

**RESOLUTION NO.**

**Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into An Agreement With California Landscape Design, Inc. dba California Skateparks In An Amount Not To Exceed \$542,760 For The Construction Of The Joseph Emery Park Skate Spot Project No. EPW 103-14, CIP No. 13254003, Authorizing The City Manager To Approve A Contract Amendment To Said Contract To Increase The Contract Amount By Up To \$40,000 For A Change Order For The Installation Of The Portland Loo Restroom Facility, Authorizing The Relocation Of Up To Six Additional Trees To Accommodate The Installation Of The Portland Loo, And Appropriating \$232,000 Of General Capital Funds From The Corporation Yard Improvements and Emergency Operations Center Project CIP No. 1547510 To The Joseph Emery Park Skate Spot Project CIP No. 13254003.**

**WHEREAS**, on November 18, 2014, the City Council approved the plans and specifications and authorized the City Engineer to advertise the Joseph Emery Park Skate Spot Project No. EPW 103-14 CIP No 13254003 for Public Bids for construction; and

**WHEREAS**, the City Council also authorized the relocation of 19 of the 47 existing trees within the park to other open space areas within the City; and

**WHEREAS**, the Bid Opening for said project was held on January 14, 2015 and California Landscape Design, Inc. dba California Skateparks of Upland California submitted the lowest responsible bid in the amount of \$542,760; and

**WHEREAS**, as part of the Homeless Strategy discussion at the City Council meeting on February 3, 2015, the City Council directed City staff to include the Portland Loo public restroom facility at the Joseph Emery Park Skate Spot; and

**WHEREAS**, the proposed location for the Portland Loo is on the south entrance to the park adjacent to the sidewalk on Park Avenue; and

**WHEREAS**, it is desired to purchase the Portland Loo directly from the vendor and have it delivered to the site and installed by the Skate Spot contractor; and

**WHEREAS**, in order to have the contractor install the Portland Loo, the City Manager will need authority to approve an amendment to the construction contract to increase the contract amount to cover the cost of a negotiated change order for the installation estimated at \$40,000; and

**WHEREAS**, the installation of the Portland Loo will impact up to 6 of the existing small redbud trees on the south end of Joseph Emery Park, which trees can be relocated along with the other 19 trees approved for relocation to other open space areas within the City; and

**WHEREAS**, given all the required costs of said project, it is estimated that an additional \$232,000 in funding will be needed to complete the construction; and

**WHEREAS**, in order to appropriate additional funding to the Joseph Emery Park Skate Spot project, it will be necessary to take funding from another project in the Capital Improvement Program; and

**WHEREAS**, there is \$6,300,000 in General Capital Funds appropriated for the Corporation Yard Improvements and Emergency Operations Center project, CIP No. 1547510 that will not be utilized this calendar year; and

**WHEREAS**, said project has also changed in scope to eliminate the Emergency Operations Center; and

**WHEREAS**, \$232,000 of the \$6,300,000 appropriated to the Corporation Yard Improvements and Emergency Operations Center project can be reallocated at this time to the Joseph Emery Park Skate Spot Project, and when the Corporation Yard project is ready to move forward, the project budget will be revisited to determine if there is a sufficient amount funding available for the project; now, therefore, be it

**RESOLVED**, by the City Council of the City of Emeryville that the City Manager is hereby authorized to enter into an Agreement with California Landscape Design, Inc. dba California Skateparks in an amount not to exceed \$542,760 for the construction of The Joseph Emery Park Skate Spot, Project No. EPW 103-14, CIP No. 13254003; and, be it, further

**RESOLVED**, that the City Council hereby authorizes the City Manager to approve a First Amendment to said Agreement to increase the contract amount by up to \$40,000 to allow a change order for the installation of the Portland Loo public restroom facility; and, be it, further

**RESOLVED**, the City Council hereby approves the relocation of up to six additional trees to accommodate the installation of said Portland Loo public restroom facility; and, be it, further

**RESLOVED**, that the City Council hereby authorizes the transfer of \$232,000 of General Capital Funds from the Corporation Yard Improvements and Emergency Operations Center Project CIP No. 1547510 to the Joseph Emery Park Skate Spot Project CIP No. 13254003.

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**ADOPTED**, by the City Council of the City of Emeryville at a regular meeting held March 3, 2015.

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**MAYOR**

**ATTEST:**

**APPROVED AS TO FORM:**

A handwritten signature in blue ink that reads "Michael G. Biddell". The signature is written in a cursive style.

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**CITY CLERK**

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**CITY ATTORNEY**