

## STAFF REPORT

**Date:** Tuesday, March 28, 2017  
**To:** Bryan H. Montgomery, City Manager  
**From:** Kevin Rohani, P.E. Public Works Director/City Engineer  
**SUBJECT:** Acceptance of work associated with CIP Project No. 181 – FY 2016/17 Curb, Gutter and Sidewalk Repair and Replacement Project

Approved and Forwarded to City Council:

  
Bryan H. Montgomery, City Manager

### Introduction

The City's adopted FY 2016/17 Capital Improvement Program (CIP) Budget designates funding for various infrastructure repair and replacement projects. This is consistent with the City's goals to improve the quality of the City's public infrastructure and to enhance the quality of life for Oakley residents.

### Background and Analysis

The City's CIP included Project Number 181 - FY 2016/17 Curb, Gutter and Sidewalk Repair and Replacement Project. This project included the replacing of damaged and uplifted curb, gutter and sidewalk that had been identified as a trip and fall hazard. The trip and fall hazard concern is due to the overgrowth of tree roots that have gotten under the curb and sidewalk; and in some extreme cases even under street pavement.

The City Council had approved a 50-50 cost share program to help property owners with cases of uplifted sidewalks. This program has made the replacement of damaged curb and sidewalk as simplified as possible for property owners, as the City is responsible for the design and management of the construction of the project. At the end of project, the property owners pay half the actual cost of the construction for the damaged concrete along their property; instead of being responsible for the whole cost and management of the repairs.

The FY 2016/17 Curb, Gutter and Sidewalk Repair and Replacement Project incorporated many sites throughout Oakley that had damaged concrete curb, gutter, and sidewalks and successfully completed the project.

### Summary

The FY 2016/17 Curb, Gutter and Sidewalk Repair and Replacement Project has helped in addressing a chronic problem with tree root overgrowth, which had uplifted several areas of curb and sidewalk. The residents who participated in the program received a great value and the project helped in reducing the exposure to liability for the City as result of trip and fall incidents. The goal will be to build on the success of

this project in upcoming years, and have an even bigger participation by residents to help reduce the trip and fall incidents in the community.

### **Fiscal Impact**

This project was completed on time and with a total cost of \$122,043.26. The original contract with Grace Construction Company was \$107,162 with a contingency budget of \$10,000 making the project budget \$117,162. During the construction of this project, several areas in the vicinity of Main Street and Charles Way intersection necessitated additional demolition and removal of curbs and sidewalks to adhere to the ADA codes and without this additional work, the project could be out of compliance. It is recommended that budget adjustment be done in amount of \$15,000 into this project to accommodate the extra work and staffing costs associated with the project.

Pursuant to the contract documents, 5% of the accrued costs were withheld from the amount paid to the contractor. These funds are called "retention", and are held until the end of the project to ensure that the contractor completes the project in a timely manner. Approval of this item will authorize the release of the retention payment to the contractor. The retention was already budgeted as part of the contract and change order approvals, so there is no additional fiscal impact associated with this action.

### **Recommendation**

Staff recommends that the City Council Adopt the Resolution accepting CIP Project No. 181 – FY 2016/17 Curb, Gutter and Sidewalk Repair and Replacement Project as constructed by Grace Construction Company to be complete, and to direct the City Clerk to file a Notice of Completion for the project with the County Recorder.

### **Attachments**

- 1) Resolution
- 2) Notice of Completion

RESOLUTION NO. \_\_-17

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY ACCEPTING AS COMPLETE THE WORK PERFORMED BY GRACE CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF CIP PROJECT NO. 181 – FY 2016/17 CURB, GUTTER AND SIDEWALK REPAIR AND REPLACEMENT PROJECT**

**WHEREAS**, City staff, prepared plans, special provisions, and cost estimates related to CIP Project No. 181 – FY 2016/17 Curb, Gutter, Sidewalk Repair and Replacement Project; and

**WHEREAS**, on October 26, 2016, by adopting Resolution No. 160-16, the City Council awarded a construction contract to Grace Construction Company for the construction of CIP No. 181 – FY 2016/17 Curb, Gutter and Sidewalk Repair and Replacement Project; and

**WHEREAS**, Grace Construction Company has satisfied the contractual requirements necessary for the acceptance of CIP No. 181 to be deemed complete.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, by the City Council of the City of Oakley that CIP Project No. 181 – FY 2016/17 Curb, Gutter and Sidewalk Repair and Replacement Project is hereby accepted as complete.

**BE IT FURTHER RESOLVED AND ORDERED**, that the City Council authorizes a budget adjustment in amount of \$15,000 for CIP No. 181.

**BE IT FURTHER RESOLVED AND ORDERED**, that the City Clerk is hereby directed to file a Notice of Completion for CIP No. 181 with the County Recorder.

**PASSED AND ADOPTED** by the City Council of the City of Oakley at a meeting held on the 28<sup>th</sup> of March, 2017 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTENTIONS:

APPROVED:

\_\_\_\_\_  
Sue Higgins, Mayor

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date

PURSUANT TO GOVERNMENT  
CODE §6103 NO FEE IS REQUIRED  
FOR THE RECORDATION OF THIS  
DOCUMENT

**WHEN RECORDED MAIL TO:**

City Clerk  
City Of Oakley  
3231 Main Street  
Oakley, Ca 94561

**RECORDING REQUESTED BY:**

City Of Oakley  
3231 Main Street  
Oakley, CA 94561

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

**NOTICE OF COMPLETION**

**CIP 181 – FY 2016/17 Curb, Gutter and Sidewalk Repair and Replacement Project**

NOTICE IS HEREBY GIVEN THAT:

The **CITY OF OAKLEY**, a political subdivision of the State of California, did, on October 25, 2016, enter into an agreement with Grace Construction Company for construction of Capital Improvement Program Project Number 181 – FY 2016/17 Curb, Gutter and Sidewalk Repair and Replacement Project.

The work described in the contract documents was to furnish all material, labor, and equipment necessary to complete CIP No. 181 – FY 2016/17 Curb, Gutter, and Sidewalk Repair and Replacement Project in various locations in Oakley.

On March 28, 2017, said contract as a whole was completed, and the work was accepted by the City Council of the City of Oakley.

I hereby certify under penalty of perjury that the facts set forth in the foregoing Notice of Completion are true and correct.

Executed at Oakley, Contra Costa County, State of California, on March 28, 2017.

By: \_\_\_\_\_  
Libby Vreonis, City Clerk  
City of Oakley, California