

RESOLUTION NO. 2019-15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
MAKING FINDINGS OF SUBSTANTIAL COMPLEXITY AND  
AUTHORIZING 10 PERCENT RETENTION FOR CONSTRUCTION  
OF THE LOS ALTOS COMMUNITY CENTER PROJECT**

**WHEREAS**, Section 7201 of the California Public Contract Code sets the limits for retention proceeds withheld from payment by a public entity from the original contractor; and

**WHEREAS**, under Public Contract Code Section 7201(b)(4)-(5) the retention proceeds withheld by the City may exceed 5 percent on specific projects where the governing body has approved a finding, during a properly noticed and normally scheduled public hearing, that the project is substantially complex; and

**WHEREAS**, the Los Altos Community Center project ("Project") includes various complex elements such as rain screens with wood framing and a metal roofing system; and

**WHEREAS**, neither the construction of rain screens with wood framing nor the construction of metal roofing systems is regularly, customarily, or routinely performed by the City of Los Altos or by licensed contractors.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby

- 1) Finds that the Project is substantially complex and therefore requires a higher retention amount than 5 percent.
- 2) Establishes a 10 percent retention for the Project.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 23<sup>rd</sup> day of April, 2019 by the following vote:

AYES: BRUINS, ENANDER, FLIGOR, LEE ENG, PEPPER  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

  
Lynette Lee Eng, MAYOR

Attest:

  
Jon Maginot, CMC, CITY CLERK