



COUNCIL REPORT

DATE: March 24, 2026

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Acquisition of Real Property at 909 and 917 San Rafael Avenue (917 San Rafael Avenue Demolition Phase), Project 23-47—Construction Acceptance**

RECOMMENDATION

Accept Acquisition of Real Property at 909 and 917 San Rafael Avenue (917 San Rafael Avenue Demolition Phase), Project 23-47, and authorize the final contract payment.

BACKGROUND AND ANALYSIS

“Acceptance” of a construction contract is a legal event recognized by State Law when the City verifies that the contractor has satisfactorily completed a public project. Once accepted, the work on the public project is complete and other actions occur, such as final payment to the contractor and the release of bonds obtained by the contractor that ensure completion of the project. Following acceptance, the City becomes responsible for maintenance of the public project.

On [September 13, 2022](#), Council took the following actions on the project:

1. Approved the acquisition of property located at 909 San Rafael Avenue (APN: 153-18-012) owned by ECI Four San Rafael LLC.
2. Approved the acquisition of property located at 917 San Rafael Avenue (APN: 153-18-027) owned by Mary M. Mountz as Successor Trustee of the Marian P. Turner Family Trust 917 San Rafael Avenue, Mountain View, California
3. Approved midyear Capital Improvement Program project, Acquisition of 909 and 917 San Rafael Avenue, and transferred and appropriated \$20.4 million from the Park Land Dedication Fund to the new project.
4. Authorized the City Manager or designee to execute all documents and take all necessary actions related to the acquisition of 909 San Rafael Avenue (APN: 153-18-012) and 917 San Rafael Avenue (APN: 153-18-027).

During the acquisition process of these two properties, staff identified the existing residential building structures at the 917 San Rafael site posed a risk to remain in place due to their dilapidated condition and possibility of trespassers accessing the buildings. Following the completion of the acquisition, and to safeguard the site, staff developed plans and specifications for the demolition of the buildings. Due to the limited scope and the contract value being below the threshold for Council approval identified in Council Policy A-10, Council authorization of the project plans, specifications, and authorization to bid was not required. This phase of the project included the demolition of the two-story residential building, garage and awning, shed and covered storage, workshop, and metal enclosure as well as the destruction of the on-site well at 917 San Rafael Avenue. Bids were opened on June 12, 2025. The contract was awarded to Katch Environmental, Inc. of Fresno at the low-bid price of \$122,760.

The final construction cost of \$104,785 is within the construction contract amount of \$122,760 and included one contract change order for the total amount of \$1,800 and a final quantity adjustment change order, resulting in contract savings of \$17,975. All construction work has been completed in accordance with approved plans and specifications.

The City has also acquired the 939 San Rafael site, also with existing structures to be demolished, and the demolition of these structures is anticipated in fall 2026. The park development process for the entire site will be initiated in fall 2026 with consultant selection anticipated to be completed by fall 2026.

FISCAL IMPACT

The demolition of the buildings at 917 San Rafael Avenue is included in the Acquisition of Real Property at 909 and 917 San Rafael Avenue, Project 23-47, which is funded with \$20,400,000 from the Park Land Dedication Fund. Of this amount, \$250,000 was allocated for the demolition subproject.

The cost of this demolition phase is estimated to be approximately \$221,637, which is within the allotted budget. This estimate includes design, project administration, construction management, inspection, and other demolition-related costs. Any remaining funds will be returned to the Park Land Dedication Fund upon completion and closeout of the project.

LEVINE ACT

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a “license, permit, or other entitlement for use” if the official has received a campaign contribution exceeding \$500 from a party, participant, or agent of a party or participant within the last 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. For more

information see the Fair Political Practices Commission website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html

Please see below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

EXEMPT FROM THE LEVINE ACT

Competitively bid contract

ALTERNATIVES

1. Determine that the improvements have not been completed in conformance with City standards and decline to accept the improvements until they are completed to the satisfaction of the City Council.
2. Provide other direction.

PUBLIC NOTICING—Agenda posting.

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