



MEETING DATE: 6/19/06

ITEM NO. 8

COUNCIL AGENDA REPORT

DATE: JUNE 7, 2006

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: LOS GATOS CREEK TRAIL BRIDGE DECK REPAIR PROJECT
ADOPT RESOLUTION ACCEPTING WORK OF ANDERSON PACIFIC
ENGINEERING CONSTRUCTION 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 Anderson Pacific Engineering Construction and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator.

BACKGROUND:

This project repaired the wooden deck of the Los Gatos Creek Trail bridge and elevated pathway located between Miles Avenue and the Highway 17 pedestrian overcrossing, directly behind the Old Town Center. The deck had become badly worn due to normal aging, weather, and poor drainage of the deck, compounded with the very high use of this trail section by bicyclists and pedestrians.

DISCUSSION:

On April 3, 2006, the Town Council awarded the contract for this work to Anderson Pacific Engineering Construction as the lowest responsible bidder. On June 6, 2006, the project was substantially completed. The execution and recordation of the Certificate of Acceptance is now required to finalize the Town's acceptance of the project.

The contracted work has been completed by Anderson Pacific Engineering Construction, 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.

PREPARED BY:

Handwritten signature of John E. Curtis

JOHN E. CURTIS
Director of Parks and Public Works

Reviewed by: [initials] Assistant Town Manager [initials] Town Attorney [ ] Clerk Administrator
[initials] Finance [ ] Community Development Revised: 6/8/06 10:17 am

ENVIRONMENTAL ASSESSMENT:

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

FISCAL IMPACT:

This project's funding has two sources of grant funds: \$55,000 in Proposition 12 State Parks Bond funding and \$10,000 in TDA Article-3 grant funding. The project was constructed for \$53,500, with \$187 in staff expenditures and \$658 in materials, for a total of \$54,345. The remaining project balance of \$655 in Proposition 12 grant funds will be allocated to the undesignated State Bonds fund account for designation to a parks improvement project at a later date, and the unused \$10,000 TDA Article-3 grant balance will be allocated to the College Avenue Pathway Project, as recommended in the FY 2006-07 CIP budget. The following chart details the project budget:

<b>Los Gatos Creek Trail Deck Repair Project</b>			
<b>FY 2005/06 Fiscal Impact</b>	<b>Revised Project Funding</b>	<b>Award Contract</b>	<b>Remaining Balance</b>
<b>410-0602: Proposition 12 grant</b>	55,000	54,345	655
<b>410-0602: TDA Article-3 grant</b>	10,000	-	10,000
<b>TOTALS</b>	<b>65,000</b>	<b>54,345</b>	<b>10,655</b>
<b>TOTAL EXPENDITURES BY CATEGORY:</b>			
Staff Labor		187	
Materials		658	
Engineering Design		-	
Construction Management		-	
Construction		53,500	
Construction Contingency		-	
<b>TOTALS</b>		<b>54,345</b>	

Attachments

Resolution accepting work of Anderson Pacific Engineering Construction (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 ANDERSON PACIFIC ENGINEERING CONSTRUCTION  
FOR PROJECT 05-06 - LOS GATOS CREEK TRAIL BRIDGE DECK REPLACEMENT  
AND AUTHORIZING THE TOWN MANAGER TO EXECUTE  
CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION  
FOR RECORDING BY CLERK ADMINISTRATOR**

**WHEREAS**, on April 3, 2006, the Town Manager awarded the contract for this work to Anderson Pacific Engineering Construction, as the lowest responsible bidder; and

**WHEREAS**, on April 3, 2006 the Town Council authorized staff to issue change orders to the construction contract up to an amount of \$5,000.

**WHEREAS**, Anderson Pacific Engineering Construction substantially completed the project in conformance with the Town's informal bid process and pursuant to Council approval; and

**WHEREAS**, ten percent of the performance bond provided by Anderson Pacific Engineering Construction shall remain in place for two years until June 19, 2008 to guarantee the work; and

**WHEREAS**, the work on Project 05-06 - Los Gatos Creek Trail Bridge Deck Replacement 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 19th day of June, 2006 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 05-06 - LOS GATOS CREEK TRAIL BRIDGE DECK**

TO WHOM IT MAY CONCERN:

We do hereby certify that **Anderson Pacific Engineering Construction** substantially completed the work on June 6, 2006 called for in the agreement with the Town of Los Gatos dated **April 28, 2006**. The work is outlined in the Town's informal 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 05-06 - Los Gatos Creek Trail Bridge Deck located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **June 19, 2006**.

The Surety accompanying the contract/agreement is the Safeco Insurance Company of America.

Bond No.: 6411680

Date: April, 7, 2006

TOWN OF LOS GATOS

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

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

Exhibit A

I, DEBRA J. FIGONE, 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 \_\_\_\_\_ 2006 at Los Gatos, California.

\_\_\_\_\_  
DEBRA J. FIGONE, TOWN MANAGER  
Town of Los Gatos

**RECOMMENDED BY:**

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

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

**APPROVED AS TO FORM:**

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

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

**TOWN OF LOS GATOS, CALIFORNIA, ACKNOWLEDGMENT**

State of California  
County of Santa Clara

On \_\_\_\_\_ before me, **MARLYN RASMUSSEN, Clerk Administrator**, personally appeared **DEBRA J. FIGONE Town Manager**, 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.

\_\_\_\_\_  
Clerk Administrator 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 05-06 - Los Gatos Creek Trail Bridge Deck

**Number of Pages:** 2

**Date of Document:**

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