



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 6533
September 3, 2024
Consent Agenda**

AGENDA BILL INFORMATION

TITLE:	AB 6533: Luther Burbank Sport Courts Renovation Change Order Appropriation	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Appropriate \$264,912 from available ARPA funds to remediate subgrade failure and finish constructing the Luther Burbank Park Sport Courts Renovation.	

DEPARTMENT:	Public Works
STAFF:	Jason Kintner, Chief of Operations Clint Morris, Capital Division Manager Sarah Bluvas, CIP Project Manager
COUNCIL LIAISON:	n/a
EXHIBITS:	n/a
CITY COUNCIL PRIORITY:	3. Make once-in-a-generation investments to update and modernize aging infrastructure, capital facilities, and parks.

AMOUNT OF EXPENDITURE	\$ 1,186,102
AMOUNT BUDGETED	\$ 921,190
APPROPRIATION REQUIRED	\$ 264,912

EXECUTIVE SUMMARY

The purpose of this agenda bill is to appropriate \$264,912 from available American Rescue Plan Act (ARPA) funds to remediate subgrade failure in order to finish constructing the Luther Burbank Park Sport Courts Renovation (PA0143).

- On May 7, 2024, the City Council authorized staff to complete construction of the Luther Burbank Park Sport Courts Renovation.
- The City contracted with FieldTurf USA through the King County Directors Association (KCDA), and construction began on May 21.
- Work was suspended on July 12 due to the failure of the subgrade, and additional analysis was necessary before the courts could be repaved.
- Associated Earth Sciences, Inc. (AESI) performed subgrade testing on July 18 and determined that the existing asphalt and preexisting weak soils must be removed and the subgrade rebuilt with stronger material.
- Adding the subgrade remediation work requires a change order to the original construction contract.
- Construction is scheduled to resume on September 3 and anticipated to be completed by mid-October.

- The acrylic surfacing will be installed in June 2025 to allow the new asphalt a full winter season to cure. Between completing construction of the pickleball courts and applying the acrylic surfacing, the courts will be temporarily striped and open for use in mid-October.

BACKGROUND

The [2022 Parks, Recreation, and Open Space Plan](#) (PROS Plan) identifies the Luther Burbank sport courts as a preferred site for converting some tennis courts to pickleball. To address court repair needs and the strong community interest in creating dedicated pickleball courts, the City Council approved the Luther Burbank Park Sport Courts Renovation capital project (PA0143) with the 2023-2024 Biennial Budget and Capital Improvement Program (CIP).

The City engaged DA Hogan to design the facility renovations and contracted with FieldTurf USA to construct the improvements. Construction of the sport courts and pickleball conversion began on May 21. Additional project background is provided in [AB 6465](#).

While preparing the sport courts for asphalt overlay in July, City staff and the contractor discovered that some areas of the subgrade, or the base the pavement is built on, was failing. While some minor base work was anticipated and included in the original scope of work, the extent and damage of the subgrade was significantly larger.

Work was suspended on July 12, and the City met with Associated Earth Sciences Inc. (AESI) on-site to assess the extent of the failure. AESI previously conducted geotechnical analysis and provided recommendations for excavation of the south hill to create construction access for this project.

On July 18, AESI tested soil strength in five exploration pits across the courts. Test results showed that the soil strength was inconsistent across the facility and confirmed that the City should fully remove the old asphalt pavement and weak underlying soils before attempting to repave the courts.

ISSUE/DISCUSSION

SCOPE OF WORK FOR SUBGRADE REMEDIATION

Based on AESI's recommendations, City staff, DA Hogan, and FieldTurf identified the following additional scope of work to remediate the subgrade failure and repave the courts:

- Remove and dispose of all existing asphalt pavement within the court area;
- Excavate and dispose of existing base aggregates and subgrade soils;
- Import, place, and compact new crushed rock base material; and
- Place and compact two lifts of hot mix asphalt (HMA) pavement.

The original project scope called for a single 1.5-inch lift of HMA to be placed over the existing asphalt court area. With the removal of the existing pavement, the project team opted to increase the new HMA depth to two 1.5-inch lifts, for a total of 3-inches of new HMA. This additional lift was necessary to ensure the required planarity ("smoothness") and strength of the sport court surface.

Exact depths of excavation will be determined in the field through direct observation of soils encountered, and these depths could be deeper in some areas and shallower in others. AESI will observe excavation to ensure that only the minimum depth required to remove weak material is reached. Staff anticipate excavating to an average depth of 1' across the entire court facility.

The additional work significantly expands the original scope and requires a change order for the construction contract, a revision to the existing building permit, and an amendment to the AESI contract to add construction observation services.

AESI’s contract amendment has been executed, and FieldTurf and the City agreed to the change order scope on August 7. LPD Engineering, the civil engineering subconsultant for this project, is updating the drainage plan to submit for a stormwater permit. Staff anticipate construction will resume on September 3.

ADDITIONAL APPROPRIATION REQUEST

The authorized project budget is \$921,190, which includes a construction contingency of \$63,439. Costs for the subgrade remediation work are estimated at \$253,426, which exceeds the contingency and requires an additional budget appropriation to complete this project. Updated project costs are provided in the table below.

PA0143 - LUTHER BURBANK PARK SPORT COURTS RENOVATION (PICKLEBALL)	
UPDATED PROJECT BUDGET – WITH SUBGRADE REMEDIATION	
Description	TOTAL
Construction (Original Project Scope)	\$634,384
NEW Construction (Subgrade Remediation Work)	\$253,428
Washington State Sales Tax @ 10.2% (rounded to nearest \$1)	\$90,557
Total UPDATED Construction Contract with KCDA/FieldTurf USA	\$978,369
UPDATED Construction Contingency – Reduced to 5% of original contract value	\$32,000
Professional Services – Design + Construction Management	\$87,000
Professional Services – Geotechnical Assessment (COMPLETED)	\$10,815
NEW Professional Services – Geotech Construction Observation	\$11,540
UPDATED Permitting – Increased to include stormwater permit revision costs	\$7,500
Project & Construction Management – City staff/outside support	\$50,000
UPDATED 1% for Art in Public Places Fund transfer	\$8,878
Total Estimated Project Cost	\$1,186,102
Total Authorized Project Budget	\$921,190
Budget Appropriation Needed	\$264,912

To remediate the subgrade and finish the sport courts renovation, staff recommends the City Council appropriate \$264,912 from available American Rescue Plan Act (ARPA) funds.

NEXT STEPS

User groups were notified on July 22 that the failing subgrade would delay construction, and the courts would not be available for play in August as originally planned. Pending approval of the additional appropriation, the sport courts are anticipated to be open for play in mid-October.

Similar to the previous project timeline, the acrylic surfacing will be installed in 2025 to allow the new asphalt a full winter season to cure. Staff still plan to return to City Council later this year or in early 2025 to seek direction on lighting the courts as a potential second phase of improvements.

Alternative locations for pickleball play will remain available at Island Crest Park and the Mercer Island Community and Event Center while construction continues at Luther Burbank. Project updates are posted to Let's Talk (www.mercerisland.gov/lbpcourts).

RECOMMENDED ACTION

Appropriate \$264,912 from available ARPA funds to remediate subgrade failure and finish constructing the Luther Burbank Park Sport Courts Renovation.