



TO: Mayor and Councilmembers

FROM: Robert Woodward and Masoud Mahmoud, Interim Public Works Director

CONTACT: James Winslow, Senior Project Engineer

SUBJECT: Magnolia Avenue Sidewalk Infill Project (9082) Notice of Completion

RECOMMENDATION:

- A. Adopt Resolution No. 18-____ entitled "A Resolution of the City Council of the City of Goleta, California, Authorizing the Filing of a Notice of Completion for the Magnolia Avenue Sidewalk Infill Project (9082);" and
- B. Direct the City Clerk to file a Notice of Completion.

BACKGROUND:

On August 15, 2017, Council awarded a construction contract (Agreement 2017-067) for the Magnolia Avenue Sidewalk Infill project (9082) to JJ Fisher Construction, Inc. in the total amount not to exceed of \$216,020, with a contingency for change orders in the amount of \$21,600. This report summarizes construction work and costs associated with the project.

On August 15, 2017, Council approved and executed Agreement 2017-068 with MNS Engineers, Inc. (MNS) for Construction Management, Inspection and Testing (CMIT) services for a total not to exceed \$38,504.

DISCUSSION:

Staff issued JJ Fisher Construction, Inc. (JJ Fisher) a Notice to Proceed on September 18, 2017. The work consisted of constructing approximately 600 linear feet of sidewalk on the east and west sides of Magnolia Avenue from Hollister Avenue south to Gaviota Street. The work also included replacing driveways, curb and gutter, four Americans with Disabilities Act (ADA) access ramps, removing three trees and planting five trees. The Project was necessary to replace deteriorated sidewalk in some areas and other areas where the sidewalk was paved with asphalt with no curb and gutter.

JJ Fisher substantially completed the project on November 20, 2017, and over the next few months, staff worked with JJ Fisher to finalize construction invoices and complete project closeout activities.

Staff 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 to be filed with the County of Santa Barbara, County Recorder Office (Attachment 2).

FISCAL IMPACTS:

The construction, contingency, and CMIT costs were estimated to be \$276,124. The actual cost for construction, including quantity changes, contingencies, and construction management, totaled \$269,578, which was within budget. There were two change orders for construction extra work for a total of \$2,853. The extra work included providing two signs stating, "Businesses Are Open During Construction" and temporarily covering, removing, hauling and properly disposing of non-hazardous contaminated soils. The project was entirely funded by Measure A and Community Development Block Grant (CDBG) funds.

The final expenditure worksheet for the project, including construction and CMIT is shown in the table below:

Magnolia Avenue Sidewalk Infill Project (9082)			
	Budgeted Costs	Actual Costs	Remaining Budget
Construction Contract (JJ Fisher)	\$216,020	\$216,020	\$0
Construction Contingency (JJ Fisher)	\$21,600	\$15,117	\$6,483
CMIT (MNS)	\$38,504	\$38,441	\$63
Total	\$276,124	\$269,578	\$6,546

ALTERNATIVES:

The Council may elect to direct staff to not 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.

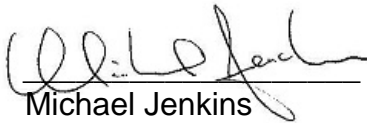
Reviewed By:

Legal Review By:

Approved By:



Carmen Nichols
Deputy City Manager



Michael Jenkins
City Attorney



Michelle Greene
City Manager

ATTACHMENTS:

1. A Resolution of the City Council of the City Goleta, California Authorizing the Filing of a Notice of Completion for the Magnolia Avenue Sidewalk Infill Project.
2. Notice of Completion for the Magnolia Avenue Sidewalk Infill Project.

Attachment 1

**A Resolution of the City Council of the City Goleta, California Authorizing the
Filing of a Notice of Completion for the Magnolia Sidewalk Infill Project.**

RESOLUTION NO. 18 - ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GOLETA, CALIFORNIA AUTHORIZING THE FILING OF A NOTICE
OF COMPLETION FOR THE MAGNOLIA AVENUE SIDEWALK
INFILL PROJECT**

WHEREAS, on August 15, 2017, the City of Goleta authorized award of a construction contract to JJ Fisher Construction, Inc. for the Magnolia Avenue Sidewalk Infill 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 17th day of April, 2018.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
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. 18-___ was duly adopted by
the City Council of the City of Goleta at a regular meeting held on the 17th day of
April, 2017, by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

Attachment 2

Notice of Completion for the Magnolia Sidewalk Infill 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, to JJ Fisher Construction, Inc., for the performance of the following work:

MAGNOLIA AVENUE SIDEWALK INFILL PROJECT

Said work was substantially completed on November 20, 2017, 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 17th day of April, 2018, by Resolution No. 18-__.

DATED this 17th day of April, 2018, 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 17th day of April, 2018, at Goleta, California.

DEBORAH S. LOPEZ
CITY CLERK