

ITEM 4.18

CITY MANAGER'S REPORT MAY 13, 2024 CITY COUNCIL REGULAR MEETING

ITEM: ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY ODYSSEY ENVIRONMENTAL SERVICES, INC. FOR MOSSDALE LANDSCAPE AND IRRIGATION IMPROVEMENTS, CIP GG 20-19 AND LATHROP ROAD AND LOUISE AVENUE LANDSCAPE IMPROVEMENTS, CIP GG 21-15

RECOMMENDATION: Adopt Resolution Accepting Public Improvements Constructed by Odyssey Environmental Services, Inc. for Mossdale Landscape and Irrigation Improvements, CIP GG 20-19 and Lathrop Road and Louise Avenue Landscape Improvements, CIP GG 21-15, Authorizing the Filing of a Notice of Completion, Release of Contract Retention, and Release of Performance and Payment Bonds

SUMMARY:

Odyssey Environmental Services, Inc. (Odyssey) has completed the construction of both Mossdale Landscape and Irrigation Improvements, Capital Improvement Project (CIP) GG 20-19 and Lathrop Road and Louise Avenue Landscape Improvements, CIP GG 21-15 (Projects). Staff inspected the improvements and they have been deemed complete and in accordance with the approved plans and specifications by the City Engineer.

Odyssey has submitted lien releases confirming all sub-contractors and suppliers have been paid in full and provided a one-year warranty bond for the improvements to be accepted.

Staff requests City Council accept the completed improvements constructed by Odyssey for the Projects. 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 Odyssey of \$197,965 within forty-five (45) days after recording the Notice of Completion, and the release of performance and payment bonds.

BACKGROUND

On September 12, 2022, City Council awarded a construction contract to Odyssey for the construction of the Projects in the amount of \$2,715,292, and approved a 15% construction contingency of \$407,294 for staff to use as necessary to achieve the goals of the Projects. The Projects' scope included demolition of existing landscaping and hardscape, installation of irrigation improvements, palm trees and other plant material, artificial turf, and additional landscape decorative surfacing in median and roadside streetscape.

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During construction, five Contract Change Orders (CCO) were issued. Additional work to construct improvements on River Islands Parkway between Golden Valley Parkway and McKee Boulevard, similar to those constructed on Golden Valley Parkway, were added via CCO #4 for \$959,513 on May 8, 2023 by Resolution #23-5277. The improvements to the subject segment of River Islands Parkway comprise Phase II of CIP GG 20-19. Five additional CCOs totaling \$284,485 were also approved for the Projects, bringing the CCO total to \$1,243,998 and the final contract amount to \$3,959,290

The Project’s costs referenced below capture all construction expenditures.

Construction costs are as follows:

A. Construction Contract	\$ 2,715,292
B. Contract Change Orders	\$ 1,243,998
	<hr/>
Total Construction Contract Costs	\$ 3,959,290

Upon acceptance of the improvements, the performance bond (Bond No. CAC721842, \$2,715,292) and payment bond (Bond No. CAC721842, \$2,715,292) will be released and replaced with a one-year warranty bond (Bond No. CAC721842, \$367,481). 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. Odyssey has also provided the necessary lien releases for the materials supplied and completed work.

Staff requests City Council accept the improvements constructed by Odyssey for both Mossdale Landscape and Irrigation Improvements, CIP GG 20-19 and Lathrop Road and Louise Avenue Landscape Improvements, CIP GG 21-15. 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 Odyssey for \$197,965 within forty-five (45) days after the recording of the Notice of Completion, and the release of performance and payment bonds.

REASON FOR RECOMMENDATION:

Odyssey has completed the Projects pursuant to the contract documents dated September 12, 2022. Staff inspected the improvements and they have been deemed complete and in accordance with the approved plans and specifications by the City Engineer.

ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY ODYSSEY ENVIRONMENTAL SERVICES, INC. FOR MOSSDALE LANDSCAPE AND IRRIGATION IMPROVEMENTS, CIP GG 20-19 AND LATHROP ROAD AND LOUISE AVENUE LANDSCAPE IMPROVEMENTS, CIP GG 21-15

Odyssey has submitted a one-year warranty bond for the improvements to be accepted and lien releases confirming all sub-contractors 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 one-year warranty bond upon City Council's acceptance of the improvements.

FISCAL IMPACT:

The final construction contract amount with Odyssey for the Projects is for \$3,959,290.

Adequate funds have been allocated in the approved FY 2023-24 budget to close out the Mossdale Landscape and Irrigation Improvements, CIP GG 20-19 and Lathrop Road and Louise Avenue Landscape Improvements, CIP GG 21-15.

With the completion of the Projects, staff requests that unused funds be transferred back to the original funding sources.

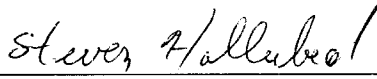
ATTACHMENTS:

- A. Resolution Accepting Public Improvements Constructed by Odyssey Environmental Services, Inc. for Mossdale Landscape and Irrigation Improvements, CIP GG 20-19 and Lathrop Road and Louise Avenue Landscape Improvements, CIP GG 21-15, Authorizing the Filing of a Notice of Completion, Release of Contract Retention, and Release of Performance and Payment Bonds
- B. Notice of Completion – Mossdale Landscape and Irrigation Improvements, CIP GG 20-19 and Lathrop Road and Louise Avenue Landscape Improvements, CIP GG 21-15

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APPROVALS:



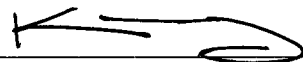
Steven Hollenbeak
Assistant Engineer

4.18.24
Date



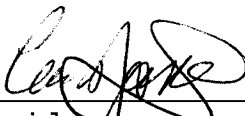
Ken Reed
Senior Construction Manager

4-22-2024
Date



FOR
Brad Taylor
City Engineer

4-22-2024
Date




Cari James
Finance Director

4/22/2024
Date



Michael King
Assistant City Manager

4.18.2024
Date



Salvador Navarrete
City Attorney

4.19.2024
Date



Stephen J. Salvatore
City Manager

4.25.24
Date

RESOLUTION NO. 24-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP ACCEPTING PUBLIC IMPROVEMENTS CONSTRUCTED BY ODYSSEY ENVIRONMENTAL SERVICES, INC. FOR MOSSDALE LANDSCAPE AND IRRIGATION IMPROVEMENTS, CIP GG 20-19 AND LATHROP ROAD AND LOUISE AVENUE LANDSCAPE IMPROVEMENTS, CIP GG 21-15, AUTHORIZING THE FILING OF A NOTICE OF COMPLETION, RELEASE OF CONTRACT RETENTION, AND RELEASE OF PERFORMANCE AND PAYMENT BONDS

WHEREAS, on September 12, 2022, City Council awarded a construction contract to Odyssey Environmental Services, Inc. (Odyssey) for the construction of Mossdale Landscape and Irrigation Improvements, CIP GG 20-19 and Lathrop Road and Louise Avenue Landscape Improvements, CIP GG 21-15 (Projects) in the amount of \$2,715,292, and approved a 15% construction contingency of \$407,294 for staff to use as necessary to achieve the goals of the Projects; and

WHEREAS, the scope of work consisted of installation of palm trees, other plant material, synthetic turf, and irrigation improvements; and

WHEREAS, during construction, contract change orders were issued for a final contract amount of \$3,959,290, the cost of which captures all construction expenditures; 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, Odyssey has provided the necessary lien releases for the materials supplied and completed work and a one-year warranty bond for the improvements being accepted; and

WHEREAS, the performance bond (Bond No. CAC721842, \$2,715,292) and payment bond (Bond No. CAC721842, \$2,715,292) will be released and replaced with a one-year warranty bond (Bond No. CAC721842, \$367,481) 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, adequate funds have been allocated in the FY 2023-24 budget to close out Mossdale Landscape and Irrigation Improvements, CIP GG 20-19 and Lathrop Road and Louise Avenue Landscape Improvements, CIP GG 21-15. With the completion of the Projects, staff requests that unused funds be transferred back to the source Fund; and

WHEREAS, staff requests City Council accept the public improvements constructed by Odyssey for both Mossdale Landscape and Irrigation Improvements, CIP GG 20-19 and Lathrop Road and Louise Avenue Landscape Improvements, CIP GG 21-15; 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 Odyssey in the amount of \$197,965 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 Odyssey for Mossdale Landscape and Irrigation Improvements, CIP GG 20-19 and Lathrop Road and Louise Avenue Landscape Improvements, CIP GG 21-15 pursuant to the contract documents dated September 12, 2022; 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 Odyssey in the amount of \$197,965 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 transfer of unused funds back to the original funding sources.

The foregoing resolution was passed and adopted this 13th day of May, 2024 by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



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:

1. That the interest or estate stated in paragraph 3 herein in the real property herein described is owned by:
NAME STREET AND NO. CITY STATE
City of Lathrop 390 Towne Centre Drive Lathrop CA 95330
(If more than one owner of the interest stated, the name 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 the title of stated owner, or if more than one owner, then of the stated owner and co-owners is fee title (e.g. fee title, leasehold, joint tenancy, etc.).

4. That on the 13th day of May, 2024 a work of improvement on the real property herein described was completed.

5. That the name of the original contractor, if any, for said work of improvement was: Odyssey Environmental Services, Inc

6. That the name and address of the transferor is:
NAME STREET AND NO. CITY STATE
Odyssey Environmental Services, Inc. 5400 W. Highway 12 Lodi, CA 95361

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 GG 20-19 Mossdale Landscape and Irrigation Improvements
CIP GG 21-15 Lathrop Road and Louise Avenue Landscape Improvements

That the undersigned has knowledge of the contents herein and states under penalty of perjury that the foregoing is true and correct.

CITY OF LATHROP

By: _____
Stephen J. Salvatore, City Manager Date

By: _____
Teresa Vargas, City Clerk Date

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the NOTICE OF COMPLETION dated **May 13, 2024** by **Odyssey Environmental Services, Inc.** to the **City of Lathrop**, a political corporation and/or governmental agency, is hereby accepted by the undersigned officer or agent on behalf of the City Council pursuant to authority conferred by minute action of the City Council adopted on **May 13, 2024**, and the grantee consents to recordation thereof by its duly authorized officer.

Dated _____

By

Stephen J. Salvatore, City Manager

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