



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen
Jennifer A. Maguire

SUBJECT: SEE BELOW

DATE: 11/22/10

Approved

Date

12/1/10

COUNCIL DISTRICT: 9

**SUBJECT: ADOPTION OF THE FOLLOWING APPROPRIATION
ORDINANCE AMENDMENTS IN THE CONSTRUCTION TAX
AND PROPERTY CONVEYANCE TAX FUND: PARKS PURPOSES
COUNCIL DISTRICT 9 FOR THE PAUL MOORE PARK
PLAYGROUND RENOVATION PROJECT**

RECOMMENDATION

Adoption of the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 9 (Fund 388):

1. Increase the appropriation to the Parks, Recreation and Neighborhood Services Department, for the Paul Moore Park Playground Renovation project for \$200,000; and
2. Decrease the Ending Fund Balance by \$200,000.

OUTCOME

Adoption of this appropriation ordinance amendment will provide the additional funding necessary to bid and award the Paul Moore Park Youth & Tot Lot Renovation project (based on the current Engineer's Estimate) offering a universally-accessible and themed youth and tot play areas.

BACKGROUND

Paul Moore Park is an 8-acre neighborhood park located in central San José on the southwest corner of Hillsdale Avenue and Cherry Avenue (see map attached). The Department of Parks, Recreation and Neighborhood Services recommended the play equipment in both the youth and tot lots be replaced due to a high level of maintenance. A separate area for swings is a more recent addition to the park and is in good condition.

In early 2009, the project scope was modified to result in universally accessible themed youth and tot play areas. Subsequent designs were developed with themed play equipment and

resilient rubber surfacing throughout both play lots. Community meetings were conducted in January and June of 2010 to obtain feedback on the project's design.

It is anticipated that the project will be bid and awarded in January and February 2011 and construction will begin in March 2011 with completion in August 2011.

ANALYSIS

This memorandum seeks an additional appropriation of funds necessary to construct the project. Additional funding is required due to the project's scope increasing to accommodate the need for accessible play equipment. The total estimated project cost is now \$1,199,000 and the project is currently funded in the amount of \$999,000. The additional appropriation of \$200,000 requested as part of this council memorandum will provide the funding needed to construct these universally accessible play areas.

The cost estimate originally prepared for this project was for removal of the existing youth and tot lot equipment and replacement with standard "off-the-shelf" play structures. In coordination with the Council Office, the project scope was revised to provide a higher level of play opportunity to accommodate 70-80% accessibility to the play apparatus and provide a theme, thus promoting a higher level of creativity and interest for the children.

On June 28, 2010 a community meeting was held to seek community input on the design of the proposed renovation. That process resulted in additional changes to the design including the addition of several different types of play equipment which would promote the use of upper body strength, agility and balance. A shade structure over the sand play area was also added.

The play areas are designed to be universally accessible which will give children of varying capabilities an increased amount of play opportunities. The project improvements include:

- Ramps within the play area to provide wheelchair access to and between elevated platforms, offering greater access to play apparatus for handicapped children.
- Resilient rubber surfacing throughout the project furthering the opportunity for universal play.
- Themed play areas using custom-designed elements will enhance the overall play experience.
- One replacement swing seat to provide greater access for those of all ability levels.
- Resilient rubber surfacing installed beneath the new accessible swing will provide the required accessibility.

EVALUATION AND FOLLOW-UP

No additional follow-up with the Council is expected at this time, as it is anticipated that award of the contract will be made by the Director of Public Works under existing delegated authority for contracts up to \$1,000,000.

POLICY ALTERNATIVES

Alternative #1: Don't approve the additional funding.

Pros: The Ending Fund Balance for Council District 9 Construction and Conveyance Tax Fund remains unchanged.

Cons: The play apparatus will need to be prioritized to meet the existing budget, likely leaving only the major structures funded for installation.

Reason for not recommending: Without the additional funding, the installation of the new play equipment will not meet the public's expectations.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 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)**
- Criterion 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)**

This item does not meet any of the criteria above; however, this item will be posted on the City's website for the December 14, 2010 Council agenda. To solicit contractors, this project will be listed on the City's Internet Bid Line and advertised in the *San Jose Post Record*. Bid packages for all Department of Public Works construction projects are routinely provided to a standard list of various contractor organizations and builders' exchanges.

COORDINATION

This project and memorandum have been coordinated with the Departments of Parks, Recreation and Neighborhood Services, Planning, Building and Code Enforcement, Finance, the City Attorney's Office, and Council District 9 Office.

FISCAL/POLICY ALIGNMENT

This project is consistent with the Council Budget Strategy Economic Recovery section in that it will spur construction spending in our local economy and create temporary construction jobs to help lessen the effects of the current economic downturn.

COST SUMMARY/IMPLICATIONS

| | | |
|----|------------------------------------------------------|--------------------|
| 1. | AMOUNT OF RECOMMENDATION/COST OF PROJECT: \$200,000: | |
| | Construction | \$880,000 |
| | Project Delivery | 275,000 |
| | Construction Contingency | <u>44,000</u> |
| | TOTAL PROJECT COSTS | \$1,199,000 |
| | Prior Year Expenditures | <u>97,458*</u> |
| | REMAINING PROJECT COSTS | \$1,101,542 |

*A total of \$97,458 as expended in 2008-2009 through 2009-2010 for Project Delivery Costs.

2. COST ELEMENTS OF CONTRUCTION CONTRACT

3. SOURCE OF FUNDING: 375 – Subdivision Park Trust Fund
 388 – Construction Tax and Property Conveyance Tax
 Fund: Parks Purposes Council District 9

4. OPERATING COSTS: The Parks, Recreation and Neighborhood Services Department has determined the renovated facility will have no adverse operating and maintenance impact to the General Fund.

BUDGET REFERENCE

The table below identifies the fund and appropriations proposed to fund the contract(s) recommended as part of this memo and remaining project costs, including project delivery, construction, and contingency costs.

| Fund # | Appn # | Appn. Name | RC # | Total Appn | Amt. for Contract | Adopted Budget (Page) | Last Budget Action (Date, Ord. No.) |
|----------------------------------------|--------|---------------------------------------|--------|-------------|-------------------|-----------------------|-------------------------------------|
| Remaining Project Costs | | | | \$1,101,542 | | | |
| Remaining Funding Available | | | | | | | |
| 375 | 6370 | Paul Moore Park Playground Renovation | 158705 | 239,000 | \$150,000 | V-574 | 10/19/2010 Ord. No. 28829 |
| 388 | 6370 | Paul Moore Park Playground Renovation | TBD | 663,000 | 530,000 | V-442 | 06/29/2010 Ord. No. 28765 |
| Total Current Funding Available | | | | 902,000 | | | |
| Additional Funding Recommended | | | | | | | |
| 388 | 8999 | Ending Fund Balance | N/A | 200,000* | 200,000 | V-439 | 10/19/2010 Ord. No. 28829 |
| Total Funding for Project | | | | \$1,102,000 | \$880,000 | | |

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*Included in this council memorandum is a recommendation to allocate \$200,000 from the Council District 9 Construction and Conveyance Tax Fund Ending Fund Balance (Ending Fund Balance appropriation totals \$1,408,558). This increase in funding will ensure sufficient funding is available for the project based on the most recent Engineer's Estimate.

CEQA

CEQA: Exempt, PP10-176.

/s/

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JENNIFER A. MAGUIRE
Budget Director

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

MH:jp:sa