



MEETING DATE: 5/5/08

ITEM NO:

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## COUNCIL AGENDA REPORT

DATE: APRIL 23, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

SUBJECT: PPW JOB NO. 08-09 – TREE PRUNING AND REMOVAL PROJECT  
ADOPT RESOLUTION ACCEPTING WORK OF TRUGREEN LANDCARE  
AND AUTHORIZING THE TOWN MANAGER TO EXECUTE  
CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR  
RECORDING BY THE CLERK ADMINISTRATOR

### RECOMMENDATION:

Adopt resolution accepting work of Trugreen Landcare and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator.

### BACKGROUND:

The Town of Los Gatos has an annual tree pruning and removal contract to supplement Town tree crews in keeping the trees in the Town's public right-of-way trimmed and pruned. For fiscal year 2007/08, Trugreen Landcare pruned or removed approximately 149 trees in various sections of the Town.

### DISCUSSION:

On December 3, 2007, The Town Council awarded the contract for this project to Trugreen Landcare. The contracted work has been completed by Trugreen Landcare 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.

PREPARED BY: KEVIN ROHANI  
Interim Director of Parks and Public Works

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Reviewed by: RS Assistant Town Manager OL Town Attorney  
\_\_\_\_ Clerk Administrator RF Finance \_\_\_\_ Community Development

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MAYOR AND TOWN COUNCIL

SUBJECT: PPW JOB NO. 08-09 – TREE PRUNING AND REMOVAL PROJECT

APRIL 23, 2008

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.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

FISCAL IMPACT:

Sufficient funds are available in the Fiscal Year 2007/08 Parks Program operating budget in Account 5301-62364. The original contract approved by Council was for \$29,955, with a contingency budget of \$5,000, for a total project budget of \$34,955. This project was completed for \$29,955, within the authorized budget.

Attachments:

Resolution accepting work of Trugreen Landcare (with Exhibit A) Certificate of Acceptance and Notice of Completion.

## **RESOLUTION**

**RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF LOS GATOS  
ACCEPTING WORK OF TRUGREEN LANDCARE  
FOR PPW JOB NO. 08-09  
TREE PRUNING AND REMOVAL PROJECT  
AND AUTHORIZING THE TOWN MANAGER TO EXECUTE  
CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION  
FOR RECORDING BY CLERK ADMINISTRATOR**

**WHEREAS**, on December 3, 2007, the Town Council awarded a contract for PPW Job No. 08-09 – Tree Pruning and Removal Project to Trugreen Landcare as the lowest responsible bidder; and

**WHEREAS**, Trugreen Landcare substantially completed the project in conformance with the Town's bid process and pursuant to Council approval; and

**WHEREAS**, ten percent of the performance bond provided by Trugreen Landcare shall remain in place for two years until May 5, 2010 to guarantee the work; and

**WHEREAS**, the work on PPW Job No. 08-09 – Tree Pruning and Removal Project is hereby accepted as complete pursuant to the plans and specifications for the project.

**NOW THEREFORE BE IT RESOLVED**, that the Town Manager 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 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 of the Town of Los Gatos, California, held on the 5th day of May, 2008 by the following vote.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

\_\_\_\_\_  
MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:

\_\_\_\_\_  
CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

**RECORDING REQUESTED BY:**

TOWN OF LOS GATOS

PLEASE RECORD AND RETURN TO:

Clerk Administrator  
P.O. Box 949  
Los Gatos, CA 95031

**CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION**  
**PPW JOB NO. 08-09 – TREE PRUNING AND REMOVAL PROJECT**

TO WHOM IT MAY CONCERN:

We do hereby certify that **Trugreen Landcare** substantially completed the work on March 24, 2008, called for in the agreement with the Town of Los Gatos dated **December 3, 2007**. The work is outlined in the Town's bid process 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. 08-09 – Tree Pruning and Removal Project located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **May 5, 2008**.

The Surety accompanying the contract/agreement is the RLI Insurance Company.

Bond No.: CMS240814  
Date: 12/7/07

TOWN OF LOS GATOS

By: \_\_\_\_\_  
Interim Director of Parks and Public Works

By: \_\_\_\_\_  
Town Manager

Acknowledgement Required

**AFFIDAVIT**  
**To Accompany Certificate of Acceptance and Notice of Completion**  
**PPW Job No. 08-09**  
**Tree Pruning and Removal Project**

I, **GREG LARSON**, the Town Manager 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 \_\_\_\_\_, 2008 at Los Gatos, California.

\_\_\_\_\_  
GREG LARSON, TOWN MANAGER  
Town of Los Gatos

**RECOMMENDED BY:**

\_\_\_\_\_  
Interim Director of Parks and Public Works

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Town Attorney

Date: \_\_\_\_\_

Notary Jurat Required

## ACKNOWLEDGEMENT

State of California  
County of Santa Clara

On \_\_\_\_\_ before me, **JACKIE ROSE, NOTARY PUBLIC**, personally appeared **KEVIN ROHANI** and **GREG LARSON**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the within instrument the entity upon behalf of which the person acted, executed the instrument.

**WITNESS** my hand and official seal:

\_\_\_\_\_  
Notary Public

(seal)

----- - **OPTIONAL** -----

### **CAPACITY CLAIMED BY SIGNER:**

Municipal Officers of the Town of Los Gatos

### **DESCRIPTION OF ATTACHED DOCUMENT:**

**Title of Document:** Certificate of Acceptance and Notice of Completion  
PPW Job No. 08-09 – Tree Pruning and Removal Project

**No. of Pages:** 1

**Date of Document:** \_\_\_\_\_

**Signer(s) Other than Named Above:** Orry Korb

## JURAT

State of California

County of Santa Clara

Subscribed and sworn to (or affirmed) before me, **Jackie Rose, Notary Public**, on this \_\_\_\_\_ day of \_\_\_\_\_, 2008  
by \_\_\_\_\_, personally  
known to me or proved to me on the basis of satisfactory evidence to be  
the person(s) who appeared before me.

\_\_\_\_\_  
Notary Public

(SEAL)

----- **OPTIONAL** -----

### DESCRIPTION OF ATTACHED DOCUMENT:

**Title of Document:** Affidavit to Accompany Certificate of Acceptance and Notice of Completion - PPW Job No. 08-09 - Tree Pruning and Removal Project

**Number of Pages:** 1

**Date of Document:** \_\_\_\_\_

**Signers Other than Named Above:** Kevin Rohani and Orry Korb