

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Tom Kruse, Parks & Recreation Director

DATE: December 1, 2009 (CC Meeting of December 16, 2009)

SUBJECT: Consider Authorization to Record the Notice of Completion, Release of Retention, Release of Performance Bond, and Release of Payment Bond In Accordance with Agreement for Poindexter Park Expansion Project

BACKGROUND

At the meeting on April 1, 2009, Council awarded a contract to California Skateparks, Inc., in an amount not to exceed \$1,765,326 (including Alternate # 1), for construction of the Poindexter Park Expansion Project. Additionally, the Council authorized the City Manager to execute agreements with Pacific Materials Laboratory (PML) Inc., for a cost not to exceed \$47,100. At an earlier meeting Council authorized an agreement with Picon (Phil Vein) for project management services at a cost not to exceed \$43,000.

DISCUSSION

Construction of the Project was substantially completed on December 3, 2009, pursuant to the approved plans and specifications. Minor punch list items remain. There were four Change Orders as follows:

1. The first Change Order had three no charge items.
2. The City ordered a 25 foot high pole and concrete reinforced footing for a security camera \$4,888.

3. The balance was for field conditions and primarily for the removal and hauling of concrete and other materials and items discovered below grade during the excavation of the site. \$14,915

TOTAL: \$19,803

This is 1.1246% of the construction contract.

In addition, the City saved \$10,966 on the Pacific Materials Laboratory "not to exceed" contract.

FISCAL IMPACT

There is no fiscal impact.

STAFF RECOMMENDATION

1. Authorize the City Clerk to file the Notice of Completion for the project;
2. Authorize the release of the balance of payment due to the Contractor in accordance with the contract and City acceptance of completion of all contractual obligations and all required close-out documents, on the part of the contractor, or 55 days after Notice of Completion records, which ever occurs later;
3. Release the Performance Bond one year after Recordation of Notice of Completion in accordance with the contract, and completion of contractual obligations on the part of Contractor; and
4. Release the Payment Bond six months after Recordation of Notice of Completion in accordance with the contract, and completion of contractual obligations on the part of Contractor.

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO

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

- The undersigned is owner or corporate officer of the owner of the interest or estate stated below in the property hereinafter described:
- The full name of the owner is City of Moorpark
- The full address of the owner is 799 Moorpark Avenue, Moorpark, CA 93021
- 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")

- 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

- 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

- A work of improvement on the property hereinafter described was completed on December 3, 2009. The work done was:

- The names of the contractor, if any, for such work of improvement was California Skateparks, Inc.

April 22, 2009

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

(Date of Contract)

- 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: Poindexter Park Expansion Project

- The street address of said property is 500 Poindexter Avenue, Moorpark, Ca 93021

(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 the declarant of the foregoing Notice of Completion;

(President of, Manager of, Partner of, Owner of, etc.)

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 _____, 2009 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

