

ITEM 4.12

CITY MANAGER'S REPORT APRIL 8, 2024 CITY COUNCIL REGULAR MEETING

ITEM: **ACCEPT PUBLIC IMPROVEMENTS ASSOCIATED WITH EP NO. 2022-99, LOCATED AT 18580 CHRISTOPHER WAY FROM NEW CINGULAR WIRELESS PCS, LLC DBA AT&T**

RECOMMENDATION: **Adopt Resolution Accepting Public Improvements Associated with Encroachment Permit No. 2022-99, Located at 18580 Christopher Way from New Cingular Wireless PCS, LLC dba AT&T**

SUMMARY:

New Cingular Wireless PCS, LLC dba AT&T (AT&T), the developer of the wireless communication tower (Tower) located at 18580 Christopher Way, completed the public improvements associated with Encroachment Permit No. (EP) 2022-99 (Project). A Vicinity Map is included as Attachment "B".

AT&T has offered the Tower and associated improvements to the City for acceptance. Staff inspected the completed improvements constructed by AT&T and they 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 \$252,322, as shown in the GASB 34 Report included as Attachment "C".

Lien releases have been submitted confirming all sub-contractors and suppliers have been paid in full. Staff also received 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 completed improvements constructed by AT&T associated with the EP 2022-99.

BACKGROUND:

On July 11, 2022, City Council approved an Option and Land Lease Agreement (Agreement) with AT&T. The Agreement allows for the development and construction of a Tower on City owned property near Christopher Way. The Agreement also outlines AT&T's non-exclusive use of the Tower and ground space.

Construction of the Tower and associated improvements are complete and the approximate value of the improvements proposed to be accepted is \$252,322, as shown in the GASB 34 Report. These improvements have been inspected by staff and have been deemed complete to approved plans and to City specifications by the City Engineer. A performance bond (No. SU1190308) was provided with EP 2022-99, in the amount shown in Table 1 below that guaranteed the construction of the improvements.

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APRIL 8, 2024 CITY COUNCIL REGULAR MEETING
ACCEPT PUBLIC IMPROVEMENTS ASSOCIATED WITH EP NO. 2022-99,
LOCATED AT 18580 CHRISTOPHER WAY, FROM NEW CINGULAR WIRELESS
PCS, LLC. DBA AT&T

The performance bond will be released and replaced with the warranty bond upon acceptance of the improvements.

Table 1

Description	Performance Bond	Warranty Bond Number & Amount
Encroachment Permit 2022-99	SU1190308 \$300,000	SU1190308M \$25,233

REASON FOR RECOMMENDATION:

Staff has inspected the improvements listed in the GASB 34 Report and confirmed that the improvements have been completed in accordance with City specifications and deemed complete by the City Engineer. Lien releases have been submitted for the completed improvements being accepted. Staff have received the one-year warranty bond and as-built drawings for said improvements.

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.

ATTACHMENTS:

- A. Resolution Accepting Public Improvements Associated with Encroachment Permit No. 2022-99, located at 18580 Christopher Way from New Cingular Wireless PCS, LLC dba AT&T
- B. Vicinity Map – 18580 Christopher Way
- C. GASB 34 Report

APPROVALS



Bellal Nabizadah
Assistant Engineer

3/25/24

Date



Tony Fernandes
Director of Information Systems

3-25-2024

Date



Ken Reed
Senior Construction Manager

3-25-2024

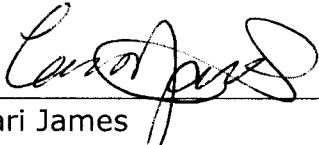
Date



Brad Taylor
City Engineer

3/25/2024

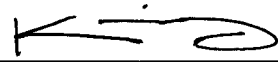
Date



Cari James
Finance Director

3/26/2024

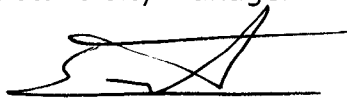
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Michael King
Assistant City Manager

3.25.2024

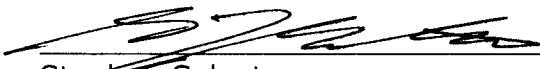
Date



Salvador Navarrete
City Attorney

3-26-2024

Date



Stephen Salvatore
City Manager

3.28.24

Date

RESOLUTION NO. 24-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP ACCEPTING PUBLIC IMPROVEMENTS ASSOCIATED WITH ENCROACHMENT PERMIT NO. 2022-99, LOCATED AT 18580 CHRISTOPHER WAY FROM NEW CINGULAR WIRELESS PCS, LLC DBA AT&T

WHEREAS, on July 11, 2022, City Council approved an Option and Land Lease Agreement for a wireless communications facilities site lease with New Cingular Wireless PCS, LLC dba AT&T (AT&T), for the development and construction of a wireless communication tower (Tower) on City Owned property near Christopher Way, and non-exclusive use of the Tower and ground space by AT&T; and

WHEREAS, construction of the Tower and associated improvements are complete and AT&T has offered the Tower and associated improvements to the City for acceptance. The approximate value of the improvements proposed to be accepted is \$252,322; and

WHEREAS, a performance bond (No. SU1190308) was provided with EP 2022-99 in the amount shown in Table 1 below that guaranteed the construction of the improvements. The performance bond will be released and replaced with the warranty bond by the City Engineer upon acceptance of the improvements

Table 1

Description	Performance Bond	Warranty Bond Number & Amount
Encroachment Permit 2022-99	SU1190308 \$300,000	SU1190308M \$25,233

; and

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

WHEREAS, lien releases have been submitted for the improvements being accepted; and

WHEREAS, staff has received a one-year warranty bond that 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.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lathrop does hereby approve and accept the improvements associated with EP No. 2022-99, located at 18580 Christopher Way, from New Cingular Wireless PCS, LLC dba AT&T.

PASSED AND ADOPTED by the City Council of the City of Lathrop this 8th day of April 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

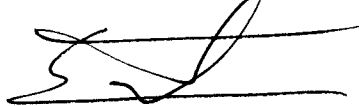
ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

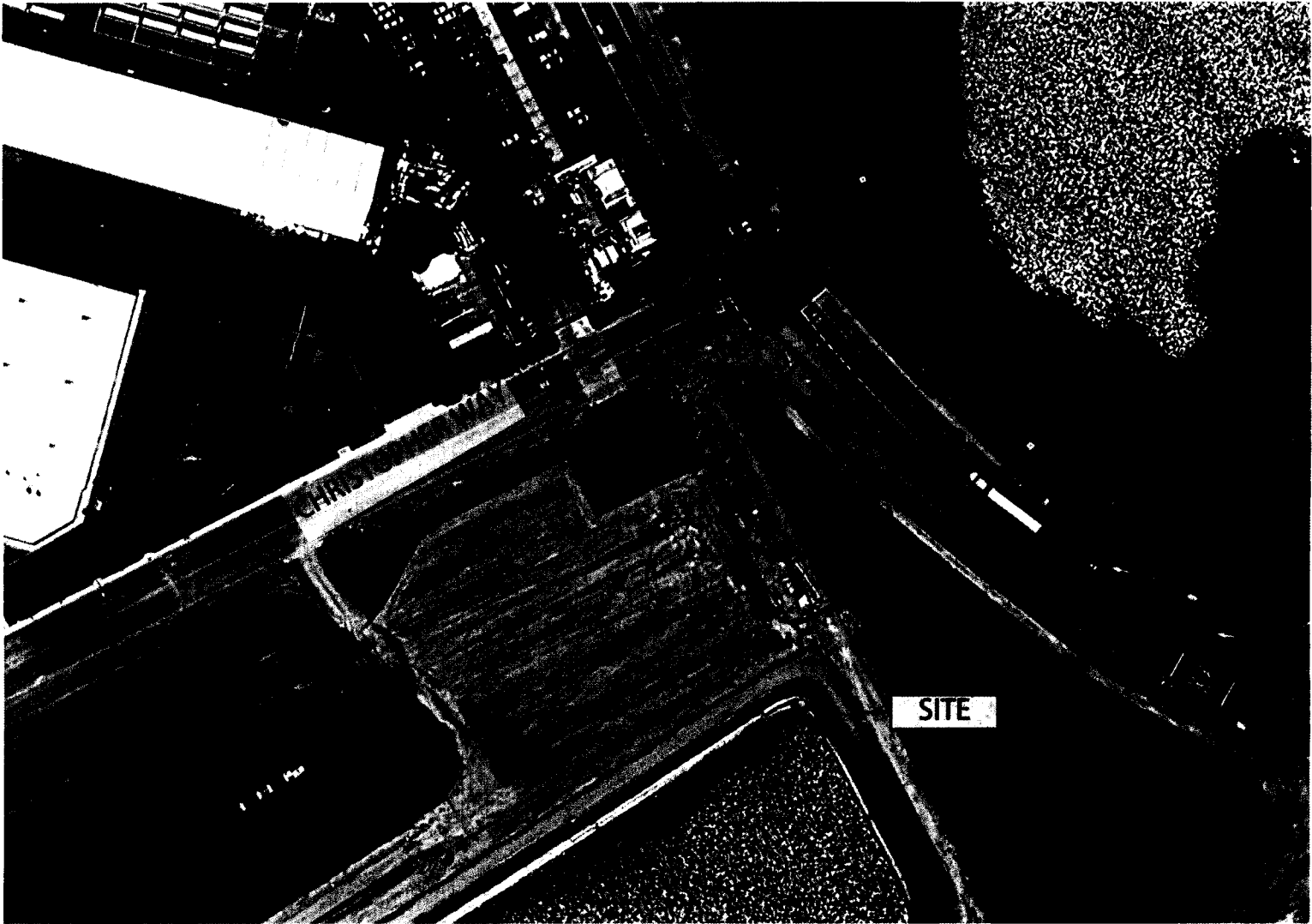
Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

ATTACHMENT "B" VICINITY MAP



CVL01950 - 18580 CHRISTOPHER WAY
 AT&T TOWER AND CELL SITE INSTALL
 TRITON TOWER, INC.

ATTACHMENT


Item	Quantity	Unit	Description	Unit Price	Amount
A STREET WORK					
1	1	EA	6" COMMERCIAL DRIVE WAY	\$ 54,850.36	\$ 54,850.36
2	40	FT	SIDEWALK REPLACEMENT	\$ 14.45	\$ 578.00
3	60	SQ. FT.	ASPHALT REPLACEMENT ACROSS ROADWAY	\$ 197.00	\$ 11,820.00
4	1	EA	TRAFFIC CONTROL AND BARRICADES	\$ 9,612.77	\$ 7,612.77
TOTAL STREETWORK					\$ 74,861.13
B LANDSCAPING					
1	1	EA	EXCAVATION EQUIPMENT	\$ 60,466.63	\$ 60,466.63
2	50	TON	CLASS 2 BASE ROCK	\$ 67.21	\$ 3,360.50
3	50	TON	BACKFILL SAND	\$ 20.62	\$ 1,031.00
TOTAL LANDSCAPE					\$ 64,858.13
C ELECTRICAL WORK					
1	1	EA	BORE 60' ACROSS ROADWAY FOR CONDUIT INSTALL	\$ 38,421.00	\$ 38,421.00
2	1	EA	PRECAST VAULT	\$ 15,192.97	\$ 15,192.97
3	108	LF	PVC CONDUIT FOR POWER RUN	\$ 5.89	\$ 636.12
TOTAL ELECTRICAL					\$ 54,250.09
D TOWER INSTALLATION					
1	1	EA	EQUIPMENT - CRANE	\$ 12,762.50	\$ 12,762.50
2	1	EA	TOWER MATERIAL	\$ 17,895.00	\$ 17,895.00
3	1	EA	TOWER FOUNDATION	\$ 27,695.00	\$ 27,695.00
TOTAL TOWER INSTALLATION					\$ 58,352.50
TOTAL COSTS					\$ 252,321.85

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