



TO: Mayor and Councilmembers

SUBMITTED BY: Luz “Nina” Buelna, Public Works Director

PREPARED BY: John Plummer, Senior Engineer

SUBJECT: Notice of Completion of Various Emergency Projects

RECOMMENDATIONS:

- A. Adopt Resolution No. 24-___ entitled “A Resolution of the City Council of the City of Goleta, California, Authorizing the Filing of a Notice of Completion for the Evergreen Park Drainage Repair Project;” and
- B. Adopt Resolution No. 24-___ entitled “A Resolution of the City Council of the City of Goleta, California, Authorizing the Filing of a Notice of Completion for the Ellwood Mesa Emergency Access Road Repair Project;” and
- C. Adopt Resolution No. 24-___ entitled “A Resolution of the City Council of the City of Goleta, California, Authorizing the Filing of a Notice of Completion for the Newport Drive Culvert Repair Project;” and
- D. Direct the City Clerk to file a Notice of Completion with the County Recorder’s Office for each completed project.

BACKGROUND:

In early February 2024, City of Goleta (City) staff began monitoring the potential for heavy rains to impact Santa Barbara County, particularly portions of the more densely populated areas of South County.

On February 4, 2024, an atmospheric river storm struck California. The significant rainfall caused flooding on public streets, watersheds, creeks, open spaces, wetlands, and other property in the City; damage to public rights-of-way, downed trees blocking sidewalks and streets, road closures, and disruption of public services. The storm prompted the City of Goleta to declare a local emergency on February 4, 2024.

Pursuant to City of Goleta Municipal Code Section 3.05.120 for Urgencies, Public Works staff engaged in immediate emergency operations by securing necessary contractors and consultants to permit the continued performance of the operations and services of the City, and to avoid the immediate danger to life, health, or property caused by the storm.

On May 7, 2024, the City Council ratified several agreements associated with these Winter Storm projects. Three (3) of these projects have since been completed. Evergreen Park Drainage Repair Project, Ellwood Mesa Emergency Access Road Repair Project, and Newport Drive Culvert Repair Project.

DISCUSSION:

Evergreen Park Drainage Repair Project

On June 26, 2024, Public Works issued Toro Enterprises, Inc. (Toro) a Notice to Proceed to commence work on July 8, 2024. Construction activities included but were not limited to repairing the drainage facilities, including removal and replacement of a 24-inch storm drainpipe, curb and sidewalk improvements, and slope stabilization

Public Works staff recommends adoption of the proposed resolution to facilitate the final close-out of this project (Attachment 1). A Notice of Completion pursuant to Public Contract Code §20854 is recommended for approval and direction to be filed with the County of Santa Barbara, County Recorder Office (Attachment 2).

Ellwood Mesa Emergency Access Road Repair Project

On May 7, 2024, Public Works issued Hearn Construction Inc. dba Bob's Backhoe & Trucking (Bob's) a Notice to Proceed to commence work on June 26, 2024. Construction activities included removing and replacing portions of the access road, removing and replacing the 72-inch pipe culvert, and stabilizing the slope.

Public Works staff recommends adopting the proposed resolution to facilitate the final close-out of this project (Attachment 3). A Notice of Completion pursuant to Public Contract Code §20854 is recommended for approval and direction to be filed with the County of Santa Barbara, County Recorder Office (Attachment 4).

Newport Drive Culvert Repair Project

On July 11, 2024, Public Works issued Toro a Notice to Proceed to commence work on July 17, 2024. Construction activities included, but were not limited to, removing existing and replacing damaged drainage facilities at the downstream end of the drainage box, removing and replacing sidewalks, and installing safety components for fall protection.

Public Works staff recommends adopting the proposed resolution to facilitate the final close-out of this project (Attachment 5). A Notice of Completion pursuant to Public

Contract Code §20854 is recommended for approval and direction to be filed with the County of Santa Barbara, County Recorder Office (Attachment 6).

FISCAL IMPACTS:

Evergreen Park Drainage Repair Project

The agreement was executed at the May 7, 2024, City Council meeting for \$352,749.13. In addition, a contract contingency for the project was approved for a not-to-exceed amount of \$35,275. The project was completed on September 11, 2024. The final construction cost was \$368,188.32. The construction cost exceeded the agreement amount by 4.2%, within the project's 10% contingency. The change orders were necessary due to increased quantities and unforeseen site conditions.

Ellwood Mesa Emergency Access Road Repair Project

The agreement was executed at the May 7, 2024, City Council meeting for \$130,890. In addition, a contract contingency for the project was approved for a not-to-exceed amount of \$26,178. The project was completed on July 15, 2024. The final construction cost was \$121,496, less than the agreement amount. None of the contract contingencies was used, due to a decrease in quantities.

Newport Drive Culvert Repair Project

The agreement was signed during the City Council meeting on May 7, 2024, for \$721,924.00. Additionally, a project contingency of up to \$72,193 was approved. The project was completed on September 11, 2024, with a final construction cost of \$729,382.99. This cost was 1.0% higher than the original agreement amount but stayed well within the approved 10% contingency. The change orders were necessary due to increased quantities and unforeseen site conditions.

ALTERNATIVES:

The City Council may direct staff not to file a Notice of Completion for various projects. If a Notice of Completion is not filed, the projects will not be officially closed.

LEGAL REVIEW BY: Isaac Rosen, Acting City Attorney

APPROVED BY: Robert Nisbet, City Manager

ATTACHMENTS:

1. Resolution No. 24-____, entitled "A Resolution of the City Council of the City of Goleta, California, Authorizing the Filing of a Notice of Completion for the Evergreen Park Drainage Repair Project."
2. Notice of Completion for the Evergreen Park Drainage Repair Project

3. Resolution No. 24-____, entitled "A Resolution of the City Council of the City of Goleta, California, Authorizing the Filing of a Notice of Completion for the Ellwood Mesa Emergency Access Road Repair Project."
4. Notice of Completion for the Ellwood Mesa Emergency Access Road Repair Project
5. Resolution No. 24-____, entitled "A Resolution of the City Council of the City of Goleta, California, Authorizing the Filing of a Notice of Completion for the Newport Drive Culvert Repair Project."
6. Notice of Completion for the Newport Drive Culvert Repair Project

ATTACHMENT 1

Resolution No. 24-XXX, entitled “A Resolution of the City Council of the City of Goleta, California, Authorizing the Filing of a Notice of Completion for the Evergreen Park Drainage Repair Project.”

RESOLUTION NO. 24 - ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GOLETA, CALIFORNIA, AUTHORIZING THE FILING OF A
NOTICE OF COMPLETION FOR THE EVERGREEN PARK
DRAINAGE REPAIR PROJECT**

WHEREAS, on May 7, 2024, the City of Goleta ratified the award of a construction contract to Toro Enterprises, Inc., for the Evergreen Park Drainage Repair Project; and

WHEREAS, the City Engineer has evaluated the work and has determined that the work was satisfactorily completed within the City contract period and within budget; and

WHEREAS, the City Engineer recommends the filing of a Notice of Completion pursuant to Government Code section 20854.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF GOLETA AS FOLLOWS:**

SECTION 1.

The work required to be performed by said Contractor has been completed.

SECTION 2.

The work is hereby accepted and approved based on the recommendation of the City Engineer.

SECTION 3.

The Finance Department is directed to release retention posted for the completion of the project as required by the California Civil Code.

SECTION 4.

The City Clerk is directed to forthwith forward a Notice of Completion to the Recorder of the County of Santa Barbara for recording.

SECTION 5.

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, AND ADOPTED this 3rd day of December 2024.

PAULA PEROTTE,
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

ISAAC ROSEN
ACTING CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO
HEREBY CERTIFY that the foregoing Resolution No. 24-____ was duly adopted by
the City Council of the City of Goleta at a regular meeting held on the 3rd day of
December 2024, by the following vote of the Council.

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 2

Notice of Completion for the Evergreen Park Drainage Repair Project

RECORDING REQUESTED BY:
WHEN RECORDED RETURN TO:

City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117
ATTN: CITY CLERK

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Exempt from recording fee, per Government Code
Section 27383

CITY OF GOLETA, CALIFORNIA

By: Deborah S. Lopez
City Clerk

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that a contract was heretofore awarded by the City Council of the City of Goleta, California, 130 Cremona Drive, Goleta, CA 93117 to Toro Enterprises, Inc., 2101 Ventura Boulevard, Oxnard, CA 93036 for the performance of the following work:

EVERGREEN PARK DRAINAGE REPAIR PROJECT

Said work was completed on September 11, 2024, by said company; was completed in accordance with City standards and to the satisfaction of the City Engineer of the City of Goleta; and was accepted by the City Council of the City of Goleta, owner, at a regular meeting thereof held on the 3rd day of December 2024, by Resolution No. 24-____.

DATED this 3rd day of December, 2024, at Goleta, California.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

DEBORAH S. LOPEZ,
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)
CITY OF GOLETA) ss

I, Deborah S. Lopez, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Notice of Completion is true and correct, and that said Notice of Completion was duly and regularly ordered to be recorded in the Office of the Santa Barbara County Recorder by said City Council.

DATED this 3rd day of December 2024, at Goleta, California.

DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 3

Resolution No. 24-XXX, entitled “A Resolution of the City Council of the City of Goleta, California, Authorizing the Filing of a Notice of Completion for the Ellwood Mesa Emergency Access Road Repair Project.”

RESOLUTION NO. 24 - ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GOLETA, CALIFORNIA, AUTHORIZING THE FILING OF A
NOTICE OF COMPLETION FOR THE ELLWOOD MESA
EMERGENCY ACCESS ROAD REPAIR PROJECT**

WHEREAS, on May 7, 2024, the City of Goleta ratified the award of a construction contract to Hearn Construction, Inc. dba Bob's Backhoe and Trucking, for the Ellwood Mesa Emergency Access Road Repair Project; and

WHEREAS, the City Engineer has evaluated the work and has determined that the work was satisfactorily completed within the City contract period and within budget; and

WHEREAS, the City Engineer recommends the filing of a Notice of Completion pursuant to Government Code section 20854.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF GOLETA AS FOLLOWS:**

SECTION 1.

The work required to be performed by said Contractor has been completed.

SECTION 2.

The work is hereby accepted and approved based on the recommendation of the City Engineer.

SECTION 3.

The Finance Department is directed to release retention posted for the completion of the project as required by the California Civil Code.

SECTION 4.

The City Clerk is directed to forthwith forward a Notice of Completion to the Recorder of the County of Santa Barbara for recording.

SECTION 5.

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, AND ADOPTED this 3rd day of December 2024.

PAULA PEROTTE,
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

ISAAC ROSEN
ACTING CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)
CITY OF GOLETA) ss.

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO
HEREBY CERTIFY that the foregoing Resolution No. 24-____ was duly adopted by
the City Council of the City of Goleta at a regular meeting held on the 3rd day of
December 2024, by the following vote of the Council.

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 4

Notice of Completion for the Ellwood Mesa Emergency Access Road Repair Project

RECORDING REQUESTED BY:
WHEN RECORDED RETURN TO:

City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117
ATTN: CITY CLERK

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Exempt from recording fee, per Government Code
Section 27383

CITY OF GOLETA, CALIFORNIA

By: Deborah S. Lopez
City Clerk

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that a contract was heretofore awarded by the City Council of the City of Goleta, California, 130 Cremona Drive, Goleta, CA 93117, to Hearn Construction, Inc. dba Bob's Backhoe and Trucking, 5775 Thornwood Drive, Goleta, CA 93117, for the performance of the following work:

ELLWOOD MESA EMERGENCY ACCESS ROAD REPAIR PROJECT

Said work was completed on July 15, 2024, by said company; was completed in accordance with City standards and to the satisfaction of the City Engineer of the City of Goleta; and was accepted by the City Council of the City of Goleta, owner, at a regular meeting thereof held on the 3rd day of December 2024, by Resolution No. 24-____.

DATED this 3rd day of December, 2024, at Goleta, California.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

DEBORAH S. LOPEZ,
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss
CITY OF GOLETA)

I, Deborah S. Lopez, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Notice of Completion is true and correct, and that said Notice of Completion was duly and regularly ordered to be recorded in the Office of the Santa Barbara County Recorder by said City Council.

DATED this 3rd day of December 2024, at Goleta, California.

DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 5

Resolution No. 24-XXX, entitled "A Resolution of the City Council of the City of Goleta, California, Authorizing the Filing of a Notice of Completion for the Newport Drive Culvert Repair Project."

RESOLUTION NO. 24 - ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GOLETA, CALIFORNIA, AUTHORIZING THE FILING OF A
NOTICE OF COMPLETION FOR THE NEWPORT DRIVE
CULVERT REPAIR PROJECT**

WHEREAS, on May 7, 2024, the City of Goleta ratified the award of a construction contract to Toro Enterprises, Inc., for the Newport Drive Culvert Repair Project; and

WHEREAS, the City Engineer has evaluated the work and has determined that the work was satisfactorily completed within the City contract period and within budget; and

WHEREAS, the City Engineer recommends the filing of a Notice of Completion pursuant to Government Code section 20854.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF GOLETA AS FOLLOWS:**

SECTION 1.

The work required to be performed by said Contractor has been completed.

SECTION 2.

The work is hereby accepted and approved based on the recommendation of the City Engineer.

SECTION 3.

The Finance Department is directed to release retention posted for the completion of the project as required by the California Civil Code.

SECTION 4.

The City Clerk is directed to forthwith forward a Notice of Completion to the Recorder of the County of Santa Barbara for recording.

SECTION 5.

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, AND ADOPTED this 3rd day of December 2024.

PAULA PEROTTE,
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

ISAAC ROSEN
ACTING CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO
HEREBY CERTIFY that the foregoing Resolution No. 24-____ was duly adopted by
the City Council of the City of Goleta at a regular meeting held on the 3rd day of
December 2024, by the following vote of the Council.

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 6

Notice of Completion for the Newport Drive Culvert Repair Project

RECORDING REQUESTED BY:
WHEN RECORDED RETURN TO:

City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117
ATTN: CITY CLERK

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Exempt from recording fee, per Government Code
Section 27383

CITY OF GOLETA, CALIFORNIA

By: Deborah S. Lopez
City Clerk

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that a contract was heretofore awarded by the City Council of the City of Goleta, California, 130 Cremona Drive, Goleta, CA 93117 to Toro Enterprises, Inc., 2101 Ventura Boulevard, Oxnard, CA 93036 for the performance of the following work:

NEWPORT DRIVE CULVERT REPAIR PROJECT

Said work was completed on September 11, 2024, by said company; was completed in accordance with City standards and to the satisfaction of the City Engineer of the City of Goleta; and was accepted by the City Council of the City of Goleta, owner, at a regular meeting thereof held on the 3rd day of December 2024, by Resolution No. 24-____.

DATED this 3rd day of December, 2024, at Goleta, California.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

DEBORAH S. LOPEZ,
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)
CITY OF GOLETA) ss

I, Deborah S. Lopez, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Notice of Completion is true and correct, and that said Notice of Completion was duly and regularly ordered to be recorded in the Office of the Santa Barbara County Recorder by said City Council.

DATED this 3rd day of December 2024, at Goleta, California.

DEBORAH S. LOPEZ
CITY CLERK