



City Council Staff Report

DATE: January 18, 2017 CONSENT CALENDAR
SUBJECT: ACCEPTANCE OF THE PALM SPRINGS DOG PARK RENOVATIONS,
CITY PROJECT NO. 16-03
FROM: David H. Ready, City Manager
BY: Engineering Services Department

SUMMARY

Formal City Council acceptance of the Palm Springs Dog Park Renovations, City Project No. 16-03, 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 Palm Springs Dog Park Renovations, City Project No. 16-03, 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 Palm Springs Dog Park Renovations, City Project 16-03.

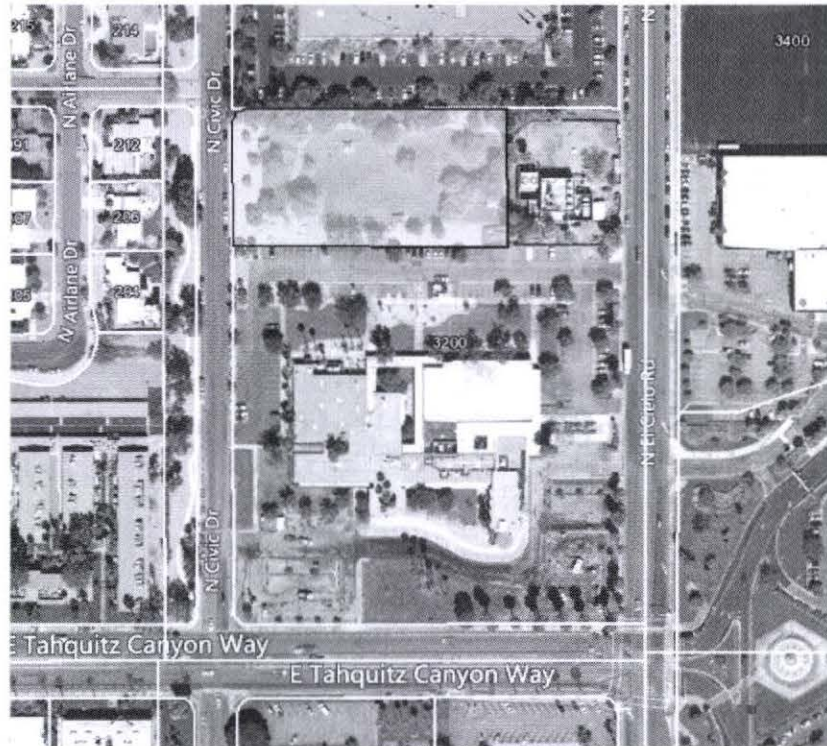
STAFF ANALYSIS:

On July 6, 2016, the City Council awarded a construction contract to Principles Contracting, Inc., (the "Contractor"), in the amount of \$329,867.60¹ for the Palm Springs Dog Park Renovations, City Project No. 16-03, (the "Project").

The scope of the Project included clearing, grubbing, and removals, soil preparation, fine grading, weed abatement, earthwork, installation of new irrigation system, installation of new turf (including a 60 calendar day turf establishment period), site furnishings, temporary dog park expansion at Demuth Park and all appurtenant work.

¹ Following contract award, staff identified an error in the bid summary for Principles Contracting, Inc., in the City's favor in the amount of \$18,000. The executed construction contract amount was \$311,867.60.

An aerial map of the site is identified below.



Location Map

Throughout construction of the Project, additional work was required and one contract change order was approved in the amount of \$28,537.54², as a final balancing change order and to include additional items of work not accounted for in the original design. These additional items of work consisted of a potable water line service, added irrigation, red brick installation, scalping and over seeding, and miscellaneous work.

As determined by City staff, the Contractor satisfactorily completed the Project on November 18, 2016. Staff notes that at the time the Contractor completed the Project, the new turf was appropriately scalped and re-seeded with winter rye grass. Subsequently, however, since its opening the winter rye grass did not withstand the high use and activity within the dog park, which is not a fault of the Contractor.

Staff has reviewed other area dog parks, and found that similar issues have occurred with the City of Palm Desert's various dog parks, where winter rye grass does not hold up to high activity and is damaged. Photos showing the condition of the Palm Desert dog parks is provided as **Attachment 1** to provide Council an example that the

² Although the contract change order exceeded \$25,000 – the original Council award authorization amount was \$329,867.60 and the final adjusted contract amount was \$340,405.14 for an increase of \$10,537.54.

problems with winter rye grass are not isolated to the City's new dog park. Staff has conferred with Palm Desert staff on the methods employed to address the damage caused to winter rye grass, and will be implementing additional fertilization treatments to help the turf withstand the high activity and use.

Staff also notes that the underlying Bermuda grass has been established, but has gone dormant during the winter season.

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 highways and streets, gutters, bicycle and pedestrian trails, and similar facilities. Therefore, in accordance with Section 15301(c), staff determined that construction of the proposed improvements to the City's existing Dog Park is considered categorically exempt from CEQA, and a Notice of Exemption has been prepared and filed with the Riverside County Clerk.

FISCAL IMPACT:

The Project was funded through General Fund Park Maintenance No. 001-2451-43071 for design and Measure J Fund No. 260-4500-59496 for construction. During construction additional work was approved via one contract change order in the amount of \$28,537.54. The final construction contract amount was \$340,405.14. **Table 1** below is a summary of the total costs incurred for the Project.

Phase	FY 15/16 Expenditure	FY 16/17 Expenditure	Final Cost
Administration		\$3,566.66	\$3,566.66
Design	\$40,841.68	\$2,920.00	\$43,761.68
Construction Contract		\$311,867.60	\$311,867.60
Contract Change Orders		\$28,537.54	\$28,537.54
Total Cost	\$40,841.68	\$346,891.80	\$387,733.48

Table 1

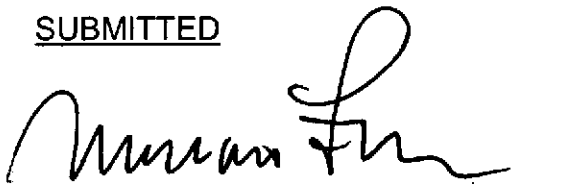
The Project was funded through the following sources as shown in **Table 2**:

Fund Name	Account	Actual
General Fund	001-2451-43071	\$47,284.00
Measure J Fund	260-4500-59496	\$345,000.00
Total Expenditures for Project		\$387,733.48
Project Budget		\$392,284.00
Remaining Balance		\$4,550.52

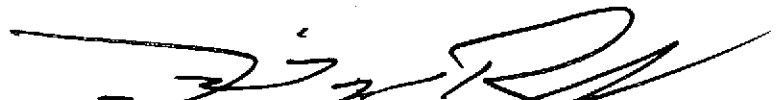
Table 2

The City is holding retention of \$17,020.25 for Principles Contracting, 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



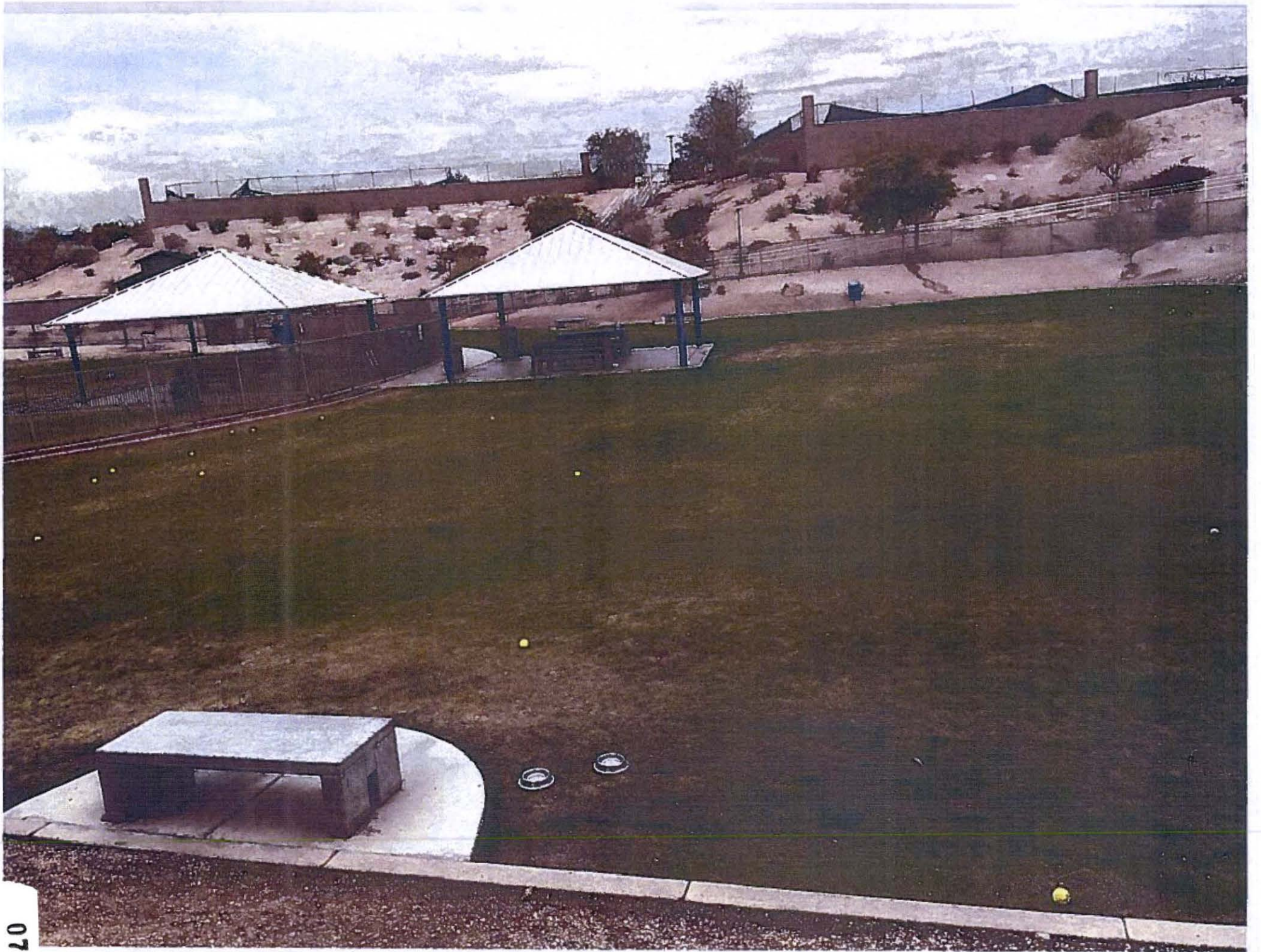
David H. Ready, Esq., Ph.D.
 City Manager

Attachments:

1. Palm Desert Dog Park Photos
2. Notice of Completion

Attachment 1















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:

- The undersigned is an owner of an interest of estate in the hereinafter described real property, the nature of which interest or estate is: Leasehold _____ (e.g. fee, leasehold, joint tenancy, etc.)
- 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
- The name and address of the direct contractor for the work of improvement as a whole is: Principles Contracting, Inc., 1760 Marlborough Avenue, Riverside, CA 92507
- 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).
- 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.
- The name and address of the construction lender, if any, is: Not Applicable.
- On the 18th day of November, 2016, 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: Palm Springs Dog Park Renovations, City Project 16-03
- 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: APN 502-150-005
- The street address of said property is: 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262 (located behind City Hall on the northerly section of the parcel)
- 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, Assistant City Manager/City Engineer

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 January 5, 2017 (date), at Palm Springs (City), CA (State).

Signature of Owner or Owner's Authorized Agent
Marcus Fuller, Assistant City Manager/City Engineer

-
-
-

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.