

FOR COUNCIL MEETING
July 20, 2010

Honorable Mayor and Members
of the Torrance City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Community Services – Approval of a 2nd contract amendment for improvements identified in the Wilson Park Pond Restoration Project

Expenditure: None

RECOMMENDATION:

Recommendation of the Community Services Director that City Council approve a 2nd contract amendment with Sea Clear Pools (C2009-091) for improvements identified in the Wilson Park Pond Restoration Project (FEAP #709) to extend the term from June 30, 2010, to December 31, 2010.

Funding

Not applicable

BACKGROUND/ANALYSIS

In June of 2009 City Council approved a contract with Sea Clear Pools in the amount of \$28,987 for improvements to the pond pump system, skimmer system, and fountains included in the repair phase of the Pond Restoration Project. At the time staff had developed a plan to restore the clay bottom of the pond and improve the circulation system as a temporary means of returning the pond to its original condition. During this process, it was determined that the clay bottom was in worse shape than anticipated, and that a new restoration plan would be needed.

Staff hired an engineering consultant to evaluate the condition of the pond and the data staff had compiled regarding ponds, surfaces, and circulation systems. This consultant continues to work with staff from the Community Services Department and the Public Works Department in the design/build phase of the project that is currently in progress.

In December 2009, Torrance City Council approved an amendment to the existing agreement with Sea Clear Pools to extend the term through June 30, 2010. This extension was requested to allow for the completion of the new pond bottom so that the pond can be refilled and Sea Clear can complete the improvements included in its contract. As the pond construction timeline has been delayed but is near completion, it

is now necessary to extend the agreement term with Sea Clear Pools to allow for all final deliverables to be installed on the project and final billing to be completed. The original agreement scope of services and compensation schedule remain unchanged and no additional funding is being added to the agreement.

Respectfully submitted,



JOHN JONES
Community Services Director

CONCUR:



LeROY J. JACKSON
City Manager

Attachment: A) Amendment #2 to Agreement C2009-091

SECOND AMENDMENT TO AGREEMENT C2009-091

This Second Amendment to Agreement C2009-091 is made and entered into as of July 1, 2010 (the "Effective Date"), by and between the CITY OF TORRANCE ("CITY"), a Municipal Corporation, and SEA CLEAR POOLS, a California Corporation ("CONTRACTOR").

RECITALS:

- A. CITY and CONTRACTOR entered into an Agreement on June 2, 2009, whereby CONTRACTOR agreed to perform improvements to the pump system, skimmer system, and fountains as necessary in the Wilson Park Pond Restoration Project.
- B. The original Agreement was for a 6-month term, effective June 2, 2009 through December 2, 2009.
- C. On December 2, 2009, CITY and CONTRACTOR entered into a First Amendment to extend the term of the contract from December 2, 2009 through June 30, 2010.
- D. CITY and CONTRACTOR now wish to extend the term.

AGREEMENT:

1. Paragraph 2, "TERM", is amended to read in its entirety as follows:

"2. TERM

Unless earlier terminated in accordance with Paragraph 4 below, this Agreement will continue in full force and effect from the Effective Date through December 31, 2010."

2. In all other respects, the Agreement dated June 2, 2009 and First Amendment dated December 2, 2009 between CITY and CONTRACTOR is ratified and reaffirmed and is in full force and effect.

CITY OF TORRANCE,
a Municipal Corporation

SEA CLEAR POOLS,
a California Corporation

By: _____
John Jones
Community Services Director

By: _____
Bill Szieff
President

By: _____
LeRoy J. Jackson
City Manager

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____
Jocelyn N. Poblete
Deputy City Attorney