# SALT LAKE CITY COUNCIL STAFF REPORT

DATE: December 7, 2005

SUBJECT: Sidewalk Replacement Special Improvement

District, 2004/2005 FY, Job No. 102119
Resolution to Accept the Bids and

Authorizing Execution of a Construction

Contract

AFFECTED COUNCIL DISTRICTS: 6

STAFF REPORT BY: Jan Aramaki, Constituent Liaison/Policy Analyst

ADMINISTRATIVE DEPT. Department of Public Services

AND CONTACT PERSON: Daniel C. Noziska, P.E., Senior Project Mgr.

FILE LOCATIONS: Public Services/Sidewalk Replacement

SID 102119

### **POTENTIAL MOTIONS:**

- 1. ["I move that the Council"] Adopt a resolution conditionally accepting bids for purchasing of materials and construction work and, subject to approval of the City Engineer and/or the City Purchasing Department, authorizing execution of a construction contract with the apparent responsive bidder for construction of improvements of Salt Lake City, Utah sidewalk replacement Special Improvement District No. 2004/2005 FY Job No. 102119; providing for construction of improvements consisting of installation of concrete sidewalks, driveway aprons, curb, gutter and asphalt tie-ins, appurtenances and all other miscellaneous work necessary to complete the improvements in a proper workmanlike manner; authorizing the issuance of interim warrants and for addition of the interest thereon to assessable costs and related matters.
- 2. ["I move that the Council"] Not adopt a resolution.

### **NEW INFORMATION:**

The next step in conjunction with the City Council adopting a resolution to create the District and authorizing City officials to proceed with the improvements is for the Council to adopt a resolution accepting the bids and authorizing the execution of a construction contract for the Special Improvement District No. 2004/2005 FY Job No. 102119.

Bid opening took place on December 7, 2005 that included two bids. According to the Administration, both bids are within budget. Therefore, Engineering recommends the project proceed and asks that the City Council approve a resolution accepting the bids and authorizing the execution of a construction contract to the lowest bidder, B. Jackson Construction, in the amount of \$1,006,385.25.

On November 15, 2005, the City Council held a protest hearing at which time there were no verbal protests. The City received written protests for seven properties. In order for the District to be created, the protest rate must be less than 50 percent of the total assessable cost (total lineal front footage) within the District. Engineering states "the official protest rate is calculated by dividing the proposed assessable cost of required work for property owners filing written protests by the total proposed assessable cost of required improvements for all property owners in the district." There are 962 properties within the SID boundaries, and the protest rate resulted in a minimal 0.54 percent, consisting of seven properties.

Summary of Protest Costs		Total Estimated Costs		
(7 property owners)		(962 property owners)		
1. 1770 E. Laird Avenue	\$	434.00	Property Owner's Portion	\$ 628,501
2. 1735 E. Laird Avenue	\$	434.00	City's Portion	\$ 651,161
3. 1652 E. Sunnyside Avenue	\$	599.60		
4. 1842 E. Michigan Avenue	\$	456.25	Total Est. Project Cost	\$1,279,662
5. 1627 E. Yalecrest Avenue	\$	239.25		
6. 1631 E. Princeton Avenue	\$	390.60		
7. 1528 E. Harvard Avenue	\$	851.85		
Total	\$	3,405.75		
Protest rate \$3405.75/\$628,501 =		.54 percent		

Start of the construction is projected in the spring of 2006 with completion by the fall of 2006. The Administration states that construction will be phased in an effort to minimize disruption and inconvenience to property owners and pedestrians.

#### Upcoming action before the Council will include:

- Resolution appointing a Board of Equalization and setting the date for the Board of Equalization hearing.
- Ordinance confirming the assessment rolls and levying assessments.
- Resolution authorizing the issuance and providing the sale of bonds.

# The following information was provided previously to the City Council. It is being provided again for Council's reference.

A protest hearing was held on, Tuesday, November 15, 2005 at 7:00 p.m. at which time the City Council considered protests that were filed and heard all objections relating to the proposed District. In addition to the seven properties who submitted a protest, one additional comment was submitted to the City Council Office from a property owner.

### Comment from Jon Dewey, 1724 E. Princeton Avenue

"Since there is a process to 'shave' up to half an inch and it is free, there should be technology/tools to be able to 'shave' off more and get bids to pay for this service which would be vastly less expensive than paying for tearing up individual slabs and replacing each. There is a run on concrete now and it is expensive.....If there is no need to use resources, time and money when it can be avoided and an alternative process can be used, that should be the course taken."

Response from the Administration: Engineering reports they sawcut sidewalk in the public way for displacements up to 1-1/4 inches at no cost to property owners. Sawcut displacements that are greater than 1-1/4 inches are not cost effective. In addition, ADA issues regarding maximum slope on the sawcut section of concrete are taken into account in determining whether to sawcut or replace a section of sidewalk.

### **KEY ELEMENTS:**

Each year, a concrete replacement project is identified for funding. As the first step in creating the process to establish the Special Improvement District (SID), the Administration requested that the Council adopt a resolution declaring the Notice of Intention that includes the identified areas within the boundaries that are in need of concrete replacement that will eliminate hazardous situations in the public way.

Western boundary: 1500 East (only includes properties east of 1500 East --

abutting property owners are not included

since their sidewalks were part of the

2003/2004 SID concrete replacement Job No. 102112)

Eastern boundary: 1900 East (west side only)

Northern boundary: Sunnyside Avenue (south side only)

Southern boundary: 1300 South (north side only)

Approximately 962 properties have been identified as part of the Sidewalk Replacement Area No. 102119. Projected construction schedule indicates work to begin in the spring of 2006 with anticipated completion by October 31, 2006.

Funding sources are allocated from the Salt Lake City CIP budget and property owner assessments through the SID as follows:

Sidewalk Replacement Area No. 102119 (Council District 6)

Property owners: \$ 628,501 Salt Lake City Funds: \$ 651,161

Total \$1,279,662

Assessments may be paid by property owners in five (5) approximately equal annual installments.

Informal public meetings were scheduled on November 2, 2005 for the Administration to review the proposed SID with interested abutting property owners. The meeting location was held at the multi-purpose room at Bonneville Elementary School, 1145 south 1900 East from 3:30 p.m. to 4:30 p.m. and from 5:00 p.m. to 6:00 p.m.

Following Council's approval of the attached resolution, a letter was sent to property owners living within the boundary areas of the proposed SID. Property owners were then notified that the City is considering a proposed sidewalk replacement project that includes their properties. The property owners were informed that the cost to replace defective concrete will be shared 50/50 by the City and the property owner; however, commercial properties pay the full cost of the replacement.

Also property owners were made aware that the City will use a horizontal saw cutting contractor to remove the vertical displacements of up to one inch in sidewalk sections at no cost to the property owner thus reducing property owner costs and eliminating hazardous situations. Saw cutting of the vertically displaced section could either take place before or after the work of replacing the designated sidewalk sections is completed. For areas identified for saw cutting, property owners are given the option to express preference to have sidewalk area replaced rather than saw cut; however sidewalk replacement in these incidences requires property owners to pay the cost of the sidewalk removal and replacement.

Areas identified by the City exceeding the one inch of sidewalk vertical displacement that do not warrant horizontal saw cutting or that are badly broken and deteriorated will be replaced as part of the SID.

Property owners are provided the option to have driveway approaches, curb and gutter work, and asphalt tie-ins and other necessary miscellaneous work to complete improvements performed in conjunction with the proposed SID improvements, with the property owner being responsible for optional replacement costs. Property owners who wish to have optional improvements made have until March 1, 2006 to submit in writing a request.

To ensure that the assessments are equitable to the property owners involved in the District, an exception is given to corner lot properties. The sidewalk replacement costs associated with the first 75 feet along a non-address side of a property is excluded from the property owner's assessment cost. However, any optional improvements of curb, gutter, and driveway approach replacements are excluded in the exception and are again at the owner's expense.

It is stated in the Resolution that abutting property owners within the SID area to be improved who have built or installed "nonconforming improvements such as lawns, shrubs,

hedges, sprinkling systems, rock gardens, driveways, curb, gutters, culverts, walks, fences, etc." must be removed at the property owner's expense prior to construction improvements begin. The contractor will remove and dispose improvements if they are not removed by the property owners.

If a property owner does not wish to participate in the proposed SID or is on a limited income, there are three options:

- The property owner and the City execute a "Defective Concrete Agreement" that requires approval by the City Engineer. The agreement will permit the property owner to seek another manner in which to replace the concrete rather than participate in the SID. A property owner must identify the manner in which the defective concrete will be replaced and provide a timeline as to when replacements will occur. If failure on the part of the property owner to complete the work on time occurs, the agreement becomes null and void. This results in the property being added back to the District or a future district. The District will make the replacements and assess the property owner for the cost of improvements. If a property owner chooses to find another manner in which to complete the concrete replacement, the owner must comply with City standard plans and specifications and a no fee permit to work in the public way is required.
- If an assessed property owner within the District has a "combined family income at or below the very low income level guidelines established by the Department of Housing and Urban Development in its 'Income Limits for Housing and Community Developments, Section 8 Program for Salt Lake City and Ogden, Utah SMSA,'" the property owner may be eligible for low income deferment. The property owner must be residential and owner occupied to be eligible for low income deferment, and an owner must submit an application with the City. The deferment agreements are reviewed on an annual basis.
- The property owner may hire a private contractor to complete the work of the defective concrete.

CC: Cindy Gust-Jenson, Sam Guevara, Rocky Fluhart, Rick Graham, Gary Mumford, Dan Mulé, Tim Harpst, Max Peterson, Dan Noziska, John Coyle, Diana Karrenberg, Annette Daley, Chris Bramhall, Karen Carruthers, Susan Finlayson, Garth Limburg, and Cindy Arnold RICHARD GRAHAM

# SALT'LAKE GITY CORPORATION

DEPARTMENT OF PUBLIC SERVICES

ROSS C. "ROCKY" ANDERSON

#### COUNCIL TRANSMITTAL

TO:

Rocky J. Fluhart

DATE: November 22, 2005

Chief Administrative Officer

FROM:

Rick Graham, Director

**Public Services Department** 

SUBJECT:

Authorization to award construction contract for the Sidewalk Replacement

Special Improvements District, 2004/2005 FY, Job No. 102119

STAFF CONTACT: Daniel C. Noziska, P.E., Senior Project Manager, 535-7958

**DOCUMENT TYPE:** Resolution

**RECOMMENDATION:** It is recommended the City Council adopt a resolution authorizing the award of a construction contract for the Sidewalk Replacement Special Improvement District 2004/2005 F.Y.

**BUDGET IMPACT:** Monies are provided from the Salt Lake City Capital Improvement budget and property owner assessments through the Special Improvement District.

**BACKGROUND/DISCUSSION:** The Sidewalk Replacement Special Improvement District 2004/2005 FY, Job No. 102119 involves the replacement of defective concrete sidewalk, and at the property owner's option, defective driveways, curb and gutter. The District is bounded by 1500 East to 1900 East and Sunnyside Avenue to 1300 South.

The bid opening is scheduled for December 7, 2005. Construction of the project is scheduled to start in the spring of 2006 with completion by the fall of 2006. The construction will be phased so disruption and inconvenience to property owners and pedestrians will be minimal.

**PUBLIC PROCESS:** An informal information meeting was held November 2, 2005 at Bonneville Elementary, and a Protest Hearing was held before the City Council on November 15, 2005.

December 13, 2005

A regular meeting of the City Council of Salt Lake City, Salt Lake County, Utah, was held on Tuesday, the 13th day of December, 2005, at the hour of 7:00 p.m., at the offices of the City Council at 451 South State Street, Salt Lake City, Utah, at which meeting there were present and answering roll call the following members who constituted a quorum:

Dale Lambert Chair
Nancy Saxton Vice Chair
K. Eric Jergensen Councilmember
Carlton Christensen Councilmember
Van Blair Turner Councilmember
David L. Buhler Councilmember
Jill Remington Love Councilmember

Also present:

Ross C. Anderson Mayor

Deputy City Attorney Deputy City Recorder

Absent:

Thereupon the following proceedings, among others, were duly had and taken.

A Notice to Contractors calling for bids for construction of improvements contemplated to be made in the District was published in the <u>Salt Lake Tribune</u> and the <u>Deseret Morning News</u>, newspapers having general circulation in the City, at least one time at least fifteen (15) days prior to the date specified in such notice for the receipt of bids. An affidavit of publication is on file or will be obtained by the City Recorder.

At a public meeting conducted in Room 315 of the City and County Building, 451 South State Street, Salt Lake City, Utah, by staff members of the City Recorder's and City Engineer's Offices on the 7<sup>th</sup>, day of December, 2005, at 2:00 p.m., bids were opened for the construction of improvements contemplated to be made in "Salt Lake City, Utah 900 Sidewalk Replacement Special Improvement District No. 2004/2005 FY Job No. 102119" (the "District"). The City Engineer's Office has tabulated the bid results for consideration by the City Council.

Upon the reo	ppening of the bids in ope	en session of this counc	il meeting, the City
Council examined ar	nd declared the bids to be	as tabulated as set out	in Exhibit A which
is attached to t	these proceedings.	The City Council	determined that:
	was the apparent	low bidder for th	e construction of
improvements as spe	ecified in the engineering	plans for the improver	ments set out in the
Notice of Intention.	Thereupon, the followin	g resolution was introd	uced in writing and
Councilmember	moved t	to adopt the resolution:	

### RESOLUTION NO. 2005

A RESOLUTION CONDITIONALLY ACCEPTING BIDS FOR PURCHASING OF MATERIALS AND CONSTRUCTION WORK AND, SUBJECT TO APPROVAL OF THE CITY ENGINEER AND/OR DEPARTMENT, **AUTHORIZING PURCHASING** EXECUTION OF A CONSTRUCTION CONTRACT WITH THE APPARENT RESPONSIVE BIDDER FOR CONSTRUCTION OF IMPROVEMENTS OF SALT LAKE CITY, UTAH SIDEWALK REPLACEMENT SPECIAL IMPROVEMENT DISTRICT 2004/2005 FY JOB NO. 102119" (THE "DISTRICT"); PROVIDING FOR CONSTRUCTION OF IMPROVEMENTS CONSISTING OF CONCRETE SIDEWALKS, INSTALLATION OF DRIVEWAY **GUTTER ASPHALT** APRONS, CURB, AND TIE-INS, APPURTENANCES AND ALL OTHER MISCELLANEOUS WORK NECESSARY TO COMPLETE THE IMPROVEMENTS IN A PROPER WORKMANLIKE MANNER; AUTHORIZING THE ISSUANCE OF INTERIM WARRANTS AND FOR THE ADDITION OF THE INTEREST THEREON TO ASSESSABLE COSTS AND RELATED MATTERS.

BE IT RESOLVED by the City Council of Salt Lake City, Salt Lake County, Utah, the bid of \_\_\_\_\_\_\_, a bidder who submitted the apparent lowest and best bid for the construction of the improvements in the District is hereby conditionally accepted. This award of the construction contract is expressly subject to verification by the City Engineer of the accuracy of the bid amounts, the qualification of the lowest bidder to do business in Utah, a determination that the lowest bidder is a licensed contractor and consideration of any other factors the City Engineer may deem to be appropriate in evaluating the lowest bid and bidder. The exact amount to be paid under a construction contract memorializing the bid, acceptance, plans, and specifications for the improvements shall be determined by computation of the work done based upon the unit prices as set forth in the winning bid.

If the City Engineer approves the lowest bid and bidder Contract for Construction, (the "Contract"), the Mayor is hereby authorized to execute the Contract between Salt Lake City and the successful bidder, which Contract may include work in addition to the improvements to be constructed within said District. If the City Engineer does not approve the lowest bid and bidders, the bids shall again be referred to the City Council for further consideration at a subsequent meeting.

Payment of progress draws under the Contract may be by interim warrants which the City intends to purchase. The issuance of interim warrants is hereby authorized. When the City Engineer has certified that the construction of the Improvements has been completed, the final interim warrant shall be for 100% of the unpaid balance then due under the construction contract. Prior to the completion of construction, the aggregate amount of the interim warrant shall not exceed 90% of the value of completed work.

Interest charges on the interim warrants shall be equal to the average yield earned by the City on its pooled money balance investments as calculated by the City Treasurer's Office. Interest accrued on the interim warrants shall be added as an assessable cost to other construction costs of the District.

The resolution was seconded by Councilmember	and was adopted
by vote of the City Council as follows:	

NAY:

AYE:

Thereupon the motion was approved by the City Council and made a matter of record by the City Recorder.

ADOPTED and APPROVED	this day of D	ecember, 2005.	
(SEAL)			
	Ву:		
	•	Chair	
ATTEST:			
By:			
Deputy City Recorder			

(SEAL)			
	Ву:		
		Chair	
ATTEST:			
By:			
Deputy City Recorder			

After the transaction of other business not pertinent to the foregoing matter, the meeting was on motion duly made, seconded, and carried, adjourned.

# PRESENTATION TO THE MAYOR

	oing resolution was presented to the _s day of December, 2005.	or for his approval or
disapprovar on uni	uny of 2 common, 2 com	
	$R_{V^*}$	
	Ву:	Chair
	MAYOR'S APPROVAL OR DISAI	DDD OV A I
	MATOR S APPROVAL OR DISAL	TROVAL
The forego	oing resolution is hereby approved this _	day of December, 2005.
	By:	
		Mayor

STATE OF UTAH )
: ss. COUNTY OF SALT LAKE )
I,, the duly appointed, qualified and acting Deputy City Recorder of Salt Lake City, Utah, do hereby certify that the above and foregoing is a full, true and correct copy of the record of proceedings had by the City Council of Salt Lake City, Utah, at its meeting held on the day of December, 2005, insofar as the same relates to the awarding of the construction contract for Salt Lake City, Utah 900 Sidewalk Replacement Special Improvement District No. 2004/2005 FY Job No. 102119" (the "District") as the same appears of record in my office:
<ul> <li>(a) that I personally attended said meeting, and that the proceedings were in fact held as in said minutes specified;</li> </ul>
(b) that due, legal and timely notice of said meeting was served upon all members as required by law and the rules and ordinances of said City; and
(c) that the above resolution was deposited in my office on theday of December. 2005, has been recorded by me, and is a part of the permanent records of Salt Lake City, Utah.
IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of said City this day of December. 2005.
(SEAL)
By:
Deputy City Recorder

## CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

Ι,	, the undersigned Deputy City Recorder of Salt Lake
	County, Utah, do hereby certify, according to the records of the City
	fficial possession, and upon my own knowledge and belief, that in
	the requirements of Section 52-4-6(2), Utah Code Annotated 1953, as
	not less than twenty-four (24) hours public notice of the agenda, date,
Council as follow	f the day of December. 2005, public meeting held by the City
Council as follow	5.
be posted December meeting, s	By causing a Notice in the form attached hereto as <u>Schedule 1</u> , to at the offices of the Salt Lake City Council on the day of 2005, at least twenty-four (24) hours prior to the convening of the aid Notice having continuously remained so posted and available for section until the completion of the meeting; and
Schedule	By causing a copy of such Notice, in the form attached hereto as 1, to be delivered to the <u>Deseret Morning News</u> on the day of , 2005, at least twenty-four (24) hours prior to the convening of the
IN WITN	ESS WHEREOF, I have hereunto subscribed my official signature this aber, 2005.
(SEAL)	
	Ву:
	Deputy City Recorder
	1 2

# SCHEDULE 1

# NOTICE OF MEETING

## SCHEDULE 2

### NOTICE OF ANNUAL MEETING SCHEDULE

### **EXHIBIT A**

### Tabulation of Bids

### Name of Bidder

### Amount of Bid

[A list naming the bidders and showing the bids which were submitted is available for inspection in the office of the Salt Lake City Engineer.]