

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** Dave Klotzle, Interim City Engineer/Public Works Director  
Prepared by: Shaun Kroes, Senior Management Analyst 

**DATE:** December 23, 2010 (CC Meeting of 01/05/11)

**SUBJECT:** Consider Authorization of Recordation of the Notice of Completion for the 2009 Pavement Rehabilitation Project (Project 8002)

**BACKGROUND**

On October 7, 2009, the City Council awarded a construction contract to Manhole Adjusting Contractors, Inc., in the amount of \$833,351.00 for the 2009 Pavement Rehabilitation Project in the Campus Park area. The scope of work included two types of pavement rehabilitation: a) Type II Slurry for some streets and b) an Asphalt Rubber Aggregate Membrane (ARAM) surface for others. Manhole and water valve covers were adjusted to the new pavement surface as required. Parking lots at three of the City's parks (Peach Hill, Mountain Meadows, and Tierra Rejada) were also slurry sealed as part of the project.

**DISCUSSION**

On October 7, 2009, the City Council also authorized the City Manager to amend the construction contract for additional streets to be resurfaced and for Project contingencies in an amount not to exceed \$200,000.00 if and when the need arose for extra work and services. Resolution No. 2009-2853 was also adopted amending the Fiscal Year 2009/10 budget and funding sources for the project.

As permitted by the City Council on October 7, 2009, Contract Change Order (CCO) No. 1 was approved on January 7, 2010 to increase the construction contract by \$190,495.00 for additional streets to be resurfaced. On February 3, 2010, the City Council approved CCO No. 2, in the amount of \$17,000.00 for reconstruction of the Mountain Meadows Park driveway to widen the entrance. In addition, CCO No. 3, in the amount of \$6,073.32

was required to replace saturated base material under the Mountain Meadows Park driveway.

On February 3, 2010, the City Council approved Resolution 2010-2889, which established a new revenue appropriation for the Project to reflect the reimbursement of approximately \$70,000.00 from Ventura County Waterworks District No.1 (District) for the City's contract cost to adjust District-owned sewer manholes and water valve covers after the streets were resurfaced. The City Manager executed an agreement with the District for the reimbursement after being authorized to do so by the City Council at their October 7, 2009 meeting. Resolution 2010-2889 also established an aggregate increase of \$81,100.00 required to reflect the unbudgeted cost to adjust District-owned sewer manholes and water valve covers, and to add the cost of driveway reconstruction at Mountain Meadows Park, and restore the California Integrated Waste Management Board (CIWMB) Recycled Tire Grant Fund to the original \$101,100.00 grant award.

Final inspection of Project 8002 has been completed and the work has been found to be acceptable. At this time it would be appropriate for the City Council to accept Project 8002 as complete so that the City Clerk may record the Notice of Completion (Attachment 1). If no Stop Notices are received from subcontractors or suppliers, the ten percent retention will be released thirty-five (35) days after the date of the recordation of that notice. Additionally, the City Clerk's Office will be authorized to release Project 8002's bonds in accordance with the contract provisions:

- Faithful Performance Bond # 08911839 and Material Suppliers and Laborer Bond Requirement # 08911839 shall be released one year after the date of recordation of the Notice of Completion.

### **FISCAL IMPACT**

The total final construction contract amount is as follows:

| <u>Description</u>                   | <u>Estimated Cost</u> | <u>Actual Cost</u> |
|--------------------------------------|-----------------------|--------------------|
| Construction                         |                       |                    |
| Bid Amount (Schedules A & C)         | \$ 833,351.00         | \$ 786,067.89      |
| CCO No. 1 Additional Streets         | \$ 190,495.00         | \$ 190,495.00      |
| CCO No. 2 Mtn. Meadows Park Driveway | \$ 17,000.00          | \$ 17,000.00       |
| CCO No. 3 Mtn. Meadows Park Driveway | \$ 6,073.32           | \$ 6,073.32        |
| Contingency Items of Work            | \$ 11,702.00          |                    |
| Construction Total                   | \$ 1,058,621.32       | \$ 999,636.21      |

Total project costs are summarized as follows:

| Description       | Actual Costs           |
|-------------------|------------------------|
| Design (in-house) | \$ -                   |
| Construction      | \$ 999,636.21          |
| Misc. Expenses*   | \$ 1,277.66            |
| Inspection        | \$ 44,650.54           |
|                   | <u>\$ 1,045,564.41</u> |

\* Misc. Expenses includes mailings, printing and contract administration costs.

Total project costs by fund are summarized as follows:

| Budget by Fund                           | Project Budget         | Actual Cost            | Under Budget<br>(Over Budget) |
|--|------------------------|------------------------|-------------------------------|
| <b>Construction</b>                      |                        |                        |                               |
| 2609 - CIWMB Recycled Tire Grant         | \$ 101,100.00          | \$ 94,347.00           | \$ 6,753.00                   |
| 2610 - Prop 42 - Traffic Congest. Relief | \$ 370,000.00          | \$ 311,029.96          | \$ 58,970.04                  |
| 2611 - Prop 1B - Streets & Roads         | \$ 531,448.00          | \$ 536,260.49          | \$ (4,812.49)                 |
| 2400 - Park Maintenance Fund             | \$ 50,000.00           | \$ 59,276.42           | \$ (9,276.42)                 |
| Construction Subtotal                    | <u>\$ 1,052,548.00</u> | <u>\$ 1,000,913.87</u> | <u>\$ 51,634.13</u>           |
| <b>Inspection</b>                        |                        |                        |                               |
| 2611 - Prop 1B - Streets & Roads         | \$ 50,000.00           | \$ 44,650.54           | \$ 5,349.46                   |
| Project Total                            | <u>\$ 1,102,548.00</u> | <u>\$ 1,045,564.41</u> | <u>\$ 56,983.59</u>           |

In total, the project was completed \$56,983.59 under budget. Staff proposes correcting the \$9,276.42 deficit in Park Maintenance Fund (2400) and \$4,812.49 deficit in Prop 1B Streets and Roads Fund (2611) after the FY 2009/10 Capital Improvement Program budget is carried forward into FY 2010/11. It is anticipated that budget line item transfers will be sufficient to correct the deficits.

**STAFF RECOMMENDATION**

Authorize the City Clerk to file the Notice of Completion for the project, and authorize the release of the project bonds as outlined above.

Attachment:

- 1 – Notice of Completion (Manhole Adjusting Contractors, Inc.)

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO

NAME City of Moorpark  
STREET ADDRESS 799 Moorpark Avenue  
CITY STATE ZIP Moorpark, CA 93021  
Attn: City Clerk

No Fee Required (Govt Code Sec 6103 & 27383)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

# NOTICE OF COMPLETION

Notice pursuant to Civil Code Section 3093, must be filed within 10 days after completion. (See reverse side for complete requirements.)  
Notice is hereby given that:

- 1. The undersigned is owner or corporate officer of the owner of the interest or estate stated below in the property hereinafter described:
- 2. The full name of the owner is City of Moorpark
- 3. The full address of the owner is 799 Moorpark Avenue, Moorpark, CA 93021
- 4. The nature of the interest or estate of the owner is: In fee.  
Purchaser under contract of purchase

(If other than Fee, strike "in fee" and insert, for example, "purchaser under contract of purchase," or "Lessee")

- 5. The full names and full addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are:

| NAMES | ADDRESSES |
|-------|-----------|
|       |           |

- 6. The full names and full addresses of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work or improvements herein referred to:

| NAMES | ADDRESSES |
|-------|-----------|
|       |           |

- 7. A work of improvement on the property hereinafter described was completed on January 5, 2010. The work done was:

- 8. The names of the contractor, if any, for such work of improvement was Manhole Adjusting Contractors, Inc.

October 7, 2009

(If no contractor for work of improvement as a whole, insert "None") (Date of Contract)

- 9. The property on which said work of improvement was completed is in the City of Moorpark  
County of Ventura, State of CA, and is described as follows: slurry seal and ARAM various streets

- 10. The street address of said property is None  
(If no street address has been officially assigned, insert "none".)

Dated \_\_\_\_\_

(Signature of Owner or corporate officer of Owner named in paragraph 2, or his agent)  
Steven Kueny, City Manager, City of Moorpark

### VERIFICATION

I, the undersigned, say: I am the City Manager (President of, Manager of, Partner of, Owner of, etc.) the declarant of the foregoing Notice of Completion;  
I have read said Notice of Completion and know the contents thereof; the same is true to my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_, 2011 at Moorpark, California.

(Personal signature of the individual who is swearing that the contents of the Notice of Completion are true)  
Steven Kueny, City Manager, City of Moorpark

