

2004 MAY 26 AM 10: 05

**CITY OF OAKLAND  
COUNCIL AGENDA REPORT**

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Public Works Agency  
DATE: June 8, 2004

RE: A resolution authorizing the City Administrator to accept a private gift in-place donation from the Smith family for repair services to the F. M. Smith Park Mule Display project at an estimated value of twenty-five thousand dollars (\$25,000), and authorizing the City Administrator to execute a contract with Bunker Hill Construction for an amount not-to-exceed one dollar (\$1) to perform the repair services and authorize the work on City property, and authorizing waiver of the associated performance bond.

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**SUMMARY**

The City Council is requested to approve acceptance of a private gift in-place donation to pay for repair services of an estimated value of \$25,000 from Smith Family (Steven Beck), through Friends of Oakland Parks and Recreation (FOPR), and to authorize the City Administrator to execute a contract with Bunker Hill Construction for one dollar (\$1) to perform the repair services of an estimated value of \$25,000, and to waive the associated performance bond because the benefits of the donated gift in-place outweigh the risks associated with performance or workmanship that would normally be covered under such bond.

**FISCAL IMPACT**

Smith's grandson (Steven Beck) and other Smith descendents recently donated funding to Friends of Oakland Parks & Recreation to renovate the fiberglass mules that have been in disrepair due to exposure to the natural elements over the years. The repair and renovation of the fiberglass mules will be completed via services from Bunker Hill Construction, an Oakland-based company, who will work with Friends of Oakland Parks and Recreation to complete the restoration and repair. There is no City capital improvement funding for the repair.

Maintenance costs are expected to remain the same or be reduced as the mules will be repaired and the life expectancy of the display extended. Addition of minor landscaping and planting will require minimal irrigation and maintenance.

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## **BACKGROUND**

Francis Marion (F.M.) Smith was an Oakland entrepreneur and civic leader who founded the first successful borate mining operation in 1872 and was best known for using 20-mule teams to haul wagon-loads of borate from California desert mines. In 1912, he donated a parcel of land to the City for what is now the F. M. Smith Park located on Park Boulevard, and in 1969 his relatives donated a western theme playground for the Park as a tribute to their forefather. The original playground contained four mules and a wagon to symbolize the historical significance of the mules and the mining industry. Today, the fiberglass (filled with concrete) mules are the only remnants as the western theme playground was removed due to severe decay and safety issues.

## **PROJECT DESCRIPTION**

The project scope calls for restoration and re-anchoring of the existing fiberglass mules, installation of irrigation and planting in the display area, adding a post sign, adding a perimeter fence, miscellaneous landscaping, pathway, and curbs as required.

## **KEY ISSUES AND IMPACTS**

Smith's family would like the mules restored in the park as a continued tribute to their forefather who established the family in the City of Oakland in the early 1900s. The mules represent the entrepreneurial history and the perseverance of F. M. Smith to establish the family in the City in early California days. By restoring the display, F. M. Smith will be remembered for his contribution in the history of California and serve as an educational exhibit for park visitors.

The project repair cost estimate is approximately \$25,000. FOPR will pay Bunker Hills Construction for the repair services, as the City does not have any funding for the project. In order to authorize Bunker Hill Construction to work on City property, City will contract with Bunker Hills Construction to provide repair services to restore the mules for a contract amount of one dollar (\$1).

The City will require Bunker Hill Construction, the contractor who will perform the repair work, to provide the standard general liability and auto insurance and payment bond. The City's Risk Management Office recommends that it would be in the best interests of the City to waive the requirements for a performance bond because the benefits of the donated work outweigh the risks associated with performance or workmanship that would normally be covered under such bond. The payment bond will be required to assure payment to the laborers, suppliers and materialmen, all of whom will be paid by Bunker Hill Construction for their services and materials, and to protect the City from related payment claims.

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This project meets the City Council’s Goal #6 to Maintain and Enhance Oakland’s Physical Assets for safe, well-maintained parks. The completed display will provide added historical education value for the public.

**SUSTAINABLE OPPORTUNITIES**

Economic: The repair of the Mule display will provide short-term economic opportunities for Oakland-based construction firms and suppliers.

Environmental: The project design will incorporate sustainability design and recycled-content materials to the extent possible.

Social Equity: The project will provide new enjoyment for recreational use to the community, including youth and children, and provide an educational opportunity on the history of the City.

**DISABILITY AND SENIOR CITIZEN ACCESS**

The existing park access will not be modified. Existing access for disability will remain unchanged.

**RECOMMENDATION(S) AND RATIONALE**

It is recommended that Council authorize the City Administrator to accept a private donation to restore existing display mules at the F.M. Smith Park and authorize the City Administrator to execute a contract with Bunker Hill Construction to perform the repair services.

**ACTION REQUESTED OF THE CITY COUNCIL**

City Council is requested to approve the resolution accepting a private gift in-place for repair services from Smith Family (Smith’s grandson -- Steven Beck), through the Friends of Oakland Parks & Recreation, in an estimated value of twenty-five thousand dollars (\$25,000) to relocate,

refurbish and reinstall the existing mule display at the F.M. Smith Park, and to authorize the City Administrator to execute a contract with Bunker Hill Construction for an amount not-to-exceed one dollar (\$1) to perform the repair services and authorize the work on City property, and to authorize the City Administrator to waive the performance bond.

Respectfully submitted,



**Raul Godinez II**  
Director, Public Works Agency

Reviewed by:

David Lau, Manager  
Project Delivery Division  
Design & Construction Services  
Public Works Agency

Prepared by:  
Lily Soo Hoo, C.I.P. Coordinator  
Project Delivery Division  
Design & Construction Services  
Public Works Agency

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE

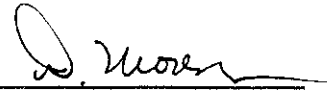
  
**OFFICE OF THE CITY ADMINISTRATOR**

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OAKLAND CITY COUNCIL

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RESOLUTION No: \_\_\_\_\_ C.M.S.



A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT A PRIVATE GIFT IN-PLACE DONATION FROM THE SMITH FAMILY FOR REPAIR SERVICES TO THE F. M. SMITH PARK MULE DISPLAY PROJECT AT AN ESTIMATED VALUE OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000), AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH BUNKER HILL CONSTRUCTION FOR AN AMOUNT NOT-TO-EXCEED ONE DOLLAR (\$1) TO PERFORM THE REPAIR SERVICES AND AUTHORIZE THE WORK ON CITY PROPERTY, AND AUTHORIZING WAIVER OF THE ASSOCIATED PERFORMANCE BOND

**WHEREAS**, the F. M. Smith Park's Mule Display, donated by the Smith family to the City of Oakland, is in need of repair; and

**WHEREAS**, the Smith family has donated funding to Friends of Oakland Parks and Recreation to repair the project; and

**WHEREAS**, the firm of Bunker Hill Construction offers to perform the repair services for the project and the City desires to accept the repair as a gift-in place in the best interests of the project; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work; and

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

**WHEREAS**, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now therefore, be it

**RESOLVED**: That the City Council hereby accepts a private gift in-place of repair services with an estimated value of \$25,000 from Steven Becks, through the Friends of the Oakland Parks & Recreation, to complete the repair services to the F.M. Smith Park Mule Display; and, be it

**FURTHER RESOLVED**: That the City Council hereby authorizes the City Administrator, or her designee, to execute a contract not to exceed \$1 with Bunker Hill Construction to perform the repair service in an estimated value of \$25,000; and, be it

**FURTHER RESOLVED**: That the City Council hereby finds and determines, based on the determination of the Risk Manager, that it is in the best interests of the City and the project to waive the performance bond because benefits of the donated work outweigh the risks associated

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with performance or workmanship that would normally be covered under such bond, and the City Administrator is hereby authorized to waive said performance bond; and, be it

**FURTHER RESOLVED:** That the City Administrator, or her designated representative, is hereby authorized to approve any subsequent amendments, modifications, or extensions of said agreements, excepting those related to increasing the amount of the contract above the amounts authorized under this Resolution, provided that such amendments or extensions shall be approved as to form and legality by the Office of the City Attorney and filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2004

PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, CHANG, BROOKS, NADEL, REID, QUAN, WAN AND PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

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