



## MEMORANDUM

### City of Angels City Council

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**Date:** August 20, 2024

**To:** City Council

**From:** Amy Augustine, AICP City Planner

**Re:**

1. Budget Adjustment transferring an additional \$300,000 from American Rescue Plan Act (ARPA) funds, \$88,000 from Water Capital Improvement Funds and \$34,495 from the General Fund to the Utica Park Lightner Mine Expansion and Rehabilitation Project; and
2. Construction Change Order #2 for the Utica Park Lightner Mine Expansion and Rehabilitation Project for Boyer Construction totaling \$422,495

**Recommendation:**

Resolution 24-62: Approving the transfer of \$300,000 from American Rescue Plan Act (ARPA) funds, \$88,000 from Water Capital Improvement Funds, and \$34,495 from the General Fund to the Utica Park Lightner Mine Expansion and Rehabilitation Project;

Resolution 24-63: Approving Construction Change Order #2 for the Utica Park Lightner Mine Expansion and Rehabilitation Project for Boyer Construction totaling \$422,495

The preceding recommendation includes all items in **Table 1** and in **Table 2** except for a new pavilion.

**Background**

The Utica Park Lightner Mine Expansion and Rehabilitation Project is funded through multiple sources pursuant to multiple contracts. A full accounting of monies budgeted and expended for the project is included in **Attachment A**.

The focus of this item is for Boyer Contracted Services to complete items in **Table 1** and to request additional funding for items in **Table 1** and **Table 3 (Optional items)**. **Table 2** addresses geotechnical activities for reference.

City staff met with Boyer on July 30, 2024, to review the total project cost remaining to:

- **Complete all required work for Utica Park.** “Required” work means all work necessary to meet the requirements of the City’s Rural Recreation and Tourism Grant for the Utica Park Lightner Mine Expansion and Rehabilitation Project that was specified in the project’s Request for Proposals (RFP) and included in Boyer’s executed contract (**Table 1**). The Playground and Bathrooms primarily are covered under separate budgets and separate contracts (SPEC and T&S West).
- **Complete all optional tasks for Utica Park.** “Optional” tasks are tasks that the City has requested of Boyer above and beyond that specified in the RFP. (**Table 3**)

Table 1: Required Grant Deliverables

<b>A. thru L. Items &amp; City Budget of \$2,420,000</b>			
A. (GSI)	<b>NEW AMPHITHEATER (CB 875K)</b>	208,375.00	GSI = Grant Scope Item, CB = City Budget
	Includes: grading, utilities, concrete foundation/pathway/stage, framing, CMU walls & foundation, stucco, metal roofing, soffit, structural steel, paint.		
B. (GSI)	<b>INTERPRETIVE TRAIL WITH PARCOURSE (CB 225K)</b>	210,725.00	
	Includes: grading, pathway material, parcourse slabs		
C. (GSI)	<b>RENOVATE MARK TWAIN STATUE (CB 20K)</b>	35,050.00	
	Includes: Refurb of MT, new frogs, move & level base		
D. (GSI)	<b>NEW MARK TWAIN STATUE (CB 30K)</b>	60,000.00	
	Bench or Statue budget per AA request		
E. (GSI)	<b>NEW ANGELS CREEK TRAILHEAD KIOSK (CB 5K)</b>	5,000.00	
	Budget per AA		
F. (GSI)	<b>RENOVATE PAVILION WITH KITCHEN (CB 625K)</b>	206,432.00	
	Includes: demo roofing/posts approx 3' up, temp support, new fascia/repairs to sheeting, metal roofing, concrete pedestals & rock veneer at posts, paint, lighting, framing, and sun tunnels.		
G. (GSI)	<b>NEW BOCCE COURTS (CB 30K)</b>	57,500.00	
	Includes: demo, grading, concrete curbs, trex border, and DG surfacing at court.		
H. (GSI)	<b>NEW OUTDOOR GYM/EXERCISE AREA (CB 40K)</b>	6,500.00	Actual: \$160,000
	Includes: concrete curbing.		
I. (GSI)	<b>NEW FULL-SIZE SPORTS COURT (CB 50K)</b>	179,188.00	
	Includes: Grading, SD under court, concrete, fencing, striping, bball hoops & poles. NO LIGHTS		
J. (GSI)	<b>NEW BATHROOM BUILDING (CB 220K)</b>	15,000.00	
	Includes: Pot-holing, grading.		
K. (GSI)	<b>NEW LIGHTING (CB 60K)</b>	60,000.00	
	Budget 60K, design in the works. Includes: pathway lighting & around park, underground utilities, electrical for amphitheatre.		
L. (GSI)	<b>NEW LANDSCAPING (CB 40K)</b>	40,000.00	
	Budget 40k, design in the works.		
<b>ALL ITEMS BELOW NOT ON RFQ BUT INCLUDED IN PRICE</b>			
NOR but GSI	<b>NEW PLAYGROUND (CB 200K)</b>	104,987.00	Not On RFQ submitted but Grant Scope Item
	Includes: Grading, base rock, concrete curb, and vinyl perimeter fencing.		

<b>SITE WORK</b>		
Clear and grub, demo concrete/paving, remove bulb	38,625.00	
Prep & AB for all site concrete, walkways, BB court, bocce court	98,000.00	
Paving and patch paving, estimated 7100 sf	56,000.00	
Storm Drains	45,000.00	
Grading & importing fill for BB court & parking	105,500.00	
<b>CONCRETE</b>		
Sidewalks	161,705.00	
Vehicle Concrete	21,800.00	
6" Curb	15,105.00	
Curb & Gutter	11,495.00	
Stairway Entrance at 49	37,615.00	
<b>Misc. Items not in original RFQ but included in price</b>		116500
EV Charging Infrastructure	11,500.00	
Drinking Fountains x 2	24,500.00	6,800 a piece, plus materials and labor
Site light poles	30,000.00	allowance for PGE bases, infrastructure.
DogI Pots	5,000.00	allowance
Stair Entrance at Sam's Way	28,500.00	
Mining Cart Entrance	3,000.00	to repair in place. \$12k to salvage & relocate.
Access Road for Fire	10,500.00	
Tiles on bathroom exterior	3,500.00	remove, restore, reinstall
<b>GENERAL CONDITIONS</b>	252,600.00	
Includes: management, disposal, temp fence, temp facilities, etc.		
<b>SOFT COSTS</b>	239,110.00	
Includes: Design, Survey, Geotech, bond, insurances		
Subtotal	2,387,812.00	
P&O @ 11%	262,659.32	
<b>TOTAL</b>	<b>2,650,471.32</b>	
CREDIT FOR DEMO & AB OF DELETED CONCRETE	-23,086.00	
CREDIT FOR DELETED SITE CONCRETE	-135,240.00	Includes Sam's Way Stairs
<b>REVISED TOTAL</b>	<b>2,492,145.32</b>	

Table 2: Geotechnical Add-ons

ADDITIONAL ITEMS NOT INCLUDED IN PRICE			
	<b>Shaft Plugs/Slabs/Fence</b>		
APPROVED 7/3	Design from L&S for Slabs	4,000.00	
	New Lightner Shaft Fence	57,960.00	
	Raise Portal Plug 8x10 PLUG	21,900.00	
	Vertical Shaft Portal 20x25 PLUG	29,400.00	
	Old Lightner Shaft Portal 50x50 SLAB	80,628.00	
	<b>TOTAL APPROVED</b>	<b>193,888.00</b>	Change Order #1 Consider options
PENDING 7/3	Utica North Shaft Portal 25x50 SLAB	44,514.00	
	<b>TOTAL ESTIMATE</b>	<b>238,402.00</b>	

Table 3: Optional Items

	<b>Additional Pavillions (per structure)</b>	117,875.00	
	Includes: Grading, concrete, framing, roofing, paint.		
	<b>RENOVATE EXTERIOR OF KITCHEN</b>	83,145.00	
	Includes: Paint, new trim/fascia/cut siding, stucco, metal roofing.		
	<b>RENOVATE EXTERIOR OF EXISTING BATHROOM</b>	79,350.00	
	Includes: Paint, new trim/fascia, stucco, metal roofing, relocating the tiles on exterior.		
	<b>MISC. ITEMS</b>		
	Trash Cans		Need more info
	Fire Hydrant x 1	43,000.00	
	Domestic Water to Kitchen		Included in Hydrant price above

## Strategic Plan Alignment

**A4: Economic Development: Promote a wide variety of economic opportunities consistent with the city's social, cultural, environmental, and aesthetic resources.** The proposed Rural Recreation and Tourism grant park project is intended to increase tourism through park enhancements including a stage, historical (cultural) interpretation trail, and improved pavilion for outdoor events. A new children's playground, adult/teen exercise equipment, bocce courts, hardcourts, improved pavilion and stage are intended to encourage social interactions with local theatre productions, local musical performances, movies in the park and enhanced outdoor spaces for other local events.

**A5: Economic Development: Maintain and enhance the city's economic vitality while conserving the city's social, cultural, environmental, and aesthetic resources.** See above.

**B2 Community Identity: Design new development to be compatible with the natural, scenic, and cultural resources and rural character of Angels Camp.** The Community Stakeholders Design Committee will assist with park design to ensure compatibility with cultural resources and rural character.

**C7: Public Facilities and Services: Maintain or increase the levels of service currently available within Angels Camp for park facilities and infrastructure.** The project will increase the size of Utica Park by 3.8± acres, add or improve numerous park amenities, and upgrade and expand infrastructure increasing the level of park facilities available to all age groups and ability levels for residents and visitors.

## Discussion

### 1. Required Elements: Budget Shortfall: \$332,595

Boyer Contract	\$2,275,000
Actual Cost Boyer Contracted work (Table 1)	\$2,492,145
<b>Shortfall Boyer Contract Required Elements</b>	<b>\$217,145</b>
<b>Shortfall Outdoor Gym Equip</b>	<b>\$160,000</b>
<b>Subtotal Shortfall Required Grant Elements</b>	<b>\$377,145</b>
Donation (parcourse): Adventist Sonora	\$5,000
Donation (gym): MACT	14,550
Donation (gym): Dignity Health Mark Twain	\$25,000
<b>Shortfall for Required Grant Elements</b>	<b>\$332,595.00</b>

On August 1, 2024, City staff (Steve Williams, Interim City Administrator, Amy Augustine, City Planner, and Nathan Pry, Fire Marshal) met with Boyer's project manager and engineer on site and discussed options for reducing project costs including, but not limited to: Eliminating parking to allow for a turnaround bulb within the existing parking lot, relocating the hardcourt immediately adjacent to the stage, widening Utica Lane, resurfacing the existing Utica Park slab, and sidewalks within the park. The group unanimously endorsed retaining the approved site plan and rejecting most proposed changes. All agreed unanimously that:

- A. The park had to be designed to accommodate emergency vehicle ingress and egress, this means additional fill and paving. This cannot be accommodated at a future date, but needs to be part of the original park design
- B. Cement work could be reduced by eliminating stairs from Sam's Way (to be addressed when the new parking structure is designed and constructed)
- C. Cement work can be reduced by using natural surfacing rather than concrete for the pathway from the "restored" staircase to the rest of the park
- D. Ingress along Utica Lane shall be improved for emergency vehicle ingress/egress, but removing existing grass portions of the park along Utica Way (except the bulbout) is unnecessary

The approved site plan provides superior emergency access, more usable space, and more parking. Cost reductions of \$158,000± were achieved through this process.

The \$217,145± shortfall in the Boyer contract for required grant work is for:

1. Importing additional fill for the parking and hardcourt at the north end of the park (expansion area) necessary to expand northward and accommodate emergency ingress and egress: (\$105,000±)
2. \$45,000 in storm drain improvements including rehabilitation of the existing drains (i.e., some of this work is due to deferred maintenance)
3. Miscellaneous elements identified in the Request for Qualifications, but not included in Boyer's Contract (\$116,500±). Note: The Sam's Way staircase has been removed. Some additional items may be offset through donations (e.g., Dogi Pots)

A \$120,000± shortfall for the outdoor gym equipment (\$160,000 total cost) exists to date. Fundraising efforts to offset the gym cost overrun are underway, but fell short of the goal. To date, approximately \$40,000 has been raised to offset the costs of the outdoor gym with an additional donation pending. The original outdoor gym was envisioned at a smaller scope. The park design committee ultimately elected to pursue the proposed equipment as more likely to be used and offering increased opportunities for adult fitness classes. The \$120,000 shortfall would be covered by the remaining balance of \$116,339 in ARPA funds originally allocated for cost overruns plus a pending donation. \$6,500 in site prep already is included in the Boyer contract (**Table 1**).

## **2. Optional Elements Budget Shortfall: \$0 to \$323,370 (\$205,495 recommended)**

Optional elements identified by the City that were not specified in the Request for Proposals and not addressed in the Boyer scope include those items in Table 2.

- A. A new hydrant at the north end of the park. This can most easily be added now, rather than after park construction at a cost of \$43,000.
- B. Renovating the kitchen exterior to match the pavilion, stage and bathroom \$83,145.00
- C. Renovating the outside of the old bathrooms to match the new bathrooms \$79,350.00
- D. Adding a second, smaller, covered areas (pavilion) - \$117,875 each

Staff recommends including items A-C. Water Capital Improvement monies would be used for the hydrant (\$43,000) and ARPA funds would be used for \$162,495 to renovate the outside of the kitchen and existing bathrooms for a total of \$255,495 in added optional items.

## **3. Geotechnical**

As shown in **Table 2**, all geotechnical remediation items have been funded through ARPA funds to date (GeoCon studies and Boyer construction). The only item remaining is to address resurfacing the existing slab in the park. Boyer is investigating grinding and smoothing the existing slab to reduce costs. This would reduce the projected \$44,000 (remaining ARPA Funds) of replacing the slab. Those funds would instead be allocated to the cost overruns for the outdoor gym equipment.

## **4. Options for reducing overall costs**

The following are for consideration only and are not staff recommendations:

- A. Eliminate the second (new) Mark Twain statue (Mark Twain sitting on a bench - \$60,000) in favor of a mural – cost reductions, if any, are unknown.

- B. Scale back the outdoor gym equipment to a few pieces without a shade cover or surfacing (this could jeopardize donations made towards the outdoor gym)
- C. Eliminate the Electrical Vehicle (EV) infrastructure in the park in favor of locating it at the new parking structure (this will require a scope amendment for the park grant and is not guaranteed) - \$11,500
- D. Grind and smooth the existing slab in the park. It is anticipated that several of the black walnut memorial / community benches will be sited on the slab. Two benches have been reserved for cattle brands.

**Financial Impact - \$422,495**

If approved, the Task Order would reduce the City’s ARPA Fund balance to zero, decrease the general fund balance by \$34,495, and decrease the City’s Water Capital Improvement Fund by \$88,000 (hydrant and storm drain). It would increase the City’s Utica Park Lightner Mine Expansion and Rehabilitation Budget by \$422,495. Park-earmarked ARPA funds totaling \$116,339 would remain in the park budget to cover cost overruns for the outdoor gym equipment which would be purchased directly by the City with site prep work (already budgeted) by Boyer.

The Boyer Contract would be adjusted as follows:

<b>Contractor</b>	<b>Primary Funding Sources</b>	<b>Purpose</b>	<b>Total Amount</b>
Boyer	Rural Recreation and Tourism Grant	Original Budget	\$2,275,000
Boyer	ARPA	<b>Task Order #1</b> Mine remediation	\$193,888
Boyer	Proposed Additional ARPA - \$300,000  Capital Improvement (Water): \$88,000 \$43,000 (Fire Hydrant) + \$45,000 (storm drain)  General Fund: \$34,495	<b>Proposed Task Order #2</b>  Cost overrun for required elements (excludes outdoor gym) - \$217,000  Kitchen exterior - \$83,145.00  Renovating the outside of the old bathrooms to match the new bathrooms \$79,350.00  New hydrant - \$43,000	\$422,495
<b>Total Contract Amount</b>			<b>\$2,891,383</b>

**Attachments**

- A. Total Project Budget
- B. Boyer Task Order #2
- C. Budget Transfer Form