



City Council Staff Report

Date: January 13, 2016 CONSENT CALENDAR

Subject: ACCEPTANCE OF THE TAHQUITZ CANYON WAY LANDSCAPING
PHASE 2, CITY PROJECT NO. 13-33

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

SUMMARY

Formal City Council acceptance of the Tahquitz Canyon Way Landscaping Phase 2, City Project No. 13-33, is required to document the completion of the public works improvement, and to allow the City's filing of a Notice of Completion with the Riverside County Recorder in accordance with Section 9200 of the California Civil Code.

RECOMMENDATION:

- 1) Accept the public works improvement identified as the Tahquitz Canyon Way Landscaping Phase 2, City Project No. 13-33, as completed in accordance with the plans and specifications; and
- 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Tahquitz Canyon Way Landscaping Phase 2, City Project No. 13-33.

STAFF ANALYSIS:

On December 17, 2014, the City Council awarded a construction contract to Golden Valley Construction ("GVC") in the amount of \$1,328,315 for the Tahquitz Canyon Way Landscaping Phase 2, City Project No. 13-33, (the "Project"). The location of the Project was within Tahquitz Canyon Way from Sunrise Way to El Cielo Road, as shown in Figure 1, and the Vicinity Map included as **Attachment 1**.



Figure 1 – Project Location

During construction of the Project, certain adjustments were accommodated and the final cost of the Project was reduced from the original awarded contract amount of \$1,328,315. Contract Change Order No. 1 was prepared and administratively approved facilitating a reduction (credit) of \$56,523.10 reducing the final contract amount to \$1,271,791.90.

As determined by City staff, the Contractor satisfactorily completed the Project on November 9, 2015. Staff has conducted a final inspection and found the work to be in compliance with the plans, specifications and standards of the City of Palm Springs. Staff recommends that the City Council accept the Project, as required by Section 9200 of the California Civil Code, and authorize the City Engineer to file and record a Notice of Completion within 15 days of the City Council's action. A copy of the Notice of Completion to be submitted to the County is included as **Attachment 2**.

ENVIRONMENTAL IMPACT:

Section 21084 of the California Public Resources Code requires Guidelines for Implementation of the California Environmental Quality Act ("CEQA"). The Guidelines are required to include a list of classes of projects which have been determined not to have a significant effect on the environment and which are exempt from the provisions of CEQA. In response to that mandate, the Secretary for Resources identified classes of projects that do not have a significant effect on the environment, and are declared to be categorically exempt from the requirement for the preparation of environmental documents. In accordance with Section 15301 "Existing Facilities," Class 1 projects consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public structures, facilities, mechanical equipment involving negligible or no expansion of use beyond that existing at the time of the lead agency's

determination. Therefore, in accordance with Section 15301(a), staff determined that the Tahquitz Canyon Way Landscape Phase 2, City Project No. 13-33, was considered categorically exempt from CEQA.

FISCAL IMPACT

A total of \$1,560,000 was previously budgeted by the City Council from the Measure J Fund (Fund 260) for the Project. The Project budget, and incurred expenditures and remaining balance, are identified in Table 1:

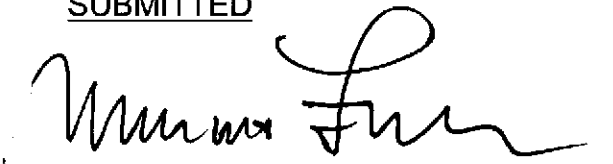
Table of Project Costs	Amount
FY 13/14 Budget Appropriation	\$1,030,000
FY 14/15 Budget Appropriation	\$530,000
Design Services	(\$106,158)
Project Administration (through 12/31/15)	(\$52,334)
Construction Contract	(\$1,271,792)
Remaining Balance	\$129,717

Table 1

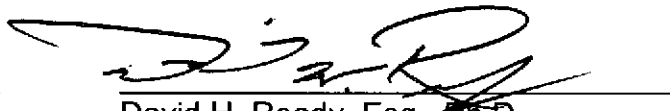
The remaining balance of \$129,717 will be returned to the Measure J Fund for future use by other capital projects.

The City is holding retention of \$63,589.60 for Golden Valley Construction pending acceptance of the improvements and filing of the Notice of Completion with the County Recorder's office. Since the Project involved conversion of existing landscaping improvements, the Finance Department does not need to add the cost of the Project to the City's fixed asset system, as no new assets have been created in compliance with Governmental Accounting Standard Board (GASB) 34 *Standards for Financial Reporting of Infrastructure Assets*.

SUBMITTED



Marcus L. Fuller, MPA, P.E., P.L.S.
Assistant City Manager/City Engineer



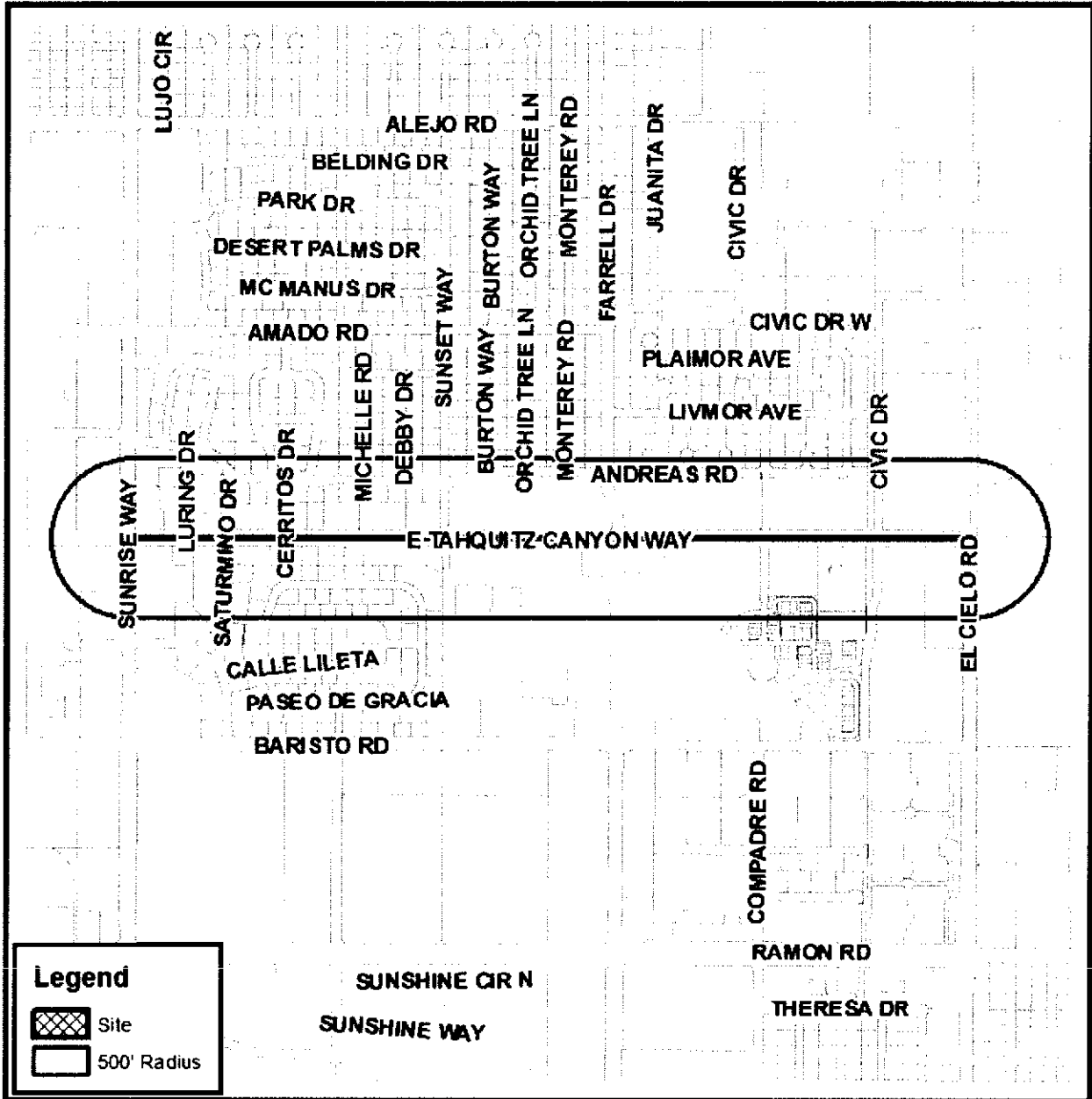
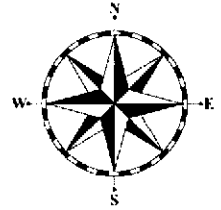
David H. Ready, Esq., Ph.D.
City Manager

- Attachments:
1. Vicinity Map
2. Notice of Completion (NOC)

ATTACHMENT 1



Department of Public Works and Engineering Vicinity Map



CITY OF PALM SPRINGS

ATTACHMENT 2

Recording Requested By:

City of Palm Springs

When Recorded Mail To:

Name James Thompson, City Clerk
Street Address 3200 E. Tahquitz Canyon Way
City & State Palm Springs, CA 92262

SPACE ABOVE THIS LINE FOR RECORDERS USE

NOTICE OF COMPLETION

(CA Civil Code §§ 8180-8190, 8100-8118, 9200-9208)

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is an owner of an interest of estate in the hereinafter described real property, the nature of which interest or estate is:
Fee _____ (e.g. fee, leasehold, joint tenancy, etc.)
2. The full name and address of the undersigned owner or reputed owner and of all co-owners or reputed co-owners are:
Name _____ Street and No. _____ City _____ State _____
City of Palm Springs 3200 E. Tahquitz Canyon Way Palm Springs CA 92262
3. The name and address of the direct contractor for the work of improvement as a whole is:
Golden Vista Construction, Inc. dba Golden Valley Construction, 2000 Executive Drive, Palm Springs, CA 92262
4. This notice is given for (check one):
 Completion of the work of improvement as a whole.
 Completion of a contract for a particular portion of the work of improvement (per CA Civ. Code § 8186).
5. If this notice is given only of completion of a contract for a particular portion of the work of improvement (as provided in CA Civ. Code § 8186), the name and address of the direct contractor under that contract is:
Not Applicable
6. The name and address of the construction lender, if any, is:
Not applicable
7. On the 9th day of November, 2015, there was completed upon the herein described property a work of improvement as a whole (or a particular portion of the work of improvement as provided in CA Civ. Code § 8186) a general description of the work provided:
Tahquitz Canyon Way Median Landscaping Improvements consisting of Planting, Lighting, Irrigation, Hardscape, and Decorative Crosswalk Pavers
8. The public work herein referred to is situated in the City of Palm Springs, County of Riverside
State of California, and is described as follows:
City Project No. 13-33, Tahquitz Canyon Way Landscape Improvements, Phase 2 from Sunrise to El Cielo
9. The street address of said property is:
Tahquitz Canyon Way from Sunrise Way to El Cielo Road
10. If this Notice of Completion is signed by the owner's successor in interest, the name and address of the successor's transferor is:
Not applicable

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

Date: _____ By: _____

Signature of Owner or Owner's Authorized Agent - Assistant City Manager/City Engineer for City of Palm Springs

Marcus Fuller

Print Name

VERIFICATION

I, Marcus Fuller, state: I am the Assistant City Manager/City Engineer ("Owner", "President", "Authorized Agent", "Partner", etc.) of the Owner identified in the foregoing Notice of Completion. I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge.

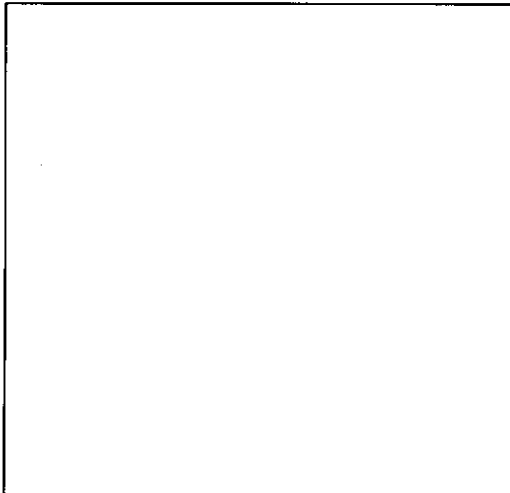
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, _____ (date), at Palm Springs (City), CA (State).

Signature of Owner or Owner's Authorized Agent

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A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.



STATE OF CALIFORNIA
COUNTY OF _____

On _____, _____ (date), before me, _____, Notary Public (name and title of officer) personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PURJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.