



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/06/2024

ITEM NO: 17

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DATE: August 1, 2024

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Americans with Disabilities Act (ADA) Upgrade Public Restroom – Adult Recreation Building (CIP No. 821-2601):

- a. Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for Construction of an Americans with Disabilities Act (ADA) Compliant Public Restroom in the Adult Recreation Building Completed by Tucker Construction, Inc., and Authorize the Town Clerk to File for Recordation (CIP No. 821-2601);
- b. Authorize an Expenditure Budget Decrease of Community Development Block Grant (CDBG) Funds in an Amount of \$218,979; and
- c. Authorize an Expenditure Reclassification from Grant Fund to General Fund Appropriated Reserve (GFAR) in an amount of \$50,361.26

**RECOMMENDATION:**

Americans with Disabilities Act (ADA) Upgrade Public Restroom – Adult Recreation Building (CIP No. 821-2601):

- a. Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion (Attachment 1) for Construction of an Americans with Disabilities Act (ADA) Compliant Public Restroom in the Adult Recreation Building Completed by Tucker Construction, Inc., and authorize the Town Clerk to File for Recordation (CIP No. 821-2601);
- b. Authorize an Expenditure Budget Decrease of Community Development Block Grant (CDBG) Funds in an amount of \$218,979; and
- c. Authorize an expenditure reclassification from Grant Fund to General Fund Appropriated Reserve (GFAR) in an amount of \$50,361.26.

**PREPARED BY:** Dan Keller  
Facilities & Environmental Services Manager

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Parks and Public Works Director

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SUBJECT: Americans with Disabilities Act (ADA) Upgrade Public Restroom – Adult Recreation Building (CIP No. 821-2601)

DATE: August 1, 2024

BACKGROUND:

The Adult Recreation Building services seniors and having an accessible ADA-compliant public restroom is essential to the functioning of the building. This project was created to provide an ADA-compliant public restroom on the ground floor of this building.

On June 20, 2023, Town Council authorized the Town Manager to execute a Construction Agreement with Tucker Construction Inc. for the construction of an ADA compliant restroom for a total agreement in the amount of \$274,439, including a 10% contingency for unforeseen services. Construction start was delayed to November 2023 so the most substantial work would occur during the holiday break between Christmas and the New Year.

The contingency amount was used for unforeseen plumbing work during the project. On June 4, 2024, a first amendment to the Construction Agreement in the amount of \$13,538 was authorized by Council to allow for Tucker Construction, Inc. to complete additional unforeseen work. The total agreement amount authorized by Council was \$287,977.

During the project development, Community Development Block Grant (CDBG) funds in an amount of \$218,979 were identified and staff brought the draft CDBG funding agreements to Council for authorization of receipt and use of the funds. Ultimately, the CDBG funding agreement was not fully executed by the County, resulting in the funds not being available. County staff has confirmed that for the CDBG funds are listed as cancelled in the County's system, indicating they are no longer available for the Town's use.

During the project development, Council also authorized receipt and use of a \$250,000 grant from the County of Santa Clara as proposed by Supervisor Simitian. The Town received the funds in the full amount and credited them to the project through the Town's General Fund Appropriated Reserves (GFAR).

DISCUSSION:

Tucker Construction Inc. began work in November 2023 and as of June 5, 2024, has satisfactorily completed all contracted work items, for a final construction cost of \$287,977.

Five percent of the faithful performance bond will remain in effect for a period of two years as a guarantee for any needed repair or replacement caused by defective materials and/or workmanship for the project. The execution and recordation of the Certificate of Acceptance is now required to finalize the Town's acceptance of the project and to release the retention funds withheld from the contractor.

SUBJECT: Americans with Disabilities Act (ADA) Upgrade Public Restroom – Adult Recreation Building (CIP No. 821-2601)

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DISCUSSION (continued):

This work was the final component to the project and the project will now be considered complete, closed out, and removed the Capital Improvement Program.

CONCLUSION:

With Council's authorization of the recommendations, the contract with Tucker Construction will be closed out and staff will proceed with other close out steps.

FISCAL IMPACT:

CDBG funds in the amount of \$218,979 were not available and a budget adjustment is necessary to document this fact. Project expenditures include \$50,361.26 which were expensed to grant funds that were not received. Staff is requesting Council to authorize an expenditure reclassification from grant fund to General Fund Appropriated Reserve (GFAR) in the amount of \$50,361.26 to correctly reflect the funding source of the expense.

Americans with Disabilities Act (ADA) Public Restroom Upgrade - Adult Recreation Center CIP No. 821-2601		
	Budget	Costs
GFAR	\$ 183,000	
Grant Funds - Santa Clara County Board of Supervisors	\$ 250,000	
Grant Funds - Community Development Block Grant (CDBG)	\$ 78,979	
Grant Funds - Community Development Block Grant (CDBG)	\$ 140,000	
Budget Decrease of Community Development Block Grant (CDBG) Funds (Requested with this Staff Report)	\$ (218,979)	
<b>Total Budget</b>	<b>\$ 433,000</b>	
		Costs
Project Expenditures		\$ 353,136
<b>Total Costs</b>		<b>\$ 353,136</b>
<b>Available Balance</b>		<b>\$ 79,864</b>

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and not further action was required.

Attachment:

1. Certificate of Acceptance and Notice of Completion