



# LODI CITY COUNCIL

Carnegie Forum  
305 West Pine Street, Lodi

## AGENDA – SPECIAL MEETING

Date: February 12, 2019

Time: 7:00 a.m.

\*and via conference call:  
1311 Midvale Road  
Lodi, CA 95240

For information regarding this Agenda please contact:

Jennifer M. Ferraiolo  
City Clerk  
Telephone: (209) 333-6702

**A. Call to Order / Roll Call**

**B. Regular Calendar**

Res. B-1 Adopt Resolution Rescinding Resolution No. 2018-25, Rejecting All Bids, Approving Plans and Specifications, Authorizing Re-Advertisement for Bids, Authorizing City Manager to Award Contract to Lowest, Responsive Bidder for Lockeford Street Improvement Project (\$3,400,000), and Appropriating Funds (\$3,750,000) (PW)

**C. Announcement of Closed Session**

C-1 Pending Litigation: Government Code §54956.9(a); One Case; Melinda Farmer v. City of Lodi; San Joaquin County Superior Court, Case No. STK-CV-UPI-2016-006641 (CA)

**D. Adjourn to Closed Session**

**E. Return to Open Session / Disclosure of Action**

**F. Adjournment**

Pursuant to Section 54956.2(a) of the Government Code of the State of California, this agenda was posted at a place freely accessible to the public 24 hours in advance of the scheduled meeting.

\_\_\_\_\_  
Jennifer M. Ferraiolo  
City Clerk

*All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 72 hours prior to the meeting date. Language interpreter requests must be received at least 72 hours in advance of the meeting to help ensure availability. Contact Jennifer M. Ferraiolo at (209) 333-6702. Solicitudes de interpretación de idiomas deben ser recibidas por lo menos con 72 horas de anticipación a la reunión para ayudar a asegurar la disponibilidad. Llame a Jennifer M. Ferraiolo (209) 333-6702.*

**\*\*NOTICE:** Pursuant to Government Code §54954.3(a), public comments may be directed to the legislative body concerning any item contained on the agenda for this meeting before (in the case of a Closed Session item) or during consideration of the item.\*\*



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Adopt Resolution Rescinding Resolution No. 2018-25, Rejecting All Bids, Approving Plans and Specifications, Authorizing Re-Advertisement for Bids, Authorizing City Manager to Award Contract to Lowest, Responsive Bidder for Lockeford Street Improvement Project (\$3,400,000), and Appropriating Funds (\$3,750,000)

**MEETING DATE:** February 12, 2019 (Special Meeting)

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt resolution rescinding Resolution No. 2018-25, rejecting all bids, approving plans and specifications, authorizing re-advertisement for bids, authorizing City Manager to award Contract to lowest, responsive bidder for Lockeford Street Improvement Project, in an amount not-to-exceed \$3,400,000, and appropriating funds in the amount of \$3,750,000.

**BACKGROUND INFORMATION:** Council approved the plans and specifications and authorized advertisement for bids on March 7, 2018. This project consists of reconstructing Lockeford Street from the Union Pacific Railroad to Cherokee Lane. The reconstructed roadway will provide bike lanes, a two-way left turn lane, a traffic signal at Stockton Street, sidewalk along both sides of the road, improved lighting, and replacement of a 70-year old water main.

The City received the following eight bids on January 23, 2019:

<b>Bidder</b>	<b>Location</b>	<b>Bid</b>	<b>Above/(Below) Engineer's Estimate</b>
Engineers Estimate		\$3,125,360.00	
A.M. Stephens	Lodi	\$2,999,836.00	(\$125,524.00)
George Reed, Inc.	Modesto	\$3,023,539.00	(\$101,821.00)
United Pavement Maintenance	Hughson	\$3,312,348.00	\$186,988.00
Granite Construction	Sacramento	\$3,350,746.00	\$225,386.00
DDS dba Knife River Construction	Stockton	\$3,434,380.00	\$309,020.00
McGuire and Hester	Sacramento	\$3,469,674.00	\$344,314.00
Sierra National Construction	Carmichael	\$3,990,569.00	\$865,209.00
DOD Construction	Bakersfield	\$4,410,295.00	\$1,284,935.00

Staff performed a review of the bid documents from the lowest three bidders. The review, specifically the Disadvantaged Business Enterprise participation, is based on Title 49 of the Code of Federal Regulation, Appendix A to Part 26 "Guidance Concerning Good Faith Efforts," combined with the Caltrans Exhibit 9-E "Sample Evaluation of Good Faith Efforts."

Based on the bid review findings, it is likely that proceeding with award will result in a bid protest causing a project delay. This delay will jeopardize construction in 2019, as the project needs to be paved prior to the September start of the Grape Festival. If the project is not constructed in 2019, Federal funding for this project (\$2,984,288) could be compromised.

APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

On March 7, 2018, City Council adopted Resolution No. 2018-25 (Exhibit A) authorizing the City Manager to award the contract on this project to the lowest responsive bidder, in an amount not to exceed \$3,300,000. Staff is recommending that Resolution No. 2018-25 be rescinded due to changes in project funding.

The specifications are on file in the Public Works Department. The planned re-bid opening date is March 13, 2019. The estimate remains at \$3,125,360.

Adopt resolution rescinding Resolution No. 2018-25, rejecting all bids, approving plans and specifications, authorizing re-advertisement for bids, authorizing City Manager to award Contract to lowest, responsive bidder for Lockeford Street Improvement Project, in an amount not-to-exceed \$3,400,000, and appropriating funds in the amount of \$3,750,000. The authorization to award is contingent on receipt of authorization from Caltrans.

**FISCAL IMPACT:** There will be a slight increase in long-term maintenance associated with the traffic signal and street lights, and a short-term decrease in street and water maintenance costs. Approximately 80 percent of the project's funding is Federal. This project does not impact the General Fund.

**FUNDING AVAILABLE:** Requested appropriation:

RSTP Grant (30799000):	\$2,708,288
CMAQ Grant (30799000):	\$ 276,000
Gas Tax (30299000):	\$ 215,712
Storm Fund (23199000):	\$ 150,000
Water Fund (56100000):	<u>\$ 400,000</u>
<b>TOTAL:</b>	<b>\$3,750,000</b>

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Andrew Keys  
Deputy City Manager/Internal Services Director

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Charles E. Swimley, Jr.  
Public Works Director

Prepared by Sean Nathan, Senior Civil Engineer  
CES/SN/tdb  
Attachment

cc: Deputy Public Works Director/City Engineer  
Public Works Management Analyst

RESOLUTION NO. 2018-25

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY MANAGER TO AWARD THE CONTRACT FOR THE LOCKEFORD STREET IMPROVEMENT PROJECT TO THE LOWEST RESPONSIVE BIDDER; AND FURTHER APPROPRIATING FUNDS

WHEREAS, this project consists of reconstructing East Lockeford Street from the Union Pacific Railroad (UPRR) tracks to Cherokee Lane; providing for bike lanes, a two-way left-turn lane, a traffic signal at Stockton Street, sidewalk along both sides of the street, and improved lighting; removing the railroad crossing "humps" in Stockton Street and Washington Street; and replacing the 70-year old water main in Lockeford Street; and

WHEREAS, this project will not be removing any trees and will maintain access to the local businesses and residents within the limits of work; and

WHEREAS, staff intends to schedule the project so that the street is paved for the 2018 Grape Festival; and

WHEREAS, under normal circumstances, there are a number of procedural and contractual steps that must take place between the time bids are received and issuing the Notice to Proceed, including a Council action awarding the contract, obtaining Caltrans approvals, sending and receiving all contract documents back from contractor (contract, insurance, bonds, etc.), holding a pre-construction meeting, and allowing the contractor time to schedule and mobilize their crew, normally taking between six and eight weeks; and

WHEREAS, by authorizing the City Manager to award the construction contract, the Notice to Proceed could be issued approximately three weeks earlier, increasing the chances of starting construction in May 2018 and completing the project in time for the 2018 Grape Festival; and

WHEREAS, staff recommends adopting a resolution authorizing the City Manager to award the contract for the Lockeford Street Improvement Project to the lowest responsive bidder, in an amount not to exceed \$3,300,000; and

WHEREAS, staff further recommends appropriating funds in the amount of \$1,526,018, from Regional Surface Transportation Program (RSTP) Grant fund balance (30799000), \$276,000 from Congestion Mitigation and Air Quality Improvement Program (CMAQ) Grant fund balance (30799000), \$600,000 from Transportation Development Act (TDA) Streets fund balance (30599000), \$397,982 from Gas Tax fund balance (30299000), and \$100,000 from Storm Fund fund balance (23199000) for Fiscal Year 2017/18.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to award the contract for the Lockeford Street Improvement Project to the lowest responsive bidder, in an amount not to exceed \$3,300,000; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize the City Manager to continue budget authority up to the full amount of the \$3,300,000 for this project from fiscal year to fiscal year until such point as the project is complete and is accepted by Council. At such time, all unspent budget authority will return to the fund for re-appropriation by the City Council; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize an appropriation for Lockeford Street Improvement Project, in the amount of \$2,900,000, as set forth above; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute the contract on behalf of the City of Lodi.

Dated: March 7, 2018

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I hereby certify that Resolution No. 2018-25 was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 7, 2018, by the following vote:

AYES: COUNCIL MEMBERS – Chandler, Johnson, Kuehne, Mounce, and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

  
JENNIFER M. FERRAIOLO  
City Clerk

RESOLUTION NO. 2019-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL RESCINDING  
RESOLUTION NO. 2018-25, REJECTING ALL BIDS,  
APPROVING PLANS AND SPECIFICATIONS, AUTHORIZING  
RE-ADVERTISEMENT FOR BIDS, AUTHORIZING  
CITY MANAGER TO AWARD CONTRACT TO LOWEST,  
RESPONSIVE BIDDER FOR LOCKEFORD STREET  
IMPROVEMENT PROJECT, AND APPROPRIATING FUNDS

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WHEREAS, this project consists of reconstructing East Lockeford Street from the Union Pacific Railroad (UPRR) tracks to Cherokee Lane and will provide for bike lanes, a two-way left turn lane, a traffic signal at Stockton Street, sidewalk along both sides of the street, and improved lighting and will also be removing the railroad crossing “humps” in Stockton Street and Washington Street and replacing the 70-year old water main in Lockeford Street; and

WHEREAS, Council approved the plans and specifications and authorized advertisement for bids on March 7, 2018; and

WHEREAS, the City received the following eight bids on January 23, 2019:

<b>Bidder</b>	<b>Location</b>	<b>Bid</b>	<b>Above/(Below) Engineer’s Estimate</b>
Engineers Estimate		\$3,125,360.00	
A.M. Stephens	Lodi	\$2,999,836.00	(\$125,524.00)
George Reed, Inc.	Modesto	\$3,023,539.00	(\$101,821.00)
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McGuire and Hester	Sacramento	\$3,469,674.00	\$344,314.00
Sierra National Construction	Carmichael	\$3,990,569.00	\$865,209.00
DOD Construction	Bakersfield	\$4,410,295.00	\$1,284,935.00

WHEREAS, staff performed a review of the bid documents from the lowest three bidders, specifically the Disadvantaged Business Enterprise participation, based on Title 49 of the Code of Federal Regulation, Appendix A to Part 26 “Guidance Concerning Good Faith Efforts,” combined with the Caltrans Exhibit 9-E “Sample Evaluation of Good Faith Efforts;” and

WHEREAS, based on the bid review findings, it is likely that proceeding with award will result in a bid protest causing a project delay, jeopardizing construction in 2019, as the project needs to be paved prior to the September start of the Grape Festival; and

WHEREAS, if the project is not constructed in 2019, Federal funding for this project (\$2,984,288) could be compromised; and

WHEREAS, on March 7, 2018, City Council adopted Resolution No. 2018-25 (Exhibit A) authorizing the City Manager to award the contract on this project to the lowest responsive bidder, in an amount not to exceed \$3,300,000; and

WHEREAS, staff recommends that City Council rescind Resolution No. 2018-25; and

WHEREAS, staff also recommends that City Council reject all bids for the Lockeford Street Improvement Project; and

WHEREAS, staff also recommends City Council authorize City Manager to award contract for Lockeford Street Improvement Project to the lowest responsive bidder, in an amount not to exceed \$3,400,000; and

WHEREAS, staff also recommends that City Council appropriate funds in the amount of \$3,750,000, with \$2,708,288 from RSTP Grant fund balance (30799000), \$276,000 from CMAQ Grant fund balance (30799000), \$215,712 from Gas Tax fund balance (30299000), \$150,000 from Storm Fund balance (23199000), and \$400,000 from Water Fund balance (56100000) for Fiscal Year 2018/19.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby rescind Resolution No. 2018-25; and

BE IT FURTHER RESOLVED that the Lodi City Council hereby rejects all bids for the Lockeford Street Improvement Project; and

BE IT FURTHER RESOLVED that the Lodi City Council hereby authorizes City Manager to award contract for Lockeford Street Improvement Project to the lowest responsive bidder, in an amount not to exceed \$3,400,000; and

BE IT FURTHER RESOLVED that the Lodi City Council hereby authorizes the City Manager to continue budget authority up to the full amount of the \$3,400,000 for this project from Fiscal Year to Fiscal Year until such point as the project is complete and is accepted by Council. At such time, all unspent budget authority will return to the fund for re-appropriation by the City Council; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize an appropriation for the Lockeford Street Improvement Project, in the amount of \$3,750,000, as set forth above.

Dated: February 12, 2019

=====

I hereby certify that Resolution No. 2019-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a special meeting held February 12, 2019, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. FERRAILOLO  
City Clerk

RESOLUTION NO. 2018-25

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY MANAGER TO AWARD THE CONTRACT FOR THE LOCKEFORD STREET IMPROVEMENT PROJECT TO THE LOWEST RESPONSIVE BIDDER; AND FURTHER APPROPRIATING FUNDS

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WHEREAS, this project consists of reconstructing East Lockeford Street from the Union Pacific Railroad (UPRR) tracks to Cherokee Lane; providing for bike lanes, a two-way left-turn lane, a traffic signal at Stockton Street, sidewalk along both sides of the street, and improved lighting; removing the railroad crossing "humps" in Stockton Street and Washington Street; and replacing the 70-year old water main in Lockeford Street; and

WHEREAS, this project will not be removing any trees and will maintain access to the local businesses and residents within the limits of work; and

WHEREAS, staff intends to schedule the project so that the street is paved for the 2018 Grape Festival; and

WHEREAS, under normal circumstances, there are a number of procedural and contractual steps that must take place between the time bids are received and issuing the Notice to Proceed, including a Council action awarding the contract, obtaining Caltrans approvals, sending and receiving all contract documents back from contractor (contract, insurance, bonds, etc.), holding a pre-construction meeting, and allowing the contractor time to schedule and mobilize their crew, normally taking between six and eight weeks; and

WHEREAS, by authorizing the City Manager to award the construction contract, the Notice to Proceed could be issued approximately three weeks earlier, increasing the chances of starting construction in May 2018 and completing the project in time for the 2018 Grape Festival; and

WHEREAS, staff recommends adopting a resolution authorizing the City Manager to award the contract for the Lockeford Street Improvement Project to the lowest responsive bidder, in an amount not to exceed \$3,300,000; and

WHEREAS, staff further recommends appropriating funds in the amount of \$1,526,018, from Regional Surface Transportation Program (RSTP) Grant fund balance (30799000), \$276,000 from Congestion Mitigation and Air Quality Improvement Program (CMAQ) Grant fund balance (30799000), \$600,000 from Transportation Development Act (TDA) Streets fund balance (30599000), \$397,982 from Gas Tax fund balance (30299000), and \$100,000 from Storm Fund fund balance (23199000) for Fiscal Year 2017/18.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to award the contract for the Lockeford Street Improvement Project to the lowest responsive bidder, in an amount not to exceed \$3,300,000; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize the City Manager to continue budget authority up to the full amount of the \$3,300,000 for this project from fiscal year to fiscal year until such point as the project is complete and is accepted by Council. At such time, all unspent budget authority will return to the fund for re-appropriation by the City Council; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize an appropriation for Lockeford Street Improvement Project, in the amount of \$2,900,000, as set forth above; and



BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute the contract on behalf of the City of Lodi.

Dated: March 7, 2018

=====

I hereby certify that Resolution No. 2018-25 was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 7, 2018, by the following vote:

AYES: COUNCIL MEMBERS – Chandler, Johnson, Kuehne, Mounce, and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

  
JENNIFER M. FERRAIOLO  
City Clerk