



AGENDA REPORT SUMMARY

Meeting Date: August 23, 2022

Subject Consider adoption of Resolution No. 2022-XX regarding Project Acceptance of the El Monte Avenue Sidewalk Gap Closure (TS-01038); consider finding that the project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301

Prepared by: Nafiseh Shahbazi Majd, Assistant Engineer

Reviewed by: Jim Sandoval, Public Works Director
Marisa Lee, Transportation Services Manager

Approved by: Gabriel Engeland, City Manager

Attachments:

A. Resolution No. 2022-XX

Initiated by:

City Council CIP Projects TS-01038

Previous Council Consideration:

October 27, 2020

Fiscal Impact:

The table below summarizes the final cost of the project.

Project Item	Project Budget	Final Cost
Engineering	\$ 86,492.00	\$ 82,724.80
Construction	\$ 512,315.44	\$ 512,315.44
Construction Contingency (15%)	\$ 76,847.32	\$ 55,905.76
Inspection	\$ 33,592.00	\$ 30,283.75
Printing/Advertising/Mailing/Misc.	\$ 10,000	\$ 2,161.36
Estimated Total Cost	\$ 719,246.76	\$ 683,391.11
Funds	Available Budget	Final Cost Allocations
CIP Funds TS-01038	\$ 343,307	\$ 343,306.11
Community Development Block Grant (CDBG)	\$ 303,933	\$ 303,933.00
Professional Services (Operations: 4210-5270)	\$ 41,152	\$ 36,152.00
Total Budget	\$ 688,392	\$683,391.11

Reviewed By:

City Manager

City Attorney

Interim Finance Director

GE

JH

SN



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Environmental Review:

The acceptance of the work is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) (Existing Facilities) in that the project consists of the operation, repair, and maintenance of existing facilities, such as streets. Also, the project involves negligible or no expansion of existing or former use, and none of the circumstances stated in CEQA Guidelines Section 15300.2 applies.

Summary:

- On September 29, 2020, City advertised the El Monte Sidewalk Gap Closure Project.
- On October 22, 2020, City received and opened 10 bids in public virtual session.
- Project reached substantial completion in September 2021.
- Project was fully completed in May 2022. Staff recommends the City Council to accept the project.

Staff Recommendation:

Adopt Resolution No. 2022-XX accepting completion of the El Monte Avenue Sidewalk Gap Closure Project (TS-01038) and authorize the Public Works Director to record a Notice of Completion as required by law.

Purpose

Accept CIP Project TS-01038 as complete.

Background

The El Monte Avenue Sidewalk Gap Closure project was initiated in 2017, but delayed since 2018 to 2020, due to design restrictions impacting private properties, city staffing, and General Fund budget constraints. The intent of the project is to provide a dedicated pedestrian pathway along the west side of El Monte Avenue between Almond Avenue and S. Clark Avenue. The City reinitiated the project with a simpler design at the end of summer to take advantage of existing Community Development Block Grant (CDBG) Funds, which expired on June 30, 2021. City staff held multiple community outreach meetings to identify a preferred design alternative between the 2018 design and the 2020 simplified design alternative.

The new design limits private property impacts by building a shared use bicycle and pedestrian facility with pavement treatments to define a designated pedestrian pathway. The new design concept is more cost effective to the City and eliminates private property impacts to vegetation



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along El Monte Avenue, helping to preserve the street's rural character. Specific design treatments included:

- Buffered Bicycle Lanes on both sides of El Monte Avenue
- Low-Profile Rubber Curbing within Buffer Zones
- Roadway Widening Treatment
- Distinctive Pedestrian Pathway Treatments
- Painted Intersection Returns at Higgins Avenue and El Monte Court
- All-Way STOP at N. El Monte Avenue & S. Clark Avenue
- Flashing Beacon at El Monte Avenue & Mills Avenue

On September 30, 2020, the Complete Streets Commission reviewed and provided input on the design alternatives and concurred with implementation of the 2020 design. The Contract Construction Award was approved on October 27, 2020, by the City Council.

The project was substantially completed in September 2021, and fully completed in May 2022. Therefore, the project should be closed and the 5% retention paid to the Contractor.

Discussion/Analysis

Project TS-01038 was completed in accordance with the contract plans and specifications and complies with the Standard Specifications of the City of Los Altos. The final cost of the construction contract with FBD Vanguard Construction was \$568,221.20. All work was completed and is acceptable.

Recording of the Notice of Completion shortens the time for subcontractors and material providers to file stop payment notices on the project and triggers the timeline to release withheld retention in accordance with state prompt payment laws. Attachment A is the proposed resolution of acceptance.

When a public works project is completed and the City's engineering staff determines that the work is acceptable, then the acceptance of the work by the City Council is a quasi-ministerial act such that the City Council must accept the work absent clear evidence that the work was not performed in conformance with the contract.

Recommendation

Adopt Resolution No. 2022-XX accepting completion of the El Monte Avenue Sidewalk Gap Closure Project (TS-01038) and authorize the Public Works Director to record a Notice of Completion as required by law, and find that the Council's action in adopting the resolution is exempt from review under CEQA pursuant to CEQA Guidelines Section 15301(c).