

## Staff Report

March 15, 2016

**TO:** City Council

**FROM:** Michael Mitchell, Principal Civil Engineer  
Terry Jue, Associate Civil Engineer  
Carrie Dyer, Administrative Analyst

**SUBJECT:** Approval of Budget, Design and Furnish Contracts - Rainbow City Playground, CIP No. 8245

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### **Recommendations**

1. Approve the selection of Leathers & Associates to design and furnish the playground structures and authorize the City Manager to sign the agreement with Leathers and Associates; and
2. Authorize the City Manager to award the construction contract for Phase 3 of the project to expedite this grant funded project.
3. Approve the attached Budget Adjustment, which allocates funding for the remainder of Phases 1-3.

### **Fiscal Impact**

This project is in the fiscal year 2015/16 budget. The table below shows the total project cost.

<b>Description</b>	<b>Amount</b>
Phase 1 - Playground Demolition and Site Remediation	\$160,000
Phase 2a – Design and Furnish Playground Equipment	\$406,000
Phase 2b – Site Improvements Design	\$26,900
Phase 3 - Site Improvement Construction (estimated)	\$215,000
Phase 4 – Future Site Improvements (budgeted at a later date)	\$0
Construction Contingency (10% of Phase 3 construction)	\$21,500
Muni Arts (1% of Phase 3 construction)	\$2,150
Materials Testing (estimated)	\$10,000
Construction Management and Inspection	\$20,000
<b>Total Project Cost</b>	<b>\$861,550</b>

The project has evolved from an original planned renovation to now include removal of the existing structure, environmental remediation and a complete rebuild of the entire play structure. The estimated cost to complete the project is \$861,550 with \$60,000 reimbursable by insurance for a net

cost of \$801,550. Funds have already been spent on the community outreach pre-planning for the project with Siegfried. In addition to the existing funding sources of grant dollars and CDBG dollars, the budget adjustment moves park impact fees from the Cannery and fees left over from previous certificates of participation (COP) through ABAG 34. These funds were originally used for earlier park purchases/enhancements and the fund now has a balance of \$384,122. The COPs were repaid in full in 2013, so staff is recommending the balance be returned to the Quimby Act fund and utilized to pay for a portion of the costs associated with the Rainbow City rebuild. The balance of necessary funds is recommended to come from the Cannery Park Fees. The Budget Adjustment reflects these proposed transfers.

The City has a CSAC Excess insurance policy, which has a \$100,000 deductible. The City will seek reimbursement for costs incurred above that amount for work done for phase 1 and for costs associated with environmental testing and review.

#### **Council Goal(s)**

This project meets the City Council's Goal 6 of funding, maintaining and improving the infrastructure of the city, however, the project was not specifically listed as an objective. The improvements will remove and replace the playground structure to meet current safety regulations.

#### **Background and Analysis**

The Rainbow City Play Structure was built by community volunteers in 1991 as part of a community build project. Working together, the community provided design input and reached out to local children for their wishes and ideas. With the oversight of Leathers & Associates, what was once called Project Play park came together as Rainbow City over the course of only four days.

In 2014, the City began the process to renovate Rainbow City to address structural safety and update the playground in a manner that complies with the Americans with Disabilities Act (ADA). As Rainbow City is a beloved play area, staff began the renovation process by working with consultants from Siegfried Inc. Landscape Architects to do community outreach. Following the first community meeting, City staff and the consultant team investigated questions raised by community members concerning the potential release of toxic substances. The first phase of this investigation included sampling and laboratory testing of bark and dirt both inside and outside the playground, and identified that a historic release of arsenic had occurred. California law requires that a property owner cleanup any known release.

The second phase of this investigation identified how far the release had spread, and found elevated levels of arsenic only a few feet from the structure's posts. The results of this investigation informed the plans for removal and remediation. City staff consulted with both the City's Insurance representatives and City attorney to assure that the best course of action continues to be followed. It was determined that complete rehabilitation was necessary to meet the current standards of the U.S. Consumer Product Safety Commission and the American Society for Testing and Materials (ASTM),

as set forth in the Handbook for Public Playground Safety. Upon receiving the test results, the playground was closed in late 2014.

The original budget was created based on a renovation of the existing Rainbow City structure. However, due to the environmental findings and subsequent need for a total playground removal and replacement, the original estimated costs are no longer accurate. Additionally, the unexpected environmental testing and work with insurance created a further increase in costs and a significant time delay in the project. As such, the anticipated budget has greatly increased and we are working on a very tight time frame in order to meet the deadlines of the Housing Related Park Program Grant (\$196,250), which requires project completion by August, 2016.

Concurrent to the environmental testing period, staff continued with community outreach and planning and the development of an advisory committee. The City and consultant Siegfried, Inc. Landscape Architects conducted public workshops to hear the desires of the community and used those to develop conceptual design options. Through both community meetings, direct outreach to children in summer programs and conversations with the advisory committee, it was repeatedly stated that the desire to replace Rainbow City with something similar was very important. The City will save decorative pieces from the original structure to be reincorporated into the new structure and the tile wall will remain intact to save some of the history of the original build.

The advisory committee recognized the opportunity for expanding the footprint of the Rainbow City structure and were presented with some design options by Siegfried. There was consensus among the committee that there is opportunity for community fundraising for a future project (see Phase 4 below) once the main play structure is in place. A proposal will come back to the City Council at a later date.

The project has been divided into several phases:

**Phase 1** – Disposal of the remaining play structure and surrounding soil.

**Phase 2** – Design the new play structure and the surrounding surface improvements.

**Phase 3** – Construction of the improvements, including furnishing the new play equipment (see Items 1 through 6 on the figure titled “Preliminary Design” attached to the Staff Report).

**Phase 4** – Future improvements (see Items 7 through 19 on the figure titled “Preliminary Design” attached to the Staff Report).

Siegfried Inc. Landscape Architects created a preliminary design to incorporate the replacement of the existing structure and some options that could be incorporated in the future. Leathers & Associates will work within the existing play structure area, as outlined in the white area on the figure titled “Preliminary Design” attached to the Staff Report. The only part of the preliminary design that is funded at this time is for the replacement of the existing structure. The additional items numbered on the design are not included, but options that could be considered if future fundraising is obtained for Phase 4.

The remediation work to remove the existing playground structure and impacted soils (Phase 1) was advertised for bid; however, we received only one bid that was significantly over the engineer's estimate. Staff and the City Manager have rejected the bid and will re-bid this phase of the project with a more detailed scope to eliminate any potential room for ambiguity in the bids. This first phase of work will occur late April into early June.

After receiving three proposals from playground design firms and performing interviews with the firms, Staff has selected the firm that guided the original build, Leathers & Associates, to design the replacement Rainbow City playground structure. The contract with Leathers includes design, furnishing and installation oversight of the playground structures. A design day will be scheduled with the community to solicit design input from children, parents and citizens so that the new Rainbow City will include the community's desires and wishes into the playground.

Once designed with the community's input, Leathers and Siegfried will collaborate on coordinating the playground into the site improvements design. This Phase 2 design effort will occur concurrently with the Phase 1 site remediation during the months of April and May.

Phase 3 includes bidding the site improvements work in May and awarding a construction contract to a contractor to perform the improvements in June, July and August.

Once the play structure is selected and arranged and the design of the surrounding area is complete, Staff will advertise the Phase 3 portion for bid as soon as possible. In the interest of meeting the grant deadlines, staff recommends that the City Manager award the construction contract.

Attachments:

1. Resolution
2. Budget Adjustment
3. Layout "Preliminary Design"

**RESOLUTION NO. 16-XXX, SERIES 2016**

**RESOLUTION SELECTING LEATHERS & ASSOCIATES FOR DESIGN AND FURNISHING OF THE PLAY STRUCTURES FOR RAINBOW CITY PROJECT, CIP 8245; AUTHORIZING CITY MANAGER TO EXECUTE THE AGREEMENT WITH LEATHERS & ASSOCIATES; AND AUTHORIZING THE CITY MANAGER TO AWARD THE FUTURE CONSTRUCTION CONTRACT**

WHEREAS, the City of Davis' consultant, Siegfried Inc. Landscape Architects, did prepare preliminary plans and the City of Davis, through a competitive proposal process, did select Leathers & Associates for the design and furnishing of the play structure for the Rainbow City Project, CIP 8245; and

WHEREAS, City Staff did procure a grant partially funding the Rainbow City Project from the State Department of Housing and Community Development; and

WHEREAS, the HHRP grant has a deadline for the Rainbow City Project to be complete by August 31, 2016.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Davis does hereby approve the selection of Leathers & Associates to design and furnish the play structure for the Rainbow City Project, CIP 8245; and

BE IT FURTHER RESOLVED that the City Manager is authorized to execute the agreement with Leathers & Associates, based on the cost proposal and fee schedule included as Exhibit A, in an amount not to exceed \$406,000 (which includes a 10% Contingency); and

BE IT FURTHER RESOLVED that, in the interest of time, the City Manager is authorized to execute the future construction contract, obtained by a competitive bid process, for the construction of the surrounding area and the installation of the play structure, which will be designed and furnished by Leathers & Associates, up to the budgeted amount of \$215,000 with an appropriate Construction Contingency.

BE IT FURTHER RESOLVED that all terms, conditions and covenants of said agreement and contract be and the same are hereby approved, ratified, and confirmed.

PASSED AND ADOPTED by the City Council for the City of Davis on this fifteenth day of March 2016 by the following votes:

AYES:

NOES:

ABSENT:

Daniel M. Wolk  
Mayor

ATTEST:

Zoe S. Mirabile, CMC  
City Clerk



## COST PROPOSAL

Date: 3/9/16

Project Name: Davis, CA Rainbow City Playground

Below is a description of the services we are to provide. We have provided a separate schedule of values outlining the fees for our services.

### **Initial schematic design work:**

This covers our services from the Project kick off meeting through the initial schematic design process leading up to Design day.

### **Design day:**

This covers the on-site design day process including minimally a 4 hours design charrette. This will involve presenting the schematic drawing and soliciting feedback from various parties. This feedback will be used to finalize the design.

### **Finalize drawing CAD and initial materials take off:**

We will take the information reviewed during the design day process and develop the final design. We will ensure the designs conform to the current safety and accessibility guidelines (ASTM F1487, CPSC Pub. No. 325, and ADA).

We will produce the final drawings in CAD format. These drawings will include plan views, play features, components and elevations. We will provide a stakeout drawing in CAD format to assist the client in laying out the project with post locations, hole depths and other relevant information. A 3D artist rendering will be completed and provided to the client once the design is completed. We will run a preliminary materials list to evaluate materials cost to stay on budget.

### **Project management:**

The client will be assigned a project manager, who will serve as the community's main contact for the duration of the project. The project manager shall provide organizing and coordinating assistance and support to the client. The project manager is typically available from 8 a.m. to 5 p.m. Eastern Time and can be reached by telephone or email. For west coast projects we will ensure communication is available whenever necessary.

225 South Fulton St. Ithaca, NY 14850 • 725 North A1A, Unit E201, Jupiter, FL 33477  
Toll Free 877-564-6464 • Florida 561-746-9581 • Fax 607-277-1433  
[www.leathersassociates.com](http://www.leathersassociates.com)

**On-site meeting:**

We anticipate possibly a total of four meetings where we will travel to the client for a variety of services. Minimally these will cover the Design day and preconstruction meeting. These fees are all-inclusive and cover all travel costs.

**Preconstruction meeting:**

A representative of Leathers & Associates shall conduct on-site preconstruction meeting with the client. We will review the overall project and meet with all necessary parties to ensure everything's on track for construction.

**Construction:**

Leathers & Associates shall provide the labor to complete the playground portion of the work according to the final design. It's anticipated that the construction will take 3 week.

The construction consultants shall familiarize themselves generally with the progress and quality of the work and determine in general if the work is proceeding in accordance with the construction drawings. The construction consultants shall be the interpreters of the requirements of the construction documents and the impartial judges of the performance thereunder by the contractors/volunteers.

The construction consultants shall have the authority to reject work that does not conform to the construction documents. Whenever, in their reasonable opinion, they consider it necessary or advisable to ensure the proper implementation of the intent of the construction documents, they shall have authority to require replacement of any work at any stage of construction. The construction consultants' decisions shall be final if consistent with the intent of the construction documents.

**Miscellaneous:**

This covers a variety of miscellaneous expenses like printing etc.

**Mobilization:**

This covers the associated cost of construction. Travel, equipment,

**Final inspection:**

Leathers construction consultant(s) shall conduct a final inspection upon substantial completion of the work and shall prepare a punch list to accomplish full completion of the project. The final punch list work will be completed by Leathers & Associates. Upon completion Leathers & Associates shall issue a certificate of substantial completion.

**Materials:**

Currently I've estimated the material to be \$120,000. This can be verified and adjusted during the design process to meet any goals.

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3/9/16  
 Davis, CA Rainbow City Playground

**Fee Schedule**

**Fee Schedule**

Description of work	Associated fee
Initial schematic design work	\$ 2,400.00
Design Day	\$ 2,250.00
Finalize drawing CAD	\$ 5,600.00
Project management	\$ 6,400.00
Client on-site meetings (4)	\$ 6,100.00
Miscellaneous	\$ 6,500.00
Final inspection	\$ 1,500.00
Mobilization	\$ 28,000.00
L&A construction labor and associated cost	\$ 167,000.00
Profit	\$ 23,000.00
Estimated materials	\$ 120,000.00
<b>Total estimated budget</b>	<b>\$ 368,750.00</b>

Services	Hourly rate
Design Work	\$95/Hr.
Project management work	\$75/Hr.
Construction Consultation	\$80/Hr.



F-928-20  
07/90

CITY OF DAVIS  
Request for Budget Adjustment  
Fiscal Year 2015/16

Agenda Item: \_\_\_\_\_

TO: City Manager  
VIA: Finance Director

City Council Meeting Date: \_\_\_\_\_

FROM: City Manger's Office

Dept Head *K. J. [Signature]* 3-9-16  
Signature and Date

I request the following budget adjustments:

A. Internal Transfers of Currently Appropriated Funds:

TRANSFERS FROM PROGRAM NAME	FUND NO.	DIV/ PROG.	ACTIVITY	ELEMENT/ OBJECT	AMOUNT (CR)	FUND
_____	_____	_____	_____	_____	\$ -	
_____	_____	_____	_____	_____	\$ -	
_____	_____	_____	_____	_____	\$ -	
_____	_____	_____	_____	_____	\$ -	
_____	_____	_____	_____	_____	\$ -	
_____	_____	_____	_____	TOTAL	\$ -	

B. New Appropriation's Source of funding/Revised Revenue Change:

Unallocated Reserve	ABAG Certificates of Participation			339/205	\$ 384,122
Unallocated Reserve	Cannery Park Fees			475	\$ 74,715
Unallocated Reserve	_____	_____	_____	_____	_____
New/Revised Revenue Account	630	8245	388	1502	\$ 60,000
New/Revised Revenue Account	_____	_____	_____	_____	\$ -
	Revenue Account Number				
				TOTAL	\$ 518,837

C. Allocation of Internal Transfers and/or New Appropriations:

TRANSFERS TO PROGRAM NAME	FUND NO.	DIV/ PROG.	ACTIVITY	ELEMENT/ OBJECT	AMOUNT (DR)	FUND
Rainbow City	205	8245	440	4550	\$ 384,122	
Rainbow City	630	8245	440	4530	\$ 60,000	
Rainbow City	475	8245	440	4530	\$ 74,715	
_____	_____	_____	_____	_____	\$ -	
_____	_____	_____	_____	TOTAL	\$ 518,837	

D: Reason For Adjustment (Explain fully. Attach sheet if necessary. If new revenue, record a description on reverse side on Part VI.)

Rainbow City project

FINANCE DIRECTOR

CITY MANAGER

A.  Funds have been appropriated & are available.

A.  Approved  
 Disapproved

B.  Funds have been appropriated.

Funds must be appropriated.

B.  City Council appropriated funds.  
 City Council informed of revised revenue estimate.

*Kelly [Signature]*  
Signature and Date

\_\_\_\_\_  
Signature and Date

