

ITEM 4.23

CITY MANAGER'S REPORT JUNE 10, 2024 CITY COUNCIL REGULAR MEETING

ITEM: **ACCEPT PUBLIC IMPROVEMENTS ASSOCIATED WITH EP NO. 2023-85, LOCATED AT 1262 E MADRUGA ROAD FROM CLEAN ENERGY FUELS**

RECOMMENDATION: **Adopt Resolution Accepting Public Improvements Associated with Encroachment Permit No. 2023-85, Located at 1262 E Madruga Road from Clean Energy Fuels**

SUMMARY:

Clean Energy Fuels (Clean Energy), the developer of the improvements at 1262 E Madruga Road, has completed the public improvements associated with Encroachment Permit No 2023-85 (EP 23-85). A Vicinity Map of the improvements is included in Attachment "B".

Staff has inspected the improvements and they have been deemed complete and as accordance with the approved plans and city specifications by the City Engineer. The approximate value of the public improvements constructed is \$129,385, as shown in the GASB 34 Report included as Attachment "C".

Clean Energy provided a one-year warranty bond based on 10% of the construction costs, as well as lien releases for the improvements to be accepted.

Staff requests City Council accept the public improvements associated with the EP 23-85.

BACKGROUND:

The City of Lathrop Community Development Department Planning Division approved the Minor Site Plan Review No 21-5 (MSPR 21-5) on April 16, 2021 to authorize the modification of the existing site in phases for Clean Energy located at 1262 E Madruga Road. Phase 1 included expansion of the existing facilities to accommodate additional fueling capacity with the following improvements: 4 additional fuel pumps, a 1,800 square foot canopy, landscaping, additional storage, and paving.

The Conditions of Approval (COAs) associated with the entitlements of the project required the installation of frontage improvements, including connecting to the main water line for irrigation.

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Construction of the frontage improvements associated with EP 23-85 are complete and the approximate value of the improvements proposed to be accepted is \$129,385 as shown in the GASB34 Report. These improvements have been inspected by staff and deemed complete, and in accordance with the approved plans and City specifications by the City Engineer.

Clean Energy provided a performance bond (800116924) with EP 23-85 in the amount shown in Table 1 below that guaranteed the construction of the offsite improvements. The performance bond will be released and replaced with the one-year warranty bond, based on 10% of the construction cost, upon acceptance of the improvements. The warranty bond amount is detailed in Table 1 below.

Table 1

| Description | Performance Bond | Warranty Bond Number & Amount |
|------------------------------|-------------------------|--|
| Encroachment Permit 23-85 | 800116924 \$17,370 | 0261164 \$12,939 |

REASON FOR RECOMMENDATION:

Construction of the public improvements associated with EP 23-85 is complete and has been inspected by City staff to ensure conformance with the approved plans. Clean Energy has submitted lien releases, a one-year warranty bond (0261164), and as-built drawings, for the improvements being accepted.

Staff request Council accept the completed public improvements and City staff will subsequently release the performance bond (800116924).

FISCAL IMPACT:

Beginning with this acceptance, the one-year warranty bond covers any defective materials or workmanship in connection with the completed improvements for repairs or replacements that become necessary during the initial year of service.

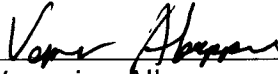
The future maintenance costs are budgeted for in Fiscal Year 2024-2025 budget. The public improvements listed in the GASB 34 Report detail the \$129,385 expended. These improvements will become capital assets of the water system and will be added to the City’s annual comprehensive financial reports.

ATTACHMENTS:

- A. Adopt Resolution Accepting Public Improvements Associated with Encroachment Permit No. 2023-85, Located at 1262 E Madrugua Road from Clean Energy
- B. Vicinity Map
- C. GASB 34 Report – 1262 E Madrugua Road

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APPROVALS:



Veronica Albarran
Junior Engineer

05/23/2024
Date




Ken Reed
Senior Construction Manager

5-23-24
Date



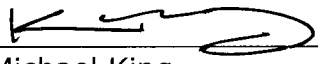
Brad Taylor
City Engineer

5/23/2024
Date



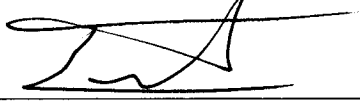
Cari James
Finance Director

5/23/2024
Date




Michael King
Assistant City Manager

5.23.2024
Date



Salvador Navarrete
City Attorney

5.23.2024
Date



Stephen J. Salvatore
City Manager

5.30.24
Date

RESOLUTION NO. 24-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP ACCEPTING PUBLIC IMPROVEMENTS ASSOCIATED WITH ENCROACHMENT PERMIT NO. 2023-85, LOCATED AT 1262 E MADRUGA ROAD FROM CLEAN ENERGY FUELS

WHEREAS, the City of Lathrop Community Development Department, Planning Division, approved the Minor Site Plan Review No 21-5 (MSPR 21-5) on April 16, 2021 to authorize the modification of the existing site in phases for Clean Energy Fuels (Clean Energy) located at 1262 E Madruga Road. Phase 1 included expansion of the existing facilities to accommodate additional fueling capacity with the following improvements: 4 additional fuel pumps, a 1,800 square foot canopy, landscaping, additional storage, and paving; and

WHEREAS, the Conditions of Approval (COAs) associated with the entitlement of the project required the installation of frontage improvements, including connecting to the main water line for irrigation; and

WHEREAS, construction of the frontage improvements associated with EP 23-85 are complete and the approximate value of the improvements proposed to be accepted is \$129,385 as shown in the GASB34 Report included as Attachment C of the City Manager’s Report that accompanies this Resolution; and

WHEREAS, Clean Energy provided a performance bond (800116924) with Encroachment Permit No 2023-85 (EP 23-85) in the amount shown in Table 1 below that guaranteed the construction of the offsite improvements. The performance bond will be released and replaced with the one-year warranty bond, based on 10% of the construction cost, upon acceptance of the improvements. The warranty bond amount is detailed in Table 1 below

Table 1

| Description | Performance Bond | Warranty Bond Number & Amount |
|------------------------------|-------------------------|--|
| Encroachment Permit 23-85 | 800116924 \$17,370 | 0261164 \$12,939 |

; and

WHEREAS, staff has inspected the public improvements associated with EP 23-85 listed in the GASB 34 Report and deemed complete and in accordance with the approved plans and specification by the City Engineer; and

WHEREAS, Clean Energy has submitted lien releases, a one-year warranty bond, and as-built drawings, for the improvements being accepted; 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 future maintenance costs are budgeted for in fiscal year 2024-2025 budget. The public improvements listed in the GASB 34 Report detail the \$129,385 expended. These improvements will become capital assets of the water system and will be added to the City's annual comprehensive financial reports.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop does hereby accept the public improvements associated with EP No. 2023-85 from Clean Energy Fuels located at 1262 E Madrugá Road.

PASSED AND ADOPTED by the City Council of the City of Lathrop this 10th day of June 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

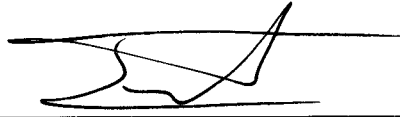
ABSENT:

Sonny Dhaliwal, Mayor

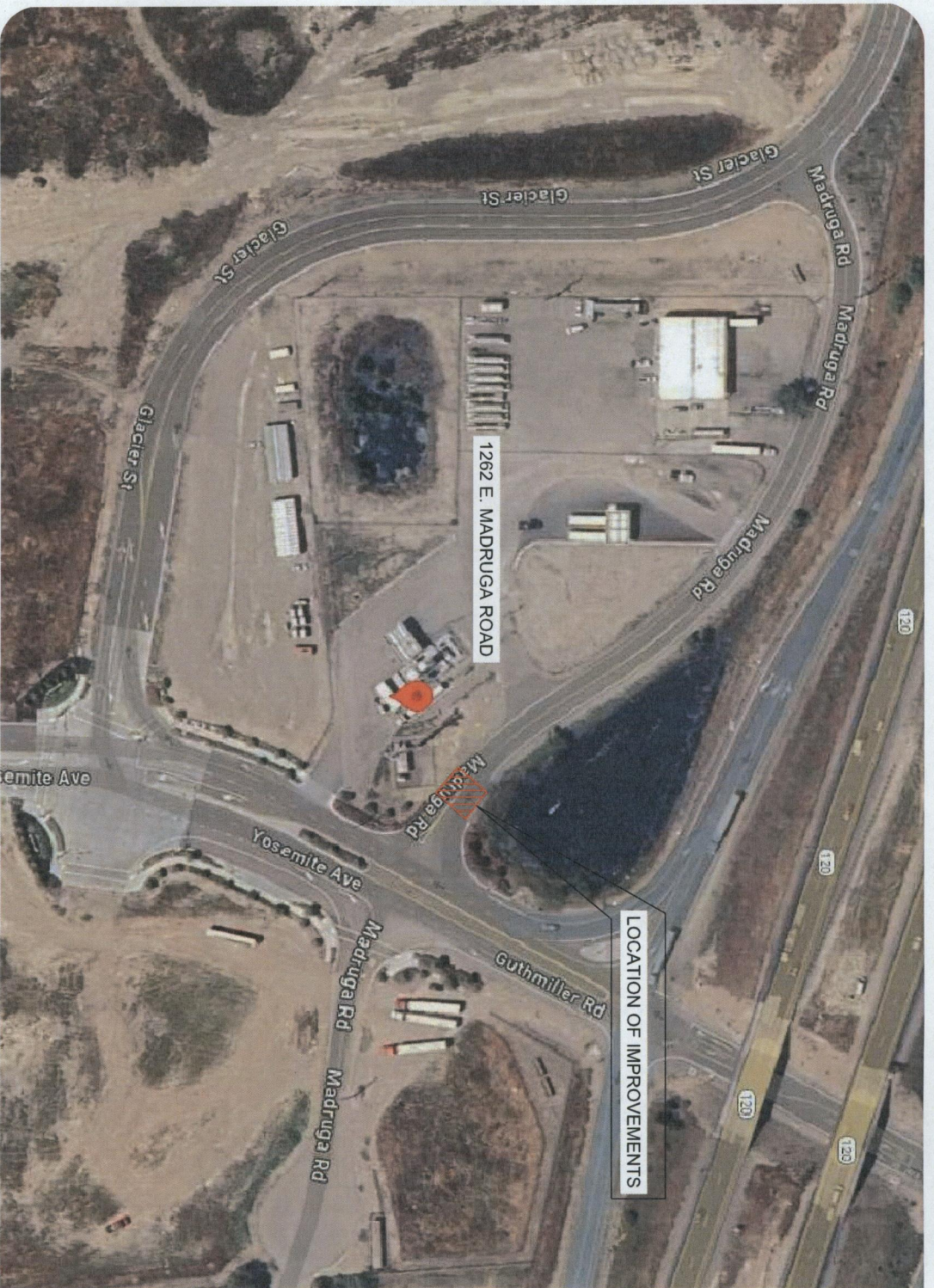
ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney



VICINITY MAP - OFF-SITE WATER LINE

COMPRESSED NATURAL GAS FUELING FACILITY

VICINITY MAP FOR CITY OF LATHROP



4875 MACARTHUR COURT, SUITE 800 | NEWPORT BEACH, CA 92660

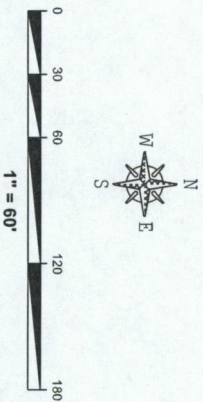
TEL: 949.251.1000 | FAX: 949.251.5971 | www.cleaneenergy.com

Z:\Users\panetha.biner\Clean Energy - Fuels - Cng\Engineering Design - Projects\Lathrop, CA (18543.02.03)\Vicinity Map.dwg

| | |
|--------------------------------|-----------|
| CUSTOMER APPROVAL: | |
| BUSINESS DEVELOPMENT APPROVAL: | |
| DESIGNER: | P. BINER |
| DATE: | 4/24/2024 |

CP-1.0

SCALE: 1" = 60'



City of Lathrop
PROJECT ACCEPTANCE
 (GASB 34 REPORT)

Submitted by: Bradley Beaudette

Date: 4/23/2024

Project Name: Off-Site Water Main Line Tie In for
 Irrigation

| <u>Item</u> | <u>Unit</u> | <u>Qty</u> | <u>Unit Price</u> | <u>Amount</u> |
|--|-------------|------------|--------------------|---------------------|
| GPR | LS | <u>1</u> | <u>\$6,800.00</u> | \$6,800.00 |
| Traffic Control | LS | <u>1</u> | <u>\$17,089.00</u> | \$17,089.00 |
| Saw cut, Demo and Haul off | LS | <u>1</u> | <u>\$25,323.00</u> | \$25,323.00 |
| Traffic Striping | LS | <u>1</u> | <u>\$3,200.00</u> | \$3,200.00 |
| Import backfill materials | LS | <u>1</u> | <u>\$7,500.00</u> | \$7,500.00 |
| Concrete Slurry | LS | <u>1</u> | <u>\$27,690.00</u> | \$27,690.00 |
| 1" Water Service (including all appurtenances) | EA | <u>1</u> | <u>\$39,725.00</u> | \$39,725.00 |
| Compaction Testing | EA | <u>1</u> | <u>\$2,058.00</u> | \$2,058.00 |
| | | | Total | \$129,385.00 |

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