



**TO:** Mayor and Councilmembers

**FROM:** Jaime A Valdez, Neighborhood Services Director

**CONTACT:** JoAnne Plummer, Parks and Recreation Manager

**SUBJECT:** Miscellaneous Park Improvement Project Notice of Completion

**RECOMMENDATION:**

- A. Adopt Resolution No. 23-\_\_ entitled “A Resolution of the City Council of the City of Goleta, California, Authorizing the Filing of a Notice of Completion for the Miscellaneous Park Improvement Project (CIP 9066)”, and
- B. Direct the City Clerk to file a Notice of Completion with County Recorder’s Office.

**BACKGROUND:**

In 2015, the adopted Recreation Needs Assessment identified improvement needed at a variety of parks in the City of Goleta. The parks were prioritized, and three parks emerged as needing playgrounds replaced and access improved: Andamar Park, Winchester 1 Park and Winchester 2 Park. This Project was approved in the 2016 CIP Project as CIP No. 9066.

In 2017, an evaluation of existing playgrounds was completed and a swing set at Berkeley Park was identified as dangerous and recommended for replacement. The damaged equipment was immediately removed in the interest of public safety. During the following budget process, playground replacement for this park was added to CIP No. 9066.

In 2019, the City Council received two separate reports to discuss the possible layouts for the playground equipment at Winchester 2 Park. Neighbors had reported problems with a lack of tree maintenance, flooding, and drainage at this location. Concerns were expressed related to how the playground may impact the other uses in the park such as soccer, picnicking and t-ball. Prior to the meeting on February 19, 2019, staff had reached out to the neighborhood in the vicinity of the park and posted signs about the meeting in the park to make sure that all of those impacted by the improvements had the opportunity to express their concerns. Numerous letters and emails were received, most expressing concerns with a layout at the north side of the property, close to the busy Calle Real traffic. Council reviewed multiple layouts of the playground and chose Option D as the final

layout. In the motion, staff was asked to re-evaluate the site due to recent fallen trees to determine if the layout could be flipped, moving the taller elements to the north side of the design. Due to the trees lost in a storm earlier that year, the layout for Option D was able to be flipped, placing the swings at the south side of the layout and the taller play features further north in the design. Additionally, the Americans with Disabilities Act (ADA) compliant walkway would run from the sidewalk on Calle Real to the playground.

The concerns that were raised regarding Winchester 2 Park's drainage would need to be evaluated by an outside agency before construction would begin. Not knowing if the challenges at Winchester 2 Park would be significant, staff requested that Winchester 2 Park be placed as its own project in the Fiscal Years 2019-20 and 2020-21 CIP Budget as CIP No. 9108. In late July of 2019, the City contracted with Stantec for engineering and surveying services. Over the next few months, Stantec conducted evaluations on this site to include percolation tests. The result was a finding that the natural flow of the property does flow towards Warwick Place and clay was found in the soils, which can slow percolation after heavy rains. In early 2020, questions were raised related to the ADA accessibility requirements at all the locations. The plan was to ensure that there was at least one ADA pathway leading to the new features and the surfacing material would include a unitary product that was compliant with ADA access. While it is ideal to have multiple accessible pathways, only one is required at the time of the park improvements. As other improvements are considered, such as addressing drainage in the picnic area, additional access pathways will be evaluated for inclusion with those projects and has been included in a separate Capital Improvement Project (9108).

## **DISCUSSION:**

In December of 2020, the City Council authorized staff to advertise for construction and installation of the equipment and ADA pathways for four park locations including Andamar Park, Winchester 1 Park, Winchester 2 Park and Berkeley Park. Staff filed the Notices of Exemption with the County of Santa Barbara for all four locations per the CEQA guidelines in January of 2021.

These park improvement locations have benefited the health and quality of life for young people and families in the community by improving the accessibility and safety surfacing and expanding the exploration opportunities through play. The improvements at Winchester 1 Park also provides a positive experience for physical fitness for older children, adults and seniors.

In June of 2021, the City Council awarded a contract to R.E. Shultz Construction, Inc. for the construction of the project and to Filippin Engineering for the construction management, inspections and materials testing related to this project.

In September of 2021, the City issued a notice to proceed to R.E. Shultz Construction, Inc to begin construction of the Park. The work consisted of grading, installation of sidewalks, driveways, fencing, drains, recreation amenities to include playground equipment, fitness equipment, benches, shade structures, picnic table, and curbing per the project plans, specifications and change orders.

The work by the contractor was completed by June of 2022. Over the past number of months, the Neighborhood Services Department has finalized construction invoices and project closeout activities.

The Neighborhood Services Department is recommending 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 requested for the City Clerk to file it with the County of Santa Barbara, County Recorder Office (Attachment 2).

### FISCAL IMPACTS:

The actual cost for construction, including quantity changes, equipment, and construction management, totaled \$924,407.30 including the \$15,080 in change orders for construction.

The project was funded with Park DIF. The budget worksheet for the construction and the overall project costs are shown in the tables below.

### TOTAL PROJECT COST SUMMARY

PLAYGROUND IMPROVEMENT PROJECT	
Purchasing of Equipment	379,111.00
Construction Contract	492,133.80
Construction Change Order Costs	15,080.00
CMIT Contract	38,082.50
<b>TOTAL</b>	<b>\$924,407.30</b>

### ALTERNATIVES:

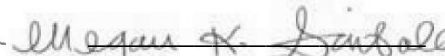
The Council may elect to direct staff not to file a Notice of Completion for the project. If a Notice of Completion is not filed, the time period for subcontractor claims and the associated release of final retention on the Project would be extended from 30 to 90 days.

**Reviewed By:**

**Legal Review By:**

**Approved By:**

  
Kristine Schmidt  
Assistant City Manager

  
Megan Garibaldi  
City Attorney

  
Robert Nisbet  
City Manager

**ATTACHMENTS:**

1. A Resolution of the City Council of the City Goleta, California Authorizing the Filing of a Notice of Completion of the Miscellaneous Park Improvement Project
2. Notice of Completion for the Miscellaneous Park Improvement Project (CIP 9066)

## **ATTACHMENT 1**

Resolution No. 23-\_\_ entitled "A Resolution of the City Council of the City of Goleta, California, Authorizing the Filing of a Notice of Completion for the Miscellaneous Park Improvement Project (9066)"

**RESOLUTION NO. 23 - \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
GOLETA, CALIFORNIA AUTHORIZING THE FILING OF A NOTICE  
OF COMPLETION FOR THE MISCELLANEOUS PARK  
IMPROVEMENT PROJECT**

**WHEREAS**, on June 15, 2021, the City of Goleta authorized award of a construction contract to R.E. Schultz Construction, Inc, for the Construction of the Miscellaneous Park Improvement Project; and

**WHEREAS**, the City Engineer has evaluated the work and has determined that the work was satisfactorily completed within the City extended 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 7<sup>th</sup> day of March, 2023.

\_\_\_\_\_  
PAULA PEROTTE,  
MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
DEBORAH S. LOPEZ  
CITY CLERK

\_\_\_\_\_  
MEGAN GARIBALDI  
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. 23-\_\_\_ was duly adopted by  
the City Council of the City of Goleta at a regular meeting held on the 7<sup>th</sup> day of  
March, 2023, by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

\_\_\_\_\_  
DEBORAH S. LOPEZ  
CITY CLERK



## **ATTACHMENT 2**

Notice of Completion for the Miscellaneous Park Improvement Project (9066)

RECORDING REQUESTED BY:  
WHEN RECORDED RETURN TO:

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

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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, to R.E. Shultz Construction, Inc., Rick Schultz, 1767 North Batavia Street, Orange, CA 92965 for the performance of the following work:

#### **CONSTRUCTION OF MISCELLANEOUS PARK IMPROVEMENT PROJECT**

Said work was substantially completed on June 30, 2022, 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 7<sup>th</sup> day of March, 2023, by Resolution No. 23-\_\_.

DATED this 7<sup>th</sup> day of March, 2023, 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.

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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 7th day of March, 2023, at Goleta, California.

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DEBORAH S. LOPEZ  
CITY CLERK