

RESOLUTION NO. 2016-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL APPROVING A SETTLEMENT AGREEMENT WITH BELFOR AUTHORIZING PAYMENT FOR WORK COMPLETED AND AUTHORIZING A FY 2015-16 BUDGET AMENDMENT TO APPROPRIATE \$262,447.37 FROM THE GENERAL FUND UNRESTRICTED FUND BALANCE TO THE RISK MANAGEMENT DIVISION CSD FIRE RECOVERY PROJECT FUND

WHEREAS, on November 3, 2014 a fire occurred in the City of Bell ("City") at the Bell Community Center located at 6250 Pine Avenue causing extensive property damage; and

WHEREAS, the fire left the Bell Community Center in a state of disrepair with electrical panels, water heater, tables, and podiums destroyed, and leaving the office areas exposed to smoke, soot and debris; and

WHEREAS, these conditions created a health and safety risk to City employees and the public in general, and prohibited certain public services from being provided; and

WHEREAS, pursuant to Bell Municipal Code §3.12.080, the City Manager determined the condition of the Bell Community Center to be an "emergency" and authorized initial fire restoration work commence; and

WHEREAS, on November 12, 2014, the City Council unanimously declared that the Bell Community Center fire was a local emergency and ratified the initial fire remediation work authorized by the City Manager; and

WHEREAS, pursuant to the Public Contract Code §22050 and Bell Municipal Code §3.12.080, the City Council authorized the City Manager to continue further actions on an emergency basis so that the City can conduct an expedited informal bid process to complete the restoration work on the Bell Community Center so the City can resume certain essential public services and operations thereon; and

WHEREAS, pursuant to process authorized by the City Council, staff has completed an expedited bid process, selected BelFor Property Restoration ("BelFor") to complete the necessary emergency restoration work on the Bell Community Center, and entered into an agreement regarding the same; and

WHEREAS, BelFor has satisfactorily completed all work except for work on the Community Center flooring, as to which a dispute has existed, but the City has received a bid from an independent contractor for \$35,000 to perform this work, and BelFor has agreed to an offset of \$35,000 to cover such work; and

WHEREAS, the parties have negotiated a settlement agreement (the "Settlement Agreement") to resolve the dispute; and

WHEREAS, based on the foregoing, the City would like to commence close out procedures of the Bell Community Center Fire repair project; and

WHEREAS, the City Council would like to accept Phase 2 of the project as complete and resolve any issues with the installation of the floor through the Settlement Agreement; and

WHEREAS, a FY 2015-16 budget amendment would authorize a transfer of funds into the CSD Fire Recovery Project fund to close out the project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bell, California, as follows:

SECTION 1. Approves the transfer of General Fund Unrestricted Fund Balance to the CSD Fire Recovery Project Fund to close out the Phase 2 Contract with Belfor, as amended.

SECTION 2. Approves amending the Fiscal Year 2015-16 budget by appropriating an amount of \$262,447.37 from the General Fund Unrestricted Fund Balance to the CSD Fire Recovery Project Fund 850-91-91-4010-000-6100.

SECTION 3. Approves the Settlement Agreements, General Release of All Claims, and Amendment of Phase 2, and authorizes the Mayor to execute it in a form approved by the City Attorney.

SECTION 4. Accepts Phase 2 Contract work as complete and approves a Certificate of Completion therefore, excepting certain specified flooring work.

SECTION 5. Authorizes a forthwith payment to BelFor USA Group, Inc in the amount of \$227,447.37 to close out the Phase 2 Contract with BelFor following execution and delivery of the Settlement Agreement, with the remaining \$35,000.00 earmarked for payment to a new contractor for reinstallation of the flooring at the Bell Community Center.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 10th day of August, 2016.


Alicia Romero, Mayor

ATTEST:


Angela Bustamante, Acting City Clerk

APPROVED AS TO FORM:


David J. Aleshire, City Attorney
Aleshire & Wynder, LLP

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Angela Bustamante, Acting City Clerk of the City of Bell, hereby attest to and certify that the foregoing resolution is the original Resolution No. 2016-60 adopted by the Bell City Council at its regular meeting held on the 10th day of August, 2016, by the following vote:

AYES: Councilmembers Quintana, Saleh, Valencia, Vice Mayor Gallardo and Mayor Romero

NOES: None

ABSENT: None

ABSTAIN: None



Angela Bustamante, Acting City Clerk