



## AGENDA REPORT SUMMARY

**Meeting Date:** July 12, 2022

**Subject** Consider adoption of Resolution No. 2022-XX regarding Project Acceptance of the First Street Resurfacing Project (TS-01002, 01410); consider finding that the project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301

**Prepared by:** Harun Musaefendic, Assistant Engineer

**Reviewed by:** Jim Sandoval, Public Works Director  
Victor Chen, Engineering Services Manager

**Approved by:** Gabriel Engeland, City Manager

**Attachments:**

- A. Resolution No. 2022-XX
- B. Project Map

**Initiated by:**

City Council CIP Projects TS-01002 (01410)

**Previous Council Consideration:**

September 11, 2018

**Fiscal Impact:**

The table below summarizes the final cost of the project.

Project Item	Project Budget	Final Costs
Construction	\$ 129,129.29	\$ 128,479.29
Design	19,259.00	18,966.50
Printing/Misc.	6,000.00	1,819.61
5% Inspection	6,456.46	0
15% Contingency	19,369.39	18,283.44
<b>Totals</b>	<b>\$ 180,214.14</b>	<b>\$ 167,548.84</b>
CIP Budget	\$ 300,000.00	

Total savings between construction, design, and miscellaneous costs was \$132,452.16, which were returned to the CIP Fund Reserves.

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City Manager

*GE*

Reviewed By:

City Attorney

*JH*

Finance Director

*JE*

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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:**

- The construction contract was awarded to G. Bortolotto & Co. on September 11, 2018.
- The project is complete. Staff recommends the City Council accept the project.

**Staff Recommendation:**

Adopt Resolution No. 2022-XX accepting completion of the First Street Resurfacing Project (TS-01002) and authorize the Public Works Director to record a Notice of Completion as required by law.

**Purpose**

Accept the project as complete.

**Background**

The pavement condition for the segment of First Street between West Edith Avenue and State Street dropped significantly after years of construction projects completed by both City and private contractors. The Capital Improvement Program (CIP) included a budget to resurface First Street for this segment of First Street. First Street Resurfacing Project (TS-01002) was dedicated to repairing and maintaining asphalt concrete (AC) on First Street, between West Edith Avenue and State Street.

The project was substantially completed in May 2019, but punch list items were delayed and not completed until May 2022. One of the punch list items was the weak signal from traffic loops at the intersection of First Street and Edith Avenue, this signal is controlled by the County of Santa Clara. Coordination with the County of Santa Clara personnel caused a significant delay. Staff changes in the Engineering Services Department in 2019 resulted in the focus shifting to completing new and ongoing Transportation projects, minor punch list items associated with this project were not considered a priority. COVID-19 caused additional delays, starting with all construction projects being put on hold until Safety Guidelines were developed and implemented. Also, the contractor that was awarded the project had an extreme hardship due to COVID-19. In



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2022, the contractor had the resources to finish the project so the project could be closed and the 5% retention paid to the contractor.

**Discussion/Analysis**

The project 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 G. Bortolotto & Co is \$146,762.73, which includes the sum of the construction and contingency costs shown in the Final Costs column of the Fiscal Impact table on page 1. 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 2 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 First Street Resurfacing Project (TS-01002) 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).