



**CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT**

11/13/2018

SUBJECT:

Notice of Completion for the 400 Esplanade Infrastructure Preservation Project - Emergency Protective Measure

RECOMMENDED ACTION:

Adopt the resolution next in order A Resolution of the City Council of the City of Pacifica Accepting Completion and Directing the City Manager to file with San Mateo County Recorder's Office the Notice of Completion for the 400 Esplanade Infrastructure Preservation Project - Emergency Protective Measure.

STAFF CONTACT:

Ryan Marquez, Associate Civil Engineer
(650) 738-3769
marquezr@ci.pacifica.ca.us

Van Ocampo, Director of Public Works
(650) 738-3767
ocampov@ci.pacifica.ca.us

BACKGROUND/DISCUSSION:

Over the past several decades, the northern coastline of Pacifica has seen progressive coastal bluff erosion/retreat. The combination of poorly cemented bluff sand and high energy waves cause the bluff sand to be washed out to sea resulting in loss of land laterally supporting the street and other infrastructure within it. In early 2017, a bluff retreat of approximately 35 to 40 feet was documented within the City owned property at the 400 Block of Esplanade, just south of the Manor Drive and Esplanade Avenue intersection. The major bluff retreat occurred between two areas that have rock protection and formed a cove that was approximately thirty two feet from the existing road pavement of Esplanade Avenue.

On April 23, 2018 the City Council approved the award of construction contract to Ford Construction, Inc., for the 400 Esplanade Infrastructure Preservation Project - Emergency Protective Measure in the amount of \$1,583,001.50.

The project successfully installed a temporary rock revetment to prevent further toe erosion and bluff loss.

While the contract was for \$1,583,001.50, the final total expenditure on the contract was \$1,319,978.05. This project was funded through the FEMA Public Assistance and CalOES California Disaster Assistance Act (CDAA) programs for approximately 93.75% of the project, while the City's portion was 6.25%.

As the project is now complete, it is appropriate to record the formal Notice of Completion with the San Mateo County Recorder's Office. This recorded document is the legal notice that the City considers the project complete and that we intend to pay the contractor for the full and complete contract price. This also puts all subcontractors and suppliers on notice that if they have any claims for payment from the contractor, they have 35 days to file claims for payment against the city. This provision of contract law protects subcontractors from contractors who may not pay them properly. It also protects the City from claims against any nonpayment on the part of the contractor. The City withheld \$65,998.90 in retention to make sure that all subcontractors have been paid.

Staff is satisfied with the contractor's work on the project and the City Manager recommends the filing of the Notice of Completion.

ALTERNATIVE ACTION:

Council may choose not to adopt the resolution accepting completion of the project, but as the work has been satisfactorily completed, the contractor may file a claim against the City for non-payment of retention, if there are no claims. Staff does not recommend this alternative action.

FISCAL IMPACT:

There is no fiscal impact associated with the filing for recordation of the Notice of Completion as well as release of retention. The final construction cost amounted to \$1,319,978.05 and funded through FEMA Public Assistance and CalOES California Disaster Assistance Act (CDAA) programs for approximately 93.75% of the project, while the City's portion was 6.25%.

ORIGINATED BY:

Engineering

ATTACHMENT LIST:



RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA
ACCEPTING COMPLETION AND DIRECTING THE CITY MANAGER TO FILE
NOTICE OF COMPLETION FOR
THE 400 ESPLANADE INFRASTRUCTURE PRESERVATION PROJECT**

RESOLVED by the City Council of the City of Pacifica, California, that

WHEREAS, the Director of Public Works of the said City has filed with the City Clerk of said City, his Certificate as to the completion of all of the work provided to be done under and pursuant to the contract between said City and Ford Construction, Inc. dated April 23, 2018, and

WHEREAS, it appears to the satisfaction of this Council that said work under said contract has been fully completed as provided in said contract and the plans and specifications therein referred to,

NOW, THEREFORE, it is ordered as follows:

1. That acceptance of completion of said work be, and it is hereby, made and ordered.
2. That the City Manager is directed to file for recordation, with the County Recorder of the County of San Mateo, the Notice of Completion thereof, pursuant to Section 3093 of the Civil Code of the State of California

.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 23rd day of July 2018, by the following vote:

- AYES**, Councilmembers:
- NOES**, Councilmembers:
- ABSENT**, Councilmembers:
- ABSTAIN**, Councilmembers:

CITY OF PACIFICA

By: _____
Mayor John Keener

ATTEST:

Sarah Coffey, City Clerk

APPROVED AS TO FORM:

Michelle M. Kenyon, City Attorney