DATE: October 7, 2013

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Larry B. Anderson, Fire Chief
       Cary D. Fergus, Fire Marshal

SUBJECT: Resolution Accepting Completion of Work by the City’s Weed Abatement Contractor and Authorizing the City Clerk to File a Notice of Completion with the Sonoma County Clerk’s Office and Authorizing City Staff to Release the 10% Retention Fee for Services Performed by the City’s Weed Abatement Contractor

RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution Accepting Completion of Work by the City’s Weed Abatement Contractor and Authorizing the City Clerk to File a Notice of Completion with the Sonoma County Clerk’s Office and Authorizing City Staff to Release the 10% Retention Fee for Services Performed by the City’s Weed Abatement Contractor.

BACKGROUND

This season, one (1) City-owned parcel was abated by the request of the Housing Department, and the cost of abatement was paid for by the properly charged city account. In addition, seventeen (17) private parcels required abatement and each was separately invoiced through the Fire Prevention Contract Services account. Non-paying parcels are forwarded to the County Assessor for collection in connection with property tax payments.

As expressly written in the Professional Services Agreement (“PSA”) entered into and effective as of May 8, 2012 between the City of Petaluma and its current weed abatement contractor, Keystone Tractor Service, ten percent (10%) of the funds invoiced are withheld as retention until the end of each season at which time the Fire Marshal’s Office determines that all work performed during the weed abatement season has been completed to the satisfaction of all interested parties. When work is deemed complete, the ten percent (10%) retention is released to the contractor. A notice of completion is also filed with the Sonoma County Clerk’s Office.

DISCUSSION

The current City weed abatement contractor, Keystone Tractor Service, provided timely and complete invoices to the Fire Marshal’s Office for all work completed throughout the 2013 weed season. Invoices covered six (6) billing cycles and each invoice was processed through the
Finance Department. Payment for each parcel abated was billed out either to a City Department or to a private party. The Finance Department was directed to provide payment directly to Keystone Tractor Service for each invoice in the form of a check, minus ten percent (10%). All parties are aware and informed that the ten percent (10%) retained fee would be returned to the City’s contractor upon successful completion of the season’s weed abatement program. Weed abatement work and billing for the 2013 season has concluded and it is requested that the City Clerk file a notice of completion with the Sonoma County Clerk’s Office and direct the Finance Department to release the ten percent (10%) retention fee ($834.13) owed to the City’s contractor, Keystone Tractor Service.

FINANCIAL IMPACTS

Direct costs of abatement are charged based on actual costs to clear the parcels. A per-parcel administrative fee is added to each parcel to cover the cost of the weed abatement inspector, program management and clerical support. The administrative fee for the weed abatement program is $181 per parcel, and is based on the City’s actual and reasonable costs of administering the program. The fee is approved by City Council Resolution and is identified in the City’s adopted schedule of fees for services. All direct and administrative costs are recovered through payment by the individual property owner(s) and/or collection of special assessments against the specific parcels by the County Assessor in connection with property tax payments.

In all previous years the weed abatement program was a 100% cost recovery program. This year, the Public Works and Utilities Department opted to manage their own weed abatement primarily as a cost saving measure related to the $181 administrative fee for their 83 parcels. The Fire Department is still required to manage the overall program and with less volume ended up collecting $2,163.10 less than program costs for 2013. In 2009, the administrative fee was $155 and has increased to its present $181. It’s possible that in future years consideration will need to be given to other possible fee options or increases.

ATTACHMENT(S)

1. Resolution.
RESOLUTION ACCEPTING COMPLETION OF WORK BY THE CITY’S WEED ABATEMENT CONTRACTOR AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE SONOMA COUNTY CLERK’S OFFICE AND AUTHORIZING CITY STAFF TO RELEASE THE 10% RETENTION FEE FOR SERVICES PERFORMED BY THE CITY’S WEED ABATEMENT CONTRACTOR

WHEREAS, in accordance with Section 68 of Article X of the City of Petaluma Charter, and other applicable law, the City of Petaluma solicited bids for the Abatement of Weeds (a two-year contract) (“the Project”); and

WHEREAS, bids for the Project were opened on March 7, 2012 in accordance with applicable law, and the apparent low bid for the Project was the bid of Keystone Tractor Service based on the hourly rates submitted with that bid as specified below:

- Disking $45.00 per hour
- Tractor Mowing $45.00 per hour
- Hand Work $30.00 per hour
- Blade Work $40.00 per hour
- Travel Time/Pulling Fee $40.00 per pull; and

WHEREAS, applying the hourly rates submitted with the apparent low bid to the estimated number of needed hours of weed abatement work specified in the bid solicitation for a single weed abatement season resulted in a bid amount of $28,375.00 for the Work for a single season; and

WHEREAS, by Resolution No. 2012-042 N.C.S. adopted April 16, 2012, the City Council of the City of Petaluma found the bid amount of $28,375.00 for the Project to be the lowest responsive bid and awarded the Project to Keystone Tractor Service at the hourly rates listed above conditioned on Keystone Tractor Service timely executing the Project contract and submitting all required documents, and subsequently authorized and directed the City Manager to sign the Project contract on behalf of the City for the Weed Abatement Program for 2012 and 2013.
WHEREAS, on May 8, 2012, the City Council entered into a Professional Services Agreement with Keystone Tractor Service of Marysville, CA for the 2012 and 2013 Weed Abatement Seasons; and

WHEREAS, the Professional Services Agreement with Keystone Tractor Service specified a not-to-exceed amount for payments under the contract of $55,000 for the 2012 and 2013 weed abatement seasons, with the not-to-exceed amount based on the hourly rates in the bid applied to the estimated amount of weed abatement work required for two weed abatement seasons; and

WHEREAS, Keystone Tractor Service made timely work order submissions and effectively completed the project, without change orders or amendments, and without exceeding the not-to-exceed amount of $55,000 as expressly written in the Professional Services Agreement; and

WHEREAS, the final amount for the Abatement of Weeds for 2013, including all work orders, is $8,341.25, which, when added to the final amount for the Abatement of Weeds for 2012 of $16,286.25 results in a total amount expended under the contract of $24,627.50 covering the 2012 and 2013 weed abatement seasons; and

WHEREAS, the final amount expended under the contract of $24,627.50 is significantly less than the contract not-to-exceed amount of $55,000 in part as a result of the weed abatement work for the 2012-2013 weed abatement seasons required on City property having been separately contracted for by the Public Works and Utilities Department; and

WHEREAS, City staff has determined that Keystone Tractor Service has completed all the contract weed abatement work for the 2012 and 2013 Weed Abatement Season to the satisfaction of the Fire Marshal’s Office and in accordance with the contract requirements subject to the Contractor’s continuing warranty and other obligations pursuant to the contract; and

WHEREAS, based on the foregoing, staff recommends acceptance and conclusion of the Project on behalf of the City;
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Petaluma as follows:

1. The contract entitled Abatement of Weeds with a final contract amount of $24,627.50 is accepted as complete subject to the Contractor’s continuing warranty and other obligations pursuant to the contract.

2. The City Clerk is hereby authorized and directed to sign and file a Notice of Completion concerning this Project with the Sonoma County Clerk’s Office within ten (10) days of the date of this Resolution.

3. The Finance Department is hereby authorized to release remaining undisputed retention in the amount of $834.13 (equal to 10% of the funds expended for the 2013 weed abatement season) less amounts that should be retained to cover pending stop notices, third party claims or other offsets, if any, within forty-five (45) days of the date of this Resolution and in accordance with the terms of the Project contract and applicable law.