



OVERSIGHT BOARD

OF THE CITY OF LONG BEACH AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF LONG BEACH

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October 1, 2012

OVERSIGHT BOARD MEMBERS

RECOMMENDATION:

Adopt a resolution approving the decision of the Successor Agency to the Redevelopment Agency of the City of Long Beach to execute a contract amendment with ValleyCrest Landscape Development, Inc., for improvements on The Promenade North Block and Harvey Milk Promenade Park for an additional amount not to exceed \$218,750, for a total contract amount of \$8,740,975; extend the term of the contract to September 30, 2013; and amend the Enforceable Obligation Payment Schedule and the Recognized Obligation Payment Schedule to reflect the additional payments.

DISCUSSION

In June 2007, the former Redevelopment Agency entered into a Design/Build Contract (Contract) with ValleyCrest Landscape Development, Inc. (Contractor), for construction of The Promenade Master Plan improvements on the middle block of The Promenade between First Street and Broadway, which was completed in July 2010. This was the first phase of a three-phase project along The Promenade from Ocean Boulevard to Third Street. Improvements on each block include upgraded storm drains, landscaping and irrigation, new hardscape, pedestrian and area lighting, pneumatic bollards at the north and south entries, new traffic signals, gateway signage, and site furnishings.

The Contract was amended in May 2010 to incorporate the second phase of the project: construction of improvements on the south block of The Promenade from Ocean Boulevard to First Street. Construction of the south block was completed in November 2011.

The third phase of the project focuses on the north block of The Promenade from Broadway to Third Street, including the vacant parcel on the north side of Third Street adjacent to a historic mosaic mural (Exhibit A – Site Map). On January 3, 2011, the former Redevelopment Agency authorized an Amendment to the Contract for construction of improvements for phase three. The amount approved and budgeted for phase three was \$2,741,554.

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October 1, 2012

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Plans for The Promenade North Block and Harvey Milk Promenade Park were completed and construction has commenced. The Public Works Department of the City of Long Beach has since determined that the existing storm drain on Broadway needs to be upsized as a direct result of this project and the Promenade improvements. The Contractor has provided a price of \$175,000 to perform this additional work. Staff proposes that the contract be amended to add the Broadway storm drain to the scope of work and that \$175,000 plus a contingency of 25 percent (for a total of \$218,750) be added to the contract.

The third phase of the project was delayed due to AB1X 26 and uncertainties related to the dissolution of the Redevelopment Agency. The existing contract expires on September 30, 2012. This amendment will also extend the contract through September 30, 2013, allowing for completion of the project.

Oversight Board approval of the Successor Agency's decision is required to increase the contract amount and to amend the Enforceable Obligation Payment Schedule and Recognized Obligation Payment Schedule as necessary.

The amendment is necessary to continue the provision of an essential service in support of an enforceable third-party obligation as authorized by Health & Safety Code Section 34177(c) and 34177(i). The maximum cost for additional services under the amendment is \$218,750. Without this amendment, the project will remain incomplete.

Pursuant to the authority granted by Health & Safety Code Section 34177(a)(1), the Enforceable Obligation Payment Schedule previously adopted by the Successor Agency will be amended to include additional payments authorized by this action, subject to Oversight Board approval.

This matter was approved by the Successor Agency of the City of Long Beach on September 18, 2012.

Respectfully submitted,

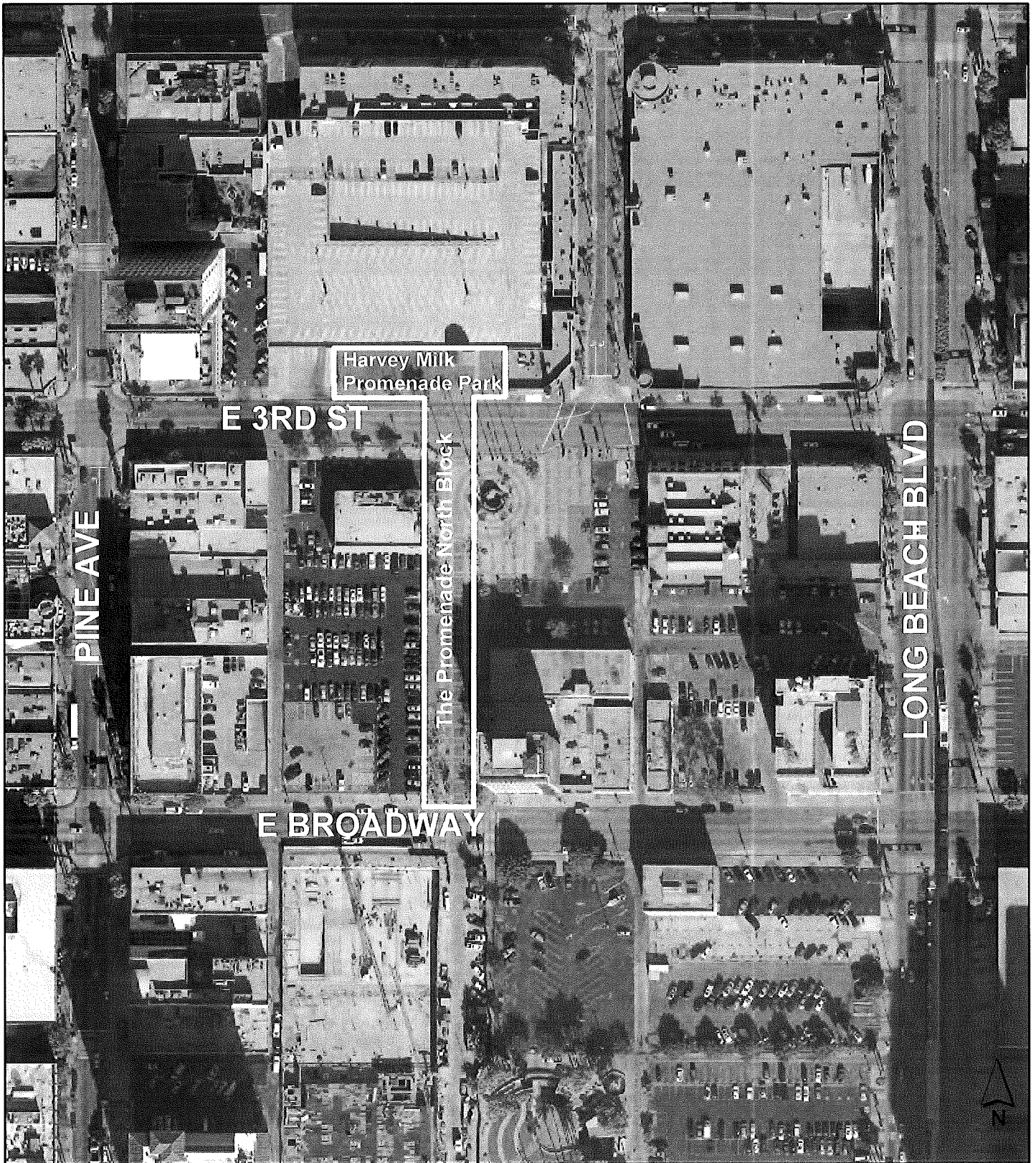

PATRICK H. WEST
CITY MANAGER

PHW:RMZ:bec

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Attachments: Exhibit A – Site Map
Resolution

Exhibit A - North Block Improvement Area



OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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RESOLUTION NO. _____

A RESOLUTION OF THE OVERSIGHT BOARD OF THE CITY OF LONG BEACH AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF LONG BEACH APPROVING AN AMENDMENT TO THE DESIGN-BUILD CONTRACT WITH VALLEYCREST LANDSCAPE DEVELOPMENT, INC. FOR IMPROVEMENTS ON THE PROMENADE NORTH BLOCK AND HARVEY MILK PROMENADE PARK

WHEREAS, in June 2007, the former Redevelopment Agency of the City of Long Beach ("Agency") entered into a Design-Build Contract with ValleyCrest Landscape Development, Inc. for construction of The Promenade Master Plan improvements on The Promenade (the "Project"); and

WHEREAS, the Design-Build Contract was amended November 2009, June 2010, February 2011, and June 2011 to complete phases one and two of the Project; and

WHEREAS, the third phase of the Project was delayed due to AB1x26 and uncertainties related to the dissolution of the Agency; and

WHEREAS, the passage of AB 1484 has provided certainty that the Successor Agency to the Redevelopment Agency of the City of Long Beach will be able to complete the Project; and

WHEREAS, an amendment extending the term to September 30, 2013 and increasing the amount by \$218,750 for a total Contract amount of \$8,740,975 is needed to allow for the completion of the Project; and

WHEREAS, this matter was approved by the Successor Agency to the Redevelopment Agency of the City of Long Beach on September 18, 2012;

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 NOW, THEREFORE, the Oversight Board of the City of Long Beach as the
2 Successor Agency to the Redevelopment Agency of the City of Long Beach ("Oversight
3 Board") resolves as follows:

4 Section 1. Approve the decision of the Successor Agency to the
5 Redevelopment Agency of the City of Long Beach to approve an amendment to the
6 Design-Build Contract with ValleyCrest Landscape Development, Inc. to extend the term
7 to September 30, 2013 and increase the amount by \$218,750 for a total Contract amount
8 of \$8,740,975.

9 Section 2. This resolution shall take effect immediately upon its adoption
10 by the Oversight Board, and the City Clerk shall certify the vote adopting this resolution.

11 PASSED, APPROVED, and ADOPTED at a meeting of the Oversight Board
12 of the City of Long Beach as the Successor Agency to the Redevelopment Agency of the
13 City of Long Beach held this 1st day of October, 2012 by the following vote:

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15 Ayes: _____

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18 Noes: _____

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21 Absent: _____

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Chairperson, Oversight Board

25 APPROVED:

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27 _____
Secretary, Oversight Board