



## City Council Staff Report

Date: January 13, 2016 CONSENT CALENDAR

Subject: ACCEPTANCE OF DESERT HIGHLAND UNITY CENTER GYM AIR  
CONDITIONING IMPROVEMENTS, CITY PROJECT NO. 14-15

From: David H. Ready, City Manager

Initiated by: Department of Public Works & Engineering

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### SUMMARY

Formal City Council acceptance of the Desert Highland Unity Center Gym Air Conditioning Improvements, City Project No. 14-15, 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 Desert Highland Unity Center Gym Air Conditioning Improvements, City Project No. 14-15 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 Desert Highland Unity Center Gym Air Condition Improvements, City Project No. 14-15.

### STAFF ANALYSIS:

On May 6, 2015, the City Council awarded a construction contract to Abboud Diamond Construction, Inc., in the amount of \$414,000 for the Desert Highland Unity Center Gym Air Conditioning Improvements, City Project No. 14-15, (the "Project"). The location of the Project is within Desert Highland Park, identified in Figure 1, and a vicinity map is 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 increased from the original awarded contract amount of \$414,000. Contract Change Order No. 1 through No. 5, for a cumulative total of \$11,121.60 were prepared and administratively approved facilitating a final contract amount of \$425,121.60.

As determined by City staff, the Contractor satisfactorily completed the Project on December 11, 2015. Interwest Consulting Group, contracted by the City to perform construction inspection and materials testing, 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 Desert Highland Unity Center Gym Air Conditioning Improvements, City Project No. 14-15, was considered categorically exempt from CEQA and a Notice of Exemption has been prepared and filed with the Riverside County Clerk. A copy of the Notice of Exemption is included as included in **Attachment 3**.

**FISCAL IMPACT:**

The Project was funded through Measure J (Fund 260) and Measure Y (Capital Project Fund 261) funding accounts. During construction minor adjustments to the scope of work were approved, and Change Orders in the total cumulative amount of \$11,121.60 were administratively approved, increasing the final construction contract amount to \$425,121.60. The following **Table 1** is a summary of the total costs incurred for the Project.

<b>Phase</b>	<b>FY 13/14 Expenditure</b>	<b>FY 14/15 Expenditure</b>	<b>FY 15/16 Expenditure</b>	<b>Final Cost</b>
Administration	\$374	\$2,296	\$351	\$3,021
Design	\$3,000	\$19,628	\$2,322	\$24,950
Construction Contract		\$89,823	\$324,177	\$414,000
Construction Management		\$3,520	\$7,390	\$10,910
Contract Change Order			\$11,122	\$11,122
<b>Total Cost</b>	<b>\$3,374</b>	<b>\$115,267</b>	<b>\$345,362</b>	<b>\$464,003</b>

**Table 1**

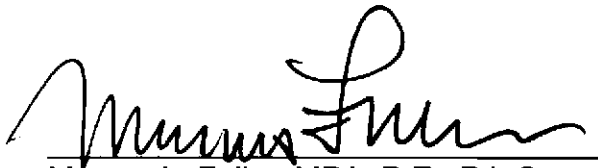
The Project was funded through the following sources as show in **Table 2**:

<b>Fund Name</b>	<b>Account</b>	<b>Actual</b>
Measure J Funds	260-4500-59438	\$418,099
Measure Y Funds	261-4491-59438	\$50,000
Total Expenditures for Project		\$464,003
Project Budget		\$468,099
<b>Remaining Balance</b>		<b>\$4,096</b>

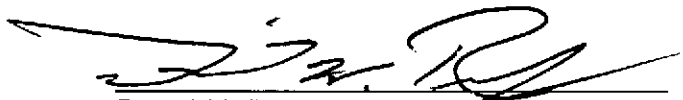
**Table 2**

The City is holding retention of \$21,256.08 for Abboud Diamond Construction, Inc., pending acceptance of the improvements and filing of the Notice of Completion with the County Recorder's office. Since this project is a maintenance effort, the Finance Department does not need to add the cost of this 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

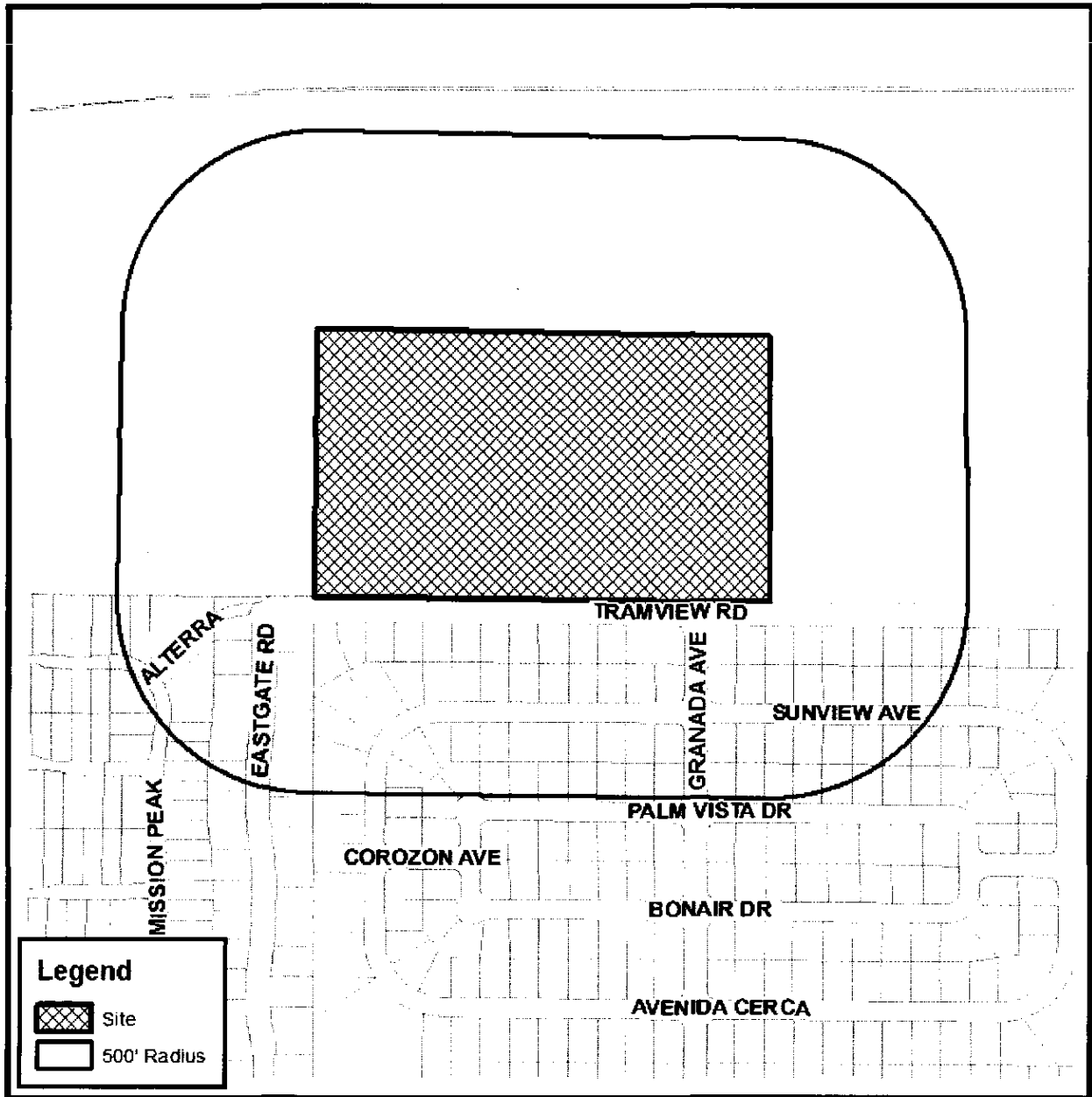
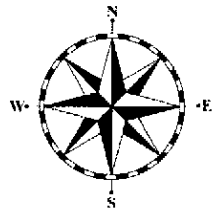
Attachments:

1. Vicinity Map
2. Notice of Completion
3. Notice of Exemption

# **Attachment 1**



# Department of Public Works and Engineering Vicinity Map



### Legend

-  Site
-  500' Radius

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:  
Abbound Diamond Construction, Inc., P.O. Box 6230, Moreno Valley, CA 92555
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 11th day of December, 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:  
City Project 14-15, Desert Highland Unity Center Gym Air Conditioning Improvements
8. The real property herein referred to is situated in the City of Palm Springs, County of Riverside  
State of California, and is described as follows:  
James O. Jessie Desert Highland Unity Community Center, located on APN 669-330-025
9. The street address of said property is:  
480 Tram View Road, Palm Springs, CA 92262
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.

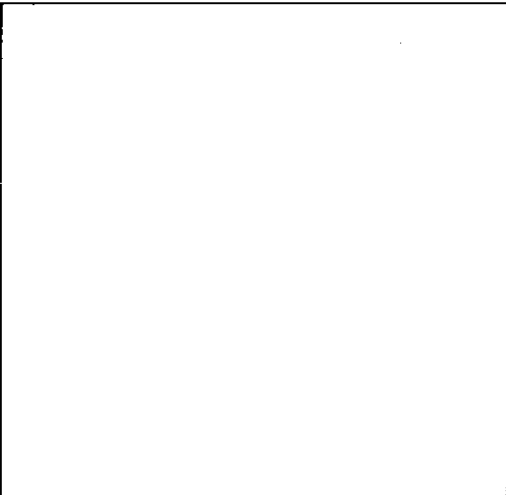
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

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.

# **Attachment 3**

STATE OF CALIFORNIA - THE RESOURCES AGENCY  
DEPARTMENT OF FISH AND GAME  
ENVIRONMENTAL FILING FEE CASH RECEIPT

Receipt #: 201500127

State Clearinghouse # (if applicable): \_\_\_\_\_

Lead Agency: CITY OF PALM SPRINGS Date: 02/24/2015

County Agency of Filing: Riverside Document No: 201500127

Project Title: DESERT HIGHLAND UNITY CENTER GYM AIR CONDITIONING IMPROVEMENTS, CITY P

Project Applicant Name: CITY OF PALM SPRINGS Phone Number: 760-322-8380

Project Applicant Address: 3200 TAHQUITZ CANYON WAY PALM SPRINGS, CA 92262

Project Applicant: Local Public Agency

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report	_____
<input type="checkbox"/> Negative Declaration	_____
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board Only)	_____
<input type="checkbox"/> Project Subject to Certified Regulatory Programs	_____
<input checked="" type="checkbox"/> County Administration Fee	<u>\$50.00</u>
<input type="checkbox"/> Project that is exempt from fees (DFG No Effect Determination (Form Attached))	
<input checked="" type="checkbox"/> Project that is exempt from fees (Notice of Exemption)	
<b>Total Received</b>	<u>\$50.00</u>

Signature and title of person receiving payment: B. Krennemer

Notes:

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: Riverside
P.O. Box 751
Riverside, CA 92502-0751

From: (Public Agency): City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262



FEB 24 2015

(Address)

PETER ALDANA, CLERK
By B. Kennemer
Deputy

Project Title: Desert Highland Unity Center Gym Air Conditioning Improvements, City Project No. 14-15

Project Applicant: City of Palm Springs

Project Location - Specific:

Desert Highland Unity Center located at 480 Tramview Road, Palm Springs, CA 92262; APN 669-330-025

Project Location - City: Palm Springs Project Location - County: Riverside

Description of Nature, Purpose and Beneficiaries of Project:

Removal of existing heating and cooling equipment, and installation of new heating, ventilation and air conditioning ("HVAC") system, including construction of exterior alteration to existing gymnasium building. The Project will add improved air conditioning to the gymnasium allowing for its use year-round.

Name of Public Agency Approving Project: City of Palm Springs

Name of Person or Agency Carrying Out Project: City of Palm Springs

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
Categorical Exemption. State type and section number: 15301(a), Existing Facilities
Statutory Exemptions. State code number:

Reasons why project is exempt:

The Project involves the interior and exterior alterations involving interior partitions, plumbing and electrical conveyances necessary to remove the existing and install new heating and air conditioning equipment, and is considered as Categorical Exempt from CEQA pursuant to Section 15301(a) of the CEQA Guidelines.

Lead Agency Contact Person: Marcus Fuller Area Code/Telephone/Extension: (760) 322-8380

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: [Signature] Date: 2/10/2015 Title: Asst. City Manager

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR:

COUNTY CLERK
Neg Declaration/Ntc Determination
Filed per P.R.C. 21152
POSTED

FEB 24 2015

APR 06 2015
Removed Revised 2011

By County of Riverside, State of California