



# City of Rialto

## Legislation Text

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**File #:** 18-358, **Version:** 1

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For City Council Meeting [April 24, 2018]

TO: Honorable Mayor and City Council

APPROVAL: Robb R. Steel, Interim City Administrator

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

Request City Council to (1) Accept the Ayala Drive Widening Project; (2) Authorize Filing of the Notice of Completion; and (3) Authorize Release of Retention to Hillcrest Contracting Inc.

### **BACKGROUND:**

The City Council Approved release of RFB No. 15-094 for the Ayala Drive Widening Project HSIP 5205(22) on September 22, 2015.

On February 23, 2016, City Council awarded a construction contract to Hillcrest Contracting, Inc. in the amount of \$5,223,736 for the Ayala Drive Widening Project and authorized the City Administrator to execute contract change orders up to a cumulative amount of \$150,000.

### **ANALYSIS/DISCUSSION:**

On September 27, 2017, the Contractor completed the Ayala Drive Widening Project HSIP 5205(22). Staff conducted a final inspection and found the work to comply with the plans, specifications and standards of the City of Rialto. Upon acceptance by the City Council, staff will file a Notice of Completion with the County Recorder's office. A copy of the Notice of Completion is included as **Attachment 1**.

On April 25, 2017, City Council Authorized Contract Change Order No. 3 in the amount of \$626,681 for the Jerry Eaves Parking Lot Expansion Project No. 170303 with a final change order amount of \$506,115.60 upon actual construction. The additional work primarily consisted of adding 97 parking spaces with landscaping and lighting improvements for Jerry Eaves Park. The City Administrator previously approved Contract Change Orders 1, 2, and 4, pursuant to the delegated authority. Contract Change Orders 1, 2, 3 and 4 are included as **Attachment 2**. Table 1 presents the itemized construction cost:

**Table 1- Construction Cost**

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<b>Ayala Drive Widening Project HSIP 5205(22), City Project 090804</b>	<b>Description</b>	<b>Amount</b>
Original Contract	Hillcrest Contracting, Inc.	\$5,223,736.00
Contract Change Order No. 1	Removal existing Facilities, Credit for deletion of items, and Installation of Locking pull boxes.	\$4,352.08
Contract Change Order No. 2	Relocation of Parking lot lighting, Addition concrete improvements, relocation of existing irrigation, and installation of new SCE service.	\$96,821.03
Contract Change Order No. 3	Construction of South Parking lot.	\$506,115.60
Contract Change Order No. 4	Temporary striping for special event, installation of fast curing concrete, new service for irrigation, and final quantity adjustments.	(\$1,378.28)
<b>Total Contract and Change Orders</b>		<b>\$5,829,646.43</b>

Contract Change Order No. 1, 2 and 4 consisted of conflicting existing facilities, addition of streetlight locking pull boxes, additional concrete improvements, Relocation of irrigation lines, installation of new Southern California Edison (SCE) services and final quantity adjustments. Detailed descriptions of the additional work are included in the **Attachment 2**.

#### **ENVIRONMENTAL IMPACT:**

On June 5, 2012, Caltrans (acting as the lead agency pursuant to National Environmental Protection Act (NEPA)) made an environmental determination that this project does not individually or cumulatively have a significant impact on the environment as defined by NEPA and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and qualifies for a Categorical Exclusion in accordance with 23 CFR 771.117(c) pursuant to activity (c)(4). The City, acting as the lead agency pursuant to California Environmental Quality Act (CEQA), adopted a Mitigated Negative Declaration (MND) for this project, which was filed on July 24, 2012, as State Clearinghouse Number 2012031078. Mitigation measures were incorporated into the project as necessary to comply with CEQA and NEPA, accordingly.

#### **GENERAL PLAN CONSISTENCY:**

This action is consistent with Guiding Principle 3A in the General Plan:

*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.*

Approval of this action also complies with the City of Rialto General Plan Goal and Policies:

**Goal 3-6: Require that all developed areas within Rialto are adequately served with essential public services and infrastructure.**

Policy 3-6.1: Coordinate all development proposals with other affected public entities to ensure the provision of adequate public facilities and infrastructure services.

**Goal 3-7: Upgrade public infrastructure as an inducement to promote private investment.**

**LEGAL REVIEW:**

The City Attorney has reviewed and approved the staff report and notice of completion.

**FINANCIAL IMPACT:**

**Operating Budget Impact**

The Finance Department will add the new improvements to the City's fixed asset system in compliance with Governmental Accounting Standard Board (GASB) 34 *Standards for Financial Reporting of Infrastructure Assets* as **Attachment 3**.

**Capital Improvement Budget Impact**

Funding for the, Ayala Drive Avenue widening project was through a combination of numerous sources, including Drainage Development Impact Fee funds, Measure I Local Street and Arterial Sub-Program funds, federal Highway Safety Improvement Program (HSIP) grant funds, Wastewater funds, Water funds and Transportation Development Impact Fee funds.

**Table 2** below shows the project related expenditures:

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**Table 2 - Summary of Project Costs**

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<b>Funding Sources</b>	<b>Budget</b>	<b>Total</b>	<b>Under/ (Over) Budget</b>
General Fund-Landfill Mitigation Fund	\$ 208,730	\$ 208,730	\$ 0
RSA F335/302	\$ 4,900,000	\$ 3,816,631	\$ 1,083,369
SLPP Grant	\$ -	\$ -	\$ -
Drainage DIF	\$ 700,000	\$ 700,000	\$ -
Measure I Fund 200/201	\$ 950,000	\$ 858,718	\$ 91,282
SANBAG-Arterial Reimbursement	\$ 510,444	\$ 116,939	\$ 393,505
US-HSIP Grant	\$ 900,000	\$ 900,000	\$ -
Wastewater Fund	\$ 230,000	\$ 100,000	\$ 130,000
Water Fund	\$ 200,000	\$ 100,000	\$ 100,000
Transportation DIF	\$ 600,000	\$ 101,716	\$ 498,284
Park	\$ 746,977	\$ 692,943	\$ 54,034
<b>Total Funding Sources</b>	<b>\$ 9,946,151</b>	<b>\$ 7,595,677</b>	<b>\$ 2,350,474</b>

<b>Uses of Funds</b>	<b>Budget</b>	<b>Final/Actual</b>	<b>Under/ (Over) Budget</b>
CONVERTED PROJECTS	\$ -	\$ -	\$ -
DESIGN	\$ 939,630	\$ 757,076	\$ 182,554
RIGHT OF WAY ACQUISITION	\$ 271,698	\$ 292,113	\$ (20,415)
ADMINISTRATION	\$ 100,000	\$ 82,380	\$ 17,620
OVERHEAD ALLOCATION	\$ 190,000	\$ 190,824	\$ (824)
CONSTRUCTION SUPPORT	\$ 570,356	\$ 430,379	\$ 139,977
CONSTRUCTION MANAGEMENT	\$ 100,000	\$ 13,258	\$ 86,742
CONSTRUCTION	\$ 7,774,467	\$ 5,829,646	\$ 1,944,821
<b>Total Uses of Funds</b>	<b>\$ 9,946,151</b>	<b>\$ 7,595,677</b>	<b>\$ 2,350,474</b>

The City is holding retention of \$109,862.43 for Hillcrest Contracting, Inc. pending acceptance of the improvements. Since construction activities concluded over six months ago, the release of retention funds should occur upon acceptance of the improvements, considering that there has been ample time for any subcontractors or suppliers to submit claims. The public contract code provides for retention release 60 days after construction activities conclude or 35 days after the filing of a Notice of Completion. In this case, the time elapsed since the end of construction activities governs the retention release, pursuant to the California Public Contract Code.

#### **RECOMMENDATION:**

Staff recommends that the City Council:

- Accept the Ayala Drive Widening Project [HSIP 5205(22)], City Project 090804;
- Authorize the Public Works Director/City Engineer to file of the Notice of Completion with the County Recorder's Office.
- Authorize Release of Retention to Hillcrest Contracting, Inc.