



# City of Rialto

Council Chambers  
150 S. Palm Ave.  
Rialto, CA 92376

## Legislation Text

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**File #:** 17-972, **Version:** 1, **Agenda #:** TAB 9

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For City Council Meeting [January 9, 2018]

TO: Honorable Mayor and City Council

APPROVAL: Robb Steel, Interim City Administrator

FROM: Robert G. Eisenbeisz, P.E., Public Works Director/City Engineer

Request City Council to (1) Adopt **Resolution No. 7273**; (2) Authorizing the Issuance of a Purchase Order to Musco Sports Lighting, LLC in the Amount of \$153,005 for the Design and Fabrication of the Frisbie Park Sports Field Lights; (3) Authorize the Release for Bids to Complete the Installation of the Lights and the Associated Improvements, (4) Authorize the reallocation of \$210,000 for the Bud Bender Sports Field Lights; and (5) Authorize the Issuance of a Purchase Order Change Notice to Musco Sports Lighting, LLC in the Amount of \$136,374 for the Design and Fabrication of the Bud Bender Park Sports Field Lights.

**(ACTION)**

**BACKGROUND:**

On April 12, 2016, City Council approved funding through the Community Development Block Grant (CDBG) Program for the installation of new sports field lighting systems including up to 4 poles with assembled fixtures, electrical component enclosures, pole length wire harnesses, control link and monitoring system, precast concrete bases, galvanized steel poles, foundations, conduits and appurtenances at Frisbie Park located at 1901 N. Acacia Avenue.

On October 10, 2017 City Council approved the procurement of the sports lighting from Musco Sports Lighting, LLC in the amount of \$136,374 for the Bud Bender Sports Field Lights at Ball Field No. 2.

**ANALYSIS/DISCUSSION:**

The Community Services Department requested that Ball Field No. 3 located at Frisbie Park have an LED light system installed in order to have all ball fields available for night games and practices. The subject field currently does not have any sports field lighting.

Since the poles and lighting equipment have long lead times, Staff requests authorization to proceed with purchasing them in advance of the design and construction contracts, based upon preliminary engineering and familiarity with the proposed lighting equipment.

The City has previously identified Musco lighting as the standard type of lighting for sports fields at City parks and since there is no other alternative source for these types of lights and controls, staff recommends proceeding with the purchase of the lights directly from the manufacturer.

On December 10, 2013, the City Council determined that Musco Lighting is a "sole/single source"

product, in accordance with Chapter 2.48.060 of the Rialto Municipal Code. Please refer to Memo dated May 28, 2015 as **Attachment 1**.

**ENVIRONMENTAL IMPACT:**

Approval to Authorize the Issuance of a Purchase Order to Musco Sports Lighting, LLC for Frisbie Park Ball Field, does not constitute a “Project” as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), a “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. According to Section 15378(b), a Project does not include: (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

**GENERAL PLAN CONSISTENCY:**

Approval of this action complies with the following City of Rialto Guiding Principles, General Plan Goals and Policies:

*Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.*

**Goal 2-24: Take advantage of opportunities to increase and enhance open spaces throughout Rialto.**

**Goal 2-27: Provide a variety of park facilities that meet the diverse needs and interest of the community.**

Policy 2-27.1: Establish a Master Plan for Parks and Recreation that achieves a park ratio of 3.0 acres per 1,000 residents, evenly distributes park facilities throughout the community, and contains strategies for funding facilities and maintenance.

Policy 2-27.2: Plan for and designate adequate funding to maintain new and existing parks and facilities.

**LEGAL REVIEW:**

The City Attorney has reviewed and approved the staff report and resolution.

**FINANCIAL IMPACT:**

Budget is available in the Community Development Block Grant Funds (CDBG) in the amount of \$165,000 as appropriated by City Council in the FY2017-2018 budget for the installation of sports field lights on Field No. 3 located at Frisbie Park in CDBG Fund Account No. 234-500-1856-3001-cb1801. The City Council established the “sole source” procurement of field lights through Musco Sports Lighting in previous park projects. The sole source procurement assists in maintaining consistency in fixtures and maintenance costs. In subsequent review of the purchase of the Musco Lights; however, the City’s CDBG consultant, LDM Associates, issued a finding that per the Federal Regulations 2 CFR Part 200.319 (a) Competition and 2 CFR Part 200.320 (f) Methods of Procurement, sole source procurement in this particular situation is not recommended because, specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement” is considered to be restrictive of competition.

**Frisbie Park Sports Field Lights:**

Considering that Field No. 3 was an expansion of Frisbie Park facilities due to increased population growth and demand, the project to install lights is considered to be an eligible use of Park Development Impact Funds. Staff is recommending that the City Council authorize appropriation of Park Development Impact Funds (Account No. 210-500-4760-3001-cb1803-05) in the amount of \$210,000 and authorize the issuance of a Purchase Order to Musco Sports Lighting in the amount of \$153,005 for the Frisbie Park Field Lights project (City Project No. CB1803). If this action is approved, the previously allocated CDBG funds in the amount of \$165,000 will not be used and will be available for use on another CDBG project.

**Bud Bender Park Sports Field Lights:**

On October 10, 2017, City Council approved the procurement of the sports lighting with Musco Sports Lighting, LLC in the amount of \$136,374 utilizing CDBG funds. Considering the recent findings on the sole source procurement to be restrictive of competition using CDBG funding, a change in funding sources for the Bud Bender Park Sports Field Lights is required.

Staff recommends that City Council approve a reallocation of budget from the Community Center Rehabilitation Phase IV (Account No. 300-500-8341-3001-150305) in the amount of \$210,000 to General Capital Fund Account No. 300-500-8341-3001-cb1801 for the completion of the Bud Bender Field Lights Project. Time is of the essence in replacement of the funding source for the Bud Bender Park project since the lights have been ordered and are awaiting delivery. The Community Center Rehabilitation Phase IV is currently in design and there is adequate time to apportion additional funding for this project by the time bids are awarded for construction. If approved, the previously allocated CDBG funds in the amount of \$165,000 for the Bud Bender Park Sports Field Lights will not be used and will be available for use on another CDBG project.

The increased budget amount for both projects is required for the completion of the projects due to Musco pricing increases and the current construction cost estimate. The estimate considers distance to the nearest available power source and the geotechnical conditions of the site.

**LICENSING:**

A Business License application and payment of a Business License tax at the Professional Service rate in the amount of \$204 will be paid by the vendor prior to execution of the Professional Service Agreement/Construction Contract/Purchase Order.

**RECOMMENDATION:**

Staff recommends that the City Council:

- Adopt the resolution.
- Authorize the Issuance of a Purchase Order with Musco Sports Lighting, LLC in the amount of \$153,005 for design and fabrication of ball field lights to be installed at Frisbie Park.
- Authorize a reallocation of funds from the Community Center Rehabilitation Phase IV Project (No. 150305) in the amount of \$210,000 to General Capital Fund Account No. 300-500-8341-3001-cb1801 for the completion of the Bud Bender Sports Field Lights Project

- Authorize the issuance of a Purchase Order Change Notice to Musco Sports Lighting, LLC in the amount of \$136,374 for design and fabrication of ball field lights to be installed at Bud Bender Park in the General Capital Fund Account No. 300-500-8341-3001-cb1801-05.
- Authorize the Release for Bids to Complete the Installation of the Lights and the Associated Improvements at Frisbie Park (City Project No. CB1803) and at Bud Bender Park (City Project No. CB1801).

1 RESOLUTION NO. \_\_\_\_\_

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3 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF**  
4 **RIALTO, CALIFORNIA, AMENDING ITS 2017-2018 FISCAL**  
5 **BUDGET IN THE AMOUNT OF \$210,000 FOR THE FRISBIE PARK**  
6 **FIELD LIGHT AT BALLFIELD #3 PROJECT.**

7 **WHEREAS**, the budget for fiscal year 2017-2018 of the City of Rialto has been adopted  
8 by this Council in its original form, and said budget will need to be amended at times to fulfill  
9 the goals of the City; and

10 **WHEREAS**, the City departments may not exceed their appropriations by character of  
11 expense, with character of expense being defined as personnel services, services and  
12 supplies, capital outlay, debt service and transfers, without the consent of the City  
13 Administrator; and

14 **WHEREAS**, the City Administrator may transfer appropriations, between departments  
15 and within their respective funds, as long as those appropriations do not exceed their fund total  
16 unless approved by Council.

17 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO DOES HEREBY**  
18 **FIND, DETERMINE, AND RESOLVE AS FOLLOWS:**

19 **Section 1:** Approve an appropriation in the Park Development Fund Account No.  
20 210-500-4760-3001-cb1803-05 for \$210,000 for the Frisbie Park Field Light at the Ballfield #3  
21 Project.

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1                   **WHEREFORE**, this Resolution is passed, approved and adopted this \_\_\_\_ day  
2 of \_\_\_\_, 2018.

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5 DEBORAH ROBERTSON, Mayor  
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9 ATTEST:

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13 BARBARA A. McGEE, City Clerk  
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15 APPROVED AS TO FORM:

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19 FRED GALANTE, Esq., City Attorney  
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1 **STATE OF CALIFORNIA** )  
2 **COUNTY OF SAN BERNARDINO** ) ss  
3 **CITY OF RIALTO** )

4 I, Barbara A. McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing  
5 Resolution No. \_\_\_\_\_ was duly passed and adopted at a regular meeting of the City Council  
6 of the City of Rialto held on the \_\_\_\_ day of \_\_\_\_\_, 2018.

7 Upon motion of Councilmember \_\_\_\_\_, seconded by Councilmember  
8 \_\_\_\_\_, the foregoing Resolution No. \_\_\_\_\_ was duly passed and adopted.

9 Vote on the motion:

10 AYES:

11 NOES:

12 ABSENT:

13 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City  
14 of Rialto this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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18 BARBARA A. MCGEE, CITY CLERK  
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