

RESOLUTION NO. 2023-122

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
ACCEPTING THE COMPLETION OF THE CITY OF MARINA- Dr. MARTIN
LUTHER KING Jr. SCULPTURE GARDEN PROJECT AND AUTHORIZING
THE FILING OF A NOTICE OF COMPLETION WITH THE MONTEREY
COUNTY RECORDER'S OFFICE

WHEREAS, the City of Marina-Dr. Martin Luther King Jr. Sculpture Garden Project is located near the Marina Library and work includes installation of new paver pathway and decomposed granite walkways, paved plaza and irrigation system, planting of drought tolerant landscaping and natural lawn, installation of the relocated sculpture and plaques, site lighting and furnishing, and associated miscellaneous work for a complete project; and,

WHEREAS, on December 20, 2022, the City Council passed Resolution No. 2022-156 awarding a construction contract to Monterey Peninsula Engineering (MPE) of Marina, CA for the bid amount of \$401,830 and approved to expend up to an additional 10% of the contract amount for potential construction contingencies; and,

WHEREAS, the final construction cost is \$414,046.97 which includes five construction change orders due to additional work necessary to complete the project and additional time due to material and weather delays; and,

WHEREAS, the project was substantially completed on September 8, 2023. **EXHIBIT B** shows the before, during and after construction photos of the project; and,

WHEREAS, the Capital Improvement Project PF2125 has sufficient funds to pay the total project cost of \$566,195.11. Approval of this request will result in release of contract payment retention which was budgeted and approved at the time of contract award.; and,

WHEREAS, the acceptance of project and authorization to file Notice of Completion for the City of Marina-Dr. Martin Luther King Jr. Sculpture Garden Project is not a project under the California Environmental Quality Act (CEQA) per Article 20 Section 15378 and under General Rule Article 5 Section 15061; and,

WHEREAS, the City of Marina-Dr. Martin Luther King Jr. Sculpture Garden Project is complete. It is appropriate to accept these public improvements and to file a Notice of Completion (**EXHIBIT A**) for the project with the Monterey County Recorder's Office. Following Council approval, a Notice of Completion will be filed, and contract retention release is 35 days after the recording of the Notice of Completion.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby:

1. Accepts the completion of the City of Marina-Dr. Martin Luther King Jr. Sculpture Garden Project, and;
2. Authorizes the filing of a Notice of Completion (**EXHIBIT A**), with the Monterey County Recorder's Office.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 21st day of November 2023, by the following vote:

AYES: COUNCIL MEMBERS: Visscher, McCarthy, Biala, Medina Dirksen, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

After Recordation Return To:

City of Marina
Public Works Department
211 Hillcrest Avenue
Marina, CA 93933

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that the City of Marina, a municipal corporation, did, on the 6th day of January 2023, enter into a contract with Monterey Peninsula Engineering. (MPE) of Marina, California wherein said contractor agreed to complete all work for the City of Marina-Dr. Martin Luther King Jr. Sculpture Garden Project in accordance with the plans, specifications, addenda and construction change orders issued by the City of Marina.

That the work under said contract was completed by the contractor or assignee and accepted by the City of Marina on November 21, 2023.

The real property involved in said contract is described as Locke Paddon Park, 3203 Marina Drive, Marina California with the property interest of the Monterey Peninsula Regional Park District as Owner. An encroachment permit P042023 issued by Monterey Peninsula Regional Park District granting the City of Marina for the construction of the City of Marina-Dr. Martin Luther King Jr. Sculpture Garden Project.

Dated: November 22, 2023

CITY OF MARINA, a Municipal Corporation

BY: _____
Brian McMinn, P.E./P.L.S.
Public Works Director/City Engineer

VERIFICATION

I, the undersigned, say: I am the Public Works Director/City Engineer of the City of Marina, a Municipal Corporation, and the declarant of the foregoing notice of completion: I have read said notice of completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 2023, at Marina, California.

Brian McMinn P.E./P.L.S.
Public Works Director/City Engineer



PRE-CONSTRUCTION PHOTO





POST CONSTRUCTION PHOTOS

November 8, 2023

Item No. **10h(1)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of November 7, 2023

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2023-,
ACCEPTING THE COMPLETION OF THE CITY OF MARINA- Dr.
MARTIN LUTHER KING Jr. SCULPTURE GARDEN PROJECT AND
AUTHORIZING THE FILING OF A NOTICE OF COMPLETION WITH
THE MONTEREY COUNTY RECORDER'S OFFICE**

REQUEST: It is requested that the City Council consider:

1. Adopting Resolution No 2023-, accepting the completion of the City of Marina-Dr. Martin Luther King Jr. Sculpture Garden Project, and;
2. Authorizing the filing of a Notice of Completion (**EXHIBIT A**), with the Monterey County Recorder's Office.

BACKGROUND:

The City of Marina-Dr. Martin Luther King Jr. Sculpture Garden Project is located near the Marina Library and work includes installation of new paver pathway and decomposed granite walkways, paved plaza and irrigation system, planting of drought tolerant landscaping and natural lawn, installation of the relocated sculpture and plaques, site lighting and furnishing, and associated miscellaneous work for a complete project.

On December 20, 2022, the City Council passed Resolution No. 2022-156 awarding a construction contract to Monterey Peninsula Engineering (MPE) of Marina, CA for bid amount of \$401,830 and approved expenditure of up to an additional 10% of the contract amount for potential construction contingencies.

ANALYSIS:

Following is the project construction expenditure summary:

Project Construction Expenditure Summary		
Description	Awarded Amount	Expense Amount
Monterey Peninsula Engineering Construction Award	\$401,830.00	\$401,830.00
10% Construction Contingency	\$40,183.00	
Construction Change Orders (5 total)		\$12,216.97
Total Award Amount	\$442,013.00	
Total Construction Cost		\$414,046.97

The final construction cost is \$414,046.97 which includes five construction change orders due to additional work necessary to complete the project and additional time due to material and weather delays.

The project was substantially completed on September 8, 2023. **EXHIBIT B** shows the before, during and after construction photos of the project.

The Dr. Martin Luther King Jr. Sculpture Garden Project is complete. It is appropriate to accept these public improvements and to file a Notice of Completion (**EXHIBIT A**) for the project with the Monterey County Recorder's Office. Following Council approval, a Notice of Completion will be filed, and contract retention release is 35 days after the recording of the Notice of Completion.

FISCAL IMPACT:

Capital Improvement Project funding, APF2125 for Dr. Martin Luther King Jr. Sculpture Garden Project had a total project funding of \$578,835.50.

The total project cost includes the cost of the construction contract (\$414,046.97) and soft costs for project management, landscaping and engineering designs, preparation of bidding documents, construction management, inspection, MCWD capacity fees and miscellaneous expenses (\$152,148.14). The Capital Improvement Project PF2125 has sufficient funds to pay the total project cost of \$566,195.11. Approval of this request will result in release of contract payment retention which was budgeted and approved at the time of contract award.

California Environmental Quality Act (CEQA)

The acceptance of project and authorization to file Notice of Completion for the City of Marina-Dr. Martin Luther King Jr. Sculpture Garden Project is not a project under CEQA per Article 20 Section 15378 and under General Rule Article 5 Section 15061.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Elvira Morla-Camacho, P.E., QSD
Project Management Services
Wallace Group

REVIEWED/CONCUR:

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina