



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen
Albert Balagso
Larry D. Lisenbee

SUBJECT: SEE BELOW

DATE: 03-01-07

Approved

Deanna Andra

Date

3/5/07

COUNCIL DISTRICT: 5
SNI: Mayfair

**SUBJECT: FIRST AMENDMENT TO THE AGREEMENT WITH FIELD PAOLI, INC.
FOR THE MAYFAIR COMMUNITY CENTER PROJECT AND ADOPTION
OF APPROPRIATION ORDINANCE AMENDMENTS IN THE
CONSTRUCTION TAX AND PROPERTY CONVEYANCE TAX FUND:
PARK PURPOSES COUNCIL DISTRICT #5 AND THE PARK TRUST FUND**

RECOMMENDATION

1. Approval of the first amendment to the agreement with Field Paoli, Inc. for consultant services for the Mayfair Community Center Project, increasing the amount of compensation by \$150,000 for a total amount not to exceed \$1,565,155 and increasing the total project budget by \$1,500,000 to include park related improvements such as irrigation, tot lot renovation, and a skatepark.
2. Adoption of the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Park Purposes Council District #5 (Fund 382):
 - a. Establish an appropriation in the amount of \$1,478,000 to the Parks, Recreation and Neighborhood Services Department for the Mayfair Community Center-Satellite project;
 - b. Decrease the Reserve: Mayfair Park Improvements by \$750,000; and
 - c. Decrease the Ending Fund Balance by \$728,000.
3. Adoption of the following Appropriation Ordinance amendments in the Park Trust Fund (Fund 375):
 - a. Establish an appropriation in the amount of \$2,546,000 to the Parks, Recreation and Neighborhood Services Department for the Mayfair Community Center-Satellite project;
 - b. Decrease the Reserve: East San José Park/Facility Development by \$539,000;
 - c. Decrease the Reserve: Jackson/Madden Park Improvements by \$23,000;
 - d. Decrease the Reserve: Future PDO/PIFO Projects by \$210,000;

- e. Decrease the Reserve: Mayfair Tot Lot by \$12,000; and
- f. Decrease the Mayfair Center Pools by \$1,762,000.

OUTCOME

Approval of the amendment to the agreement with Field Paoli, Inc. will allow for incorporation of design scope changes and appropriate construction funding for a full master plan build out and Leadership in Energy and Environmental Design (LEED) certified registration with the U.S. Green Building Council (USGBC). Approval of the appropriation ordinance amendments will allow for funds to be available at time of award of the construction contract.

EXECUTIVE SUMMARY

This memorandum recommends that the City Council approve an amendment to the agreement with Field Paoli, Inc. for consultant services for the Mayfair Community Center project, increasing the amount of compensation by \$150,000 for a total amount not to exceed \$1,565,155. It also recommends adoption of appropriation ordinance amendments in the Construction and Property Conveyance Tax Fund: Park Purposes Council District #5 and the Park Trust Fund to increase the total project budget by \$1,500,000 to allow incorporation of park related improvements such as irrigation, tot lot renovation, and a skatepark to the original scope; and activate and consolidate reserves and the separate Mayfair Center Pools allocation into Mayfair Community Center–Satellite appropriation, to make funds available at time of award of the construction contract, currently projected to occur in May.

BACKGROUND

In November 2000, the residents of San José approved and passed Measure P, the Safe Neighborhood Parks and Recreation Bond, which allocated funds to replace the current 6,400 square foot Mayfair Community Center with a new 21,000-square foot facility. The Mayfair Community Center is bound by King Road to the west, Alum Rock Avenue to the north and Highway 280 to the east and south (map attached).

In 2004, the architectural programming of the proposed Mayfair master plan was developed. In December 2005, a proposed master plan was presented to and accepted by the community. In March 2006, Council approved an agreement with the firm of Field Paoli Architects, Inc. to commence with a feasibility study in anticipation of the approval of the Mayfair Community Center master plan. Services provided under the agreement also include conceptual design, schematic design, design development, preparation of final plans and specifications, cost estimate and assistance during bid/award and construction phases. Council approved the master plan on August 29, 2006.

The original scope of the consultant's work was focused on the design of a community center building and water-play feature, and replacement of the existing swimming pool. During the

design development stage the Parks, Recreation and Neighborhood Services Department (PRNS) allocated additional funds to the project for the following scope items:

- ↓ Building foot print from 20,000 to 21,000 in order to encompass programmed needs of the community as well as an expansion of administrative offices for center staff.
- ↓ Pool location study and revision to address community and staff concern for safety and security.
- ↓ Upgrade to design of the Heating, Ventilation and Air Conditioning (HVAC) system.
- ↓ Additional Storm Water Pollution Prevention Plan documentation.

Approval of this memorandum will authorize an additional allocation of funds to realize the full build out of the approved master plan. The additional components include:

- ↓ A new skate park and miscellaneous park furnishings;
- ↓ Renovation of the tot-lot and construction of an associated mitigation planting area;
- ↓ Landscape improvements and renovation of the irrigation system; and
- ↓ Replacement of small turf areas in the perimeter of the park with native, drought-tolerant plantings in accordance with City Council direction.

In October 2006, the City Manager's Office requested an analysis of costs to evaluate the feasibility of incorporating LEED certified level for this project. Staff subsequently reported that sufficient funding is available and directed the consultant team to proceed in November 2006 with LEED related design modifications.

The project is currently in 95% construction document phase and is estimated to bid in March 2007. The estimated construction award in May 2007 is consistent with the PRNS outreach project timeline of the Mayfair community. In addition, replacement of the existing pool is consistent with Council direction provided on February 27, 2007 to re-open the existing aquatics facilities as soon as possible.

ANALYSIS

The City has retained the services of Field Paoli Architects, Inc. and has subsequently expended all the additional services under the original agreement. This first amendment will ensure sufficient funding to incorporate the increase in scope to the design for a full master plan build out and Leadership in Energy and Environmental Design (LEED) certified registration with the U.S. Green Building Council (USGBC). Approval of the amendment to further retain the services of Field Paoli Architects, Inc. will also minimize any future schedule impact. Staff and the consultant have negotiated a fee of \$150,000 for the services of the first amended agreement.

Appropriation Ordinance amendments in the Construction and Property Conveyance Tax Fund: Park Purposes Council District #5 and the Park Trust Fund are requested to allow funds to be available at time of award of the construction contract, currently projected to occur in May. These requested actions are detailed as follows:

- An increase in the project budget of \$1.5 million to allow the addition of park related improvements such as irrigation, tot lot renovation, and a skatepark. The sources of this increase are through reserves (East San José Park/Facility Development, Jackson/Madden Park Improvements, and Future PDO/PIFO Project) in the Park Trust Fund (\$772,000) and the ending fund balance in the Construction and Property Conveyance Tax Fund: Park Purposes Council District #5 (\$728,000);
- Activation of a Mayfair Park Improvement reserve in the Construction & Property Conveyance Tax Fund: Park Purposes Council District #5; and
- Activation of reserves and consolidation of separate appropriations for various components of the Mayfair Community Center and park improvements into a single appropriation, the Mayfair Community Center – Satellite project, in the Park Trust Fund.

Funds requested from the Reserve: Future PDO/PIFO Projects are from a collection paid in September of 2005 by Core Development for a development southerly of San Antonio Road, 270 feet easterly of King Road (\$179,000) and interest earned on two separate collections (\$31,000).

POLICY ALTERNATIVES

Alternative # 1: Direct City staff to provide the required services with in-house resources.

Pros: Increased work options for current staff.

Cons: Negative impact to the schedule and workload of the staff currently assigned to the project. Shifting existing staff resources to this project at this time could potentially delay this or other projects.

Reason for not recommending: Staff is being fully utilized on this and other projects resulting in no available staffing resources to take over this work. The use of the architectural design consultant to complete this work results in savings of time and funds due to the continuity of keeping the same team of workers that are currently on the project.

PUBLIC OUTREACH/INTEREST

- ✓ **Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

The approval of this agreement meets criteria #1 identified by the Sunshine Reforms Work Plan. This memorandum will be posted on the City's website for the Council agenda.

Several meetings with the Mayfair Neighborhood Advisory Committee (NAC) and Mayfair community members were held from December 2005 up to January 2007. Announcements for these meetings were advertised via flyers to Mayfair residents, the Mayfair NAC and at various nearby public facility locations for the architectural design and public art processes.

COORDINATION

This agreement amendment and memorandum have been coordinated with the Departments of Planning, Building and Code Enforcement, Finance, and the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

This project is consistent with the Council-approved Budget Strategy to continue with capital investments that spur construction spending in our local economy.

COST IMPLICATIONS

1. AMOUNT OF RECOMMENDATION: \$150,000

	<u>Original</u>	<u>Amended</u>	<u>Difference</u>
Consultant base compensation	\$1,340,155	\$1,490,155	\$150,000
Consultant Additional Services (Reserved)	<u>75,000</u>	<u>75,000</u>	<u>0</u>
Total Project Costs	\$1,415,155	\$1,565,655	\$150,000

2. COST ELEMENTS OF AGREEMENT:

	<u>Original</u>	<u>Amended</u>	<u>Difference</u>
Schematic Design	\$66,125	\$66,125	\$0
Design Development	291,780	291,780	0
Construction Documents	548,180	629,760	81,580
Bidding and Award	51,370	59,960	8,590
Construction Administration	297,000	354,410	57,410
Record Documents and Project Close-Out	30,700	30,700	0
Reimbursable Expenses	55,000	57,420	2,420
Additional Services	<u>75,000</u>	<u>75,000</u>	<u>0</u>
TOTAL AGREEMENT AMOUNT	\$1,415,155	\$1,565,155*	\$150,000

*It is anticipated for the Mayfair Community Center to cost a total of \$21,023,000. Funding for this project will be received from the Parks and Recreation Bond Projects Fund, the Construction and Property Conveyance Tax Fund: Park Purposes Council

District #5, the Park Trust Fund, the General Fund, and the San José Redevelopment Agency.

- 3. SOURCE OF FUNDING: 471 - Parks and Recreation Bond Projects Fund
 - 375 – Park Trust Fund
 - 382 – Construction and Property Conveyance Tax Fund: Park Purposes Council District #5

- 4. OPERATING COSTS: The proposed operating and maintenance costs for this facility have been reviewed and estimated to be approximately \$400,000 annually, starting in March 2009.

BUDGET REFERENCE*

Fund #	Appn. #	Appn. Name	RC #	Total Appn.	Amt. For Contract	2006-2007 Adopted Budget (Page)	Last Budget Action (Date, Ord. No.)
Current Funding Available							
471	4529	Mayfair Community Center-Satellite	125441	\$11,072,000	\$150,000	V-786	10/17/2006 Ord. No. 27888
Total Current Funding Available				\$11,072,000	\$150,000		

* This memorandum includes several appropriation action requests to increase the funding available for this project. A total of \$1,500,000 of new money is being added to the project budget, and \$2,524,000 is being re-allocated from reserves and separate project budgets.

CEQA

CEQA: Mitigated Negative Declaration, PP06-024

Katy Allen
 KATY ALLEN
 Director, Public Works Department

Albert Balagso
 ALBERT BALAGSO
 Director, Parks, Recreation and
 Neighborhood Services Department

HONORABLE MAYOR AND CITY COUNCIL

03-01-07

Subject: First Amendment to the Agreement for the Mayfair Community Center Project and Adoption of Appropriation Ordinance Amendments

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A handwritten signature in black ink, appearing to read "Larry D. Lisenbee". The signature is fluid and cursive, with the first name "Larry" being more prominent than the last name "Lisenbee".

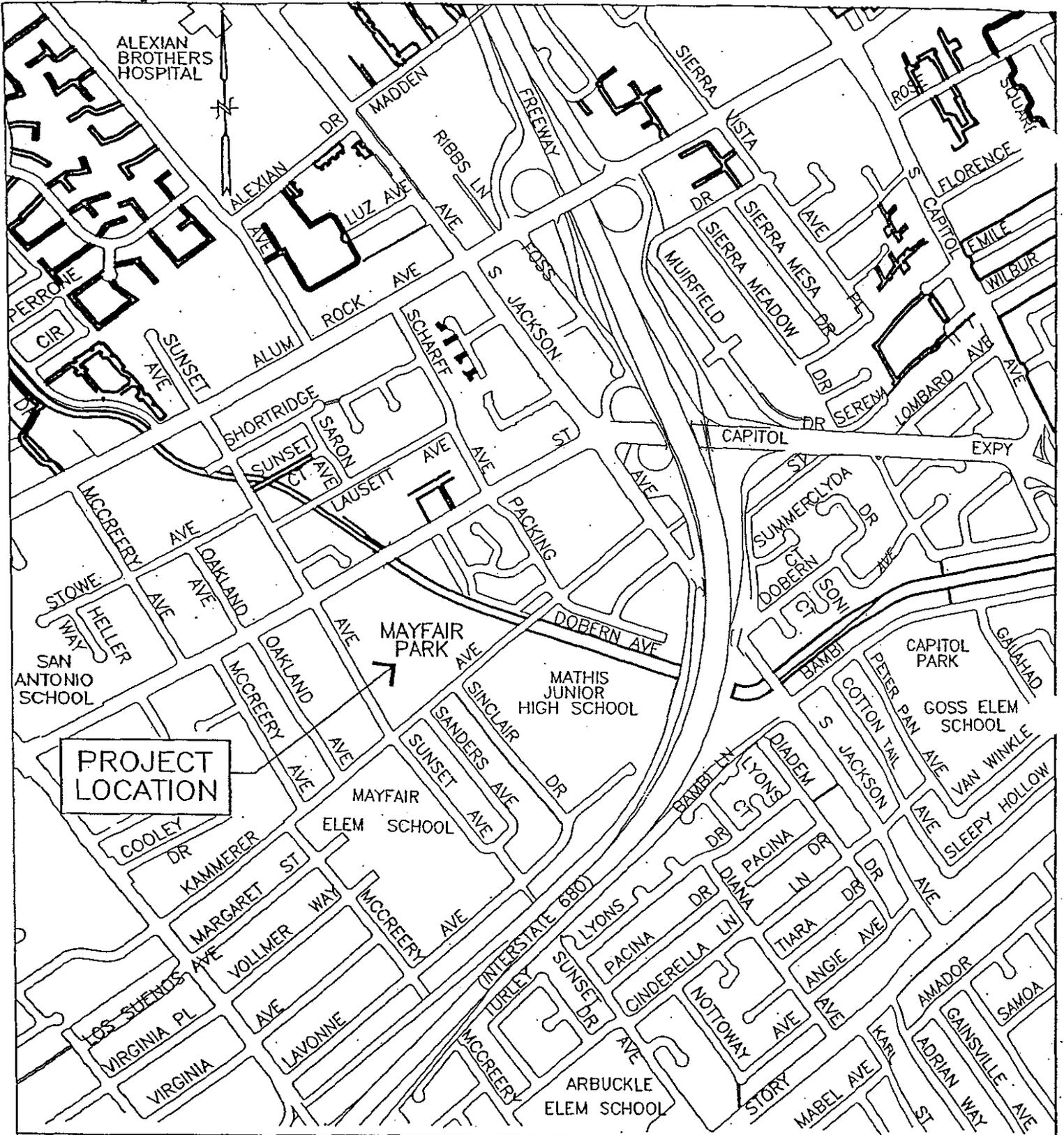
LARRY D. LISENBEE

Budget Director

For questions please contact DAVID SYKES, ASSISTANT DIRECTOR, at (408) 535-8300.

Attachment

RR:DT:lm



**MAY FAIR COMMUNITY CENTER
LOCATION MAP
NO SCALE**