



MEETING DATE: 6/7/04

ITEM NO. 18

COUNCIL/AGENCY AGENDA REPORT

DATE: MAY 14, 2004
TO: MAYOR AND TOWN COUNCIL/ CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY
FROM: DEBRA J. FIGONE, TOWN MANAGER/EXECUTIVE DIRECTOR
SUBJECT: PROJECT 03-36B - MONTEBELLO PARKING LOT IMPROVEMENTS ADOPT RESOLUTION ACCEPTING WORK OF JOSEPH J. ALBANESE, INC. AND AUTHORIZING THE TOWN MANAGER/EXECUTIVE DIRECTOR TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY THE TOWN CLERK/SECRETARY OF THE REDEVELOPMENT AGENCY

RECOMMENDATION:

Adopt resolution accepting work of Joseph J. Albanese, Inc. and authorizing the Town Manager/Executive Director to execute Certificate of Acceptance and Notice of Completion for recording by Town Clerk/Secretary of the Redevelopment Agency.

BACKGROUND:

On March 17, 2003, the Council accepted a status report on the Downtown Parking Management Plan and provided direction on plan implementation. One of the goals of this plan is to provide additional parking in the downtown area. Development and reconstruction of the South Side and Montebello Parking Lots are key components of the above plan. The Montebello Parking Lot provided an additional 32 parking spaces for the Town.

On December 15, 2003 the Town Council awarded the contract for this work to Joseph J. Albanese, Inc. as the lowest responsible bidder.

On May 3, 2004 the project was substantially completed. The execution and recording of the Certificate of Acceptance is now required to finalize the Town's acceptance of the project.

PREPARED BY: JOHN E. CURTIS Director of Parks and Public Works

Reviewed by: PSJ Assistant Town Manager OK Attorney Clerk Finance Community Development Revised: 5/14/04 8:52 am

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MAYOR AND TOWN COUNCIL/

CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

SUBJECT: PROJECT 03-36B - MONTEBELLO PARKING LOT IMPROVEMENTS

MAY 14, 2004

DISCUSSION:

The contracted work has been completed by Joseph J. Albanese, Inc. and is accepted by the Parks and Public Works Department. Ten percent of the faithful performance bond will remain in effect for a period of two years to guarantee any needed repair and/or replacement caused by defective materials and workmanship. Staff recommends that the Certificate of Acceptance and Notice of Completion be executed and recorded.

ENVIRONMENTAL ASSESSMENT:

These projects are Categorically Exempt pursuant to Sections 15301(c) and 15304(b) of the State CEQA guidelines.

FISCAL IMPACT:

The original contract approved by Council was for \$111,951.40. with a contingency budget of \$20,000. The project was completed for \$129,382.40, which is under the total project approved budget. Sufficient funds are available in the 930-0336 Downtown Parking Management Plan. The project contingency amount was used to cover unforeseen issues arising during the course of construction including the addition of a privacy fence, an ADA hand rail, and rewiring of an underground electrical system.

FY 2002/03	FY 2002-03	Fiscal Year Actual	FY 2003-04
RDA Downtown Parking Management 930-0336	Adjusted	Expended/Encumbered	Available
	Budget	Or Planned To Date	Balance
FY 2002/03 Adopted Budget	\$ 800,000	\$ 134,724	\$ 665,276
Total RDA Downtown Parking Management 930-0336	\$ 800,000	\$ 134,724	\$ 665,276
FY 2003/04			
FY 2003/04 Carry Forward	665,276	282,525	
Total RDA Downtown Parking Management 930-0336	\$ 665,276	\$ 282,525	\$ 382,751

Attachments:

Resolution accepting work of Joseph J. Albanese, Inc. (with Exhibit A) Certificate of Acceptance and Notice of Completion.

RESOLUTION

RESOLUTION OF THE TOWN COUNCIL/REDEVELOPMENT AGENCY
OF THE TOWN OF LOS GATOS
ACCEPTING WORK OF JOSEPH J. ALBANESE, INC. FOR
PROJECT 03-36B - MONTEBELLO PARKING LOT IMPROVEMENTS AND FOR THE
TOWN MANAGER/EXECUTIVE DIRECTOR TO EXECUTE CERTIFICATE OF
ACCEPTANCE AND NOTICE OF COMPLETION
FOR RECORDING BY THE TOWN CLERK/SECRETARY

WHEREAS, on December 15, 2003 the Town Council/Redevelopment Agency awarded the contract for this work to Joseph J. Albanese, Inc., as the lowest responsible bidder; and

WHEREAS, Town Council/Redevelopment Agency authorized staff to issue change orders to the construction contract up to an amount of \$20,000.

WHEREAS, Joseph J. Albanese, Inc. substantially completed the project in conformance with the plans and specifications pursuant to Council/Agency approval; and

WHEREAS, ten percent of the performance bond provided by Joseph J. Albanese, Inc. shall remain in place for two years until June 7, 2006 to guarantee the work; and

WHEREAS, the work on Project 03-36B - Montebello Parking Lot Improvements, is hereby accepted as complete pursuant to the plans and specifications for the project.

NOW THEREFORE BE IT RESOLVED, that the Town Manager/Executive Director is authorized and directed to execute the Certificate of Acceptance and Notice of Completion attached as (Exhibit A) hereto.

BE IT FURTHER RESOLVED, that the Town Clerk/Secretary is directed to transmit this Certificate of Acceptance and Notice of Completion to the Recorder of Santa Clara County for recording.

PASSED AND ADOPTED at a regular meeting of the Town Council/Redevelopment Agency of the Town of Los Gatos, California, held on the day of , 2004 by the following vote.

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR/CHAIR OF THE REDEVELOPMENT
AGENCY OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK/SECRETARY OF THE REDEVELOPMENT
AGENCY OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

PLEASE RECORD AND RETURN TO:

Town Clerk/Secretary
P.O. Box 949
Los Gatos, CA 95031

CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
PROJECT 03-36B - MONTEBELLO PARKING LOT IMPROVEMENTS

TO WHOM IT MAY CONCERN:

We do hereby certify that **Joseph J. Albanese, Inc.** substantially completed the work on May 3, 2004 called for in the agreement with the Town of Los Gatos dated December 22, 2003. The work is listed in the specifications prepared by the Town of Los Gatos and generally consisted of furnishing all labor, materials, tools, equipment, and services required for completion of the Project 03-36B - Montebello Parking Lot Improvements located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **June 7, 2004.**

The Surety on the bond accompanying the contract/agreement is Travelers Casualty and Surety Company of America.

Bond #: 104183263

Dated: December 23, 2003

TOWN OF LOS GATOS

By: _____
Director of Parks and Public Works

By: _____
Town Manager/Executive Director

I, DEBRA J. FIGONE, the Town Manager/Executive Director of the Redevelopment Agency of the Town of Los Gatos, have read the foregoing CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION and know the contents thereof. The same is true of my own knowledge, except as to the matters which are therein alleged on information or belief, and as to those matters I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on _____ 2004 at Los Gatos, California.

DEBRA J. FIGONE, TOWN MANAGER/EXECUTIVE DIRECTOR of
the Redevelopment Agency of the Town of Los Gatos

RECOMMENDED BY:

John E. Curtis
Director of Parks and Public Works

Date: _____

APPROVED AS TO FORM:

Town Attorney/General Counsel

Date: _____

TOWN OF LOS GATOS, CALIFORNIA, ACKNOWLEDGMENT

State of California

County of Santa Clara

On _____ before me, **MARIAN V. COSGROVE, Town Clerk/Secretary of the Redevelopment Agency**, personally appeared **DEBRA J. FIGONE Town Manager/Executive Director of the Redevelopment Agency**, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the within instrument the entity upon behalf of which the person acted, **The Town of Los Gatos**, executed the instrument.

WITNESS my hand and official seal.

Town Clerk/Secretary of the Redevelopment Agency
of the Town of Los Gatos
Los Gatos, California

CAPACITY CLAIMED BY SIGNER:

Municipal Officer of the Town of Los Gatos

DESCRIPTION OF ATTACHED DOCUMENT:

Title of Document: Certificate of Acceptance and Notice of Completion
Project 03-36B - Montebello Parking Lot Improvements

Number of Pages: 2

Date of Document:

Signer(s) Other than Named Above: None

