

**TO:** James L. App, City Manager  
**FROM:** Joseph M. Deakin, Public Works Director  
**SUBJECT:** City Park Fountain  
**DATE:** December 17, 2002

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**NEEDS:** For the City Council to consider offer to remove and replace the decorative fencing around the downtown City Park fountain.

**FACTS:**

1. In a document dated 10/2/02 Ken Robinson of Robinson's Ornamental Iron offered to remove and replace the decorative iron fencing around the Downtown City Park fountain. He stated that he "will donate all materials with no charge for labor".
2. Staff reviewed the offer with the City attorney regarding rules/laws governing offers to donate projects. The city attorney responded that this offer is allowable as follows:
  - a) Staff must investigate the contractor to ensure the ability to complete the project satisfactorily;
  - b) If that information is satisfactory, the City Manager should reject all other bids received; and
  - c) The City Council could accept pursuant to Government Code Section 37354, the gift of labor and materials for replacement of the decorative iron fencing around the Downtown City Park Fountain, pursuant to a Donation Agreement.

**ANALYSIS  
AND**

**CONCLUSION:** Several months ago the decorative fence surrounding the Downtown City Park fountain was inspected and found to be in a state of disrepair. In order to remedy this problem City building staff gathered cost estimates to remove and replace the fence. During this process, Mr. Ken Robinson offered to remove and replace the fence free of charge. Staff submitted offer to legal counsel and received an affirmative reply with three conditions (above), addressed as follows:

- The offering party has the ability to do the work correctly. Staff reviewed and inspected work by Robinson's, an established business in Paso Robles, and found his work to be very good. Staff also verified that his license with the Contractor's State License Board is active and in good standing.
- The City Manager is prepared to reject all other bids for the work; and
- The City Council is provided this opportunity to accept Mr. Robinson's gift to the City of labor and materials to replace the decorative iron fencing around the Downtown City Park Fountain, in accordance with a Donation Agreement to be drafted and prepared for the City Manager's signature.

**POLICY**

**REFERENCE:** Labor Code Section 1720.4

**FISCAL**

**IMPACT:** Donation represents a substantial savings to the City.

**OPTIONS:**

- a. (1) Authorize the City Manager to execute donation agreement and grant permission to Mr. Ken Robinson to remove and replace the decorative fence surrounding the Downtown City Park fountain; and
- (2) As the work of the City Park Fountain Fencing ad hoc committee has been completed and a report given to the full Council, it is recommended that the City Park Fountain Fencing ad hoc committee be dissolved.
- b. Amend, modify or reject the above option.