

RESOLUTION NO. 12-112

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING A CONTRACT CHANGE ORDER TO PROVIDE PHASE 2 WORK
FOR INSTALLATION OF ACCESSIBILITY IMPROVEMENTS

WHEREAS, a lawsuit was filed against the City on March 16, 2010 asserting violation of the Americans with Disabilities Act (ADA); and

WHEREAS, the City entered into a Consent Decree to improve curb ramps, sidewalks and bus stops along Spring Street, from 1st Street to 20th Street, and around Downtown Park for Phase 1 improvements, and from 21st to 36th Street for Phase 2, all as specifically identified in Attachment B to the Consent Decree; and

WHEREAS, the City entered into the Consent Decree in reliance upon the availability of bond proceeds from the 2009 tax allocation bond issuance by the Redevelopment Agency of the City of Paso Robles ("Agency") to fulfill the City's obligations under the Consent Decree; and

WHEREAS, the City and Agency entered into a Funding Agreement, dated December 22, 2010, pursuant to which the Agency agreed to pay for or reimburse the City for the costs of the improvements required under the Consent Decree; and

WHEREAS, AB 1X 26, adopted by the Legislature in 2011 and upheld by the California Supreme Court in *CRA, et al., v. Matosantos, et al.*, required the dissolution of the Agency on February 1, 2012; and

WHEREAS, pursuant to AB 1X 26, the City elected to be the successor entity to the Agency, thereby assuming all of the assets and obligations of the Agency; and

WHEREAS, the Settlement Agreement has listed the Phase 1 and Phase 2 improvements as well as the Agency bond repayment obligations as continuing Agency Enforceable Obligations, as defined in AB 1X 26; and

WHEREAS, the City is required to complete the specified Phase 1 improvements by September 2012 and the specified Phase 2 improvements five years thereafter;

WHEREAS, on February 21, 2012 City Council awarded the construction contract for Phase 1 work to Rockwood General Contractors; and

WHEREAS, at the time the contract for Phase 1 work was awarded, City Council also directed staff to proceed with final design and preparation of construction plans for Phase 2 work and negotiate a change order with Rockwood General Contractors; and

WHEREAS, Rockwood submitted a cost proposal for Phase 2 work in the amount of \$569,860; and

WHEREAS, Rockwood's cost proposal includes all "missing sidewalks," and ramps to be installed as listed in the Consent Decree; and

WHEREAS, there are available Agency bond proceeds to design and construct the specified Phase 2 improvements within the amount budgeted for the specified Phase 1 improvements; and

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of Paso Robles does hereby find and determine that the above recitals are true and correct and hereby incorporates them by reference.

SECTION 2. The City Council does hereby allocate \$132,860 for Phase 2 accessibility improvements (\$50,000 from Redevelopment Agency funds and \$82,860 from General Fund Reserves).

SECTION 3. The City Council does hereby authorize a contract change order to Rockwood General Contractors, Inc. in the amount of \$569,860 for Phase 2 work.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 3rd day of July 2012 by the following vote:

AYES: Hamon, Strong, Gilman, Steinbeck, Picanco
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

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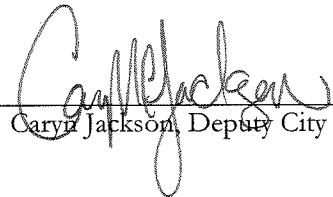
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