

ITEM 4.13

CITY MANAGER'S REPORT NOVEMBER 13, 2023 CITY COUNCIL REGULAR MEETING

ITEM: **ACCEPT PUBLIC IMPROVEMENTS ASSOCIATED WITH
EP NO. 2022-133, LOCATED ON MOSSDALE ROAD,
FROM BROWN SAND, INC.**

RECOMMENDATION: **Adopt Resolution Accepting Public Improvements
Associated with Encroachment Permit No. 2022-133,
Located on Mossdale Road from Brown Sand, Inc.**

SUMMARY:

Brown Sand, Inc. (Brown Sand) has completed the public improvements associated with Encroachment Permit (EP) 2022-133 and identified as Capital Improvement Project (CIP) PS 23-10, Mossdale Road Paving (Project). A Project Location Map is included as Attachment "B".

Staff has inspected the improvements which have been deemed complete and in accordance with the approved plans and specifications by the City Engineer. The approximate value of the improvements constructed is \$224,113, as shown in the GASB 34 Report included as Attachment "C".

Brown Sand submitted lien releases confirming all sub-contractors and suppliers have been paid in full, and a one-year warranty bond (based on 10% of the GASB 34 Report) for the improvements to be accepted.

Staff requests City Council accept the public improvements associated with EP No. 2022-133.

BACKGROUND:

On May 8, 2023 via Resolution 23-5281, City Council approved the creation of CIP PS 23-10, Mossdale Road Paving, and a reimbursement agreement with Brown Sand to fund a portion of the cost of an asphalt overlay and associated tasks for a segment of Mossdale Road (Work). The reimbursement agreement stipulated that the City would pay for half of the subject improvements up to \$135,000 upon City Engineer's approval of the Work and acceptance by City Council.

The improvements include pavement grind-off and asphalt overlay of 3" depth and 24' width along a 2,600' segment of Mossdale Road from the I-5 grade separation to the south end of City maintenance. The project cost includes shoulder backing and traffic striping.

Construction of these improvements is complete and the approximate value of the improvements proposed for acceptance is \$224,113, as shown in the GASB 34 Report.

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ACCEPT PUBLIC IMPROVEMENTS ASSOCIATED WITH EP NO. 2022-133,
LOCATED ON MOSSDALE ROAD FROM BROWN SAND, INC.

These improvements have been inspected by staff and deemed complete by the City Engineer. Brown Sand provided a Performance Bond (No. ES00008004) for EP 2022-133 in the amount shown in Table 1 below that guaranteed the construction of these improvements.

The guarantee will be released and replaced with a warranty bond by the City Engineer upon acceptance of the improvements. 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. After the initial one-year warranty period, the maintenance cost of these improvements will be funded by the Council-approved operating budget.

Table 1

Description	Performance Bond Number & Amount	Warranty Bond Number & Amount
Encroachment Permit 2022-133	ES00008004 \$270,000	ES00008004 \$22,411

Staff requests City Council accept the public improvements associated with EP No. 2022-133 from Brown Sand, Inc., which will allow the City to reimburse Brown Sand \$112,057 for the City’s share of these improvements.

REASON FOR RECOMMENDATION:

Staff has inspected the improvements deemed complete and in accordance with the approved plans and specifications by the City Engineer. Brown Sand has submitted lien releases and a one-year warranty bond for the improvements being accepted.

FISCAL IMPACT:

The attached GASB 34 report details the \$224,113 expended on the improvements proposed for acceptance, the City’s cost for which is \$112,057. The City’s portion of the Project and will be funded from CIP PS 23-10, Mosssdale Road Paving. The future maintenance cost of these improvements will be paid from Fund 2080 (Streets).

ATTACHMENTS:

- A. Resolution Accepting Public Improvements Associated with Encroachment Permit No. 2022-133, Located at 663 Mosssdale Road, from Brown Sand, Inc.
- B. Project Location Map
- C. GASB 34 Report – 663 Mosssdale Road

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APPROVALS:



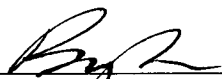
Steven Hollenbeak
Assistant Engineer

10.2.23
Date



Ken Reed
Senior Construction Manager

10-2-2023
Date



Brad Taylor
City Engineer

10/24/2023
Date



Cari James
Finance Director

10/26/2023
Date




Michael King
Assistant City Manager

10.26.2023
Date



Salvador Navarrete
City Attorney

10.26.2023
Date



Stephen J. Salvatore
City Manager

11.6.23
Date

RESOLUTION NO. 23-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP ACCEPTING PUBLIC IMPROVEMENTS ASSOCIATED WITH ENCROACHMENT PERMIT NO. 2022-133 FROM BROWN SAND, INC., LOCATED ON MOSSDALE ROAD

WHEREAS, on May 8, 2023 via Resolution 23-5281, City Council approved the creation of Capital Improvement Project PS 23-10 Mossdale Road Overlay and a reimbursement agreement with Brown Sand, Inc. (Brown Sand) to fund a portion of the cost of an asphalt overlay and associated tasks on an approximately 2,600 foot long segment of Mossdale Road; and

WHEREAS, the Reimbursement Agreement stipulated that the City would fund half of the cost of the work associated with Encroachment Permit (E.P.) No. 2022-133 up to \$135,000; and

WHEREAS, construction of the overlay improvements are complete and the approximate value of the improvements proposed for acceptance is \$224,113, as shown in the GASB 34 Report; and

WHEREAS, Brown Sand provided a Performance Bond (No. ES00008004) for EP 2022-133 in the amount shown in Table 1 below that guaranteed the construction of the improvements. The guarantee will be released and replaced with the warranty bond by the City Engineer upon acceptance of the improvements; and

Table 1

Description	Performance Bond Number & Amount	Warranty Bond Number & Amount
Encroachment Permit 2022-133	ES00008004 \$270,400	ES00008004 \$22,411

WHEREAS, staff has inspected the improvements listed in the GASB 34 Report and they have been deemed by the City Engineer complete and in accordance with the approved plans and specifications; and

WHEREAS, Brown Sand has submitted lien releases and a warranty bond for the improvements being accepted; and

WHEREAS, staff requests City Council accept the public improvements associated with EP No. 2022-133 from Brown Sand, Inc.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop does hereby accept the public improvements located on Mossdale Road and constructed under EP No. 2022-133 from Brown Sand, Inc.; and

BE IT FURTHER RESOLVED, that the City Council of the City of Lathrop approves the transfer of unused funds from CIP PS 23-10 back to Fund 1010, Street Repair Reserves.

The foregoing resolution was passed and adopted this 13th day of November 2023, by the following vote of the City Council, to wit:

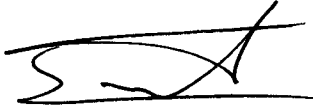
- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas
City Clerk

APPROVED AS TO FORM:



Salvador Navarrete
City Attorney

ATTACHMENT B – PROJECT LOCATION MAP



City of Lathrop
Project Acceptance
(GASB 34 Report)

ATTACHMENT C

ATTACHMENT
" C "

Submitted By: CJ Boone, Brown Sand Inc.

Date: 11/13/2023

Project: CIP PS 23-10 Mossdale Road Overlay

±2,600' segment of Mossdale Road w/ approx. center:

Address: LAT 37.776488° - LONG -121.318090°

SOFT COSTS				Unit Price	Amount
				Subtotal:	\$0.00
Item	Description	Unit	Qty	Unit Price	Amount
A	Asphalt Overlay: 2,600LF x 24"W x 3"D				
1	<ul style="list-style-type: none"> •Asphalt: 62,400SF @ 3" Depth •Shoulder Backing: 10,400 SF @ 3" Depth •Traffic Striping: 2,600 LF Centerline •Traffic Striping: 5,200 LF Edgeline 	LS	1	\$224,113.00	\$224,113.00
				Subtotal:	\$224,113.00
				Hard Cost Subtotal	\$224,113.00
				Soft Cost Subtotal	\$0.00
				Total	\$224,113.00

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