# CITY MANAGER'S REPORT JULY 10, 2023 CITY COUNCIL REGULAR MEETING

ITEM: ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY

MARINA LANDSCAPE, INC. FOR APOLINAR SANGALANG PARK IMPROVEMENTS, CIP PK 20-18

**RECOMMENDATION: Adopt Resolution Accepting Public Improvements** 

Constructed by Marina Landscape, Inc. for Apolinar Sangalang Park Improvements, CIP PK 20-18, Authorizing the Filing of a Notice of Completion, Release of Contract Retention, and Release of

**Performance and Payment Bonds** 

### **SUMMARY:**

Marina Landscape, Inc. (Marina) has completed the construction of the Apolinar Sangalang Park Improvements, Capital Improvement Project (CIP) PK 20-18 (Project). Staff inspected the improvements and they have been deemed complete and in accordance with the approved plans and specifications by the City Engineer.

Marina has submitted lien releases confirming all sub-contractors and suppliers have been paid in full and provided a one-year warranty bond (based on 10% of the construction contract) for the improvements to be accepted.

Staff requests City Council accept the completed improvements constructed by Marina for the Project. Staff also requests City Council authorize the filing of a Notice of Completion with the San Joaquin County Clerk, the release of contract retention to Marina of \$112,964.43 within forty-five (45) days after recording the Notice of Completion, and the release of performance and payment bonds.

# **BACKGROUND:**

On June 14, 2021, City Council awarded a construction contract to Marina for the construction of the Project. The Project scope included installation of a modular restroom, two (2) tennis courts, water play splash pad, playground equipment with rubberized surfacing, exterior furniture, and signage.

During construction, contract change orders were issued for a final contract amount of \$2,259,229.75. The Project's costs referenced below capture all construction expenditures.

# **CITY MANAGER'S REPORT** PAGE 2 **JULY 10, 2023 CITY COUNCIL REGULAR MEETING** ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY MARINA LANDSCAPE, INC. FOR APOLINAR SANGALANG PARK IMPROVEMENTS, CIP PK 20-18

Construction costs are as follows:

B. Contract Change Orders	\$ 111,786.75
A. Construction Contract	\$2,147,443.00

**Total Construction Contract Costs** \$2,259,229.75

Upon acceptance of the improvements, the performance bond (Bond No. 0239070, \$2,147,443) and payment bond (Bond No. 0239070, \$2,147,443) will be released and replaced with a one-year warranty bond (Bond No. 0239070-M, \$225,928.86). The one-year warranty bond covers any repairs or replacements that may become necessary during the one-year period beginning with this acceptance due to any defective materials or workmanship in connection with the completed improvements. Marina has also provided the necessary lien releases for the materials supplied and completed work.

Staff requests City Council accept the improvements constructed by Marina for the Apolinar Sangalang Park Improvements, CIP PK 20-18. Staff also requests City Council authorize the filing of a Notice of Completion with the San Joaquin County Clerk, the release of contract retention to Marina for \$112,964.43 within forty-five (45) days after the recording of the Notice of Completion, and the release of performance and payment bonds.

# **REASON FOR RECOMMENDATION:**

Marina has completed the project pursuant to the contract documents dated June 12, 2021. Staff inspected the improvements and they have been deemed complete and in accordance with the approved plans and specifications by the City Engineer.

Marina has submitted a one-year warranty bond for the improvements to be accepted (based on 10% of the construction contract) and lien releases confirming all subcontractors and suppliers have been paid in full. The warranty bond covers any repairs or replacements that become necessary during the one-year period, beginning with this acceptance, due to defective materials or workmanship in connection with the completed improvements.

The performance bond and payment bond will be released and replaced with the oneyear warranty bond (based on 10% of the contract price) upon City Council's acceptance of the improvements.

# **FISCAL IMPACT:**

The final construction contract amount with Marina for the Project is for \$2,259,229.75.

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Adequate funds have been allocated in the FY 2022/23 budget to close out the project. With the completion of the Project, staff requests that unused funds be transferred back into the Measure C Fund (1060).

# **ATTACHMENTS:**

- A. Resolution Accepting Public Improvements Constructed by Marina Landscape, Inc. for the Apolinar Sangalang Park Improvements, Capital Improvement Project PK 20-18, Authorizing the Filing of a Notice of Completion, Release of Contract Retention, and Release of Performance and Payment Bonds
- B. Notice of Completion Apolinar Sangalang Park Improvements, Capital Improvement Project PK 20-18

# CITY MANAGER'S REPORT PAGE 4 JULY 10, 2023 CITY COUNCIL REGULAR MEETING ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY MARINA LANDSCAPE, INC. FOR APOLINAR SANGALANG PARK IMPROVEMENTS, CIP PK 20-18

# **APPROVALS:**

Store Hollento of	6-14.23
Steven Hollenbeak Assistant Engineer	Date
Ken Reed Senior Construction Manager	<u> </u>
Brad Taylor	<u> 6/14/2023</u>
City Engineer	Date
Cari James	<i>     20  </i> 23
Finance Director	Date
Michael King Assistant City Manager	<u> </u>
Salvador Navarrete	6.15-2023
City Attorney	Date
Stephen J. Salvatore	<u>し・27・23</u>
City Manager	Date

# **RESOLUTION NO. 23-**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP ACCEPTING PUBLIC IMPROVEMENTS CONSTRUCTED BY MARINA LANDSCAPE, INC. FOR THE APOLINAR SANGALANG PARK IMPROVEMENTS, CIP PK 20-18, AUTHORIZING THE FILING OF A NOTICE OF COMPLETION, RELEASE OF CONTRACT RETENTION, AND RELEASE OF PERFORMANCE AND PAYMENT BONDS

- WHEREAS, on June 14, 2021, City Council awarded a construction contract to Marina Landscape, Inc. (Marina) for the construction of the Apolinar Sangalang Park Improvements, CIP PK 20-18 (Project) in the amount of \$2,147,443, and a 10% construction contingency of \$214,744 was authorized for staff to use as necessary to achieve the goals of the Project; and
- **WHEREAS,** the scope of work consisted of installing a modular restroom, two tennis courts, water play splash pad, playground equipment with rubberized surfacing and associated landscape improvements; and
- **WHEREAS,** Marina has successfully completed the Project at a total cost of \$2,259,229.75; and
- **WHEREAS,** staff inspected the improvements and the City Engineer deemed the improvements complete and in accordance with the approved plans and specifications; and
- **WHEREAS**, Marina has provided the necessary lien releases for the materials supplied and completed work and a one-year warranty bond (based on 10% of total project cost) for the improvements being accepted; and
- **WHEREAS**, the performance bond (Bond No. 0239070, \$2,147,443) and payment bond (Bond No. 0239070, \$2,147,443) will be released and replaced with a one-year warranty bond (Bond No. 0239070-M, \$225,928.86) upon City Council's acceptance of the improvements; and
- **WHEREAS**, the one-year warranty bond covers any repairs or replacements that may become necessary during the one-year period beginning with this acceptance, due to defective materials or workmanship in connection with the completed improvements; and
- **WHEREAS,** staff requests City Council accept the public improvements constructed by Marina for the Apolinar Sangalang Park Improvements, CIP PK 20-18; and
- **WHEREAS,** staff also requests City Council authorize the filing of a Notice of Completion with the San Joaquin County Clerk, the release of contract retention to Marina, in the amount of \$112,964.43, within forty-five (45) days after the recording of the Notice of Completion, and the release of performance and payment bonds.

- **NOW THEREFORE, BE IT RESOLVED,** that the City Council of the City of Lathrop does hereby accept the completed public improvements constructed by Marina Landscape, Inc. for the Apolinar Sangalang Park Improvements, CIP PK 20-18, pursuant to the contract documents dated June 14, 2021; and
- **BE IT FURTHER RESOLVED,** that the City Council of the City of Lathrop authorizes the filing of the Notice of Completion with the San Joaquin County Clerk and the release of the contract retention to Marina, in the amount of \$112,964.43, within forty-five (45) days after the recording of the Notice of Completion, and authorizes the release of the performance and payment bonds; and
- **BE IT FURTHER RESOLVED**, that the City Council of the City of Lathrop approves the unused funds be transferred back into the Measure C Fund (1060).

The foregoing resolution was passed and add following vote of the City Council, to wit:	opted this 10th day of July, 2023 by the
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
	Sonny Dhaliwal, Mayor
ATTEST:	APPROVED AS TO FORM:
Teresa Vargas, City Clerk	Salvador Navarrete, City Attorney

# **RECORDING REQUESTED BY, AND**

WHEN RECORDED MAIL TO:

CITY OF LATHROP ATTN: CITY CLERK 390 TOWNE CENTRE DRIVE LATHROP, CA 95330

Exempt from payment of recording fees (GC 11922)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

# NOTICE OF COMPLETION

# NOTICE IS HEREBY GIVEN:

MC	TICE IS HEREBI OF	/ LIN.					
1.	1 6 1				ГАТЕ		
	City of Lathrop	390 Towne Centre Drive	Lathrop	CA	95330		
	(If more than one	owner of the interest stated, the na	ame and address of each must	be stated)			
2.	. That the full name and address of the owner of said interest or estate, if there is only one owner, and that the full names and addresses of all the co-owners who own said interest or estate as tenants in common, as joint tenants, or otherwise, if there is more than one owner, are set forth in the preceding paragraph.						
3.	That the nature of title or the stated owner, or if more than one owner, then of the stated owner and co-owners is: <u>Marina Landscape, Inc.</u>						
4.	That on the 10th day of July, 2023 a work of improvement on the real property herein described was completed.						
5.	That the name of the o	original contractor, if any, for said	work of improvement was: M	arina Landscape, l	<u>lnc</u>		
6.		lress of the transferor is:					
	NAME	STREET AND NO	O. CITY	ST	TATE		
	Marina Landscape, Inc	c. 3707 W. Garden Grov	e Ave. Orange,	CA	92868		
7.	That the real property herein referred to is situated in the City of Lathrop County of San Joaquin, State of California, and is described as follows:						
	CIP PK 20-18 Apolina	ar Sangalang Park Improvements:	13470 Slate Street Lathrop, C	A 95330			
		CITY	OF LATHROP				
		By:					
		•	Stephen J. Salvatore, City M	Manager	Date		
	That the undersigned he true and correct.	as knowledge of the contents here	in and states under penalty of p	perjury that the for	egoing is		
		By:					
			Teresa Vargas, City Clerk		Date		

# CERTIFICATE OF ACCEPTANCE

This is to certify that the interest if	i reai pro	sperty conveyed by the NOTICE OF CONFLETION
dated July 10, 2023 by Marina La	ındscape	, Inc. to the City of Lathrop, a political corporation
and/or governmental agency, is here	by accept	ted by the undersigned officer or agent on behalf of the
City Council pursuant to authority of	onferred	by minute action of the City Council adopted on July
10, 2023, and the grantee consents	to recorda	ation thereof by its duly authorized officer.
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D 1	<b>D</b>	
Dated	Ву	
		Stephen J. Salvatore, City Manager

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