization has been a policy goal of federal, state, and local government leaders for decades to meet the rapidly changing landscape of commercial activity and ensure that all communities can sustainably provide critical services.
For as long as remote and internet shopping has existed, policy makers have been concerned about their potential to disrupt sales and use tax allocation procedures that underpin the funding of local government services. The system was designed in the early twentieth century to ensure that customers were paying sales taxes to support local government services within the community where the transactions occurred whether they resided there or not. This structure provides benefit to and recoupment for the public resources necessary to ensure the health and safety of the community broadly.

City leaders have for as long been concerned about the loosening of the nexus between what their residents purchase and the revenues they receive. Growing online shopping, under existing sourcing rules, has led to a growing concentration of sales tax revenue being distributed to a smaller number of cities and counties. As more medium and large online retailers take title to fulfillment centers or determine specific sales locations in California as a result of tax sharing agreements in specific cities, online sales tax revenue will be ever more concentrated in a few cities at the control of these companies. Furthermore, local governments are already experiencing the declining power of the sales tax to support services as more money is being spent on non-taxable goods and services.

For more on sales and use tax sourcing please see Attachment A.

State Auditor Recommendations
In 2017, the California State Auditor issued a report titled, “The Bradley-Burns Tax and Local Transportation Funds,” noting that:

“Retailers generally allocate Bradley Burns tax revenue based on the place of sale, which they identify according to their business structure. However, retailers that make sales over the Internet may allocate sales to various locations, including their warehouses, distribution center, or sales offices. This approach tends to concentrate Bradley Burns tax revenue into the warehouses’ or sales offices’ respective jurisdictions. Consequently, counties with a relatively large amount of industrial space may receive disproportionately larger amounts of Bradley Burns tax, and therefore Local Transportation Fund, revenue.

The State could make its distribution of Bradley Burns tax revenue derived from online sales more equitable if it based allocations of the tax on the destinations to which goods are shipped rather than on place of sale.”

The Auditor’s report makes the following recommendation:

“To ensure that Bradley-Burns tax revenue is more evenly distributed, the Legislature should amend the Bradley-Burns tax law to allocate revenues from Internet sales based on the destination of sold goods rather than their place of sale.”
In acknowledgement of the growing attention from outside groups on this issue, Cal Cities has been engaged in its own study and convening of city officials to ensure pursued solutions account for the circumstances of all cities and local control is best protected. These efforts are explored in subsequent sections.

Cal Cities Revenue and Taxation Committee and City Manager Working Group
In 2015 and 2016, Cal Cities’ Revenue and Taxation Policy Committee held extensive discussions on potential modernization of tax policy affecting cities, with a special emphasis on the sales tax. The issues had been identified by Cal Cities leadership as a strategic priority given concerns in the membership about the eroding sales tax base and the desire for Cal Cities to take a leadership role in addressing the associated issues. The policy committee ultimately adopted a series of policies that were approved by the Cal Cities board of directors. Among its changes were a recommended change to existing sales tax sourcing (determining where a sale occurs) rules, so that the point of sale (situs) is where the customer receives the product. The policy also clarifies that specific proposals in this area should be carefully reviewed so that the impacts of any changes are fully understood. See “Existing Cal Cities Policy” section below.

Cal Cities City Manager Sales Tax Working Group Recommendations
In the Fall of 2017, the Cal Cities City Managers Department convened a working group (Group) of city managers representing a diverse array of cities to review and consider options for addressing issues affecting the local sales tax.

The working group of city managers helped Cal Cities identify internal common ground on rapidly evolving e-commerce trends and their effects on the allocation of local sales and use tax revenue. After meeting extensively throughout 2018, the Group made several recommendations that were endorsed unanimously by Cal Cities’ Revenue and Taxation Committee at its January, 2019 meeting and by the board of directors at its subsequent meeting.

The Group recommended the following actions in response to the evolving issues associated with e-commerce and sales and use tax:

Further Limiting Rebate Agreements: The consensus of the Group was that:
- Sales tax rebate agreements involving online retailers should be prohibited going forward. They are inappropriate because they have the effect of encouraging revenue to be shifted away from numerous communities and concentrated to the benefit of one.
- Any type of agreement that seeks to lure a retailer from one community to another within a market area should also be prohibited going forward. Existing law already prohibits such agreements for auto dealers and big box stores.

Shift Use Tax from Online Sales, including from the South Dakota v. Wayfair Decision Out of County Pools: The Group’s recommendation is based first on the principle of “situs” and that revenue should be allocated to the jurisdiction where the use occurs. Each city and county in California imposed a Bradley Burns sales and use tax rate
under state law in the 1950s. The use tax on a transaction is the rate imposed where
the purchaser resides (the destination). These use tax dollars, including new revenue
from the South Dakota v. Wayfair decision, should be allocated to the destination
jurisdiction whose Bradley Burns tax applies and not throughout the entire county.

- Shift of these revenues, from purchases from out of state retailers including
  transactions captured by the South Dakota v. Wayfair decision, out of county
  pools to full destination allocation on and after January 1, 2020.
- Allow more direct reporting of use taxes related to construction projects to
  jurisdiction where the construction activity is located by reducing existing
  regulatory threshold from $5 million to $100,000.

Request/Require CDTFA Analysis on Impacts of Sales Tax Destination Shifts: After
discussion of numerous phase-in options for destination sourcing and allocation for
sales taxes, the Group ultimately decided that a more complete analysis was needed to
sufficiently determine impacts. Since the two companies most cities rely on for sales
tax analysis, HdL and MuniServices, were constrained to modeling with transaction and
use tax (district tax) data, concerns centered on the problem of making decisions
without adequate information. Since the CDTFA administers the allocation of local
sales and use taxes, it is in the best position to produce an analysis that examines:

- The impacts on individual agencies of a change in sourcing rules. This would
  likely be accomplished by developing a model to examine 100% destination
  sourcing with a report to the Legislature in early 2020.
- The model should also attempt to distinguish between business-to-consumer
  transactions versus business-to-business transactions.
- The model should analyze the current number and financial effects of city and
  county sales tax rebate agreements with online retailers and how destination
  sourcing might affect revenues under these agreements.

Conditions for considering a Constitutional Amendment that moves toward destination
allocation: Absent better data on the impacts on individual agencies associated with a
shift to destination allocation of sales taxes from CDTFA, the Group declined to
prescribe if/how a transition to destination would be accomplished; the sentiment was
that the issue was better revisited once better data was available. In anticipation that
the data would reveal significant negative impacts on some agencies, the Group desired
that any such shift should be accompanied by legislation broadening of the base of
sales taxes, including as supported by existing Cal Cities policy including:

- Broadening the tax base on goods, which includes reviewing existing exemptions
  on certain goods and expanding to digital forms of goods that are otherwise
taxed; and
- Expanding the sales tax base to services, such as those commonly taxed in
  other states.

This Resolution builds upon previous work that accounts for the impacts that distribution
networks have on host cities and further calls on the organization to advocate for
changes to sales tax distribution rules.
The Resolution places further demands on data collected by CDTFA to establish a “fair and equitable distribution of the Bradley Burns 1% local sales tax from in-state online purchases.” Such data is proposed to be collected by SB 792 (Glazer, 2021). More discussion on this topic can be found in the “Staff Comments” section.

**Staff Comments:**
**Proposed Resolution Affixes Equity Based, Data Driven Approach to Existing Cal Cities Policy on Sales Tax Sourcing**
The actions resulting from this resolution, if approved, would align with existing policy and efforts to-date to modernize sales tax rules. While not formalized in existing Cal Cities policy or recommendations, city managers and tax practitioners generally have favored proposals that establish a sharing of online sales tax revenues rather than a full destination shift. City leaders and practitioners across the state have acknowledged during Cal Cities Revenue and Taxation and City Manager’s working group meetings that the hosting of fulfillment centers and ancillary infrastructure pose major burdens on local communities including detrimental health and safety impacts. This acknowledgement has moved mainstream proposals such as this one away from full revenue shifts towards an equity-based, data driven approach that favors revenue sharing. This Resolution would concretely affix this approach as Cal Cities policy.

**More Data is Needed to Achieve Equity Based Approach**
A major challenge is the lack of adequate data to model the results of shifting in-state online sale tax revenues. Local government tax consultants and state departments have limited data to model the effects of changes to sales tax distribution because their information is derived only from cities that have a local transactions and use tax (TUT). Tax experts are able to model proposed tax shifts using TUTs since they are allocated on a destination basis (where a purchaser receives the product; usually a home or business). However, more than half of all cities, including some larger cities, do not have a local TUT therefore modeling is constrained and incomplete.

Efforts to collect relevant sales tax information on the destination of products purchased online are ongoing. The most recent effort is encapsulated in SB 792 (Glazer, 2021), which would require retailers with online sales exceeding $50 million a year to report to CDTFA the gross receipts from online sales that resulted in a product being shipped or delivered in each city. The availability of this data would allow for a much more complete understanding of online consumer behavior and the impacts of future proposed changes to distribution. SB 792 (Glazer) is supported by Cal Cities following approval by the Revenue and Taxation Committee and board of directors.

**Impact of Goods Movement Must Be Considered**
As noted above, city leaders and practitioners across the state acknowledge that the hosting of fulfillment centers and goods movement infrastructure pose major burdens on local communities including detrimental health, safety, and infrastructure impacts. Not least of which is the issue of air pollution from diesel exhaust. According to California Environmental Protection Agency (Cal EPA):
“Children and those with existing respiratory disease, particularly asthma, appear to be especially susceptible to the harmful effects of exposure to airborne PM from diesel exhaust, resulting in increased asthma symptoms and attacks along with decreases in lung function (McCreanor et al., 2007; Wargo, 2002). People that live or work near heavily-traveled roadways, ports, railyards, bus yards, or trucking distribution centers may experience a high level of exposure (US EPA, 2002; Krivoshto et al., 2008). People that spend a significant amount of time near heavily-traveled roadways may also experience a high level of exposure. Studies of both men and women demonstrate cardiovascular effects of diesel PM exposure, including coronary vasoconstriction and premature death from cardiovascular disease (Krivoshto et al., 2008). A recent study of diesel exhaust inhalation by healthy non-smoking adults found an increase in blood pressure and other potential triggers of heart attack and stroke (Krishnan et al., 2013). Exposure to diesel PM, especially following periods of severe air pollution, can lead to increased hospital visits and admissions due to worsening asthma and emphysema-related symptoms (Krivoshto et al., 2008). Diesel exposure may also lead to reduced lung function in children living in close proximity to roadways (Brunekreef et al., 1997).”

The founded health impacts of the ubiquitous presence of medium and heavy-duty diesel trucks used to transport goods to and from fulfillment centers and warehouses require host cities to meet increased needs of their residents including the building and maintenance of buffer zones, parks, and open space. While pollution impacts may decline with the introduction of zero-emission vehicles, wide scale adoption by large distribution fleets is still in its infancy. Furthermore, the impacts of heavy road use necessitate increased spending on local streets and roads upgrades and maintenance. In addition, many cities have utilized the siting of warehouses, fulfillment centers, and other heavy industrial uses for goods movements as key components of local revenue generation and economic development strategies. These communities have also foregone other land uses in favor of siting sales offices and fulfillment networks.

All said, however, it is important to acknowledge that disadvantaged communities (DACs) whether measured along poverty, health, environmental or education indices exist in cities across the state. For one example, see: California Office of Environmental Health Hazard Assessment (OEHHA) CalEnviroScreen. City officials may consider how cities without fulfillment and warehouse center revenues are to fund efforts to combat social and economic issues, particularly in areas with low property tax and tourism-based revenues.

The Resolution aims to acknowledge these impacts broadly (this analysis does not provide an exhaustive review of related impacts) and requests Cal Cities to account for them in a revised distribution formula of the Bradley Burns 1% local sales tax from in-state online purchases. The Resolution does not prescribe the proportions.

**Clarifying Amendments**

Upon review of the Resolution, Cal Cities staff recommends technical amendments to provide greater clarity. To review the proposed changes, please see Attachment B.
**Fiscal Impact:**
Significant but unknown. The Resolution on its own does not shift sales tax revenues. In anticipation and mitigation of impacts, the Resolution requests Cal Cities to utilize online sales tax data to identify a fair and equitable distribution formula that accounts for the broad impacts fulfillment centers involved in online retail have on the cities that host them. The Resolution does not prescribe the revenue distribution split nor does it prescribe the impacts, positive and negative, of distribution networks.

**Existing Cal Cities Policy:**
- Tax proceeds collected from internet sales should be allocated to the location where the product is received by the purchaser.
- Support as Cal Cities policy that point of sale (situs) is where the customer receives the product. Specific proposals in this area should be carefully reviewed so that the impacts of any changes are fully understood.
- Revenue from new regional or state taxes or from increased sales tax rates should be distributed in a way that reduces competition for situs-based revenue. (Revenue from the existing sales tax rate and base, including future growth from increased sales or the opening of new retail centers, should continue to be returned to the point of sale.)
- The existing situs-based sales tax under the Bradley Burns 1% baseline should be preserved and protected.
- Restrictions should be implemented and enforced to prohibit the enactment of agreements designed to circumvent the principle of situs-based sales and redirect or divert sales tax revenues from other communities, when the physical location of the affected businesses does not change. Sales tax rebate agreements involving online retailers are inappropriate because they have the effect of encouraging revenue to be shifted away from numerous communities and concentrated to the benefit of one. Any type of agreement that seeks to lure a retailer from one community to another within a market area should also be prohibited going forward.
- Support Cal Cities working with the state California Department of Tax and Fee Administration (CDTFA) to update the county pool allocation process to ensure that more revenues are allocated to the jurisdiction where the purchase or first use of a product occurs (usually where the product is delivered). Use Tax collections from online sales, including from the South Dakota v Wayfair Decision, should be shifted out of county pools and allocated to the destination jurisdiction whose Bradley Burns tax applies and not throughout the entire county.

**Support:**
The following letters of concurrence were received:
- Town of Apple Valley
- City of El Cerrito
- City of La Canada Flintridge
- City of La Verne
- City of Lakewood
City of Moorpark
City of Placentia
City of Sacramento
Fig1: Typical “Over the Counter” Transaction

Seller’s Place of Business  Buyer Receives at ...

Retail Store

City A

Sales Tax

Trans Tax

Fig2: Dealership Automobile Sale

Seller (dealer)

Sales Office

City A

Sales Tax

Trans Tax

Buyer registers (uses) vehicle at

Residence or Business

City B

Fig3: Private Party Automobile Sale

Seller (not a dealer)

Residence or Business

City A

Trans Tax

Buyer registers (uses) vehicle at

Countywide pool

City B E F G H

Use Tax

Residence or Business

City B

Trans Tax

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Fig 4: Remote (Online) Sale — In-State Business Office

![Diagram](image1)

*If the seller is in the same Transaction and Use Tax "district" as the buyer, then the seller is responsible for collecting and remitting the tax. If the buyer is in a different district, the buyer is responsible.*

Fig 5: Remote (Online) Sale — In-State Warehouse, Out-of-State Sales Office

![Diagram](image2)

*If the seller is in the same Transaction and Use Tax "district" as the buyer, then the seller is responsible for collecting and remitting the tax. If the buyer is in a different district, the buyer is responsible.*
**Fig6: Remote (Online) Sale—Out of State Business**

- **Seller's Place of Business**
  - Sales Office (Out of State)
  - Warehouse (Out of State)
  - Factory (Out of State)
  - Third-Party Warehouse (City C)

- **Buyer Receives at...**
  - Residence or Business (City D)
  - Countywide pool

- **Product Delivered**
  - From Warehouse (Out of State)

- **Product Drop-shipped**
  - From Third-Party Warehouse (City C)

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**GUIDELINES FOR ALLOCATION OF LOCAL TAX - ONLINE AND IN-STORE**

<table>
<thead>
<tr>
<th>Place of Sale</th>
<th>Location of Goods at the Time of Sale</th>
<th>How Customer Receives Goods</th>
<th>Allocation of Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>Online — Order is placed or downloaded outside California</td>
<td>California Fulfillment Center</td>
<td>Shipped to California Customer</td>
<td>Local tax is allocated to the jurisdiction in which the fulfillment center is located</td>
</tr>
<tr>
<td>Online — Order is placed or downloaded in California</td>
<td>California Fulfillment Center</td>
<td>Shipped to California Customer</td>
<td>Per CDTFA Regulation 1802, local tax is allocated to the jurisdiction where the order is placed</td>
</tr>
<tr>
<td>Online</td>
<td>Out of State Fulfillment Center</td>
<td>Shipped to California Customer</td>
<td>Local tax is allocated to the countywide pool based on point of delivery</td>
</tr>
<tr>
<td>Online</td>
<td>Out of State Fulfillment Center</td>
<td>Picked Up In-Store (Click &amp; Collect)</td>
<td>Local tax is allocated to the countywide pool based on point of delivery</td>
</tr>
<tr>
<td>Online</td>
<td>California Fulfillment Center Owned and Operated by Third Party Vendor</td>
<td>Drop-Shipped to California Customer</td>
<td>Local tax is allocated to the countywide pool based on point of delivery</td>
</tr>
<tr>
<td>Online</td>
<td>In-Store (Goods withdrawn from store inventory)</td>
<td>Shipped to California Customer</td>
<td>Local Tax is allocated to the jurisdiction where the store is located</td>
</tr>
<tr>
<td>Online</td>
<td>In-Store (goods withdrawn from store inventory)</td>
<td>Picked Up In-Store (Click &amp; Collect)</td>
<td>Local Tax is allocated to the jurisdiction where the store is located</td>
</tr>
<tr>
<td>In-Store</td>
<td>In-Store (Goods withdrawn from store inventory)</td>
<td>Over the Counter</td>
<td>Local Tax is allocated to the jurisdiction where the store is located</td>
</tr>
</tbody>
</table>

*Courtesy of HdL Companies*

*CaliforniaCityFinance.com*
Tax Incentive Programs, Sales Tax Sharing Agreements

In recent years, especially since Proposition 13 in 1978, local discretionary (general purpose revenues) have become more scarce. At the same time, options and procedures for increasing revenues have become more limited. One outcome of this in many areas has been a greater competition for sales and use tax revenues. This has brought a rise in arrangements to encourage certain land use development with rebates and incentives which exploit California’s odd origin sales tax sourcing rules.

The typical arrangement is a sales tax sharing agreement in which a city provides tax rebates to a company that agrees to expand their operations in the jurisdiction of the city. Under such an arrangement, the company generally agrees to make a specified amount of capital investment and create a specific number of jobs over a period of years in exchange for specified tax breaks, often property tax abatement or some sort of tax credit. In some cases, this has simply taken the form of a sales office, while customers and warehouses and the related economic activity are disbursed elsewhere in the state. In some cases the development takes the form of warehouses, in which the sales inventory, owned by the company, is housed.6

Current sales tax incentive agreements in California rebate amounts ranging from 50% to 85% of sales tax revenues back to the corporations.

Today, experts familiar with the industry believe that between 20% to 30% of local Bradley-Burns sales taxes paid by California consumers is diverted from local general funds back to corporations; over $1 billion per year.

Moving to Destination Sourcing: The Concept7

A change from origin sourcing rules to destination sourcing rules for the local tax component of California’s sales tax would improve overall revenue collections and distribute these revenues more equitably among all of the areas involved in these transactions.

A change from origin based sourcing to destination based sourcing would have no effect on state tax collections. However, it would alter the allocations of local sales and use tax revenues among local agencies. Most retail transactions including dining, motor fuel purchases, and in-store purchases would not be affected. But in cases where the property is received by the purchaser in a different jurisdiction than where the sales agreement was negotiated, there would be a different allocation than under the current rules.

7 The same issues that are of concern regarding the local sales tax do not apply to California’s Transactions and Use Taxes (“Add-on sales taxes”) as these transactions, when not over the counter, are generally allocated to the location of use or, as in the case of vehicles, product registration. There is no need to alter the sourcing rules for transactions and use taxes.

CaliforniaCityFinance.com
Destination Sourcing Scenario 1: Full-On

“Over the Counter”

Seller’s Place of Business

Buyer Receives at ...

Retail Store

City A

Sales Tax

Trans Tax

Automobile ... just like over the counter and Transactions Tax exception remains

Seller (dealer)

Sales Office

City A

Buyer registers (uses) vehicle at

Residence or Business

City B

Sales Tax

Trans Tax

Remote Sale

Seller’s Place of Business

Sales Office

City A or out of state

Warehouse

City C or out of state

Factory

City B or out of state

Buyer Receives at ...

Residence or Place of Business

City B

Product Delivered

Sales Tax

Trans Tax

CaliforniaCityFinance.com
Destination Sourcing Scenario 2: Split Source

- Same as now for “over the counter” and automobile.
- Leave 0.25% on current seller if instate (origin)
- Could be phased in.
RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES ("CAL CITIES")
CALLING ON THE STATE LEGISLATURE TO PASS LEGISLATION THAT PROVIDES
FOR A FAIR AND EQUITABLE DISTRIBUTION OF THE BRADLEY BURNS 1% LOCAL
SALES TAX FROM IN-STATE ONLINE PURCHASES, BASED ON DATA WHERE
PRODUCTS ARE SHIPPED TO, AND THAT RIGHTFULLY TAKES INTO
CONSIDERATION THE IMPACTS THAT FULFILLMENT CENTERS HAVE ON HOST
CITIES BUT ALSO PROVIDES A FAIR SHARE TO CALIFORNIA CITIES THAT DO NOT
AND/OR CANNOT HAVE A FULFILLMENT CENTER WITHIN THEIR JURISDICTION

WHEREAS, the 2018 U.S. Supreme Court decision in *Wayfair v. South Dakota*
clarified that states could charge and collect tax on purchases even if the seller does not have a physical presence in the state; and

WHEREAS, California cities and counties collect 1% in Bradley Burns sales and use tax from the purchase of tangible personal property and rely on this revenue to provide critical public services such as police and fire protection; and

WHEREAS, in terms of “siting” the place of sale and determining which jurisdiction receives the 1% Bradley Burns local taxes for online sales, the California Department of Tax and Fee Administration (CDTFA) determines “out-of-state” online retailers as those with no presence in California that ship property from outside the state and are therefore subject to use tax, not sales tax, which is collected in a countywide pool of the jurisdiction where the property is shipped from; and

WHEREAS, for online retailers that have a presence in California and have a stock of goods in the state from which it fulfills orders, CDTFA considers the place of sale (“situs”) as the location from which the goods were shipped such as a fulfillment center; and

WHEREAS, in early 2021, one of the state’s largest online retailers shifted its ownership structure so that it is now considered both an in-state and out-of-state retailer, resulting in the sales tax this retailer generates from in-state sales now being entirely allocated to the specific city cities where the warehouse fulfillment centers is are located as opposed to going into a countywide pools that is are shared with all jurisdictions in those counties that County, as was done previously; and

WHEREAS, this all-or-nothing change for the allocation of in-state sales tax has created winners and losers amongst cities as the online sales tax revenue from the retailer that was once spread amongst all cities in countywide pools is now concentrated in select cities that host a fulfillment center; and

WHEREAS, this has created a tremendous inequity amongst cities, in particular for cities that are built out, do not have space for siting a 1 million square foot fulfillment centers, are not located along a major travel corridor, or otherwise not ideally suited to host a fulfillment center; and

WHEREAS, this inequity affects cities statewide, but in particular those with specific circumstances such as no/low property tax cities that are extremely reliant on sales tax revenue as well as cities struggling to meet their Regional Housing Needs Allocation (RHNA) obligations that are being compelled by the State to rezone precious commercial parcels to residential; and
WHEREAS, the inequity produced by allocating in-state online sales tax revenue exclusively to cities with fulfillment centers is exasperated even more by, in addition to already reducing the amount of revenue going into the countywide pools, the cities with fulfillment centers are also receiving a larger share of the dwindling countywide pool as it is allocated based on cities’ proportional share of sales tax collected; and

WHEREAS, while it is important to acknowledge that those cities that have fulfillment centers experience impacts from these activities and deserve equitable supplementary compensation, it should also be recognized that the neighboring cities whose residents are ordering products from those fulfillment centers now receive no Bradley Burns revenue from the center’s sales activity despite also experiencing the impacts created by them, such as increased traffic and air pollution; and

WHEREAS, the COVID-19 pandemic greatly accelerated the public’s shift towards online purchases, a trend that is unlikely to be reversed to pre-pandemic levels; and

NOW, THEREFORE, BE IT RESOLVED that Cal Cities calls on the State Legislature to pass legislation that provides for a fair and equitable distribution of the Bradley Burns 1% local sales tax from in-state online purchases, based on data where products are shipped to, and that rightfully takes into consideration the impacts that fulfillment centers have on host cities but also provides a fair share to California cities that do not and/or cannot have a fulfillment center within their jurisdiction.
2. A RESOLUTION CALLING UPON THE GOVERNOR AND THE LEGISLATURE TO PROVIDE NECESSARY FUNDING FOR CUPC TO FULL ITS OBLIGATION TO INSPECT RAILROAD LINES TO ENSURE THAT OPERATORS ARE REMOVING ILLEGAL DUMPING, GRAFFITI AND HOMELESS ENCAMPMENTS THAT DEGRADE THE QUALITY OF LIFE AND RESULTS IN INCREASED PUBLIC SAFETY CONCERNS FOR COMMUNITIES AND NEIGHBORHOODS THAT ABUTT THE RAILROAD RIGHT-OF-WAY.

Source: City of South Gate
Concurrence of five or more cities/city officials:
Cities: City of Bell Gardens; City of Bell; City of Commerce; City of Cudahy; City of El Segundo; City of Glendora; City of Huntington Park; City of La Mirada; City of Long Beach; City of Lynwood; City of Montebello; City of Paramount; City of Pico Rivera
Referred to: Housing, Community and Economic Development; and Transportation, Communications and Public Works

WHEREAS, ensuring the quality of life for communities falls upon every local government including that blight and other health impacting activities are addressed in a timely manner by private property owners within its jurisdictional boundaries for their citizens, businesses and institutions; and

WHEREAS, Railroad Operators own nearly 6,000 miles of rail right-of-way throughout the State of California which is regulated by the Federal Railroad Administration and/or the California Public Utilities Commission for operational safety and maintenance; and

WHEREAS, the California Public Utilities Commission (CPUC) is the enforcing agency for railroad safety in the State of California and has 41 inspectors assigned throughout the entire State to inspect and enforce regulatory compliance over thousands of miles of rail line; and

WHEREAS, areas with rail line right-of-way within cities and unincorporated areas are generally located in economically disadvantaged zones and/or disadvantaged communities of color where the impact of blight further lowers property values and increases the likelihood of unsound sanitary conditions and environmental impacts upon them; and

WHEREAS, many communities are seeing an increase in illegal dumping, graffiti upon infrastructure and homeless encampments due to the lax and inadequate oversight by regulatory agencies; and

WHEREAS, local governments have no oversight or regulatory authority to require operators to better maintain and clean their properties as it would with any other private property owner within its jurisdictional boundaries. Thus such local communities often resort to spending their local tax dollars on cleanup activities or are forced to accept the delayed and untimely response by operators to cleaning up specific sites, and;

WHEREAS, that railroad operators should be able to provide local communities with a fixed schedule in which their property will be inspected and cleaned up on a reasonable and regular schedule or provide for a mechanism where they partner with and reimburse local governments for an agreed upon work program where the local government is enabled to remove items like illegal dumping, graffiti and encampments; and
WHEREAS, the State has made it a priority to deal with homeless individuals and the impacts illegal encampments have upon those communities and has a budgetary surplus that can help fund the CPUC in better dealing with this situation in both a humane manner as well a betterment to rail safety.

RESOLVED, at the League of California Cities, General Assembly, assembled at the League Annual Conference on September 24, 2021, in Sacramento, that the League calls for the Governor and the Legislature to work with the League and other stakeholders to provide adequate regulatory authority and necessary funding to assist cities with these railroad right-of-way areas so as to adequately deal with illegal dumping, graffiti and homeless encampments that proliferate along the rail lines and result in public safety issues. The League will work with its member cities to educate federal and state officials to the quality of life and health impacts this challenge has upon local communities, especially those of color and/or environmental and economic hardships.
Background Information to Resolution

Source: City of South Gate

Background:
The State of California has over 6,000 miles of rail lines, with significant amount running through communities that are either economically disadvantaged and/or disadvantaged communities of color. While the Federal Railroad Administration (FRA) has primary oversight of rail operations, they delegate that obligation to the State of California for lines within our State. The administration of that oversight falls under the California Public Utilities Commission (CPUC). The CPUC has only 41 inspectors covering those 6,000 miles of railroad lines in the State of California. Their primary task is ensuring equipment, bridges and rail lines are operationally safe.

The right-of-way areas along the rail lines are becoming increasingly used for illegal dumping, graffiti and homeless encampments. Rail operators have admitted that they have insufficient funds set aside to clean up or sufficiently police these right-of-way areas, despite reporting a net income of over $13 billion in 2020. CPUC budget does not provide the resources to oversee whether rail operators are properly managing the right-of-way itself.

The City of South Gate has three rail lines traversing through its city limits covering about 4 miles. These lines are open and inviting to individuals to conduct illegal dumping, graffiti buildings and structures along with inviting dozens of homeless encampments. As private property, Cities like ourselves cannot just go upon them to remove bulky items, trash, clean graffiti or remove encampments. We must call and arrange for either our staff to access the site or have the rail operator schedule a cleanup. This can take weeks to accomplish, in the meantime residents or businesses that are within a few hundred feet of the line must endure the blight and smell. Trash is often blown from the right-of-way into residential homes or into the streets. Encampments can be seen from the front doors of homes and businesses.

South Gate is a proud city of hard working-class residents, yet with a median household income of just $50,246 or 65% of AMI for Los Angeles County, it does not have the financial resources to direct towards property maintenance of any commercial private property. The quality of life of communities like ours should not be degraded by the inactions or lack of funding by others. Cities such as South Gate receive no direct revenue from the rail operators, yet we deal with environmental impacts on a daily basis, whether by emissions, illegal dumping, graffiti or homeless encampments.

The State of California has record revenues to provide CPUC with funding nor only for safety oversight but ensuring right-of-way maintenance by operators is being managed properly. Rail Operators should be required to set aside sufficient annual funds to provide a regular cleanup of their right-of-way through the cities of California.
LETTERS OF CONCURRENCE
Resolution No. 2
League of California Cities Staff Analysis on Resolution No. 2

Staff: Damon Conklin, Legislative Affairs, Lobbyist
Jason Rhine, Assistant Director, Legislative Affairs
Caroline Cirrincione, Policy Analyst

Committees: Transportation, Communications, and Public Works
Housing, Community, and Economic Development

Summary:
The City of South Gate submits this resolution, which states the League of California Cities should urge the Governor and the Legislature to provide adequate regulatory authority and necessary funding to assist cities with railroad right-of-way areas to address illegal dumping, graffiti, and homeless encampments that proliferate along the rail lines and result in public safety issues.

Background:
California Public Utilities Commission (CPUC) Railroad Oversight
The CPUC’s statewide railroad safety responsibilities are carried out through its Rail Safety Division (RSD). The Railroad Operations and Safety Branch (ROSB), a unit of RSD, enforces state and federal railroad safety laws and regulations governing freight and passenger rail in California.

The ROSB protects California communities and railroad employees from unsafe practices on freight and passenger railroads by enforcing rail safety laws, rules, and regulations. The ROSB also performs inspections to identify and mitigate risks and potential safety hazards before they create dangerous conditions. ROSB rail safety inspectors investigate rail accidents and safety-related complaints and recommend safety improvements to the CPUC, railroads, and the federal government as appropriate.

Within the ROSB, the CPUC employs 41 inspectors who are federally certified in the five Federal Railroad Administration (FRA) railroad disciplines, including hazardous materials, motive power and equipment, operations, signal and train control, and track. These inspectors perform regular inspections, focused inspections, accident investigations, security inspections, and complaint investigations. In addition, the inspectors address safety risks that, while not violations of regulatory requirements, pose potential risks to public or railroad employee safety.

CPUC’s Ability to Address Homelessness on Railroads
Homeless individuals and encampments have occupied many locations in California near railroad tracks. This poses an increased safety risk to these homeless individuals of being struck by trains. Also, homeless encampments often create unsafe work environments for railroad and agency personnel.

While CPUC cannot compel homeless individuals to vacate railroad rights-of-way or create shelter for homeless individuals, it has the regulatory authority to enforce measures that can reduce some safety issues created by homeless encampments. The disposal of waste materials or other disturbances of walkways by homeless individuals can create tripping hazards in the vicinity of railroad rights-of-way. This would cause violations of Commission GO 118-A, which sets standards for walkway surfaces alongside railroad tracks. Similarly, tents, wooden structures, and miscellaneous debris in homeless encampments can create violations of...
Commission GO 26-D, which sets clearance standards between railroad tracks, and structures and obstructions adjacent to tracks.

Homelessness in California
According to the 2020 Annual Homeless Assessment Report (AHAR) to Congress, there has been an increase in unsheltered individuals since 2019. More than half (51 percent or 113,660 people) of all unsheltered homeless people in the United States are found in California, about four times as high as their share of the overall United States population.

Many metro areas in California lack an adequate supply of affordable housing. This housing shortage has contributed to an increase in homelessness that has spread to railroad rights-of-way. Homeless encampments along railroad right-of-way increase the incidents of illegal dumping and unauthorized access and trespassing activities. Other impacts include train service reliability with debris strikes, near-misses, and trespasser injuries/fatalities. As of April 2021, there have been 136 deaths and 117 injuries reported by the Federal Railroad Administration over the past year. These casualties are directly associated with individuals who trespassed on the railroad.

Cities across the state are expending resources reacting to service disruptions located on the railroad’s private property. It can be argued that an increase in investments and services to manage and maintain the railroad’s right-of-way will reduce incidents, thus enhancing public safety, environmental quality, and impacts on the local community.

State Budget Allocations – Homelessness
The approved State Budget includes a homelessness package of $12 billion. This consists of a commitment of $1 billion per year for direct and flexible funding to cities and counties to address homelessness. While some details related to funding allocations and reporting requirements remain unclear, Governor Newsom signed AB 140 in July, which details key budget allocations, such as:

- $2 billion in aid to counties, large cities, and Continuums of Care through the Homeless Housing, Assistance and Prevention grant program (HHAP);
- $50 million for Encampment Resolution Grants, which will help local governments resolve critical encampments and transitioning individuals into permanent housing; and
- $2.7 million in onetime funding for Caltrans Encampment Coordinators to mitigate safety risks at encampments on state property and to coordinate with local partners to connect these individuals to services and housing.

The Legislature additionally provided $2.2 billion specifically for Homekey with $1 billion available immediately. This funding will help local governments transition individuals from Project Roomkey sites into permanent housing to minimize the number of occupants who exit into unsheltered homelessness.

With regards to this resolution, the State Budget also included $1.1 billion to clean trash and graffiti from highways, roads, and other public spaces by partnering with local governments to pick up trash and beautify downtowns, freeways, and neighborhoods across California. The program is expected to generate up to 11,000 jobs over three years.

Cities Railroad Authority
A city must receive authorization from the railroad operator before addressing the impacts made by homeless encampments because of the location on the private property. Additionally, the city
must coordinate with the railroad company to get a flagman to oversee the safety of the work
crews, social workers, and police while on the railroad tracks.

A city may elect to declare the encampment as a public nuisance area, which would allow the
city to clean up the areas at the railroad company’s expense for failing to maintain the tracks
and right-of-way. Some cities are looking to increase pressure on railroad operators for not
addressing the various homeless encampments, which are presenting public safety and health
concerns.

Courts have looked to compel railroad companies to increase their efforts to address homeless
encampments on their railroads or grant a local authority’s application for an Inspection and
Abatement Warrant, which would allow city staff to legally enter private property and abate a
public nuisance or dangerous conditions.

In limited circumstances, some cities have negotiated Memoranda of Understandings (MOU)
with railroad companies to provide graffiti abatement, trash, and debris removal located in the
right-of-way, and clean-ups of homeless encampments. These MOUs also include local law
enforcement agencies to enforce illegally parked vehicles and trespassing in the railroad’s right-
of-way. MOUs also detailed shared responsibility and costs of providing security and trash
clean-up. In cases where trespassing or encampments are observed, the local public works
agency and law enforcement agency are notified and take the appropriate measures to remove
the trespassers or provide clean-up with the railroad covering expenses outlined in the MOU.

Absent an MOU detailing shared maintenance, enforcement, and expenses, cities do not have
the authority to unilaterally abate graffiti or clean-up trash on a railroad’s right-of-way.

**Fiscal Impact:**
If the League of California Cities were to secure funding from the state for railroad clean-up
activities, cities could potentially save money in addressing these issues themselves or through
an MOU, as detailed above. This funding could also save railroad operators money in
addressing concerns raised by municipalities about illegal dumping, graffiti, and homeless
encampments along railroads.

Conversely, if the League of California Cities is unable to secure this funding through the
Legislature or the Governor, cities may need to consider alternative methods, as detailed above,
which may include significant costs.

**Existing League Policy:**
**Public Safety:**
*Graffiti*
The League supports increased authority and resources devoted to cities for abatement of
graffiti and other acts of public vandalism.

**Transportation, Communications, and Public Works**
*Transportation*
The League supports efforts to improve the California Public Utilities Commission’s ability to
respond to and investigate significant transportation accidents in a public and timely manner to
improve rail shipment, railroad, aviation, marine, highway, and pipeline safety
Housing, Community, and Economic Development

Housing for Homeless

Homelessness is a statewide problem that disproportionately impacts specific communities. The state should make funding and other resources, including enriched services, and outreach and case managers, available to help assure that local governments have the capacity to address the needs of the homeless in their communities, including resources for regional collaborations.

Homeless housing is an issue that eludes a statewide, one-size-fits-all solution, and collaboration between local jurisdictions should be encouraged.

**Staff Comments:**

Clarifying Amendments

Upon review of the Resolution, Cal Cities staff recommends technical amendments to provide greater clarity. To review the proposed changes, please see Attachment A.

The committee may also wish to consider clarifying language around regulatory authority and funding to assist cities with these efforts. The resolution asks that new investments from the state be sent to the CPUC to increase their role in managing and maintaining railroad rights-of-ways and potentially to cities to expand their new responsibility.

The committee may wish to specify MOUs as an existing mechanism for cities to collaborate and agree with railroad operators and the CPUC on shared responsibilities and costs.

**Support:**

The following letters of concurrence were received:

- City of Bell Gardens
- City of Bell
- City of Commerce
- City of Cudahy
- City of El Segundo
- City of Glendora
- City of La Mirada
- City of Paramount
- City of Pico Rivera
- City of Huntington Park
- City of Long Beach
- City of Lynwood
- City of Montebello
2. A RESOLUTION CALLING UPON THE GOVERNOR AND THE LEGISLATURE TO PROVIDE NECESSARY FUNDING FOR THE CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC) TO FULLFILL ITS OBLIGATION TO INSPECT RAILROAD LINES TO ENSURE THAT OPERATORS ARE REMOVING ILLEGAL DUMPING, GRAFFITI AND HOMELESS ENCAMPMENTS THAT DEGRADE THE QUALITY OF LIFE AND RESULTS IN INCREASED PUBLIC SAFETY CONCERNS FOR COMMUNITIES AND NEIGHBORHOODS THAT ABUT THE RAILROAD RIGHT-OF-WAY.

Source: City of South Gate  
Concurrence of five or more cities/city officials  
Cities: City of Bell Gardens; City of Bell; City of Commerce; City of Cudahy; City of El Segundo; City of Glendora; City of Huntington Park; City of La Mirada; City of Long Beach; City of Lynwood; City of Montebello; City of Paramount; City of Pico Rivera  
Referred to: Housing, Community and Economic Development; and Transportation, Communications and Public Works

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