



CONSENT CALENDAR **May 24, 2010**



All items under the consent calendar will be acted upon in one motion unless a Council-member requests that an individual item be taken up under CONDUCT OF BUSINESS

- A. **Adopt Joint City Council/Redevelopment Agency/Improvement District Resolution Approving a Professional Services Agreement with Moss, Levy & Hartzheim, LLP for Auditing Services for FY 2009-10, FY 2010-11, and FY 2011-12, Delegating the Authority to Execute an Agreement on Behalf of the Fort Bragg Redevelopment Agency and Fort Bragg Municipal Improvement District No. 1 to the City Manager, and Authorizing City Manager to Execute Same (Amount not to Exceed \$34,965 per year (\$104,895 total); Split Among the Three Agencies)**

The City, the Redevelopment Agency and the Municipal Improvement District prepare, maintain and file various financial reports including year-end financial statements, all of which are audited by independent certified public accountants. The City's contract with Davis Hammon & Co. for audit services covering the past four years has expired. Good financial management practices call for periodic rotation of audit firms to ensure fresh viewpoints. Staff issued a Request for Proposals and four proposals were received and evaluated. Based on the proposal evaluations, staff recommends selection of the Moss, Levy, & Hartzheim, LLP, Certified Public Accountants to provide audit services for the next three fiscal years. Based on the company's previous experience as noted in their proposal and discussion with references, Moss, Levy & Hartzheim, LLP are qualified, with a clear license status with the California Board of Accountancy and no disciplinary actions or license restrictions. The proposed fees are \$34,965 for the FY10-11 audit, \$34,965 for FY11-12, \$34,965 for FY12-13 and these costs will be funded from the General Fund, the Redevelopment Project Fund, and the Water and Wastewater enterprise funds as shown in respective budgets.

Recommendation: Adopt Joint City Council/Redevelopment Agency/Improvement District Resolution Approving a Professional Services Agreement with Moss, Levy & Hartzheim, LLP for Auditing Services for FY 2009-10, FY 2010-11, and FY 2011-12, Delegating the Authority to Execute an Agreement on Behalf of the Fort Bragg Redevelopment Agency and

Fort Bragg Municipal Improvement District No. 1 to the City Manager, and Authorizing City Manager to Execute Same (Amount not to Exceed \$34,965 per year (\$104,895 total); Split Among the Three Agencies).

B. Adopt City Council Resolution Approving a Professional Services Agreement with Bauer and Wiley for Preparation of Schematic Design for the Noyo Center for Science and Education and Authorizing City Manager to Execute Same upon Execution by Consultant (Amount not to Exceed \$100,000; Account No. 134-4863-0630)

In 2002, the City of Fort Bragg initiated a community-based planning process that identified the establishment of a Marine Science Center on the former Georgia-Pacific Mill Site as a key community goal. In 2006, the City undertook a strategic planning process for the Noyo Center for Science & Education with consultant Susan Lohr which resulted in a strategic plan for the facility. In 2007, consultant Paul Siri prepared the Detailed Project Program for the Noyo Center. From 2008 through 2010, the City has held numerous workshops and meetings with the community, City Council, and Coastal Commission regarding the Mill Site Specific Plan which identifies an area to the south of the Wastewater Treatment Facility and east of the City's Mill Site parkland as the appropriate location for a research and development facility.

The City received a 2008 Sustainable Communities Grant from the California Pollution Prevention Financing Corporation to partially fund planning activities associated with the Mill Site Specific Plan. In 2009, the grant funds were realigned so that they could be expended on "public purpose" components of the Specific Plan (e.g. the Coastal Trail, South Fort Bragg Main Street Project, and the Noyo Center design, engineering and CEQA review).

The City released a Request for Proposals on April 13, 2010, to obtain architectural services for the schematic designs for the facility (site plan, floor plan, elevations, renderings, etc) as well as a cost estimate. The City received 16 proposals and, on May 17, the steering committee interviewed the top five firms and determined that the team of Bauer and Wiley and Jones and Jones was the most qualified to prepare the schematic design for the Noyo Center based on their: 1) extensive experience designing marine, lab and nature education facilities (including the Dana Point Ocean Education Center); 2) comprehensive and complete scope of work which includes a five-day design charrette; 3) excellent references; 4) good fit with the Noyo Center steering committee; 5) excellent understanding of the project as evidenced by their answers during the interview process; and 6) exceptional sample work product. The Bauer and Wiley team also had a competitive cost proposal.

City staff is currently preparing a \$7 million Prop 84 grant application to construct the Noyo Center which is due July 1, 2010. In order to proceed with the grant application, the City will need to complete a draft conceptual site and floor plan for the Noyo Center by mid-June. The Bauer and Wiley team will prepare a site plan, floor plan and elevations for the Prop 84 grant application. The Bauer and Wiley team will also prepare elevations, a cost estimate and other documents to support the CEQA review, permitting and fundraising activities for the proposed Noyo Center. The contract is not attached as it is under negotiation. However, due to the extremely tight timeframe on the Prop 84 grant application, staff recommends approval of the resolution authorizing the City Manager to

execute the contract. The proposed scope of work from the proposal is attached for Council's review.

Recommendation: Adopt City Council Resolution Approving a Professional Services Agreement with Bauer and Wiley for Preparation of Schematic Design for the Noyo Center for Science and Education and Authorizing City Manager to Execute Same upon Execution by Consultant (Amount not to Exceed \$100,000; Account No. 134-4863-0630).

C. Adopt City Council Resolution Awarding the Contract for the Pine and Laurel Street Pedestrian Enhancement Project, City Project 2009-07 to Larkin Construction and Authorizing City Manager to Execute Contract (Amount not to Exceed \$84,475.14; Account No. 403-4583-0731)

As part of the American Recovery and Reinvestment Act (ARRA), the City of Fort Bragg was awarded a Transportation Enhancement (TE) grant for sidewalk and curb ramp work along Pine Street and Laurel Street. The City received authorization to construct the project from CalTrans Local Assistance in January 2010. The TE ARRA grant total is \$122,700 and is to be used for removal of old asphalt sidewalk and replacement with new concrete along the north and south side of Pine Street from Whipple Street to the alley just east of Corry Street; installation of accessible ramps at the street corners and alley crossings and; minor drainage work. The project also includes sidewalk infill along the south side of Laurel Street from Harold Street to Alger Street; installation of new driveways; accessible curb and alley ramps; and installation of new driveways as shown on the plans.

City staff prepared the plans and specifications for this project with the assistance of I.L. Welty and Associates who provided the topographic survey for the design. In accordance with the California Public Contract Code 20164 and other applicable laws; the project was advertised for bid on April 9, 2010, with bids due on May 6, 2010. No addendums were issued during the bid process for this project. Five (5) bids were received from qualified contractors and the apparent low bid was submitted by Larkin Construction in the amount of \$65,358.88 for the base bid and \$19,116.26 for the additive alternate for a total overall project price of \$84,475.14. The City identified in the Notice to Bidders that the project bid would be awarded to the contractor with the lowest total bid price for the base bid. Larkin Construction submitted the lowest base bid as well as the lowest Additive Alternate bid, and since there is adequate funding to award both, staff recommends awarding the base bid and alternate bid to Larkin Construction for a total amount of \$84,475.14.

All bonding and documentation as required in the bid documents was included with Larkin Constructions bid. Staff has reviewed the submitted bid and has confirmed that Larkin Construction has the proper license and, based upon previous experience in completing similar projects for the City, the firm has the experience and meets the requirements necessary to complete the project as bid.

Project funding has been identified in the FY 2009-10 Capital Improvement Program Budget in the amount of \$140,152. Funding provided under the TE ARRA program was allocated in the amount of \$122,700 by the California Transportation Commission and there is adequate funding available to cover the full cost of the project as bid, including the additive alternate.

This project has been approved through CalTrans Environmental Division and has undergone NEPA evaluation and has been found to be exempt under NEPA and Categorical Exclusion, Section 6004 was issued to the City on April 28, 2009 for this project.

Recommendation: Adopt City Council Resolution Awarding the Contract for the Pine and Laurel Street Pedestrian Enhancement Project, City Project 2009-07 to Larkin Construction and Authorizing City Manager to Execute Contract (Amount not to Exceed \$84,475.14; Account No. 403-4583-0731).

D. Adopt Resolutions Pertaining to November 2, 2010 Election

Registered voters in the City of Fort Bragg elect five members to the City Council to provide oversight and set policy for the operation of the City, its agencies, programs and services. Councilmembers serve a four-year term with elections being conducted on the first Tuesday in November in each even numbered year. City Councilmember terms are staggered and overlap such that in one election year two City Councilmembers are elected and in the next, three members are elected. In November 2010, three seats will be available.

In order to provide an efficient and coordinated election process Countywide, the City of Fort Bragg and each of the other Mendocino County cities “consolidates” its bi-annual elections with the County. The County will be responsible for establishing precinct boundaries, designating polling places, appointing and paying election officers, verifying signatures appearing on candidate nomination papers, providing sample ballots to voters, receiving absentee and vote by mail ballots, canvassing (counting) the ballots and providing certification of the results of the canvass. The City Clerk will be responsible for furnishing and receiving nomination papers and receiving Candidate’s Statements, Code of Fair Campaign Practice Statements and Disclosure Statements, and publishing a Notice of Election and Notice of Candidates. Costs for conducting the November 2010 election are estimated at less than \$10,000 and are shown as a proposed expenditure in the FY 2010-11 budget.

On June 9, 2008, the City Council adopted Resolution 3175-2008 adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at an election (Attachment 1). The Resolution provides for, among other things, a brief description of no more than 400 words of the candidate’s education and qualifications. No changes to that Resolution is proposed by staff at this time.

The following resolutions are required to authorize the conduct of the election, consolidate services with Mendocino County and identify specific requirements for candidates:

(1) Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 2, 2010, for the Election of City Councilmembers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities

This resolution gives notice that the City will hold a General Municipal Election on Tuesday, November 2, 2010, for the election of three Councilmembers. By adopting this resolution, the City is giving official notice to the public of the election process.

(2) Requesting that the Board of Supervisors of the County of Mendocino Consolidate a General Municipal Election to be Held on November 2, 2010, with the Statewide General Election to be Held on that Date Pursuant to Section 10403 of the Elections Code and to Render Specified Services to the City Relating to the Conduct of Said Election

The City historically requests that the Mendocino County Board of Supervisors authorize the County Clerk to conduct the November 2, 2010 election on behalf of the City. By consolidating with the County, the City is providing an efficient process for conduct of the election on a date when voters are typically most likely to participate.

Recommendation: Adopt Resolutions Pertaining to November 2, 2010 Election.

E. Adopt City Council Resolution Appointing a Representative and an Alternate to the Redwood Empire Municipal Insurance Fund (REMIF) Board

The City of Fort Bragg is a member of the Redwood Empire Municipal Insurance Fund (REMIF), a Joint Powers Agency organized to provide risk management and insurance coverage through a self-funded pool to its member agencies. The REMIF membership includes 15 cities throughout Mendocino, Humboldt, Sonoma and Lake Counties. As discussed in the attached letter from Jeff Davis, REMIF General Manager, it will be Fort Bragg's turn to take a seat on the REMIF Board of Directors effective July 1, 2010, as one of two representatives of the Associate Member cities in REMIF. Fort Bragg will serve on the REMIF Board for a two-year term ending June 30, 2012.

REMIF membership consists of two categories; the original seven cities who formed REMIF are "Members" and the eight cities (including Fort Bragg) who have subsequently joined REMIF are "Associate Members." The REMIF bylaws state that each of the "Member" cities have a seat on the Board and two representatives of the "Associate Members" serve on a rotational basis for two-year terms.

The Board meets quarterly in Rohnert Park with the January annual meeting rotating throughout the REMIF membership region. The City Manager's office staff has attended the annual REMIF training and Board meeting every year and have maintained an on-going awareness and participation in REMIF operations and policy development.

Staff recommends that the City Council authorize the appointment of the City Manager as the REMIF Director and the Assistant to the City Manager as the Alternate.

Recommendation: Adopt City Council Resolution Appointing a Representative and an Alternate to the Redwood Empire Municipal Insurance Fund (REMIF) Board.

F. Adopt City Council Resolution Approving First Amendment to Agreement with Action Sport Development, LLC, for Professional Services to Provide Engineering and Design Services for Construction Drawings and Documents for the Fort Bragg Skate Park and Authorizing City Manager to Execute Same (Amount not to Exceed \$11,850.00; Account No. 169-4808-0731)

The City of Fort Bragg hired ASD-Action Sport Development to provide plans and technical specifications for the skate park project. The scope of work was outlined as task numbers 1 through 4 on their proposal. ASD also outlined additional tasks numbered 5 and 6 as

optional. These tasks would provide bidding services and construction administration for the skate park project.

In February 2010, the City contracted with ASD for tasks 1 through 4 as it was believed at that time that staff would be able to perform the construction administration portion of the project. Due to the nature of this project (being a specialty type of construction), and with staff reductions, staff is not poised to provide construction administration and bidding services. Staff believes that contracting with ASD to provide these services will help to manage staff's work load on this project and will save money and time. The City would now like to have ASD provide services for bidding and construction administration listed as task 5 and 6 in their proposal.

Staff recommends that the City utilize the knowledge and skills ASD can provide for bidding services and construction administration to build a successful skate park.

Recommendation: Adopt City Council Resolution Approving First Amendment to Agreement with Action Sport Development, LLC, for Professional Services to Provide Engineering and Design Services for Construction Drawings and Documents for the Fort Bragg Skate Park and Authorizing City Manager to Execute Same (Amount not to Exceed \$11,850.00; Account No. 169-4808-0731).

G. Matters from Committee

- (1) Community Development Committee
 - (a) **Minutes** of December 23, 2009

Recommendation: Receive and File.

H. Approval of Minutes

- (1) **Minutes** from Special Meeting of May 3, 2010
Recommendation: Approve.
- (2) **Minutes** from Special Meeting of May 5, 2010
Recommendation: Approve.
- (3) **Minutes** of May 10, 2010
Recommendation: Approve.

City Clerk's Office Use Only

Agency Action Approved Approved as Amended

Moved by: _____ Seconded by: _____

Vote: _____

Deferred/Continued to meeting of: _____

Referred to: _____