



MEETING DATE: 11/20/06

ITEM NO:

7

COUNCIL/AGENCY AGENDA REPORT

DATE: NOVEMBER 15, 2006

TO: MAYOR AND TOWN COUNCIL/
CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

FROM: DEBRA J. FIGONE, TOWN MANAGER/EXECUTIVE DIRECTOR

SUBJECT: MAIN STREET RESURFACING AND STREETScape PROJECT (0217)
AND LOS GATOS ALMADEN ROAD RESURFACING PROJECT (0606)
(PPW JOB NO. 04-63)

- A. 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 CLERK ADMINISTRATOR/SECRETARY OF THE REDEVELOPMENT AGENCY
- B. AUTHORIZE TRANSFER OF \$115,710 STP GRANT FUNDS FROM MAIN STREET RESURFACING PROJECT (410-0217) TO LOS GATOS ALMADEN ROAD RESURFACING PROJECT (410-0606)
- C. AUTHORIZE BUDGET INCREASE AND TRANSFER OF \$42,308 FROM STREET REPAIR AND RESURFACING PROGRAM (480-0352) TO THE LOS GATOS ALMADEN ROAD RESURFACING PROJECT (480-0606)
- D. AUTHORIZE BUDGET EXPENDITURE ADJUSTMENT OF \$42,308 FOR THE LOS GATOS ALMADEN ROAD RESURFACING PROJECT (0606)

RECOMMENDATION:

1. 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 Clerk Administrator/Secretary of the Redevelopment Agency.
2. Authorize budget transfer of \$115,710 STP grant funds from Main Street Resurfacing Project (410-0217) to Los Gatos Almaden Resurfacing Project (410-0606)
3. Authorize budget increase and transfer of \$42,308 from Street Repair and Resurfacing Program (480-0352) to the Los Gatos Almaden Road Resurfacing Project (480-0606).
4. Authorize budget expenditure adjustment of \$42,308 for the Los Gatos-Almaden Road Resurfacing Project (0606).

PREPARED BY:

John E. Curtis
JOHN E. CURTIS

Director of Parks and Public Works

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Reviewed by: PSD Assistant Town Manager/Deputy Director OK Town Attorney/General
Counsel _____ Clerk Administrator/Secretary W/S Finance _____ Community Development

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MAYOR AND TOWN COUNCIL/

CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

SUBJECT: MAIN STREET RESURFACING AND STREETSCAPE PROJECT 0217
AND LOS GATOS ALMADEN ROAD RESURFACING PROJECT 0606
(PPW JOB NO. 04-63)

NOVEMBER 15, 2006

BACKGROUND:

This project completed the final phase of the downtown streetscape and resurfacing of the Main Street improvements which began four years ago.

The scope of work on Main Street included the removal and replacement of damaged and sub-standard sidewalks from Santa Cruz Avenue to College Avenue, new Villa Hermosa style sidewalks to match the rest of the sidewalks in the downtown area, and repaving from Santa Cruz Avenue to Loma Alta Avenue. Los Gatos-Almaden Road was also resurfaced from Los Gatos Boulevard to Camino del Cerro.

DISCUSSION:

This was a challenging project that involved close coordination between various Town staff, downtown merchants, and residents. This project had to be constructed so that the day to day operations of the Main Street merchants and residents would stay uninterrupted.

The contractor worked closely with staff and the merchants to make special accommodations, which was the key in the successful construction of this project. 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. The execution and recordation of the Certificate of Acceptance is now required to finalize the Town's acceptance of the project. Staff recommends that the Certificate of Acceptance and Notice of Completion be executed and recorded.

CONCLUSION:

Staff recommends that Council approve the Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator/Secretary.

ENVIRONMENTAL ASSESSMENT:

This project Categorically Exempt (Section 15301(c) and (d) of the State CEQA Guidelines.

FISCAL IMPACT:

The construction contract was awarded for \$1,559,550 with a contingency budget of \$100,000, bringing the authorized project budget to \$1,659,550. The Albanese construction contract was completed for \$1,582,209.

MAYOR AND TOWN COUNCIL/

CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

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The Surface Transportation Program (STP) grant can be used for either project area, and as the Los Gatos Almaden Road section needs additional funding, it is recommended that the \$115,710 STP grant be transferred from the Main Street Project to the Los Gatos Almaden Road Resurfacing Project.

Both projects are now completed and all expenditures have been accounted. Additional project costs outside the construction contract, such as staffing, outreach materials and traffic signalization costs, bring the total cost of both projects to \$2,251,232: Main Street Streetscape's project final costs are \$1,470,710 and Los Gatos Almaden Road Resurfacing Project final costs are \$780,522. The Main Street Streetscape Project has a remaining balance of \$191,140 which will be considered for reprogramming for other RDA-area infrastructure projects during the development of the FY 2007/8-2001/12 CIP. The Los Gatos Almaden Road Project requires an adjustment of \$42,308 of Gas Tax funding to balance the program accounts due to a staff error in the amount of funds requested for authorization at the time of project award. The transfer of \$42,308 from the Street Repair and Resurfacing Project is recommended to meet this funding need. The following charts describe the two projects' final budgets and expenditures:

Main Street Streetscape & Resurfacing Project					
SOURCE OF FUNDS	Available Budget Funding	Requested Adjustment of Funds	Revised Budget	Expensed To Date	Balance of Account
Project 930-0217	1,661,850		1,661,850	1,470,710	191,140
STP Grant	115,710	(115,710)	-	-	-
TOTALS	1,777,560	(115,710)	1,661,850	1,470,710	191,140
USE OF FUNDS					
Staff Labor				78,662	
Police Services				1,080	
Materials & Supplies				924	
Engineering Consultant				1,455	
Valet Parking				1,770	
Project Construction				1,386,819	
TOTALS				1,470,710	

Los Gatos Almaden Road Resurfacing Project					
SOURCE OF FUNDS	Available Budget Funding	Requested Adjustment of Funds	Revised Budget	Expensed To Date	Balance of Account
Gas Tax 480-0606	40,000		40,000	40,000	-
Street Repair and Resurfacing 480-		42,308	42,308	42,308	
Storm Drain Funds 461-0606	50,000		50,000	50,000	-
STP Grant 410-0606	277,504	115,710	393,214	393,214	-
GFAR Reserve 400-0606	255,000		255,000	255,000	-
TOTALS	622,504	158,018	780,522	780,522	-
USE OF FUNDS					
Staff Labor				10,102	
Engineering Consultant				605	
Project Construction				769,815	
TOTALS				780,522	

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 PPW JOB NO. 04-63
MAIN STREET RESURFACING AND STREETScape AND
LOS GATOS ALMADEN ROAD RESURFACING
AND AUTHORIZING THE TOWN MANAGER/EXECUTIVE DIRECTOR TO EXECUTE
CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
FOR RECORDING BY THE CLERK ADMINISTRATOR/SECRETARY
OF THE REDEVELOPMENT AGENCY**

WHEREAS, June 5, 2006, the Town Council/Redevelopment Agency awarded a contract for the Main Street Resurfacing and Streetscape and Los Gatos Almaden Road Resurfacing Project to Joseph J. Albanese, Inc., as the lowest responsible bidder; and

WHEREAS, Joseph J. Albanese, Inc. substantially completed the project in conformance with the Town's bid process and pursuant to Council/RDA approval; and

WHEREAS, ten percent of the performance bond provided by Joseph J. Albanese, Inc. shall remain in place for two years until November 20, 2008 to guarantee the work; and

WHEREAS, the work on PPW Job No. 04-63 – Main Street Resurfacing and Streetscape and Los Gatos Almaden Road Resurfacing Project 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 Clerk Administrator/Secretary of the Redevelopment Agency 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 20th day of November, 2006 by the following vote.

COUNCIL/RDA MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN COUNCIL/
CHAIR OF THE REDEVELOPMENT AGENCY

ATTEST:

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

RECORDING REQUESTED BY:

TOWN OF LOS GATOS

PLEASE RECORD AND RETURN TO:

Clerk Administrator/Secretary of the Redevelopment Agency
P.O. Box 949
Los Gatos, CA 95031

CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
PPW JOB NO. 04-63 – MAIN STREET RESURFACING AND STREETSCAPE
AND LOS GATOS ALMADEN ROAD RESURFACING

TO WHOM IT MAY CONCERN:

We do hereby certify that **Joseph J. Albanese, Inc.**, substantially completed the work on October 27, 2006, called for in the agreement with the Town of Los Gatos dated **June 13, 2006**. The work is outlined 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 PPW Job No. 04-63 – Main Street Resurfacing and Streetscape and Los Gatos Almaden Road Resurfacing project located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **November 20, 2006**.

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

Bond No.: 104747919

Date: June 5, 2006

TOWN OF LOS GATOS

By: _____
Director of Parks and Public Works

By: _____
Town Manager/Executive Director

EXHIBIT A

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 _____ 2006 at Los Gatos, California.

DEBRA J. FIGONE, TOWN MANAGER,
EXECUTIVE DIRECTOR
Town of Los Gatos

RECOMMENDED BY:

Director of Parks and Public Works

Date: _____

APPROVED AS TO FORM:

Town Attorney/General Counsel

Date: _____

TOWN OF LOS GATOS, CALIFORNIA, ACKNOWLEDGEMENT

State of California
County of Santa Clara

On before me, **JACKIE ROSE**, Clerk Administrator, personally appeared **DEBRA J. FIGONE**, Town Manager/Executive Director, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her 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:

Clerk Administrator/Secretary of the
Redevelopment Agency
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
PPW Job No. 4-63 – Main Street Resurfacing and Los Gatos Almaden
Road Resurfacing

Number of Pages: 2

Date of Document:

Signer(s) **Other than Named Above:** None