



AGENDA ITEM NO. 1 L
 COUNCIL MEETING 6/4/09

APPROVED BY

Jerry Haynes

DEPARTMENT DIRECTOR

CITY MANAGER

June 4, 2009

FROM: RANDALL L. COOPER, Director
 Parks, After-school, Recreation and Community Services Department

BY: JERRY HAYNES, Assistant Director
 PAUL A. MELIKIAN, Administrative Manager *pm*
 Parks, After-school, Recreation and Community Services Department

SUBJECT: A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO ADOPTING THE 89th AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION NO. 2008-162 APPROPRIATING \$200,500 IN PREVIOUSLY APPROVED FUNDS FOR THE MOSQUEDA BMX BIKE COMPLEX PROJECT IN THE PARKS, AFTER SCHOOL, RECREATION AND COMMUNITY SERVICES DEPARTMENT.

RECOMMENDATIONS

Staff recommends that the City Council approve the attached AAR reappropriating funds for the completion of construction to the Mosqueda BMX Bike Park from funds previously allocated in FY08 for the same project.

EXECUTIVE SUMMARY

Parks, After School, Recreation and Community Service Department (PARCS) recommends reappropriating previously approved FY08 funds and allocating those funds in FY09 for the purpose completing the construction at the Mosqueda BMX Bike Park.

The original contract for the BMX Bike Park improvements included among the many items of work, installation of a chain link perimeter fence. PARCS experience with Lion's Den Skate Park supported the need to upgrade the perimeter fence to be similar to Lion's Den Skate Park. PARCS identified additional funding to upgrade the perimeter fence to wrought iron.

A Contract Change Order was executed with the contractor deleting the chain link design in favor of installing a wrought iron fence of specified quality and design. The fence installed by the original contractor pursuant to that Contract Change Order was found to not be in conformance with the specifications in numerous regards and was subsequently rejected by Construction Management. The original contractor's control over the work was recently terminated.

City staff is moving forward to complete the project with the following items yet to be completed:

Demolition of fence
 Install New Fence
 Temporary Fencing

Fine Grading
 Graffiti Removal
 Security

Turf - Seeding
 Construct a Mow Strip

This work will be performed by others via an informal contract since the original contractor's control has been terminated. The project is located within the boundary of City Council District 5.

KEY OBJECTIVE BALANCE

The project will contribute to Customer Satisfaction by providing a much needed Bike Park for users which they are currently lacking. Employee Satisfaction will be derived through the construction of the bike park; in knowing that a high quality bike park is available and used and appreciated by the users. Financial Management is achieved by leveraging Park Bond funds with Prop 40 grant funds.

BACKGROUND

On January 8, 2008, Council awarded a construction contract in the amount of \$1,390,000 for the construction of the BMX Bike Park located at the Mosqueda Community Center.

The original contract for the BMX Bike Park improvements included among the many items of work, installation of a chain link perimeter fence. PARCS experience with Lion's Den Skate Park supported the need to upgrade the perimeter fence to be similar to Lion's Den Skate Park. PARCS identified additional funding to upgrade the perimeter fence to wrought iron.

A Contract Change Order was executed with the contractor deleting the chain link design in favor of installing a wrought iron fence of specified quality and design. The fence installed by the original contractor pursuant to that Contract Change Order was found to not be in conformance with the specifications in numerous regards and was subsequently rejected by Construction Management. As a result of this and other issues associated with non-conformance of the contract, the original contractor's control over the work was recently terminated.

It is important to note that the Contract remains in force and that the city will eventually be required to pay out the final amounts earned under that contract less allowable offsets. One of those allowable offsets in the view of Construction Management is the cost(s) incurred to remove the non-compliant fence and replace it with a compliant installation.

City staff is moving forward to complete the project with the following items yet to be completed:

| | | |
|---------------------|------------------|-----------------------|
| Demolition of fence | Fine Grading | Turf - Seeding |
| Install New Fence | Graffiti Removal | Construct a Mow Strip |
| Temporary Fencing | Security | |

This work will be performed by others via an informal contract since the original contractor's control has been terminated. Any amounts remaining under the contract after completion of construction will be ultimately paid to the BMX contractor, as governed by the contract, after deduction for actual incurred costs (direct and indirect) for non-conforming work and other allowable offsets.

Construction Management will be soliciting an accounting of these costs from all contributing Departments upon the eventual close-out of this Contract. PARCS requests that the remaining Prop 40 funds of the contract in the amount of \$123,200 and the Parks Bond in the amount of \$77,300 be reappropriated for the same project in FY09 in order to complete the project.

FISCAL IMPACT

All costs associated with this project will be tracked and deducted from the ultimate payout to the original BMX contractor.

Attachment: AAR Amendment

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO ADOPTING THE 89th AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION NO. 2008-162 APPROPRIATING \$200,500 IN PREVIOUSLY APPROVED FUNDS FOR THE MOSQUEDA BMX BIKE COMPLEX PROJECT IN THE PARKS, AFTER SCHOOL, RECREATION AND COMMUNITY SERVICES DEPARTMENT

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FRESNO:

THAT PART III of the Annual Appropriation Resolution No. 2008-162 be and is hereby amended as follows:

| | <u>Increase/(Decrease)</u> |
|--|----------------------------|
| TO: PARKS, AFTER SCHOOL, RECREATION & COMMUNITY SERVICES DEPARTMENT | |
| Prop 40 - Parks and Recreation | \$ 123,200 |
| Parks Impact Fee Bond Fund | 77,300 |

THAT account titles and numbers requiring adjustment by this Resolution are as follows:

Prop 40 - Parks and Recreation

Revenues:

Account: **33401** State-Grant

\$ 123,200

Fund: **24023**

Org Unit: **179901**

Total Revenues

\$ 123,200

Appropriations:

Account: **57507** Contract Construction

\$ 123,200

Fund: **24023**

Org Unit: **179901**

ProjectID: **PC00064**

KRA: **0103011000**

Total Appropriations

\$ 123,200

Increase/(Decrease)

Parks Impact Fee Bond Fund

Revenues:

| | |
|---|------------------|
| Account: 39301 Bond Sales Proceeds | <u>\$ 77,300</u> |
| Fund: 30136 | |
| Org Unit: 179901 | |

| | |
|----------------|------------------|
| Total Revenues | <u>\$ 77,300</u> |
|----------------|------------------|

Appropriations:

| | |
|--|---------------|
| Account: 51101 Permanent Salaries | \$ 15,000 |
| 57507 Contract Construction | <u>62,300</u> |
| Fund: 30136 | |
| Org Unit: 179901 | |
| ProjectID: PC00064 | |
| KRA: 0103011000 | |

| | |
|----------------------|------------------|
| Total Appropriations | <u>\$ 77,300</u> |
|----------------------|------------------|

THAT the purpose is to appropriate \$200,500 of previously approved funds for the Mosqueda BMX Bike Complex in the Parks, After School, Recreation and Community Services Department. These funds had previously been encumbered on a purchase order that has been closed and must now be reissued.

CLERK'S CERTIFICATION

STATE OF CALIFORNIA }
COUNTY OF FRESNO } ss.
CITY OF FRESNO }

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the _____ Day of _____, 2009

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor Approval: _____, 2009
Mayor Approval/No Return: _____, 2009
Mayor Veto: _____, 2009
Council Override Veto: _____, 2009

REBECCA E. KLISCH
City Clerk