

## ITEM 4.10

### **CITY MANAGER'S REPORT AUGUST 14, 2023 CITY COUNCIL REGULAR MEETING**

**ITEM:** **APPROVE AMENDMENT NO. 1 WITH MIG INC. TO UPDATE THE ADA SELF-EVALUATION AND TRANSITION PLAN**

**RECOMMENDATION:** **Adopt Resolution Approving Amendment No. 1 with MIG Inc. to update the ADA Self-Evaluation and Transition Plan**

---

#### **SUMMARY:**

On May 3, 2023, the City and MIG Inc. entered into a Professional Services Agreement (PSA) to prepare and update the City's ADA Self-Evaluation and Transition Plan for a total cost of \$74,990. Upon reviewing the list of facilities provided to MIG Inc. (MIG) it was discovered that there were additional sites that should be included in their scope of work.

This item is being presented to Council for approval because the initial PSA of \$74,990 and the proposed Amendment No. 1 of \$5,300, brings the total to \$80,290, which exceeds the City Manager's signing limit of \$74,999. Therefore, staff request Council approve Amendment No. 1 with MIG, in the amount of \$5,300 to complete this project. Sufficient funds have been allocated in FY 23/24 approved budget.

#### **BACKGROUND:**

Congress enacted the Americans with Disabilities Act (ADA) in 1990 requiring local governments to provide equal access to civic facilities, services, programs and activities for individuals with disabilities. An updated ADA Self-Evaluation and Transition Plan for the City is needed to survey existing facilities and to identify procedures and establish a schedule for achieving compliance with ADA requirements. In addition, Title 24 of the California Government Code specifies that all buildings, structures, sidewalks, curbs, and related facilities constructed in California with State, county or municipal funds, to be accessible and usable by persons with disabilities.

#### **REASON FOR RECOMMENDATION:**

Update to the City of Lathrop ADA Self Evaluation and Transition Plan is needed for the City to comply with ADA requirements. Staff request Council approve Amendment No. 1, with MIG for a total cost of \$5,300.

#### **FISCAL IMPACT:**

Sufficient funds have been allocated in FY 23/24 approved budget.

**CITY MANAGER'S REPORT**  
**AUGUST 14, 2023 CITY COUNCIL REGULAR MEETING**  
**APPROVE AMENDMENT NO. 1 WITH MIG INC. TO UPDATE THE ADA SELF-EVALUATION AND TRANSITION PLAN**

**PAGE 2**

**ATTACHMENTS:**

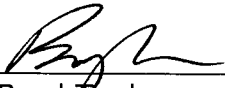
- A. Adopt Resolution Approving Amendment No. 1 with MIG Inc. to update the ADA Self-Evaluation and Transition Plan
- B. Amendment No. 1 with MIG, Inc., to update the ADA Self-Evaluation and Transition Plan

**CITY MANAGER'S REPORT**  
**AUGUST 14, 2023 CITY COUNCIL REGULAR MEETING**  
**APPROVE AMENDMENT NO. 1 WITH MIG INC. TO UPDATE THE ADA SELF-EVALUATION AND TRANSITION PLAN**

**APPROVALS:**

  
\_\_\_\_\_  
Carlos Carrillo  
Management Analyst

7/20/2023  
Date

  
\_\_\_\_\_  
Brad Taylor  
City Engineer

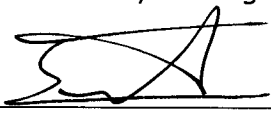
8/3/2023  
Date

  
\_\_\_\_\_  
Cari James  
Director of Finance

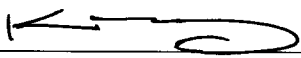
7/25/2023  
Date

  
\_\_\_\_\_  
Michael King  
Assistant City Manager

7.20.2023  
Date

  
\_\_\_\_\_  
Salvador Navarrete  
City Attorney

7.24.2023  
Date

  
\_\_\_\_\_  
Stephen J. Salvatore  
City Manager

8-7-2023  
Date

**RESOLUTION NO. 23-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING AMENDMENT NO. 1 WITH MIG INC. TO UPDATE THE ADA SELF-EVALUATION AND TRANSITION PLAN**

**WHEREAS**, Congress enacted the Americans with Disabilities Act (ADA) in 1990 requiring local governments to provide equal access to civic facilities, services, programs and activities for individuals with disabilities; and

**WHEREAS**, on May 3, 2023, the City and MIG Inc. entered into a Professional Services Agreement (PSA) to prepare and update the City's ADA Self-Evaluation and Transition Plan for a total cost of \$74,990; and

**WHEREAS**, upon reviewing the list of facilities provided to MIG Inc. (MIG) it was discovered that there were an additional sites that should be included to their scope of work; and

**WHEREAS**, this item is being presented to Council for approval because the initial PSA of \$74,990 and the proposed Amendment No. 1 of \$5,300, brings the total to \$80,290, which exceeds the City Manager's signing authority of \$74,999; and

**WHEREAS**, sufficient funds have been allocated in FY 23/24 approved budget.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Lathrop does hereby approve Amendment No. 1 with MIG, Inc. in the amount of \$5,300 to finalize the plan and update the City's ADA Self-Evaluation and Transition Plan.

The foregoing resolution was passed and adopted this 14<sup>th</sup> day of August 2023, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:

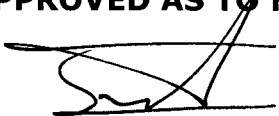
ABSENT:

\_\_\_\_\_  
Sonny Dhaliwal, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Vargas, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Salvador Navarrete, City Attorney

AMENDMENT NO. 1

TO THE AGREEMENT BETWEEN THE CITY OF LATHROP AND  
MIG INC. DATED MAY 3, 2023

TO CONTINUE TO UPDATE THE CITY OF LATHROP ADA  
SELF-EVALUATION AND TRANSITION PLAN

**THIS AMENDMENT** (hereinafter "AMENDMENT NO. 1") to the agreement between MIG, Inc. and the City of Lathrop dated May 3, 2023, (hereinafter "AGREEMENT") dated for convenience this **14<sup>th</sup> day of August 2023**, is by and between **MIG, Inc.** ("CONSULTANT") and the **City of Lathrop**, a California municipal corporation ("CITY");

**RECITALS:**

**WHEREAS**, CONSULTANT is specially trained, experienced, and competent to provide ADA Self Evaluation and Transition Plan services, which are required by this agreement; and

**WHEREAS**, CITY selected the CONSULTANT pursuant to said qualifications; and

**WHEREAS**, on May 3, 2023, CONSULTANT and CITY entered into an AGREEMENT to provide an update to the ADA Evaluation and Transition Plan, in the amount not to exceed \$74,990; and

**WHEREAS**, CONSULTANT has provided CITY with a scope of work attached hereto as Exhibit "A" for Amendment No. 1 for additional services needed to update the City of Lathrop ADA Evaluation and Transition Plan; and

**WHEREAS**, CONSULTANT is willing to render such ADA Self Evaluation and Transition Plan services, as hereinafter defined, on the following terms and conditions.

**NOW, THEREFORE**, CONSULTANT and the CITY agree as follows:

**AMENDMENT NO. 1 TO AGREEMENT**

- (1) **Scope of Service.** Section (1) of the AGREEMENT is hereby amended to add the following:

CONSULTANT agrees to perform ADA Self Evaluation and Transition Plan services in accordance with the scope of work and fee proposal provided by CONSULTANT, attached hereto as Exhibit "A" in addition to the scope of work in the original AGREEMENT dated May 3, 2023. CONSULTANT agrees to diligently perform these services in accordance with the upmost standards of its profession and to CITY'S satisfaction.

- (2) **Compensation.** Section (2) of the AGREEMENT for Consulting Services is hereby amended as follows:

City hereby agrees to pay CONSULTANT an additional cost of **\$5,300** for the services set forth in Exhibit "A" of this AMENDMENT NO. 1, with a total sum not to exceed of \$80,290 (\$74,990 for the original AGREEMENT, and \$5,300 for AMENDMENT NO. 1).

CITY OF LATHROP – MIG, INC.

AMENDMENT NO. 1 TO CONTINUE TO UPDATE THE CITY OF LATHROP ADA SELF-EVALUATION AND TRANSITION PLAN

CONSULTANT shall be paid within thirty (30) days of receipt of billings containing all information contained in Paragraph 5 of the original AGREEMENT. Compensation for any task must be equal to or less than the percentage of task complete. In no event shall CONSULTANT be entitled to compensation for work not included in the original scope of work and this AMENDMENT unless a written change order or authorization describing the extra work and payment terms has been executed by CITY'S Authorized Representative prior to the commencement of the work.

**(3) Effective Date and Term**

The effective date of AMENDMENT NO. 1 is **August 14, 2023**, and it shall terminate no later than **June 30, 2024**. All other terms of the original AGREEMENT shall remain in full force and effect.

**(4) Applicability to Original Consultant AGREEMENT**

All terms and conditions set forth in the AGREEMENT dated May 3, 2023 are still in effect and are incorporated by reference herein and said AGREEMENT is incorporated by reference herein.

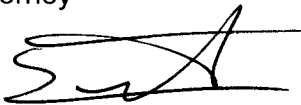
**(5) Signatures**

The individuals executing this AMENDMENT NO. 1 represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this AMENDMENT NO. 1 on behalf of the respective legal entities of the CONSULTANT and the CITY. This agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

CITY OF LATHROP – MIG, INC.  
AMENDMENT NO. 1 TO CONTINUE TO UPDATE THE CITY OF LATHROP ADA SELF-EVALUATION AND TRANSITION PLAN

Approved as to Form:

City of Lathrop  
City Attorney



\_\_\_\_\_  
Salvador Navarrete

7.24.2023

\_\_\_\_\_  
Date

Recommended for Approval:

City of Lathrop  
Assistant City Manager

\_\_\_\_\_  
Michael King

\_\_\_\_\_  
Date

Approved by:

City of Lathrop  
390 Towne Centre Drive  
Lathrop, CA 95330

\_\_\_\_\_  
Stephen J. Salvatore  
City Manager

\_\_\_\_\_  
Date

Consultant:

MIG, Inc.  
506 SW 6<sup>TH</sup> Avenue, #400  
Portland, OR 97204  
Phone: (510) 845-7549

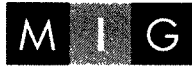
Federal ID # \_\_\_\_\_  
Lathrop Business License # **20235**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title





July 19, 2023

Carlos Carrillo  
Management Analyst II  
City of Lathrop | Public Works Department  
390 Towne Centre Drive, Lathrop, CA 95330

RE: City of Lathrop Updated ADA Transition Plan Request for Additional Services

Dear Carlos,

Thank you again for the opportunity to provide ADA planning services for the City of Lathrop. MIG based our initial assumptions to prepare the City's ADA Transition Plan on the facility list provided by the City. During our project kick-off meeting on May 17, 2023, the City identified additional facilities that should also be included in MIG's facility evaluation. The following provides an overview of services in addition to our original scope and fee necessary to complete this project.

#### Adjusted Scope and Fee

The City is requesting to add five additional sites that require evaluation. These include Lathrop Elementary, Joseph Widmer Elementary School, Mossdale Elementary School, Lathrop High School, and Rotary Park. In our initial estimate we had planned an average of 2.5 hours on site per facility, plus time for travel to and from Lathrop yielding three tightly-packed evaluation weeks (split among multiple staff).

With the addition of these sites to the inventory, we estimate an additional 16 hours to our evaluations schedule which would require an additional trip for facility evaluations.

Upon the City's approval, MIG requests a total of \$5,300 to be added to the current project budget to account for additional facility evaluations. The total includes \$3,900 in labor and \$1,400 in direct costs and travel expenses. This increases our total budget to \$80,290.

We appreciate the opportunity to support the City and look forward to continuing our work in support of this important project. If you agree to the additional services request, please return a signed copy of this letter, and please feel free to contact me with questions or additional information needed.

Sincerely,



Jon Pheanis, AICP

Principal | Director of Portland Operations

\_\_\_\_\_  
City of Lathrop Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name