



COUNCIL AGENDA: 05-10-05

ITEM: 2.13

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Katy Allen
Larry D. Lisenbee

SUBJECT: SEE BELOW

DATE: 05-03-05

Approved

Date

5/5/05

Council District: 10

SUBJECT: APPROPRIATION ORDINANCE AMENDMENTS IN THE COUNCIL DISTRICT 10 CONSTRUCTION AND CONVEYANCE TAX FUND AND APPROVAL OF A CONTINGENCY BUDGET INCREASE FOR THE FONTANA DOG PARK PROJECT

REASON FOR ADDENDUM

In order to support the continued construction on this project, staff requests Council approval at its May 10, 2005 meeting.

RECOMMENDATION

- a. Approval of a contingency budget increase in the amount of \$12,000.
- b. Adoption of the following Appropriation Ordinance amendments in the Council District 10 Construction and Conveyance (C&C) Tax Fund:
 1. Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Fontana Dog Park by \$12,000;
 2. Decrease the Ending Fund Balance by \$12,000.

CEQA: Exempt, PP04-03-088.

BACKGROUND

Jeffrey Fontana Park, formerly known as Golden Oak Park, is a ten-acre park within a PG&E right-of-way between Meridian Avenue and Almaden Expressway in southwest San José. The park is bordered by Golden Oak Way to the southeast, McAbee Road to the east, a residential neighborhood to the south and northeast, and the Guadalupe Oak Grove natural preserve to the

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north (map attached). The dog park area is located in the central area of the park adjacent to the preserve. The project area currently consists of unimproved parkland, oak trees, and a pedestrian/jogging path. The dog park will include minor realignment of the existing path.

The dog park at Fontana Park, was originally anticipated to cost approximately \$350,000. On July 8, 2004, the City received a grant approval totaling \$275,000 under the Prop 40 per Capita Block Grant Program (2002 Resources Bond Act). Since this grant is provided on a reimbursement basis, the funding was initially provided from the Council District 10 Construction and Conveyance Tax Fund Ending Fund Balance. Once these funds are received from the State (estimated in 2005-2006), the Council District 10 Construction and Conveyance Tax Fund will be replenished. All remaining project costs exceeding \$275,000 are being provided from the Council District 10 Construction and Conveyance Tax Fund.

On December 7, 2004, Council awarded this project to Jensen Corporation in the amount of \$228,388. A construction Notice-to-Proceed was issued effective January 24, 2005, with completion scheduled for July 3, 2005. The project is currently ten percent complete.

ANALYSIS

The Parks, Recreation, and Neighborhood Services Department has recently received numerous requests from the community served by Fontana Park to modify the scope of work of this project. Specifically, the community has requested an increase in turf area of approximately 2,800 square feet within the fenced dog park, increasing the total turf area to approximately 15,400 square feet. The increased turf area is closer in size to the area illustrated on the Fontana Dogpark Master Plan that was shared at community meetings.

The turf area within the fenced dog park was reduced in size during the design phase to remove it from under existing water-sensitive oak trees, to allow easier maintenance access around electrical transmission lines, and to help reduce the costs associated with maintaining turf in a facility to be used by animals. Given the concerns raised by the community, Public Works has now authorized the additional work by contract change order in the interest of moving the project forward without further delay.

However, due to the previously mentioned concerns, it was decided to expand grass area at a different location within the new dog park; away from the water-sensitive oak trees. Also, the expanded grass area near the transmission tower will not prevent maintenance access around the electrical transmission tower since maintenance vehicles and/or power mowers can still operate in this area. In addition, as coordinated with Planning Department staff, the environmental review will not be impacted by the grass area expansion since the resulting soil preparation will only involve shallow excavation, therefore the "Categorical Exemption" environmental clearance is still appropriate.

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The change in scope of the project requires modification of the irrigation system, additional soil amendments, additional concrete mow band, and an increase in turf to be developed. Revised construction documents were prepared and the contractor submitted a proposal of \$8,168, which was evaluated and determined to be a fair price for the additional work.

This memorandum includes a budget action recommendation to increase the contingency budget by \$12,000 to cover the change order (\$8,168) and associated Public Work staff charges (\$3,832). The approved contingency budget for this project is currently \$12,000. The project is only ten percent complete and the likelihood of encountering unforeseen conditions is still relatively high. Therefore, staff is recommending an increase in contingency of \$12,000 to restore the original project contingency for potential future changes and to cover the additional cost to redesign the park. The recommended source of funds for this increase is the Council District 10 Construction and Property Conveyance Tax Fund's Ending Fund Balance.

OUTCOME

Approval of this action will restore the original project contingency and give staff the funds to handle future unforeseen conditions.

PUBLIC OUTREACH

The proposed change order reflects community input and a request of modification of the project received during the construction phase.

COORDINATION

This request has been coordinated with the Department of Parks, Recreation, and Neighborhood Services, the City Attorney's Office and Council District 10 Office.

COST IMPLICATIONS

1. AMOUNT OF RECOMMENDATION: \$12,000

HONORABLE MAYOR AND CITY COUNCIL

05-03-05

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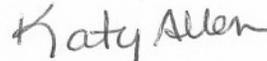
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CEQA

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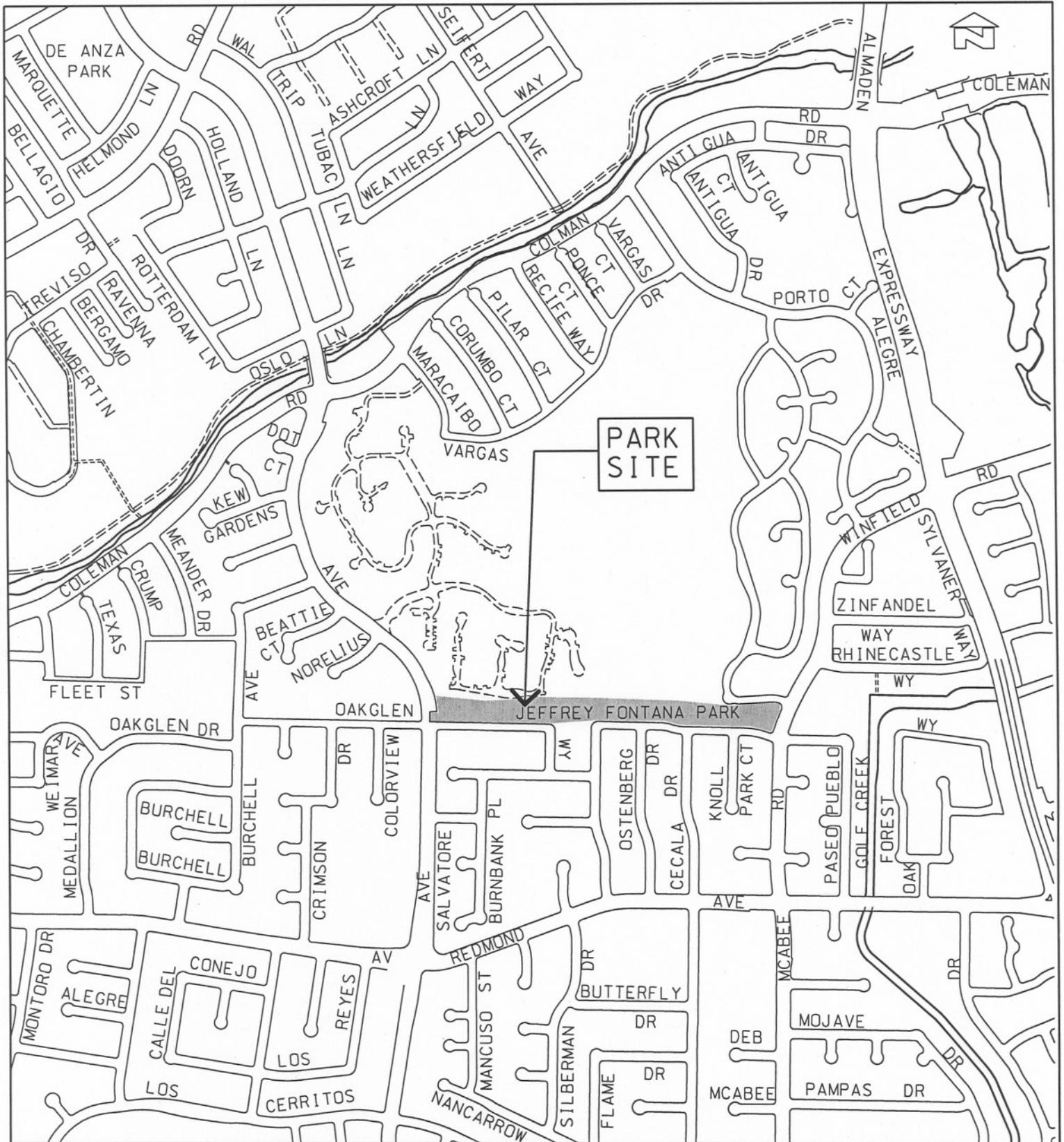


LARRY D. LISENBEE
Budget Director



KATY ALLEN
Director, Public Works Department

KJ:ek
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Attachment



JEFFREY FONTANA PARK
LOCATION MAP

NO SCALE