



Dear Mayor and Council Members:

On behalf of City Manager Ed Shikada, please find below the staff responses to questions from Councilmember Cormack and Councilmember Tanaka regarding the [Monday, October 24 Council Meeting](#) consent agenda items:

Item 6, Approval of Fiscal Year 2022 Reappropriation Requests to be Carried Forward Into Fiscal Year 2023 and Budget Amendments in Various Funds

Item 7, Approval of a Professional Services Agreement Contract Number C23185658 With BKF Engineers for the Amount of \$900,000 Over a 3-year Term for On-Call Surveying and Design Support Services

Item 6: Approval of Fiscal Year 2022 Reappropriation Requests to be Carried Forward Into Fiscal Year 2023 and Budget Amendments in Various Funds

- 1. Does staff believe the automated ticket sales machine at Foothills is necessary (\$20,000 on p. 149)?**

Staff response: The City Council directed staff to begin charging a vehicle entrance fee into Foothills Nature Preserve on February 1, 2021. Since that time, a fee has been collected at the entrance gate to the Preserve on weekends and holidays only. A fee has not been collected on weekdays because there are not enough staff to be present at the entrance gate and collect fees. Open Space staff evaluated several options for fee collection on weekdays and concluded that an automated ticket sales machine will provide the most flexibility for visitors by allowing them to use cash or credit card and will also increase the likelihood of compliance of full payment as compared to other methods like a cash drop box (iron ranger). It will also minimize staff time spent on revenue collection and deposits.

- 2. When does staff plan to suggest uses for the Advancing Racial Equity funds (\$500,000 on p. 150)?**

Staff response: We have engaged in approximately \$100,000 of contracting services related to race and equity. The service providers are assisting the City with training for City Council, Boards and Commissions as well as some staff training; and with assessing City operations from an equity lens and providing guidance for next steps in workforce equity efforts. This reappropriation request was inadvertently not adjusted and staff will bring forward a correction as part of the FY 2023 Mid-Year Budget Review.

- 3. When does staff expect to implement the Rent Forgiveness program (\$744,000 on p. 150)?**

Staff response: The Rent Forgiveness program has been implemented and the City has issued rent credits totaling approximately \$0.3 million eligible non-profit and for-profit organizations that applied and are eligible under the program. Staff plans to continue outreach efforts to tenants that have not yet applied, close out the program at the end of this calendar year, and present a final program reconciliation adjustment for Council's consideration as part of the FY 2023 Mid-Year Budget Review.

- 4. In table 1, the recommended revenue appropriation adjustment for the capital improvement fund is negative 1.3 million. Why is the revenue negative here? - loss of funding source.**

Staff response: The negative revenue reappropriations decreases transfers to the capital fund from other funds. As part of the development of the Adopted FY 2023 Capital Budget, it was assumed that the full amount of the transfers would be reappropriated from FY 2022; however, a portion of the transfers were made in FY 2022, so the remaining balance of the transfers accounted for in FY 2023 needs to be reduced. No funding was lost, and the total transfers for each project remain the same over the life of the projects.

- 5. Subtracting the recommended expense appropriation adjustment from the recommended revenue appropriation adjustment in table 1 leaves an outstanding expense total of \$7.59 million. Where will the funds to pay off the \$7.59 million come from?**

Staff response: The use of ending fund balance in each fund or use of revenue has been factored into the development of the FY 2023 budget. Staff's recommended reappropriations shifts appropriations into FY 2023, and simply reflects the timing of expenditures without changing total project expenses. If the funds were not approved for reappropriation, the funding would increase the ending fund balance of each fund, but the projects would not have sufficient funding for completion.

- 6. In attachment C, Rinconada Park Improvements were overspent in FY 2022 by \$109,000. In order to keep the overall project budget to \$10.7 million, reducing the funds appropriated in FY 2023 is needed. What was the money overspent on? By reducing funding, are there any improvements that need to be eliminated?**

Staff response: This simply reflects the timing of expenditures without changing total project cost. More funding was spent or encumbered in FY 2022 compared to the budget for that year, allowing for a reduced budget for lower expenditures or encumbrances in FY 2023. The \$109,000 'overspent' in FY 2022 is related to additional salaries and benefits required to provide construction oversight for the Phase I project that was completed in March 2022. This includes installation of new playground, pathways, landscaping, and irrigation. The overall project budget remains at \$10.7 million.

Item 7: Approval of a Professional Services Agreement Contract Number C23185658 With BKF Engineers for the Amount of \$900,000 Over a 3-year Term for On-Call Surveying and Design Support Services

Note: Contract #23185658 (Attachment A) with BKF Engineers was inadvertently not uploaded to the Council Agenda. Attachment A has now been added on the City's website.

- 1. Is there a scope of work breakdown and pay for the BKF Engineers similar to Staff Report Contract, where they had hourly rates for the entire firm?**

Staff response: This contract is on the City's Professional Services contract and uses the optional on-call task order provisions. Page 20 of Attachment A lists the hourly rates for the firm's staff.

- 2. Has Public Works compiled a list of projects under the scope of survey and drainage design and street resurfacing that need to be completed?**

Staff response: This contract will be used on an as needed basis. Funding will not be appropriated to a specific Capital Improvement Program (CIP) project until a task order is

completed and executed. A specific list hasn't been created, but this contract will be used to complete surveys for street resurfacing drainage, building, storm drain, and park improvement projects that are included in the CIP plan over the next three years.

3. In the Summary of Solicitation, the link leads to the Summary of bids, and the bids list for \$590, but BKF didn't list the highest bid. Can you explain the bid process?

Staff response: This solicitation and contract is based on professional services, so the consultant is not selected solely on the cost proposed. The Request For Proposals are based on the consultant's proposals and were evaluated by Public Works staff on the following criteria:

1. *Quality and completeness of the proposal*
2. *Quality, performance and effectiveness of the solution, good and/or services to be provided*
3. *Proposer's experience, including the experience of staff to be assigned to the project, with engagements of similar scop and complexity*
4. *Cost to the City*
5. *Proposer's financial stability*
6. *Proposer's ability to perform the contract within the time specified*
7. *Proposer's prior record of performance with City or other local, county or state agency*
8. *Proposer's compliance with applicable laws, regulations, policies, and guidelines*

Staff then conducted interviews with the top two proposers to select a final consultant.

4. Can you explain why this Consent Calendar item is not in the scope of public city work contracts?

Staff response: This contract is in the same format as other professional services contracts for the City. Since the contract attachment was not uploaded with the staff report, this created some confusion in the format. The scope of services for this contract can be found on page 15 of Attachment A.