

RESOLUTION NO.12-153

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AWARDING A CONTRACT TO CONSTRUCT AN ACCESSIBLE RESTROOM FACILITY IN
CITY PARK

WHEREAS, a lawsuit asserting violation of the Americans with Disabilities Act was filed in 2010, and in resolution of such, the City entered into a Consent Decree with specified corrective actions, including construction of a new accessible restroom in City Park; and

WHEREAS, bid documents were prepared and advertised, and at the bid opening on July 26, 2012, three bids were received ranging in price from \$560,000 to \$612,000; and

WHEREAS, Spiess Construction Co., Inc. (“Spiess”) submitted the apparent low bid; and

WHEREAS, the second-low bidder, Pickard & Butters Construction Inc. has protested the bid submitted by Spiess on the grounds that it is not a responsive bid; and

WHEREAS, staff reviewed the low bid submitted by Spiess Construction Co., Inc. and found it to be a responsive and responsible bid; and

WHEREAS, a project budget of \$621,000 is to be allocated from Redevelopment tax allocation bond proceeds and Park Development funds; and

WHEREAS, before the City, as the (Redevelopment Agency) Successor Agency, can use the proceeds from the 2009 sale of Redevelopment Tax Allocation Bonds, the Successor Agency must obtain a “finding of completion” from the State Department of Finance under the process outlined in AB 1484; and

WHEREAS, AB 1484 also provides that the City may loan funds to a Successor Agency for enforceable obligations or project-related expenses, if the use of the funds is listed on the Recognized Obligation Payment Schedule (“ROPS”) [Health & Safety Code section 34173(h)]; and

WHEREAS, a loan from the General Fund to the (Redevelopment) Successor Agency in the amount of \$209,800 will be included on the ROPS covering the period of January 1, 2013 through June 30, 2013, with such amount to be repaid out of bond proceeds when Successor Agency obtains it finding of completion.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

SECTION 1. The City Council of the City of El Paso de Robles does hereby approve, pursuant to the authority of Health and Safety Code section 34173(h), a loan from the City’s General Fund to the Successor Agency of the former Redevelopment Agency in the amount of \$209,800, to be used to pay for the contract, with the understanding that the loan would be repaid to the City from proceeds previously generated through sale of Redevelopment Bonds.

SECTION 2. The City Council does hereby authorize the transfer of \$209,800 from the Successor Agency to Park Development Fund 216; and allocate \$209,800 to Budget No. 216-910-5451-690.

SECTION 3. The City Council does hereby authorize the allocation from Park Development Fund 216 \$411,200 to Budget No. 216-910-5451-690.

SECTION 4. The City Council does hereby reject the bid protest submitted by Pickard & Butters.

SECTION 5. The City Council does hereby authorize the City Manager to enter into a contract with Spiess Construction Co., Inc. in the amount of \$560,000 to construct a new accessible restroom facility in City Park in accordance with the bid documents.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 4th day of September, 2012, by the following vote:

AYES: Hamon, Steinbeck, Gilman, Picanco

NOES:

ABSTAIN:

ABSENT: Strong

ATTEST:

Duane Picanco, Mayor

Caryn Jackson, Deputy City Clerk

SECTION 4. The City Council does hereby reject the bid protest submitted by Pickard & Butters.

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