

ITEM 4.15

CITY MANAGER'S REPORT FEBRUARY 12, 2024 CITY COUNCIL REGULAR MEETING

ITEM: **ACCEPT PUBLIC IMPROVEMENTS WITH ASSOCIATED CONDITIONS FOR EP NO. 2021-09 LOCATED ON GOLDEN VALLEY PARKWAY AND RIVER ISLANDS PARKWAY FROM EVERGREEN AND APPROVE CHANGE ORDER NO. 32 FOR LANDSCAPE MAINTENANCE**

RECOMMENDATION: **Adopt Resolution Accepting Public Improvements with Associated Conditions for Encroachment Permit No. 2021-09 Located Golden Valley Parkway and River Islands Parkway, from Evergreen and Approve Change Order No. 32 for Landscape Maintenance**

SUMMARY:

Evergreen-Golden Valley & River Islands, LLC, (Evergreen), the developer of the improvements at 16460, 16446, 16434 and 16412 Golden Valley Parkway, has substantially completed the public improvements associated with Encroachment Permit No 2021-09 (EP 2021-09). Staff has inspected the improvements and they have been deemed complete and in accordance with the approved plans and city specifications by the City Engineer with the exception noted below. A Vicinity Map of the improvements is included in Attachment "B".

Due to delays associated with Pacific Gas & Electric (PG&E) for electrical and gas connections, some portions of the construction are not complete. Therefore, staff recommends Council accept the PG&E related public improvements contingent on the completion of the electric and gas connections.

The approximate value of the public improvements constructed is \$216,798, as shown in the GASB 34 Report included as Attachment "C". Evergreen provided a one-year warranty bond based on 10% of the construction costs, as well as lien releases for the improvements offered for acceptance.

Staff requests City Council accept the completed public improvements associated with the EP 2021-09, conditionally accept the PG&E related improvements, and approve a change order with the City's landscape contractor for future landscape maintenance.

BACKGROUND:

The City of Lathrop Community Development Department, Planning Division, and the Central Lathrop Design Review Board approved the Site Plan Review No 20-108 (SPR-20-108) to authorize the following: 1) construction of a 5,934 square feet Chevron Gas Station and a 4,800 square feet fuel canopy on a 1.40-acre parcel (Lot 1); 2) construction of a new 3,479 square feet Blue Rain Car Wash on a 1.01-acre parcel

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(Lot 2); 3) Construction of two quick serve restaurants (Lots 3 and 4). The Conditions of Approval (COAs) associated with the entitlement of the project required the installation of frontage improvements along Golden Valley Parkway and River Islands Parkway, including but not limited to paving, landscaping, and sidewalk.

Due to delays with PG&E for the electrical and gas connections, some portions of the construction are not complete. Therefore, staff recommends Council accept the PG&E related public improvements contingent on the completion of the electric and gas connections.

Council acceptance of improvements with a condition of completion will accelerate the construction of the commercial area in the Central Lathrop Specific Plan by allowing Evergreen to sell the land to developers quickly.

To guarantee the completion of the unfinished improvements, Evergreen has provided a performance bond rider (LICX12030656) to reduce the original performance bond (LICX12030656), as shown in Table 1 below. The reduced performance bond will remain in place until the electrical and gas connections are inspected by staff and deemed complete by the City Engineer. Upon completion, the performance bond (LICX12030656) will be released.

Evergreen has also provided a one-year warranty bond based on 10% of the construction cost which will cover the completed and remaining improvements, as well as developer lien releases and contractor lien releases. The warranty bond is detailed in Table 1 below.

Table 1

Description	Original Performance Bond	Performance Bond Rider	Warranty Bond Number & Amount
Encroachment Permit 2021-09	LICX1203065 \$301,620	LICX1203065 \$163,200	5326023 \$21,680

REASON FOR RECOMMENDATION:

Construction of the public improvements associated with EP 2021-09 is substantially complete and have been inspected by City staff to ensure conformance with the approved plans, excluding the electrical and gas connection. Evergreen has submitted lien releases, performance bond rider (LICX1203065) to guarantee the electrical and gas connection, a one-year warranty bond (5326023), and as-built drawings, for the improvements being accepted.

FEBRUARY 12, 2024 CITY COUNCIL REGULAR MEETING**ACCEPT PUBLIC IMPROVEMENTS WITH ASSOCIATED CONDITIONS FOR EP NO. 2021-09 LOCATED ON GOLDEN VALLEY PARKWAY AND RIVER ISLANDS PARKWAY FROM EVERGREEN AND APPROVE CHANGE ORDER NO. 32 FOR LANDSCAPE MAINTENANCE**

To avoid delay in acceptance of public improvements while we wait for PG&E, staff request Council accept the completed public improvements and accept the PG&E related public improvements contingent on the completion of the electric and gas connections. If accepted as proposed, the developer will notify staff when PG&E connections are completed and City staff will confirm when the remaining improvements have been completed and will subsequently release the performance bond (LICX1203065).

FISCAL IMPACT:

The one-year 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 City's Service Maintenance CFD 2019-02 has been established to help fund City maintenance and operating costs. The improvements listed in the GASB 34 Report detail the \$216,798 expended on public improvements, and the City's maintenance costs will increase because of the additional improvements that have to be maintained.

Staff is also requesting City Council adopt resolution approving Contract Change Order (CCO) No. 32 with Dave Silva, dba Silva Landscape (Attachment "D") to add this new landscape to future maintenance service.

ATTACHMENTS:

- A. Adopt Resolution Accepting Public Improvements with Associated Conditions for Encroachment Permit No. 2021-09 Located on Golden Valley Parkway and River Islands Parkway from Evergreen-Golden Valley & River Islands, LLC and Approve Change Order No. 32 for Landscape Maintenance
- B. Vicinity Map
- C. GASB 34 Report – 16460 Golden Valley Parkway
- D. Contract Change Order No. 32 with Dave Silva dba Silva Landscape

FEBRUARY 12, 2024, CITY COUNCIL REGULAR MEETING

ACCEPT PUBLIC IMPROVEMENTS WITH ASSOCIATED CONDITIONS FOR EP NO. 2021-09 LOCATED ON GOLDEN VALLEY PARKWAY AND RIVER ISLANDS PARKWAY FROM EVERGREEN-GOLDEN VALLEY & RIVER ISLANDS, LLC AND APPROVE CHANGE ORDER FOR LANDSCAPE MAINTENANCE

APPROVALS:



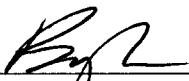
Bellal Nabizadah
Assistant Engineer

2-1-24
Date



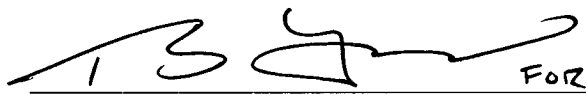
Ken Reed
Senior Construction Manager

2-1-2024
Date



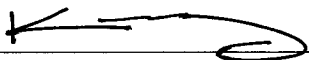
Brad Taylor
City Engineer

2/1/2024
Date




Cari James
Finance Director

2/1/2024
Date



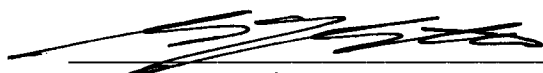
Michael King
Assistant City Manager

2-5-2024
Date



Salvador Navarrete
City Attorney

2.6.2024
Date



Stephen J. Salvatore
City Manager

2/6/24
Date

RESOLUTION NO. 24-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP ACCEPTING PUBLIC IMPROVEMENTS WITH ASSOCIATED CONDITIONS FOR ENCROACHMENT PERMIT NO. 2021-09 LOCATED ON GOLDEN VALLEY PARKWAY AND RIVER ISLANDS PARKWAY FROM EVERGREEN AND APPROVE CHANGE ORDER NO. 32 FOR LANDSCAPE MAINTENANCE

WHEREAS, the City of Lathrop Community Development Department, Planning Division, and the Central Lathrop Design Review Board approved the Site Plan Review No 20-108 (SPR-20-108) to authorize the following: 1) construction of a 5,934 square feet Chevron Gas Station and a 4,800 square feet fuel canopy on a 1.40-acre parcel (Lot 1); 2) construction of a new 3,479 square feet Blue Rain Car Wash on a 1.01-acre parcel (Lot 2); 3) Construction of two quick serve restaurants (Lots 3 and 4); and

WHEREAS, the Conditions of Approval (COAs) associated with the entitlement of the project required the installation of frontage improvements along Golden Valley Parkway and River Islands Parkway, including but not limited to paving, landscaping, and sidewalk; and

WHEREAS, due to delays with Pacific Gas & Electric (PG&E) for the electrical and gas connections, some portions of the construction are not complete. Therefore, staff recommends Council accept the PG&E related public improvements contingent on the completion of the electric and gas connections; and

WHEREAS, Council acceptance of improvements conditioned on completion will accelerate the construction of the commercial area in the Central Lathrop Specific Plan by allowing Evergreen-Golden Valley & River Islands, LLC, (Evergreen) to sell the land to developers quickly; and

WHEREAS, to guarantee the completion of the unfinished improvements, Evergreen has provided a performance bond rider (LICX12030656) to reduce the original performance bond (LICX12030656), as shown in Table 1 below. The reduced performance bond will remain in place until the electrical and gas connections are inspected by staff and deemed complete to City specifications by the City Engineer. Upon completion, the performance bond (LICX12030656) will be released; and

WHEREAS, Evergreen has also provided a one-year warranty bond based on 10% of the construction cost which will cover the completed and remaining improvements. The warranty bond is detailed in Table 1 below; and

Table 1

Description	Original Performance Bond	Performance Bond Rider	Warranty Bond Number & Amount
Encroachment Permit 2021-09	LICX1203065 \$301,620	LICX1203065 \$163,200	5326023 \$21,680

; and

WHEREAS, construction of the public improvements associated with EP 2021-09 is substantially complete excluding the electrical and gas connection and have been inspected by City staff to ensure conformance with the approved plans and City specification; and

WHEREAS, Evergreen has submitted lien releases, performance bond rider (LICX1203065) to guarantee the electrical and gas connection, a one-year warranty bond (5326023), and as-built drawings, for the improvements being accepted; and

WHEREAS, to avoid delay in acceptance of public improvements while waiting for PG&E, staff request Council to accept the completed public improvements and accept the PG&E related public improvements (electric and gas connections) contingent on the completion of the electric and gas connections; and

WHEREAS, with the condition on PG&E related public improvements, developer will be required to notify City staff when PG&E related improvements are completed and City staff will confirm that those PG&E related public improvements have been completed to City specifications and will subsequently release the performance bond (LICX1203065); and

WHEREAS, the one-year 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; and

WHEREAS, the City's Service Maintenance CFD 2019-02 has been established to help fund City maintenance and operating costs. The improvements listed in the GASB 34 Report detail the \$216,798 expended on public improvements, and the City's maintenance costs will increase because of the additional improvements that have to be maintained; and

WHEREAS, staff is also requesting City Council approve Contract Change Order (CCO) No. 32 with Dave Silva, dba Silva Landscape (Attachment "D") to add this new landscape for future maintenance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop does hereby accept the completed public improvements listed in the GASB 34 Report included in Attachment "C" of the City Manager's Report that accompanies this Resolution from Evergreen; and

BE IT FURTHER RESOLVED, that the City Council of the City of Lathrop does hereby accept the PG&E related public improvements from Evergreen contingent on the completion of the electric and gas connections to City specification and confirmation of the same by the City Engineer; and

BE IT FURTHER RESOLVED, that the City Council of the City of Lathrop does hereby approve Contract Change Order No. 32 with David Silva, dba Silva Landscape to add this new landscape to future maintenance services.

PASSED AND ADOPTED by the City Council of the City of Lathrop this 12th day of February 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sonny Dhaliwal, Mayor

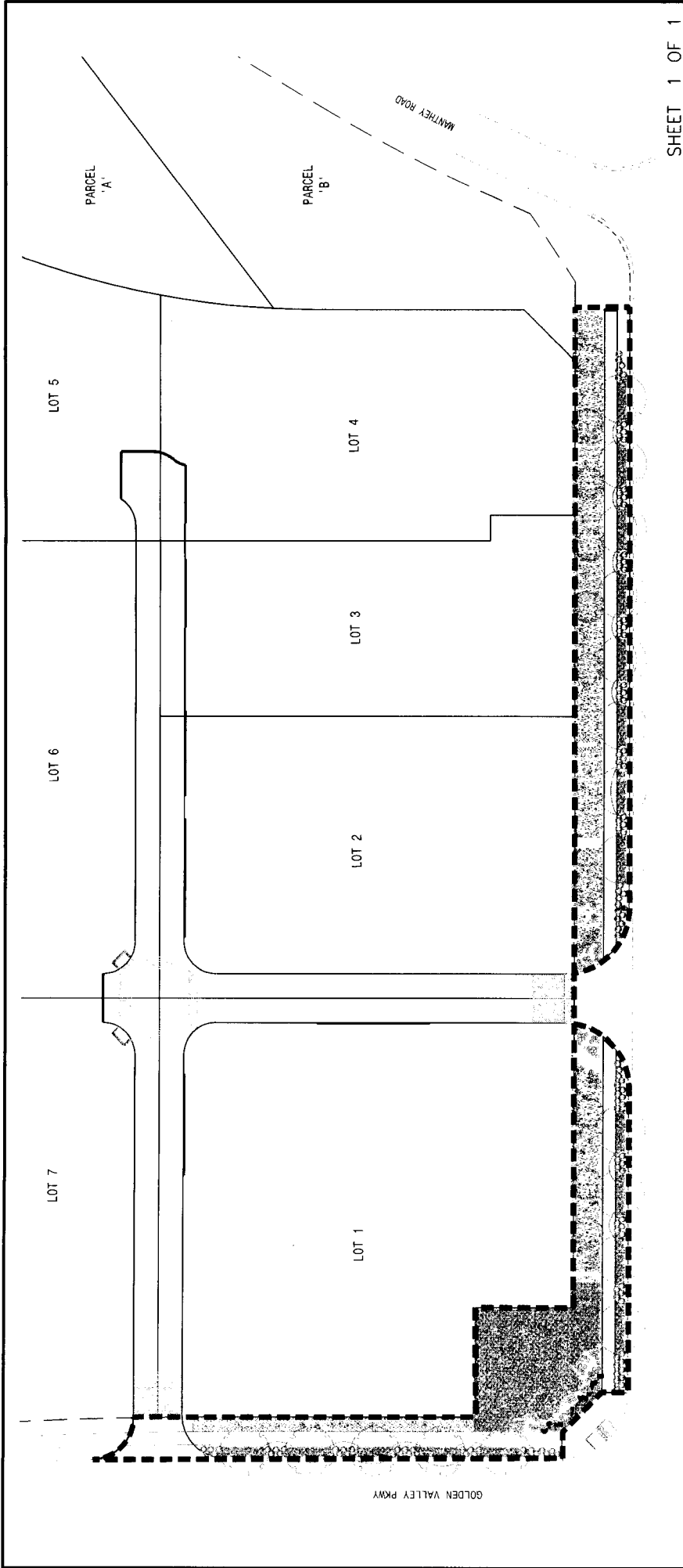
ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



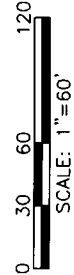
Salvador Navarrete, City Attorney



SHEET 1 OF 1

LIMITS OF IMPROVEMENTS	
CITY OF LATHROP	
CALIFORNIA	
MACKAY & SOMPS ENGINEERS PLANNERS SURVEYORS 51428 FRANKLIN DR, PLEASANTON, CA 94588 (925)225-0880	
<small>MACKAY & SOMPS IS NOT RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF REPRODUCTIONS OF THIS DOCUMENT THAT ARE GENERATED BY OTHERS FROM ELECTRONIC MEDIA</small>	
PLEASANTON OFFICE	SCALE 1" = 60'
12-12-2023	DATE
29017	JOB NO.

LEGEND:
--- LIMITS OF IMPROVEMENTS



**CITY OF LATHROP
PROJECT ACCEPTANCE
(GASB 34 REPORT)**

Date: 01/22/2024

Prepared By: MacKay & Soms

Evergreen Commercial Development - River Islands and Golden Valley - Lathrop, CA

Street Work and Water Systems Improvements costs provided by Pickett & Sons Construction, Inc., Landscape contract quantities and costs provided by Landscape Development, Inc.

ITEM	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
A. STREET WORK					
1.	1	EA	6" Commercial Driveway per std. detail R-13	\$6,768.00	\$6,768.00
2	4,800	SF	Sidewalk	\$7.07	\$33,936.00
3	4	EA	Curb Ramps with truncated domes	\$1,668.00	\$6,672.00
4	1	EA	"Sidewalk Ends in 30 ft" Sign	\$312.00	\$312.00
5	1	EA	Sidewalk Barricade Per Std. Detail R-44	\$1,488.00	\$1,488.00
TOTAL STREET WORK:					\$ 49,176
B. WATER SYSTEMS					
	175	LF	2" Water Services	\$27.54	\$4,820.00
	122	LF	6" Main Including Valves and Fittings	\$31.20	\$3,810.00
	8	EA	Meter Boxes	\$594.00	\$4,750.00
TOTAL WATER SYSTEMS WORK					\$ 13,380
C. LANDSCAPING					
	1	LS	Irrigation	\$53,206.00	\$53,206.00
	1	LS	Landscape	\$57,547.00	\$57,547.00
	1	LS	90-day Maintenance	\$2,586.00	\$2,586.00
	1	LS	Dry Creek Bed	\$15,624.00	\$15,624.00
	1	LS	Finish Grading	\$4,288.00	\$4,288.00
	1	LS	Irrigation Audit	\$835.00	\$835.00
	1	LS	CO#1 Skidsteer/operation-FC-1887	\$1,400.00	\$1,400.00
	1	LS	CO#1 SK/operator-FC-1887	\$1,200.00	\$1,200.00
	1	LS	CO#2 Foreman Excavating-FC-1955	\$640.00	\$640.00
	1	LS	CO#2 Laborer Excavating-FC-1955	\$960.00	\$960.00
TOTAL WATER SYSTEMS WORK					\$ 138,286
C. SOFT COSTS					
	1	LS	Inspection Fees (City of Lathrop)		
	1	LS	Landscape Architecture (Perry Design)	\$4,406.00	\$4,406.00
	1	LS	Civil Engineering (MacKay & Soms)	\$11,550.00	\$11,550.00
TOTAL SOFT COSTS					\$ 15,956
TOTAL COSTS					\$ 216,798

CHANGE ORDER NO. 32

Monthly Fee – Landscape Maintenance for Evergreen
Offsites

City of Lathrop

CONTRACT CHANGE ORDER NO. 32
MONTHLY FEE – Landscape Maintenance for Evergreen Offsites

Contractor: David Silva DBA Silva Landscape

Address: PO Box 607
Patterson, CA 95363

Change Order Date: February 12, 2024

Contract Execution Date: September 1, 2017

Notice to Proceed Date: August 29, 2017

This contract change order augments or changes the following:

1) ADDITIONS TO CONTRACT

Pursuant to the provisions of the Contract Specifications and proposal attached as **Exhibit A**, you are hereby directed to make the herein described changes to the plans and specifications, and scope of work contracted for within the terms of the agreement between the **City of Lathrop** and **David Silva DBA Silva Landscape** dated **September 1, 2017**.

I. **CHANGES IN THE SPECIFICATIONS**

A. None

II. **ADDITION(S) TO CONTRACT**

Monthly Fee – Landscape Maintenance for Evergreen Offsites	\$1,200/mo.
MONTHLY FEE COST FROM CHANGE ORDER NO. 32 (MONTHLY FEE)	\$1,200/mo.

ORIGINAL CONTRACT AMOUNT (MONTHLY FEE)	\$57,214.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 1 (MONTHLY FEE)	\$13,900.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 5 (MONTHLY FEE)	\$985.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 8 (MONTHLY FEE)	\$1,850.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 11 (MONTHLY FEE)	\$425.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 14 (MONTHLY FEE)	\$3,500.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 15 (MONTHLY FEE)	\$8,500.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 23 (MONTHLY FEE)	\$465.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 25 (MONTHLY FEE)	\$250.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 26 (MONTHLY FEE)	\$825.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 27 (MONTHLY FEE)	\$625.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 28 (MONTHLY FEE)	\$675.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 29 (MONTHLY FEE)	\$450.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 30 (MONTHLY FEE)	\$3,725.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 31 (MONTHLY FEE)	\$9,500.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 32 (MONTHLY FEE)	\$1,200.00
TOTAL REVISED MONTHLY CONTRACT AMOUNT	\$104,089.00

CHANGE ORDER NO. 32

**Monthly Fee – Landscape Maintenance for Evergreen
Offsites**

City of Lathrop

TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 2 (ONE TIME FEE)	\$14,989.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 3 (ONE TIME FEE)	\$22,800.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 4 (ONE TIME FEE)	\$3,200.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 6 (ONE TIME FEE)	\$11,400.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 7 (ONE TIME FEE)	\$1,780.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 9 (ONE TIME FEE)	\$2,200.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 10 (ONE TIME FEE)	\$950.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 12 (ONE TIME FEE)	\$3,800.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 13 (ONE TIME FEE)	\$925.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 16 (ONE TIME FEE)	\$1,200.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 17 (ONE TIME FEE)	\$2,400.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 18 (ONE TIME FEE)	\$1,650.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 19 (ONE TIME FEE)	\$2,400.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 20 (ONE TIME FEE)	\$2,200.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 21 (ONE TIME FEE)	\$1,300.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 22 (ONE TIME FEE)	\$1,200.00
TOTAL ADDITIONAL COST FROM CHANGE ORDER NO. 24 (ONE TIME FEE)	\$4,500.00
TOTAL ONE-TIME ADDITIONS TO CONTRACT AMOUNT	\$78,900.00

(END OF CHANGES)

DESCRIPTION OF WORK

See additions to contract. The contractor provided all labor, material, equipment and performed all incidental tasks as necessary to complete the change order.

TIME OF COMPLETION

The work is to begin as soon as Notice to Proceed is received. To run throughout the duration of the contract.

RELEASE AND WAIVER

Acceptance of this Contract Change Order constitutes a full and final resolution of all pending disputes between City and Contractor regarding scope of work and payment for work. Contractor accepts this Contract Change Order as full payment for all work performed to date and hereafter to be performed, up to and including Contract Change Order No. 32. Contractor releases and discharges City from any and all claims, demands, damages, actions and causes of actions and causes of action for injuries, damages or losses, whether known or unknown, foreseen or unforeseen, arising directly from Contractor's work on this contract. Contractor expressly waives the provisions of California Civil Code, Section 1542, which reads as follows:

A general release does not extend to claims which the Creditor does not know or suspect to exist in his favor at time of executing the release, which if known by him must have materially affected his settlement with the debtor.

(END OF SECTION)

CHANGE ORDER NO. 32

Monthly Fee – Landscape Maintenance for Evergreen
Offsites

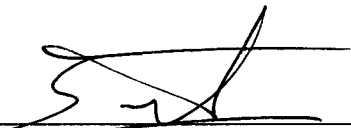
City of Lathrop

Recommended
By:

Ken Reed
Sr. Construction Manager
City of Lathrop

Date

Approved As
To Form:



Salvador Navarrete
City Attorney
City of Lathrop

2-1-2024
Date

Approved By:

Stephen J. Salvatore
City Manager
City of Lathrop

Date

Accepted By
Contractor:

David Silva DBA Silva Landscape

Date

Print Name and Title



Silva Landscape
PO Box 607
Patterson, CA 95363 US
+1 9254133192
david.silvalandscape@gmail.com

EXHIBIT " A "

Estimate

ADDRESS

City of Lathrop
390 Towne Centre Drive
Lathrop
CA
95330

ESTIMATE # 2055
DATE 01/25/2024

SERVICES	AMOUNT
Landscape Maintenance for Evergreen off-sites	1,200.00

Monthly Maintenance to follow City of Lathrop's Landscape Maintenance Spec's

Thank you for your business. **TOTAL** **\$1,200.00**

Accepted By

Accepted Date