



**TO:** Mayor and Councilmembers

**FROM:** Charles W. Ebeling, Public Works Director

**CONTACT:** Gerald Comati, Project Manager

**SUBJECT:** Notice of Completion for the San Jose Creek Emergency Channel Repair Project (Project No. 9009A)

**RECOMMENDATION:**

- A. Adopt Resolution No. 21-\_\_\_ entitled “A Resolution of the City Council of the City of Goleta, California, Authorizing the Filing of a Notice of Completion for San Jose Creek Emergency Channel Repair Project”; and
- B. Direct the City Clerk to file a Notice of Completion with County Recorder’s Office.

**BACKGROUND:**

The San Jose Creek Emergency Channel Repair Project, Project No. 9009A, constructed the permanent repair to the San Jose Creek Channel along an approximately 100-foot-long stretch of concrete lined channel near Hollister Avenue. This work repaired the structural damage to the channel caused by a storm event in February 2017.

Public Works staff (Public Works) completed design for the project and on July 7, 2020, the City Council approved the Project Plans and Specifications and authorized staff to advertise the project for bids for construction. Public Works solicited competitive bids for the project on July 9, 2020, and sealed bids were opened on August 6, 2020. On September 1, 2020, the City Council awarded a Construction Contract for the project to James C. Cushman Inc. in an amount not-to-exceed \$304,600 and approved a construction contingency in the amount of \$76,150.

**DISCUSSION:**

Construction for the San Jose Creek Emergency Channel Repair Project began on September 14, 2020, and the construction was completed on November 13, 2020. A single change order for the project was approved in October 2020 to address material fabrication modifications and additional channel debris removal. Public Works and the contractor have finalized the construction paperwork, punch list items, and project closeout activities.

Public Works 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. Staff also recommends that the city Council direct the City Clerk to file the Notice with the County of Santa Barbara, County Recorder Office (Attachment 2).

### **FISCAL IMPACTS:**

The total construction cost for the San Jose Creek Emergency Channel Repair Project was \$454,598 and is shown in the following tables.

#### Project Construction Costs

<b>Construction Cost</b>	<b>Base Construction Contract</b>	<b>Contingency / Change Order Funds</b>	<b>Totals</b>
Construction Authorization	\$304,600	\$76,150	\$380,750
Final Actual Construction Expenditure	\$304,600	\$72,972	\$377,572

#### **TOTAL PROJECT COST SUMMARY**

<b>Construction</b>	
Construction Contract	\$304,600
Construction Change Orders #1	\$72,972
<b>Subtotal</b>	<b>\$377,572</b>
<b>Project Management, Construction Management and Inspection</b>	
Construction Management/Inspection	\$43,985
Environmental Monitoring	\$8,041
Project Management	\$20,000
<b>Subtotal</b>	<b>72,026</b>
Right of Entry Agreement	<b>\$5,000</b>
<b>TOTAL</b>	<b>\$454,598</b>

#### Project Funding

The table below summarizes the FY 20/21 project budget, funding source accounts, expenditures and encumbrances, and available budget amounts.


Account	Fund Type	Total Budget	YTD Actuals	Remaining Budget
101-90-9009-57071 (Construction)	General Fund	\$460,750	\$454,598	\$6,152
<b>TOTAL</b>		<b>\$460,750</b>	<b>\$454,598</b>	<b>\$6,152</b>

**ALTERNATIVES:**

The City Council may elect to direct staff to not file a Notice of Completion for the project and the project would not be officially closed.

**Reviewed By:****Legal Review By:****Approved By:**
  
 Kristine Schmidt  
 Assistant City Manager

  
 Michael Jenkins  
 City Attorney

  
 Michelle Greene  
 City Manager
**ATTACHMENTS:**

1. A Resolution of the City Council of the City of Goleta, California, Authorizing the Filing of a Notice of Completion for San Jose Creek Emergency Channel Repair Project
2. Notice of Completion for San Jose Creek Emergency Channel Repair Project

## **ATTACHMENT 1**

A Resolution of the City Council of the City of Goleta, California,  
Authorizing the Filing of a Notice of Completion for San Jose  
Creek Emergency Channel Repair Project

**RESOLUTION NO. 21 - \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
GOLETA, CALIFORNIA, AUTHORIZING THE FILING OF A NOTICE  
OF COMPLETION FOR THE SAN JOSE CREEK EMERGENCY  
CHANNEL REPAIR PROJECT**

**WHEREAS**, on September 1, 2020, the City of Goleta authorized award of a construction contract to James C. Cushman, Inc., for the San Jose Creek Emergency Channel Repair 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 Public Contract 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 2<sup>nd</sup> day of March 2021.

\_\_\_\_\_  
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. 21-\_\_\_\_ was duly adopted by  
the City Council of the City of Goleta at a regular meeting held on the 2<sup>nd</sup> day of  
March, 2021, by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

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

## **ATTACHMENT 2**

Notice of Completion for San Jose Creek Emergency Channel  
Repair Project



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 James C. Cushman Inc., for the performance of the following work:

#### **SAN JOSE CREEK EMERGENCY CHANNEL REPAIR PROJECT (PROJECT NO. 9009A)**

Said work was substantially completed on November 13, 2020, 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 2<sup>nd</sup> day of March, 2021, by Resolution No. 21-\_\_\_\_\_.

DATED this 2<sup>nd</sup> day of March, 2021, 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    )       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 2<sup>nd</sup> day of March, 2021, at Goleta, California.

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DEBORAH S. LOPEZ  
CITY CLERK