



MEMORANDUM

TO: CITY COUNCIL

FROM: DOUG PERRIN, DIRECTOR OF RECREATION AND MAINTENANCE SERVICES *D.P.*

BY: MIKE LINN, ASSISTANT CITY ENGINEER

SUBJECT: CONSIDERATION OF ACCEPTANCE OF THE ELM STREET COMMUNITY CENTER ADA RETROFIT PROJECT, PW 2009-10

DATE: JULY 13, 2010

RECOMMENDATION:

It is recommended the City Council:

1. accept the project improvements as constructed by Spiess Construction Company, Inc. in accordance with the plans and specifications for the Elm Street Community Center ADA Retrofit project;
2. approve an appropriation of \$6,082 from the Community Recreation Center Impact Fund (Fund 215);
3. direct staff to file a Notice of Completion; and
4. authorize release of the retention, thirty-five (35) days after the Notice of Completion has been recorded, if no liens have been filed.

FINANCIAL IMPACT:

The amended Capital Improvement Program budget included \$118,680 in Community Development Block Grants (CDBG) for ADA compliance upgrades to the Elm Street Community Center. Council authorized \$87,736 for the construction of the project (\$79,760 construction contract + \$7,976 for contingencies). The total cost of the project; including all design (\$23,000), construction (\$95,588), contract administration (\$3,889), portable toilets (\$1,098) and miscellaneous (\$1,187) is \$124,762. Staff recommends the overage be funded from the Community Recreation Center Impact Fund. The existing balance is approximately \$43,450.

BACKGROUND:

On February 9, 2010, the City Council awarded a construction contract to Spiess Construction Co. Inc. to construct Phase I ADA upgrades for the Elm Street Community Center. The Phase I scope of work included improvements to the existing parking lot, exterior walkways and building components to conform to current ADA code

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requirements. ADA improvements to the building interior, including restroom and access upgrades, will be constructed as a future project phase as grant funds become available.

ANALYSIS OF ISSUES:

The contractor has completed the work in accordance with the approved plans and specifications. During a site visit near contract completion, the architect determined that the front entry steps to the building and a door installed at the rear of the building had not been constructed to current ADA standards. Staff negotiated the appropriate changes with the contractor and directed the corrective actions necessary to ensure compliance. However, the performance of the corrective work caused the project contingencies to be exceeded by \$7,852.83. Staff requests a transfer of \$6,082 from the Recreation Community Center Impact Fund to cover the additional costs.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

- Approve staff's recommendations;
- Do not accept the project;
- Accept the project, but do not authorize release of retention; or
- Provide direction to staff.

ADVANTAGES:

The project is complete. Accepting the improvements will allow staff to closeout the project and designate the remaining funds for other projects.

DISADVANTAGES:

The disadvantage of accepting the improvements would be if subsequent deficiencies in the work were identified. However, the contract documents include a one-year warranty period for the contractor to address any construction defects that may arise.

ENVIRONMENTAL REVIEW:

The project is categorically exempt from CEQA pursuant to Section 15301(c).

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted in front of City Hall on Thursday, July 8, 2010. The Agenda and report were posted on the City's website on Friday, July 9, 2010. No public comments were received.

Attachment:

1. Notice of Completion

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is owner or agent of owner of the interest or estate or the property hereinafter described as stated below.
2. The FULL NAME of the OWNER is: The City of Arroyo Grande
3. The FULL ADDRESS of the OWNER is: 214 East Branch Street, Arroyo Grande, California 93420
4. The NATURE OF THE INTEREST or ESTATE of the undersigned is: in fee
5. THE FULL NAME and FULL ADDRESS of ALL PERSONS, if any, who hold such interest or estate with the undersigned as JOINT TENANTS or as TENANTS IN COMMON are:
NAMES ADDRESSES
None
6. THE FULL NAMES and FULL ADDRESSES of the PREDECESSOR'S in interest of the undersigned if the property was transferred subsequent to the commencement of the work of improvements herein referred to:
NAMES ADDRESSES
None
7. All work of improvement on the property hereinafter described was COMPLETED June 18, 2010
8. The NAME OF THE ORIGINAL CONTRACTOR, if any, for such work of improvement is:
Spiess Construction
9. The street address of said property is: None
10. The property on which said work of improvement was completed is in the City of Arroyo Grande, County of San Luis Obispo, State of California, and is described as follows: Elm Street Recreation Center Retrofit Project, PW 2009-10

Verification of NON-INDIVIDUAL owner: I, the undersigned, declare under penalty of perjury under the laws of the State of California that I am the Director of Recreation and Maintenance Services of the aforesaid interest or estate in the property described in the above notice; that I have read the said notice, that I know and understand the contents thereof, and the facts stated therein are true and correct.

Doug Perrin, Director of Recreation and Maintenance Services

July 14, 2010, Arroyo Grande, California

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