



MEETING DATE: 6/15/09

ITEM NO:

14

## COUNCIL AGENDA REPORT

DATE: MAY 27, 2009

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

SUBJECT: PPW PROJECT NO A09-16 – FY 2008-09 – TREE PRUNING AND REMOVAL PROJECT

ADOPT A RESOLUTION ACCEPTING THE WORK OF TRUGREEN LANDCARE AND AUTHORIZING THE TOWN MANAGER TO EXECUTE A CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY THE CLERK ADMINISTRATOR

### RECOMMENDATION:

Adopt a Resolution accepting the work of TruGreen LandCare and authorizing the Town Manager to execute a Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator.

### BACKGROUND:

The original project scope was to trim 143 street trees in four specific locations, and obtain itemized unit pricing for additional unanticipated or emergency work. Because of the base bid coming in lower than expected, additional tree trimming was accomplished at five park sites which reduced potential liability around playgrounds structures and picnic areas. Additional tree trimming was accomplished at the Civic Center and Neighborhood Center facilities, including the front lawn area at the Civic Center.

### DISCUSSION:

On January 20, 2009, the Town Council awarded the contract for this project to TruGreen LandCare. The work has been satisfactorily completed by the contractor and is accepted by the Parks and Public Works Department.

PREPARED BY: TODD CAPURSO  
Director of Parks and Public Works

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

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MAY 27, 2009

MAYOR AND TOWN COUNCIL

SUBJECT: PPW PROJECT NO. A09-16 -- FY 2008-09 -- TREE PRUNING AND REMOVAL PROJECT

(DISCUSSION cont'd)

Ten percent of the faithful performance bond will remain in effect for a period of two years to guarantee any defects in 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 the Town Council adopt a Resolution accepting the work of TruGreen LandCare and authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator.

ENVIRONMENTAL ASSESSMENT:

This is a project as defined under CEQA but is Categorically Exempt (Section 15301c). A Notice of Exemption will not be filed.

FISCAL IMPACT:

The agreement was approved by Council in the total amount of \$79,440. The combined expenditures under this agreement were \$77,980.

Attachments:

Resolution accepting work of TruGreen LandCare and authorizing the Town Manager to execute a Certificate of Acceptance and Notice of Completion.

**RESOLUTION**

**RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF LOS GATOS  
FOR TREE PRUNING AND REMOVAL REPLACEMENT PROJECT NO. 09-16  
ACCEPTING THE WORK OF TRUGREEN LANDCARE  
AND AUTHORIZING THE TOWN MANAGER TO EXECUTE  
A CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION  
FOR RECORDING BY CLERK ADMINISTRATOR**

**WHEREAS**, on January 20, 2009, the Town Council awarded a contract for Tree Pruning and Removal, Project No – A09-16 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 faithful performance bond provided by TruGreen LandCare shall remain in place for two years until June 15, 2011 to guarantee the work; and

**WHEREAS**, the work on Project No A09-16 – 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.

**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 15<sup>th</sup> day of June, 2009 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**  
**PROJECT NO A09-16 – TREE PRUNING AND REMOVAL PROJECT**

TO WHOM IT MAY CONCERN:

We do hereby certify that **TruGreen LandCare** substantially completed the work on June 01, 2009, called for in the agreement with the Town of Los Gatos dated **February 11, 2009**. 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 Project No A09-16 – 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 **June 15, 2009**.

The Surety accompanying the contract/agreement is the WESTCHESTER FIRE Insurance Company.

Bond No.: K08243104  
Date: February 02, 2009

TOWN OF LOS GATOS

By: \_\_\_\_\_  
Todd Capurso, Director  
Parks and Public Works

By: \_\_\_\_\_  
Greg Larson, Town Manager

Acknowledgement Required

**AFFIDAVIT**  
**To Accompany Certificate of Acceptance and Notice of Completion**  
**PPW Job No. 09-16**  
**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 \_\_\_\_\_, 2009 at Los Gatos, California.

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

**RECOMMENDED BY:**

\_\_\_\_\_  
Todd Capurso  
Director of Parks and Public Works

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Orry P. Korb  
Town Attorney

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

Notary Jurat Required