

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 04/09/07		Item Number: <u>PH-2</u>	
AGENDA ITEM: 1) Public Hearing to Award a Contract to California Landscape and Design, dba California SkateParks, for the Construction of the Skateboard Park Project P-830; 2) Approve Budget Amendments in the amount of \$107,980 after the Grant Execution for the Proposition 40 Roberti-Z'Berg-Harris Block Grant Funds and \$54,897 of City General Fund Reserves and 3) Consider directing staff on the issue of exploring naming rights.			
Contact Persons/Dept.: Mate Gaspar/PW and William LaPointe/PR&CS		Phone Number: (310) 253-5602 and (310) 253-6682 respectively	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Public Notification: Notice of Public Hearing published in the March 29 th and April 5 th editions of the Culver City News; Master Notification List (04/05/07); Parks and Recreation Commission (04/05/07), California Landscape and Design dba California SkateParks, 4-Con Engineering, Inc., and Skateboard Park stakeholders by e-mail on 4/05/07.			
Department Approval: Charles D. Herbertson 4/02/07		City Attorney Approval: Carol Schwab (by H. Iker) (04/03/07)	
City Controller Approval: Marlee Chang (04/04/07)		City Manager Approval: Jerry B. Fulwood (04/04/2007)	
<u>RECOMMENDATION:</u> Staff recommends the City Council: 1. Award a construction contract to California Landscape and Design, dba CA SkateParks, for the construction of the Culver City Skateboard Park located at Culver City Park, 9910 Jefferson Boulevard, for a cost not to exceed \$539,655 (<u>A 4/5th vote is required to award this contract.</u>); and 2. Approve budget amendments to appropriate \$107,908 from Proposition 40 Roberti-Z'Berg Harris Block Grant Funds to the Grants Account #42300830.730100 for the Culver City Skateboard Park Project and \$54,897 from City General Fund Reserves to Account #42000830.730100. (<u>A 4/5th vote is required to approve each of the budget amendments.</u>) <u>BACKGROUND:</u> On March 12, 2007, the City Council approved a motion to reject all bids and authorized staff to negotiate with the two bidders for a lower price per the City Charter Section 2007. The March 12, 2007, City Council agenda report is attached.			
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On March 26, 2007, an informational report on the status of discussions with 4-Con Engineering and California Landscape and Design, dba California SkateParks, was presented to the City Council. The City Council approved a motion to authorize staff to submit an application for Proposition 40 Roberti-Z'Berg-Harris Block Grant Funds in the amount of \$107,908 for the project.

DISCUSSION:

Negotiations with 4-Con Engineering, Inc. and California Skateparks resulted in the following:

CONTRACTOR	NEGOTIATED CONSTRUCTION COST
California SkateParks	\$539,655
4-Con Engineering, Inc.	\$549,775

Staff reviewed California SkateParks' proposal, which is based on a value engineering analysis of the project design and recommends several changes to the skatepark that will nonetheless have minor impact on the overall skatepark design. California Skateparks is recommending that the center planter be reduced in size and the skatepark be constructed two feet to the north (towards Jefferson Boulevard). As a result, a retaining wall at the back of the skatepark will not be required and fewer trees will have to be removed. In addition, the electrical conduit installation will be deleted from the project except in the portion that will be located under new concrete sidewalk along the Jefferson Blvd. frontage. Finally, they are proposing to relocate the entrance to the Skatepark and constructing a concrete pad for future bleachers. They have also reduced the unit cost prices for various items.

Staff also reviewed 4-Con's proposal, which indicates that they cannot start the project until August 2007. They have also given another lower total cost to their proposal in the amount of \$538,142 if the all-risk insurance and performance and payment bonds are eliminated (which option staff would not recommend). Their new proposal requires that (1) the City provides roll-off bins and dispose of the removed material at no cost to the contractor; (2) the City relocate the irrigation system at no cost to the contractor; and (3) the wrought iron fence be replaced with black vinyl chain link fence.

Comparing the two proposals based on the aforementioned facts, staff is recommending that the City Council award a construction contract to California SkateParks. During the negotiations, staff felt that California SkateParks provided the best options to reduce the project cost. California SkateParks can begin the work after the execution of the contract. The expected construction start date is in May 2007 and the four months' construction schedule would result in the project

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being completed by August 2007. 4-Con stated they can not begin work until August 2007 which will result in the work being completed in approximately December 2007.

Originally, the construction of the project was to be managed by Site Design, the design consultant for this project, as per the approved agreement. At its March 26, 2007 meeting, the City Council expressed concerns that Site Design may not have fulfilled their contract obligations due to the bids received that were higher than the engineer's estimate and the delays in completing the plans and specifications for the project. Due to these concerns, staff is recommending that Site Design's contract be terminated and that the remaining amount of their contract, \$12,770 for construction management, be used for construction of the project. Staff believes that by working in close coordination with the contractor; utilizing special deputy inspection for the application of shotcrete, which will be paid for by the contractor per the agreement; and utilizing our in house Public Works inspectors and engineers, and contract geotechnical inspection consultant for concrete, steel and soil testing; the contract inspection can be appropriately managed.

Award of Contract:

The City's Charter provisions regarding public works contracts¹ give the Council the authority, *by a four-fifths vote*, to award a contract without complying with the bidding procedures, provided a public hearing is held on the award of the contract after notice has been given. The notice of the public hearing was published in the Culver City News on March 29 and April 5, 2007.

Discussion of Directing Staff to Explore Naming Rights

At the City Council meeting of March 28, Councilmembers expressed a potential interest in exploring the potential of naming rights for the new skateboard park. The City Council may wish to provide staff with direction to further explore this issue this evening.

FISCAL ANALYSIS:

Current Available Project Budget	
Funding Source	Amount
Land and Water Conservation Grant	\$204,000
Proposition 40 Per Capita Grant	\$170,000
Proposition 12 Grant	\$22,995

¹ Charter Section 2007 provides that the procedures for awarding public works contracts as set forth in the "old" Charter will remain in effect until such time as the City Council establishes, by ordinance, different procedures. Therefore, the current procedures are set forth in the "old" Charter Section 1304.

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City General Funds	\$3,796
Funds Remaining from Site Design Contract	\$12,770
Total =	\$413,561

Estimated Project Expenses	
Construction contract	\$539,655
Construction Management	\$0
Construction inspection for grading, concrete, and steel	\$10,000
Contingency (5%), if necessary	\$27,000
Total Estimated Project Cost	\$576,655

Total Budget Amendment Required	\$163,094
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Proposed Budget Amendments	
Funding Source	Amount
Last Available Prop 12 Per Capita Funds	\$289
Proposition 40 RZH Block Grant	\$107,908
General Funds Reserve	\$54,897
Total Budget Amendment	\$163,094

On March 7, 2000, Proposition 12, the 2000 Parks bond Act was approved by California voters. The 2000 Parks Bond Act provides \$155 million for local park projects to be distributed with the Roberti-Z'Berg-Harris Urban Open Space and Recreation Grant Program.

The RZH grants are allocated to cities, counties, and park and recreation districts on a population-based formula. Funds allocated to local agencies will be appropriate primarily for projects that rehabilitate existing facilities at local parks; develop facilities that promote positive alternatives for youth and that promote cooperation between local parks and recreation services providers.

On October 13, 2003, the City Council adopted Resolution No. 2003-R084 approving staff's request to apply for grant funds for the Roberti-Z'Berg-Harris Block Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act Of 2002. A fully executed contract in the amount of \$107,908 was received by the City in March 2004. In order to secure funding for a specific project, a project application must be submitted to the California Department of Parks and Recreation Office of Grants and Local Services. Based on the City Council direction received at its meeting on March 26, 2007 the Parks &

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Recreation and Community Services Department is prepared to submit this application.

Additionally, staff has been in contact with the Executive Director of the Baldwin Hills Conservancy, who has expressed interest in allocating sufficient funding to cover the shortfall in the project funding. If this additional funding is approved by the Baldwin Hills Conservancy Board, staff will return to the City Council for additional direction.

ATTACHMENTS:

1. The City Council agenda report dated March 12, 2007, 'Consideration to Reject All Bids Received for Construction of the Skateboard Park Project, P-830.'
2. California Skateparks Statement of Qualifications and value engineering cost proposal dated March 20, 2007.
3. 4-Con proposal dated March 22, 2007.

MOTIONS:

That the City Council:

1. Award a construction contract to California Landscape and Design dba California Skateparks in the amount of \$539,655 for the construction of the Skateboard Park Project P-830 (A 4/5th vote is required to award this contract.); and
2. Authorize the Public Works Director/City Engineer and the Parks, Recreation, and Community Services Director, to increase the Contract by an amount not to exceed \$27,000 (approximately 5%), if necessary, due to unforeseen conditions; and
3. Approve a budget amendment of \$107,908, after grant execution, of Proposition 40 Roberti-Z'Berg-Harris Block Grant Funds, and allocate the same amount to budget line item 42300830.730100 for the Culver City Skateboard Park Project (A 4/5th vote is required to approve this budget amendment.); and
4. Approve a budget amendment to appropriate \$54,897 from the General Fund Reserve to the budget line item 42000830.730100 Skateboard Park Project, P-830 (A 4/5th vote is required to approve this budget amendment.); and
5. Direct the City Attorney to prepare the appropriate contract document(s); and authorize the City Manager to execute the document(s) on behalf of the City;
6. Provide staff with direction on the issue of exploring naming rights.