

SUCCESSOR AGENCY TO THE INDUSTRY URBAN-DEVELOPMENT AGENCY

REGULAR MEETING AGENDA FEBRUARY 28, 2019 8:30 A.M.

Chairman Mark D. Radecki Vice Chair Cory C. Moss Board Member Abraham Cruz Board Member Catherine Marcucci Board Member Newell Ruggles

Location: City Council Chamber, 15651 East Stafford Street, City of Industry, California

Addressing the Agency:

- Agenda Items: Members of the public may address the Successor Agency on any matter listed on the Agenda. In order to conduct a timely meeting, there will be a three-minute time limit per person for any matter listed on the Agenda. Anyone wishing to speak to the Successor Agency is asked to complete a Speaker's Card which can be found at the back of the room and at each podium. The completed card should be submitted to the Secretary prior to the Agenda item being called and prior to the individual being heard by the Successor Agency.
- Public Comments (Non-Agenda Items Only): Anyone wishing to address the Successor Agency on an item <u>not</u> on the Agenda may do so during the "Public Comments" period. In order to conduct a timely meeting, there will be a three-minute time limit per person for the Public Comments portion of the Agenda. State law prohibits the Successor Agency from taking action on a specific item unless it appears on the posted Agenda. Anyone wishing to speak to the Successor Agency is asked to complete a Speaker's Card which can be found at the back of the room and at each podium. The completed card should be submitted to the Secretary prior to the Agenda item being called by the Secretary and prior to the individual being heard by the Successor Agency.

Americans with Disabilities Act:

In compliance with the ADA, if you need special assistance to participate in any meeting (including assisted listening devices), please contact the Office of the Secretary to the Successor Agency (626) 333-2211. Notification of at least 72 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting.

Agendas and other writings:

- In compliance with Government Code Section 54957.5(b), staff reports and other public records permissible for disclosure related to open session agenda items are available at City Hall, 15625 East Stafford Street, Suite 100, City of Industry, California, at the office of the Secretary of the Successor Agency during regular business hours, Monday through Thursday, 8:00 a.m. to 5:00 p.m., Fridays 8:00 a.m. to 4:00 p.m. Any person with a question concerning any agenda item may call the City Clerk's Office at (626) 333-2211
- 1. Call to Order
- 2. Flag Salute
- Roll Call
- 4. Public Comments

5. **BOARD MATTERS**

5.1 Consideration of the Register of Demands for February 28, 2019

RECOMMENDED ACTION: Approve the Register of Demands and authorize the appropriate City Officials to pay the bills.

5.2 Consideration of the minutes of February 5, 2019 joint special meeting, February 6, 2019 joint special meeting, and February 14, 2019 special meeting

RECOMMENDED ACTION:

Approve as submitted.

5.3 Consideration of Change Order Nos. 2, 3, and 4 for West Side Roadways, Sewers, Dry Utilities and Slope Landscaping with Sialic Contractors Corporation dba Shawnan (Contract No. IBC-0386)

RECOMMENDED ACTION: Approve Change Order Nos. 2, 3 and 4 and authorize the Chairman to execute the Change Orders.

6. CLOSED SESSION

6.1 CONFERENCE WITH LEGAL COUNSEL – EXISITING LITIGATION
Pursuant to Government Code section 54956.9(d)(1)
Case: San Gabriel Valley Water and Power, LLC v. City of Chino Hills; et al.
Superior Court of California, County of San Bernardino
Case No.: CIVDS 1904434

7. Adjournment. Next regular Successor Agency meeting will be on Thursday, March 28, 2019 at 8:30 a.m.

SUCCESSOR AGENCY

ITEM NO. 5.1

Successor Agency To The Industry Urban-Development Agency Authorization For Payment of Bills February 28, 2019

<u>FUND</u>	DESCRIPTION	DISBURSEMENTS
221 222	IUDA PROJECT 1 IUDA PROJECT 2	41,116.59 933,736.53
	TOTAL ALL FUNDS	974,853.12

<u>BANK</u>	<u>NAME</u>	DISBURSEMENTS
WFBK BOFA	WELLS FARGO BANK BANK OF AMERICA	933,736.53 41,116.59
	TOTAL ALL BANKS	974,853.12

Wells Fargo Bank February 28, 2019

Check	Date			Payee Name	Check Amount
IUDAADM.	WF.CHK - IUDA Admin WF Che	ecking			
32357	02/28/2019			BRIGHTVIEW LANDSCAPE	200 (00 00
	Invoice	Date	Description	Amount	\$26,100.00
	#48GCD-0382	02/01/2019	BAKER PKY SLOPE MAINT	\$26,100.00	
32358	02/28/2019	-		CNC ENGINEERING	\$70,747.50
	Invoice	Date	Description	Amount	\$70,747.50
	458172	02/14/2019	IBC-EAST SIDE ROADWAYS	\$4,617.50	
	458173	02/14/2019	IBC-WEST SIDE ROADWAYS	\$51,850.00	
	458175	02/14/2019	IBC-FUTURE PHASES AND STUDIES	\$3,495.00	
	458171	02/14/2019	BAKER PKY SLOPE MAINT	\$566.25	
	458176	02/14/2019	DIAMOND BAR CREEK	\$3,337.50	
	458177	02/14/2019	INDUSTRY EAST TRAFFIC MITIGATION	\$356.25	
	458178	02/14/2019	IBC TRAFFIC MITIGATION	\$3,067.50	•
	458179	02/14/2019	IBC TRAFFIC MITIGATION	\$3,457.50	
32359	02/28/2019			CNC ENGINEERING	\$517.50
	Invoice	Date	Description	Amount	υσ. 11 οφ
	458174	02/14/2019	LEMON AVE AND 60 FWY INTERCHANGE		
32360	02/28/2019			JACOBS ENGINEERING	\$25,279.32
	Invoice	Date	Description	Amount	Ψ20,210.02
	120	12/11/2018	LEMON AVE AND 60 FWY INTERCHANGE		
32361	02/28/2019			LEIGHTON CONSULTING INC	\$20,948.58
	Invoice	Date	Description	Amount	Ψ20,0 70.00

Wells Fargo Bank February 28, 2019

Check	Date			Payee Name	Check Amount
IUDAADM.	WF.CHK - IUDA Admin WF Check	ing			
	34303	02/06/2019	GEOTECHNICAL SVC-IBC PROJ	\$3,178.50	
	34304	02/06/2019	GEOTECHNICAL SVC-IBC PROJ	\$1,399.50	
	34306	02/06/2019	GEOTECHNICAL SVC-IBC PROJ	\$15,725.58	
	34305	02/06/2019	GEOTECHNICAL SVC-IBC PROJ	\$645.00	
32362	02/28/2019			MX GRAPHICS, INC.	\$384.41
	Invoice	Date	Description	Amount	Ψ-1-0-1-1
	17348	02/11/2019	BLUEPRINT SVC-MP 99 31 16	\$78.57	
	17351	02/11/2019	BLUEPRINT SVC-MP 99 31 16	\$110.38	
	17350	02/11/2019	BLUEPRINT SVC-MP 99 31 16	\$195.46	
32363	02/28/2019			SHAWNAN	\$750,271.26
	Invoice	Date	Description	Amount	Ψ, σσ, Σ, 1.20
	#6IBC-0386A	02/01/2019	IBC-WEST SIDE ROADWAYS	\$98,740.00	
	#6IBC-0386C	02/01/2019	IBC-WEST SIDE ROADWAYS	\$183,580.00	
	#6IBC-0386F	02/01/2019	IBC-WEST SIDE ROADWAYS	\$234,900.00	
•	#6IBC-0386K	02/01/2019	IBC-WEST SIDE ROADWAYS	\$114,400.00	
	#6IBC-0386G3-216	02/01/2019	IBC-WEST SIDE ROADWAYS	\$158,139.22	
32364	02/28/2019			AMERICAN BUSINESS BANK	\$39,487.96
	Invoice	Date	Description	Amount	Ψ55,467.90
	#6IBC-0386A-R	02/01/2019	RETENTION-IBC WEST SIDE ROADWAY		
	#6IBC-0386C-R	02/01/2019	RETENTION-IBC WEST SIDE ROADWAY	Ψ.,001.00	
	#6IBC-0386F-R	02/01/2019	RETENTION-IBC WEST SIDE ROADWAY	7-11.0.00	
	#6IBC-0386K-R	02/01/2019	RETENTION-IBC WEST SIDE ROADWAY	4	
				Ψ0,7 20.00	

Wells Fargo Bank February 28, 2019

Date		Payee Name	Check Amount
I.WF.CHK - IUDA Admin WF Check	ing		
#6IBC-0386G3216R	02/01/2019	RETENTION-IBC WEST SIDE ROADWAYS	\$7,906.96
- [.		WF.CHK - IUDA Admin WF Checking	WF.CHK - IUDA Admin WF Checking

Status

Total

Count

8

Transaction Amount

\$933,736.53

Check

Bank of America February 28, 2019

Check	Date			Payee Name	Check Amount
08PJ1RE	VLOAN - 2008 PJ1 Revol Loa	ın - Restricted			
1042	02/11/2019			IUDA-ADMINISTRATIVE ACCOUNT	\$16,116.59
	Invoice	Date	Description	Amount	¥ 10,110.00
	2/11/19	02/11/2019	2008 SUB-LIEN TAX BOND-REG 2/14/19	\$16,116.59	
PJ1.BOF.	A.CHK - Project 1 BofA Chec	king			
1134	02/11/2019			IUDA-ADMINISTRATIVE ACCOUNT	\$25,000.00
	Invoice	Date	Description	Amount	Ψ20,000.00
		Date	• ****		
	A2 REG 2/14/19	02/11/2019	TRANSFER OF FUNDS REGISTER 2/14/1		

Status

Total

Count

2

Transaction Amount

\$41,116.59

Checks

Successor Agency To The Industry Urban-Development Agency Authorization For Payment of Bills February 28, 2019

Reviewed By:	Date	
Approved By:	Date	

SUCCESSOR AGENCY
ITEM NO. 5.2

CALL TO ORDER

The Joint Special Meeting of the City Council/Successor Agency to the Industry Urban-Development Agency of the City of Industry, California, was called to order by Mayor/Chairman Mark Radecki at 5:00 p.m. in the City of Industry Council Chamber, 15651 East Stafford Street, California.

FLAG SALUTE

The flag salute was led by Mayor/Chairman Mark Radecki

ROLL CALL

PRESENT: Mark Radecki, Mayor/Chairman

Cory Moss, Mayor Pro Tem/Vice Chair

Abraham Cruz, Council Member/Board Member Catherine Marcucci, Council Member/Board Member Newell W. Ruggles, Council Member/Board Member

STAFF PRESENT: Troy Helling, City Manager; Bing Hyun, Assistant City Manager; Jamie M. Casso, Legal Counsel; Bianca Sparks, Assistant Legal Counsel; and Julie Gutierrez-Robles, Deputy City Clerk/Assistant Secretary.

PUBLIC COMMENTS

Darcy M. Burke from San Gabriel Valley Water and Power spoke in opposition regarding the City of Industry's July 5, 2018 letter stating to terminate the Master Ground Lease. SGVWP rejects the City's claim that the Lease has been terminated and asked that this Council not take action tonight.

CLOSED SESION

Deputy City Clerk Gutierrez-Robles announced there was a need for Closed Session as follows:

5.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to Government Code Section 54956.9(d)(1) Case:City of Diamond Bar v. Oversight Board of the Successor Agency to the Industry Urban-Development Agency; Successor Agency to the

Industry Urban-Development Agency; et al.
Superior Court of California, County of Sacramento
Case No. 34-2017-80002718-CU-WM-GDS

- CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION 5.2 54956.9(d)(1) Government Code Section Pursuant to Case: City of Chino Hills v. Oversight Board of the Successor Agency to the Industry Urban-Development Agency; Successor Agency to the **Urban-Development** Agency; et Industry Court California, County of Sacramento Superior of Case No. 34-2017-80002719-CU-WM-GDS
- CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION 5.3 Section 54956.9(d)(1) Code Pursuant to Government Case: City of Diamond Bar v. City of Industry, City of Industry City Council; Successor Agency to the Industry Urban-Development Agency; Board of Directors of the Successor Agency to the Industry Urban-Development Agency; Oversight Board of the Successor Agency to the Industry Urban-Development Agency; et al. California, County of Los Angeles Superior Court of Case No. BS171295
- CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION 5.4 54956.9(d)(1) Code Section Pursuant to Government Case: City of Chino Hills v. City of Industry, City of Industry City Council; Successor Agency to the Industry Urban-Development Agency; Board of Directors of the Successor Agency to the Industry Urban-Development Agency; Oversight Board of the Successor Agency to the Industry Urban-Development Agency; et al. **Angeles** Superior Court of California, County of Los Case No. BS171398
- 5.5 CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION Pursuant to Government Code Section 54956.9(d)(1)
 Case: City of Diamond Bar v. City of Industry; Successor Agency to the Industry Urban-Development Agency; Oversight Board of the Successor Agency to the Industry Urban- Development Agency; et al.

Superior Court of California, County of Los Angeles Case No. BS173224

- 5.6 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Pursuant to Government Code Section 54956.9(d)(1)
 Case: City of Chino Hills v. City of Industry, et al.
 Superior Court of California, County of Los Angeles
 Case No. BS172995
- 5.7 CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION
 Pursuant to Government Code Section 54956.9(d)(1)
 Case: San Gabriel Valley Water and Power, LLC v. City of Industry, et al.
 Superior Court of California, County of Los Angeles
 Case No. BS174700

ACTION ITEMS

CONSIDERATION OF RESOLUTION NO. CC 2019-05 and SA 2019-01 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY AND THE SUCCESSOR AGENCY TO THE INDUSTRY URBAN-DEVELOPMENT AGENCY APPROVING A SETTLEMENT AGREEMENT WITH THE CITY OF CHINO HILLS AND THE CITY OF DIAMOND BAR; APPROVING AN AMENDED AND RESTATED TRES HERMANOS CONSERVATION AUTHORITY JOINT POWERS AGREEMENT; APPOINTING REPRESENTATIVES TO SERVE AS DIRECTORS AND ALTERNATE ON THE BOARD OF DIRECTORS OF THE TRES HERMANOS CONSERVATION AUTHORITY; AND NOTICE OF CEQA EXEMPTION REGARDING SAME

City Attorney Casso provided a Staff Report. Successor Agency to sell property to the Tres Hermanos Conservation Authority for \$41,650 million dollars. Diamond Bar to contribute \$1.205 million and Chino Hills to contribute \$2.9 million.

Troy Helling stated that all letters received will be put into the record.

MOTION BY MAYOR PRO TEM MOSS, AND SECOND BY COUNCIL MEMBER RUGGLES TO ADOPT RESOLUTION NO. CC 2019-05 AND SA 2019-01 APPROVING, AND AUTHORIZING THE CITY MANAGER TO EXECUTE, THE SETTLEMENT AGREEMENT AND THE AMENDED AND RESTATED TRES HERMANOS CONSERVATION AUTHORITY JOINT POWERS AGREEMENT ("TRES HERMANOS

JPA") WITH THE CITY OF CHINO HILLS AND THE CITY OF DIAMOND BAR REGARDING TRES HERMANOS RANCH, AND FINDING THAT APPROVAL OR RESOLUTION NO. CC 2019-05 IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15325(A) AND 15301; AUTHORIZE THE CITY MANAGER TO TAKE OTHER ACTIONS NECESSARY TO IMPLEMENT THE SETTLEMENT AGREEMENT AND THE TRES HERMANOS JPA; APPOINT THREE COUNCILMEMBERS TO SERVE ON THE JPA'S BOARD OF DIRECTORS, AND ONE ALTERNATE. MOTION CARRIED 4-1, BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: MARCUCCI, RUGGLES, MOSS, RADECKI

NOES: COUNCIL MEMBERS: CRUZ ABSENT COUNCIL MEMBERS: NONE ABSTAIN COUNCIL MEMBERS: NONE

COUNCIL MEMBER RUGGLES NOMINATED HIMSELF, CORY MOSS AND CATHERINE MARCUCCI AS BOARDMEMBERS TO SERVE ON THE JPA'S BOARD OF DIRECTORS, AND MARK RADECKI AS AN ALTERNATE.

MOTION BY MAYOR PRO TEM MOSS, AND SECOND BY COUNCIL MEMBER RUGGLES TO NOMINATE NEWELL RUGGLES, CORY MOSS AND CATHERINE MARCUCCI AS BOARDMEMBERS TO SERVE ON the JPA'S BOARD OF DIRECTORS AND MARK RADECKI AS AN ALTERNATIVE. MOTION CARRIED 4-1, BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: MARCUCCI, RUGGLES, MOSS, RADECKI

NOES: COUNCIL MEMBERS: CRUZ ABSENT COUNCIL MEMBERS: NONE ABSTAIN COUNCIL MEMBERS: NONE

CITY COUNCIL COMMITTEE REPORTS

There were none.

AB 1234 REPORTS

There were none.

CITY COUNCIL COMMUNICATION

There were none.

There were no public comments on the Closed Session item.

Mayor/Chairman Radecki recessed the meeting into Closed Session at 5:07 p.m.

RECONVENE CITY COUNCIL MEETING

Mayor/Chairman Radecki reconvened the meeting at 6:17 p.m. All members of the City Council/Successor Agency were present.

City Attorney Casso reported out of Closed Session.

With regard to Closed Session items 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, and 5.7, direction was given to the City Attorney's Office and no final action was taken. Nothing further to report.

ADJOURNMENT

There being no further business, the City Council/Successor Agency adjourned at 6:25 p.m.

MARK D. RADECKI MAYOR/CHAIRMAN

JULIE GUTIERREZ-ROBLES DEPUTY CITY CLERK/ASSISTANT SECRETARY

CALL TO ORDER

The Joint Special Meeting of the City Council/Successor Agency to the Industry Urban-Development Agency of the City of Industry, California, was called to order by Mayor/Chairman Mark Radecki at 10:30 a.m. in the City of Industry Council Chamber, 15651 East Stafford Street, California.

FLAG SALUTE

The flag salute was led by Mayor/Chairman Mark Radecki

ROLL CALL

PRESENT: Mark Radecki, Mayor/Chairman

Cory Moss, Mayor Pro Tem/Vice Chair

Abraham Cruz, Council Member/Board Member Catherine Marcucci, Council Member/Board Member Newell W. Ruggles, Council Member/Board Member

STAFF PRESENT: Troy Helling, City Manager; Bing Hyun, Assistant City Manager; Jamie M. Casso, Legal Counsel; Bianca Sparks, Assistant Legal Counsel; and Julie Gutierrez-Robles, Deputy City Clerk/Assistant Secretary.

PUBLIC COMMENTS

There were none.

ACTION ITEMS

5.1 RATIFICATION OF RESOLUTION NO. CC 2019-05 and SA 2019-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY AND THE SUCCESSOR AGENCY TO THE INDUSTRY URBAN-DEVELOPMENT AGENCY APPROVING A SETTLEMENT AGREEMENT WITH THE CITY OF CHINO HILLS AND THE CITY OF DIAMOND BAR; APPROVING AN AMENDED AND RESTATED TRES HERMANOS CONSERVATION AUTHORITY JOINT POWERS AGREEMENT; APPOINTING REPRESENTATIVES TO SERVE AS DIRECTORS AND ALTERNATE ON THE BOARD OF DIRECTORS OF THE TRES HERMANOS CONSERVATION AUTHORITY; AND NOTICE OF CEQA EXEMPTION REGARDING SAME

City Manager Troy Helling provided a staff report and indicated that escrow would close February 13, 2019.

MOTION BY MAYOR PRO TEM MOSS, AND SECOND BY COUNCIL MEMBER MARCUCCI TO RATIFY RESOLUTION NO. CC 2019-05 AND SA 2019-01 APPROVING, AND AUTHORIZING THE CITY MANAGER TO EXECUTE. THE SETTLEMENT AGREEMENT AND THE AMENDED AND RESTATED TRES HERMANOS CONSERVATION AUTHORITY JOINT POWERS AGREEMENT ("TRES HERMANOS JPA") WITH THE CITY OF CHINO HILLS AND THE CITY OF DIAMOND BAR REGARDING TRES HERMANOS RANCH, AND FINDING THAT APPROVAL OR RESOLUTION NO. CC 2019-05 IS CATEGORICALLY EXEMPT FROM THE TITLE CALIFORNIA ENVIRONMENTAL QUALITY ACT **PURSUANT** TO 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15325(A) AND 15301; RATIFY AUTHORIZATION GIVEN TO THE CITY MANAGER TO TAKE OTHER ACTIONS NECESSARY TO IMPLEMENT THE SETTLEMENT AGREEMENT AND THE TRES HERMANOS JPA; RATIFY APPOINTMENTS OF NEWELL RUGGLES, CORY MOSS, AND CATHERINE MARCUCCI AS COUNCILMEMBERS TO SERVE ON THE JPA'S BOARD OF DIRECTORS, AND MARK REDECKI AS AN ALTERNATE. MOTION CARRIED 4-1, BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: MARCUCCI, MOSS, RUGGLES, RADECKI

NOES: COUNCIL MEMBERS: CRUZ ABSENT: COUNCIL MEMBERS: NONE ABSTAIN: COUNCIL MEMBERS: NONE

5.2 CONSIDERATION OF RESOLUTION NO. CC 2019-06 APPROVING A PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS, FOR THE SALE OF THE PROPERTY COMMONLY KNOWN AS TRES HERMANOS RANCH, TO THE TRES HERMANOS CONSERVATION AUTHORITY, AND NOTICE OF EXEMPTION REGARDING SAME

MOTION BY COUNCIL MEMBER MARCUCCI, AND SECOND BY COUNCIL MEMBER RUGGLES TO ADOPT RESOLUTION NO. CC 2019-06 APPROVING THE PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS, AND NOTICE OF EXEMPTION REGARDING SAME; AUTHORIZE THE CITY MANAGER TO TAKE OTHER ACTIONS NECESSARY TO IMPLEMENT THE PURCHASE AND SALE AGREEMENT AND THE RESOLUTION. MOTION CARRIED 4-1, BY THE FOLLOWING VOTE:

AYES:

COUNCIL MEMBERS:

MARCUCCI, RUGGLES, MOSS, RADECKI

NOES:

COUNCIL MEMBERS:

CRUZ

ABSENT

COUNCIL MEMBERS:

NONE

ABSTAIN:

COUNCIL MEMBERS:

NONE

ADJOURNMENT

There being no further business, the City Council/Successor Agency adjourned at 10:36 a.m.

MARK D. RADECKI MAYOR/CHAIRMAN

JULIE GUTIERREZ-ROBLES DEPUTY CITY CLERK/ASSISTANT SECRETARY

CALL TO ORDER

The Special Meeting of the Successor Agency to the Industry Urban-Development Agency was called to order by Chairman Radecki at 9:00 a.m. in the City of Industry Council Chamber, 15651 East Stafford Street, California.

FLAG SALUTE

The flag salute was led by Chairman Radecki.

ROLL CALL

PRESENT: Mark Radecki, Chairman

Cory Moss, Vice Chair

Catherine Marcucci, Board Member Newell Ruggles, Board Member

ABSENT: Abraham Cruz, Board Member

STAFF PRESENT: Troy Helling, Executive Director; Bing Hyun, Assistant City Manager; Jamie M. Casso, Legal Counsel; Joshua Nelson, Contract City Engineer; and Julie Robles, Assistant Secretary.

PUBLIC COMMENTS

There were no public comments.

CONSIDERATION OF THE MINUTES OF AUGUST 23, 2018 REGULAR MEETING AND JANUARY 24, 2019 REGULAR MEETING

MOTION BY VICE CHAIR MOSS, AND SECOND BY BOARD MEMBER MARCUCCI TO APPROVE THE MINUTES AS SUBMITTED. MOTION CARRIED 4-0, BY THE FOLLOWING VOTE:

AYES:

BOARD MEMBERS:

MARCUCCI,

RUGGLES,

VC/MOSS, C/RADECKI

NOES:

BOARD MEMBERS:

NONE

ABSENT:

BOARD MEMBERS:

CRUZ

ABSTAIN:

BOARD MEMBERS:

NONE

CONSIDERATION OF THE SUCCESSOR AGENCY TO INDUSTRY URBAN-DEVELOPMENT AGENCY YEAR ENDED JUNE 30, 2018 ANNUAL FINANCIAL REPORTS

MOTION BY VICE CHAIR MOSS, AND SECOND BY BOARD MEMBER RUGGLES TO APPROVE, RECEIVE AND FILE THE ANNUAL FIINANCIAL REPORTS OF THE SUCCESSOR AGENCY TO INDUSTRY URBAN-DEVELOPMENT AGENCY. MOTION CARRIED 4-0, BY THE FOLLOWING VOTE:

AYES:

BOARD MEMBERS:

MARCUCCI.

RUGGLES.

VC/MOSS,

C/RADECKI

NOES:

BOARD MEMBERS:

NONE

ABSENT: ABSTAIN: **BOARD MEMBERS:**

CRUZ

BOARD MEMBERS:

NONE

ADJOURNMENT

There being no further business, the Successor Agency to the Industry Urban-Development Agency adjourned at 9.02 a.m.

	Mark D. Radecki, Chairman	
Julie Robles, Assistant Secretary		

SUCCESSOR AGENCY

ITEM NO. 5.3



SUCCESSOR AGENCY TO THE INDUSTRY URBAN - DEVELOPMENT AGENCY

MEMORANDUM

TO:

Honorable Chairman and Members of the Successor Agency to the

Industry Urban-Development Agency Board

FROM:

Troy Helling, Executive Director 1th

STAFF:

Joshua Nelson, Contract Agency Engineer, CNC Engineering A.N.

Gerardo Perez, Construction Manager, CNC Engineering

DATE:

February 28, 2019

SUBJECT: Considerate

Consideration of Change Order Nos. 2, 3, and 4 for West Side Roadways,

Sewers, Dry Utilities and Slope Landscaping with Sialic Contractors

Corporation dba Shawnan (Contract No. IBC-0386)

Background:

On January 25, 2018, the Successor Agency to the Industry Urban-Development Agency ("Agency") awarded Contract No. IBC-0386, West Side Roadways, Sewers, Dry Utilities and Slope Landscaping, to Sialic Contractors Corporation dba Shawnan ("Contractor"), in the amount of \$24,969,171.10, which includes a contingency amount of \$1,000,000.00. This project is the last major phase of work associated with the Industry Business Center.

Discussion:

After the project was awarded, the Contractor incurred costs which were not originally anticipated in the scope of work and contract.

On September 27, 2018, the City Council approved the following change order in the amount of **\$158,139.22**:

Change Order No. 1 – Cost in the amount of \$158,139.22 for replacing the 10-inch vitrified clay pipe ("VCP") with a 12-inch VCP, replacing the 8-inch VCP with ductile iron pipe ("DIP") with restrained joints, installing approximately 1,567 lineal feet of a concrete cradle and approximately 14 lineal feet of concrete encasement.

The Agency Engineer has reviewed the following change orders for completeness and accuracy as to the materials and labor included:

- Change Order No. 2 After construction began, an area at approximate Station 9+86, on "A" Street, a sump condition was disclosed. In order to mitigate this sump condition, a new catch basin and lateral were added as well as raising the curb grades on the north side of street. Also, on Grand Crossing Parkway just west of Grand Ave., the driveway to Old Brea Canyon Road was revised by increasing the width, which necessitated construction of a new catch basin and lateral. The cost for this work is \$43,504.02.
- Change Order No. 3 During installation of the sewer line in "A" Street at approximate Station 16+26, the Contractor encountered an existing 36-inch diameter corrugated metal pipe ("CMP") interfering with the new sewer. At approximate Station 12+50 another existing 36-inch CMP was encountered that did not have the proper clearance with the new sewer. In order to resolve these issues, the Contractor was directed to remove the interfering portions of the CMPs and re-lay the CMPs to clear the sewer. The cost to perform this work totals \$60,425.82.
- Change Order No. 4 During installation of the sewer lateral in "A" Street at approximate street Station 106+69, it was disclosed that construction of the lateral would interfere with the existing 60-inch diameter storm drain. The Contractor was issued a plan revision to construct a sewer chimney, construct a pipe support over the storm drain and concrete encase the lateral over the new electrical duct system. The cost to perform this work totals \$10,445.93.

Fiscal Impact:

Table 1 – Summary of Extra Work Costs

Contract (Sialic Contractors Corporation dba	\$23,969,171.10
Shawnan) minus contingency amount of \$1,000,000.00	
Change Order No.1	\$158,139.22
Change Order No. 2	\$43,504.02
Change Order No. 3	\$60,425.82
Change Order No. 4	\$10,445.93
Revised Project Cost	\$24,241,686.09

The current revised contract amount, excluding contingency is \$24,241,686.09. The total change order amount, for numbers 1 through 4, is \$272,514.99. Total approved budget is \$24,969,171.10. No additional appropriations are necessary at this time.

Recommendations:

- 1.) Approve Change Order No. 2 in the amount of \$43,504.02 and;
- 2.) Approve Change Order No. 3 in the amount of \$60,425.82 and;
- 3.) Approve Change Order No. 4 in the amount of \$10,445.93 and
- 4.) Authorize the Executive Director or his designee to execute the approved Change Orders.

Exhibit:

A. Change Order Nos. 2, 3, and 4 dated February 28, 2019

TH/JN/GP:as

EXHIBIT A

Change Order Nos. 2, 3, and 4 dated February 28, 2019
[Attached]

CITY OF INDUSTRY

Roadways, Utilities & Landscaping

Extra Work by:

CHANGE ORDER

Change Order
No. IBC-0386 Date F

Change Order No2
Date February 28, 2019
ondition and construct another catch basin
yon Road.
T & M

Explanation:

Type Project

Construct a new catch basin and lateral in "A" Street at Station 9+86 to mitigate sump condition and construct another catch basin and lateral in Grand Crossing Pkwy due to the widening of the driveway to Old Brea Canyon Road.

Negotiated

Location City of Industry

Contractor Shawnan

The contractor is hereby directed to perform all labor and to provide all materials necessary to carry out the work described below:

Contract Items

ITEM			UNIT	TOTALS (\$)		TALS (\$)
NO.	ITEM	QUANTITY	PRICE	+		4-11-12
1	Construct 2 catch basin and laterals	LS		\$ 43	504.02	
				\$	-	
				\$	_	
		All the control of th				
			TOTAL COST	\$43,504	.02	

T & M SUMMARY

Authorized by

*Labor Cost				Total Labor per Day				
*Equipment Cost (See attached breakdown)				Total Equipment per Day			-	
*Material Cost	*Material Cost					\$	_	
(*Attach breakdown of labor, equi	pment ar	nd materials)						
CHANGE ORDER SUMMA	ARY		% of Contract Amo	unt Other Additive (Profit & Bo	and Fee)			
Original Contract Amount	\$	23,969,171.10		Total T & M		\$	-	
Total Previous Change Orders	\$	158,139.22	0.6598%					
Total Change Orders	\$	201,643.24	0.84%	Pay This CHANGE ORDER	\$43,504.02		0.18%	

Additional Contract Days

I hereby certify that the quantities shown and/or amounts shown for equipment, material and labor costs (if any) are correct to the best of my knowledge and the total cost shown above shall be considered final payment for the work specified by this change order. The total cost includes complete the specified work.

Contractor Representative 2/13/19 Date

Joshua Jelson - Contract Agency Engineer Date

Troy Herling - Executive Director

1 2 20 19

Gerardo Perez, Construction Manager

Date



Sialic Contractors Corporation dba

SHAWNAN

12240 Woodruff Avenue, Downey, CA 90241 Phone (562) 803-9977 Fax (562) 803-9955 State License # 679962 A/B

Tax ID # 95-4423204

November 19, 2018

City of Industry 15625 E Stafford St Industry, CA 91744

Attn:

Gerardo Perez

CC:

Joshua Nelson

Shaun Malganji

Regarding:

Proposal for COR regarding Storm Drain Changes

West Side Roadways IBC - 0386

Gerry:

Shawnan is pleased to provide the City of Industry a change order request for changes to storm drain.

DESCRIPTION	UNIT	QTY	UNIT PRICE	EXTENDED	
Storm Drain Plans W-2 & W-4	LS	1	\$ 40,620.00	\$ 40,620.00	
Contractor Markup	LS	1	\$ 2,031.00	\$ 2,031.00	
Bond	LS	1	\$ 853.02	\$ 853.02	
Total:					

Please let us know how you would like us to proceed.

Thank you, Shawnan

, de

Shawn A. Smith President

E&R Construction Inc.

General Engineering Contractor 5141 Calmview Ave Baldwin Park, Ca. 91706 Lic. No. 449476

(626)-338-8405 * Fax(626)-960-7206

E & R Const COR #

2

Date:

November 1, 2018

Job:

City of Industry West Side Improvements

Add:

10 working days

TO: Shawnan Attention: Shawn Smith

Changes to storm plans

Change Order Request

Item#	Quantity		Description	Unit Price	Total Price
			Storm Drain plans W-2		
1	1	ea	sta 109+86.32 Manhole 320-2 omit shaft- 12' deep	\$ 12,600.00	\$12,600.00
2	1	ea	Catch Basin 300-3 W=6' with local depression- V=9.3'	\$ 7,400.00	\$7,400.00
3	40	lf	24" RCP	per bid item price	
			Storm Drain plans W-4		
1	1	ea	sta 6+23.66 Manhole 320-2 omit shaft- 21' deep	\$ 18,860.00	\$18,860.00
2	1	ea	Catch Basin 300-3 W=10' with local depression	per bid item price	
3	44	If	24" RCP- extra depth over bid items(bid quote price- plus)	\$ 40.00	\$1,760.00
				Total	\$40,620.00

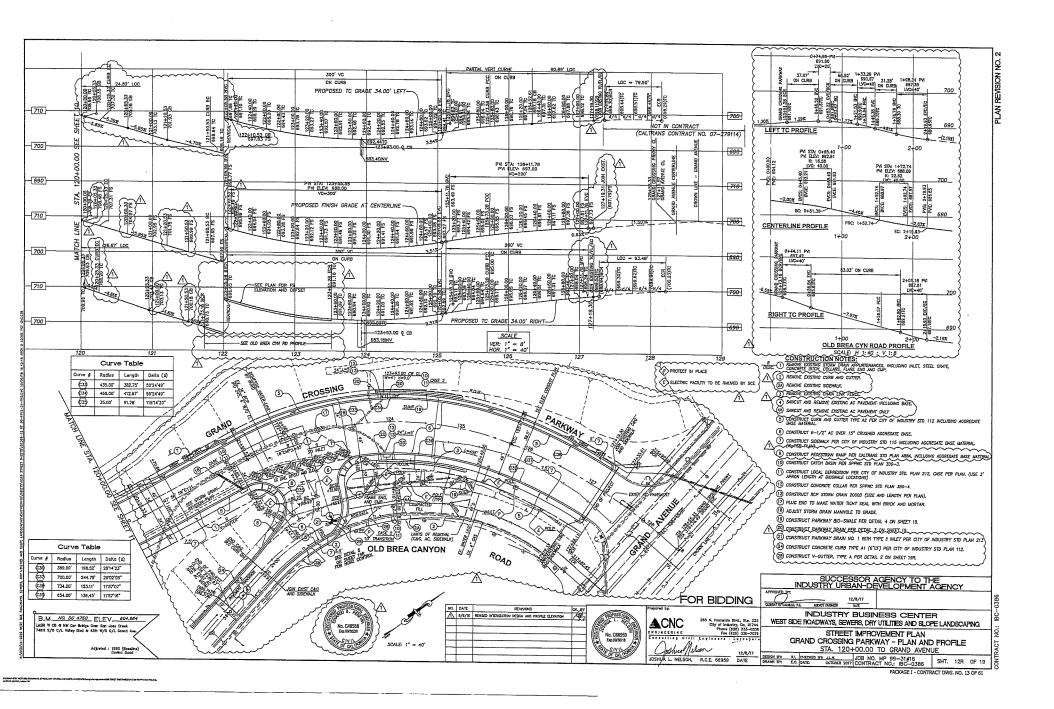
NOTES:

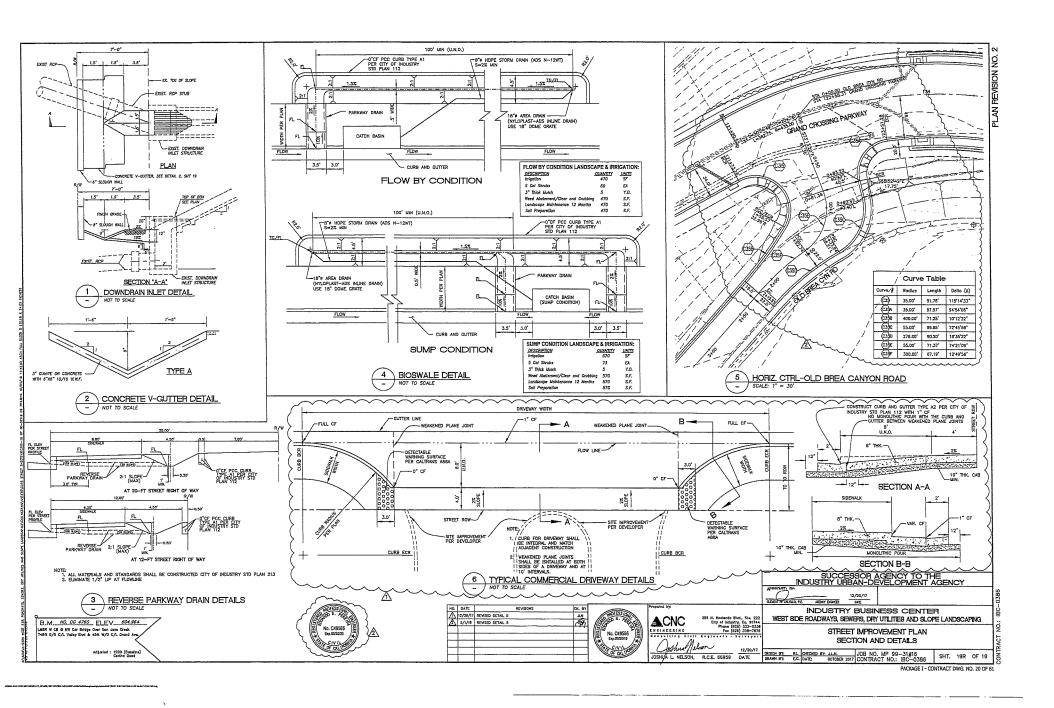
Prices quoted are firm for 60 days from date of quote. Thereafter, prices are subject to review.

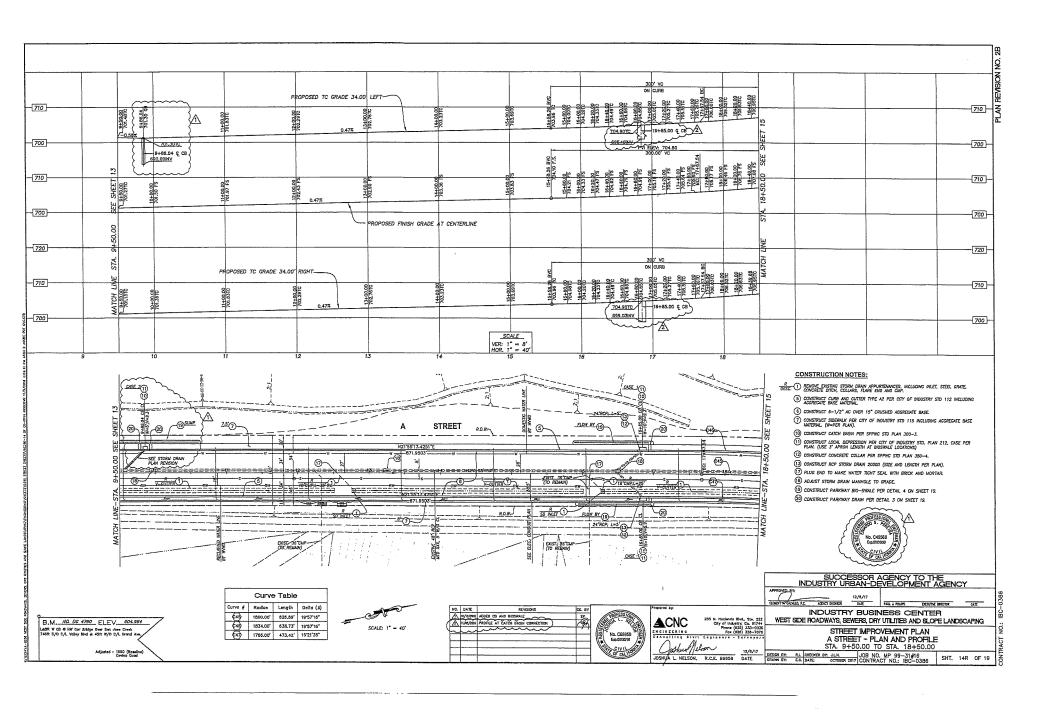
EXCLUSIONS:

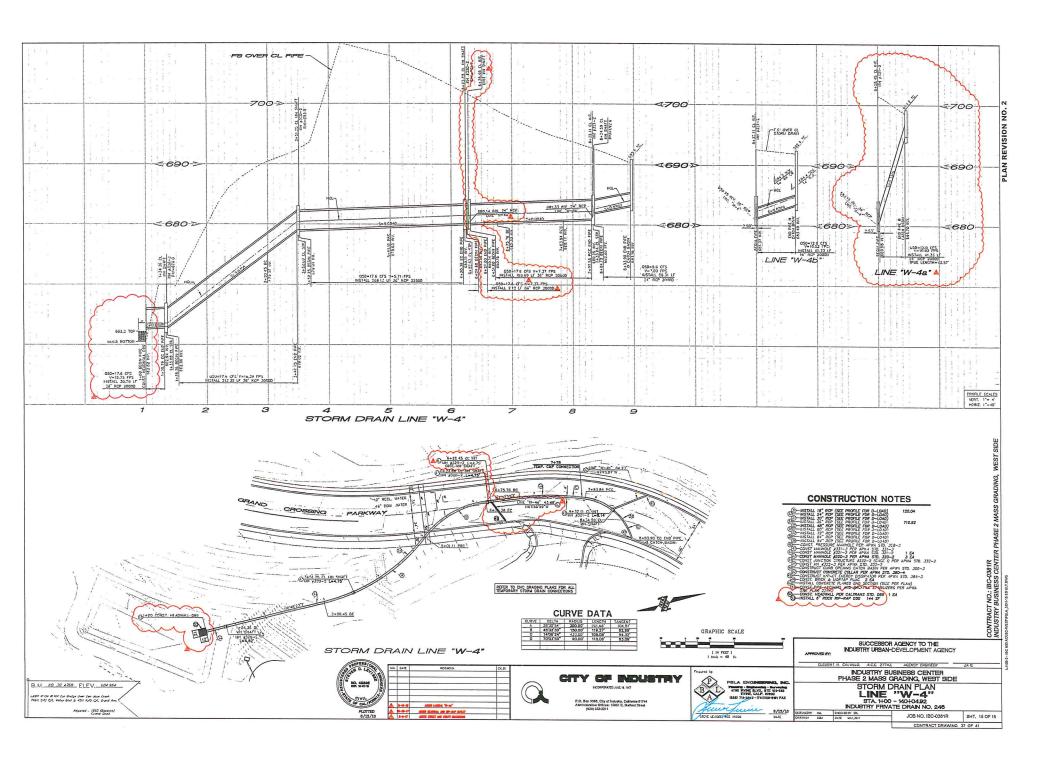
Permit/Inspection Cost, Engineering, Survey, Bonds Fire service signage, chains and locks of any kind **Construction Water** Any finished paving or concrete- unless specified Haul away of excess excavated materials- unless specified Slurry or rock backfill- unless specified Certified Payroll Compaction testing- unless specified Storm Water Pollution or Construction Water Prevention Program Video Camera Lines Dewatering

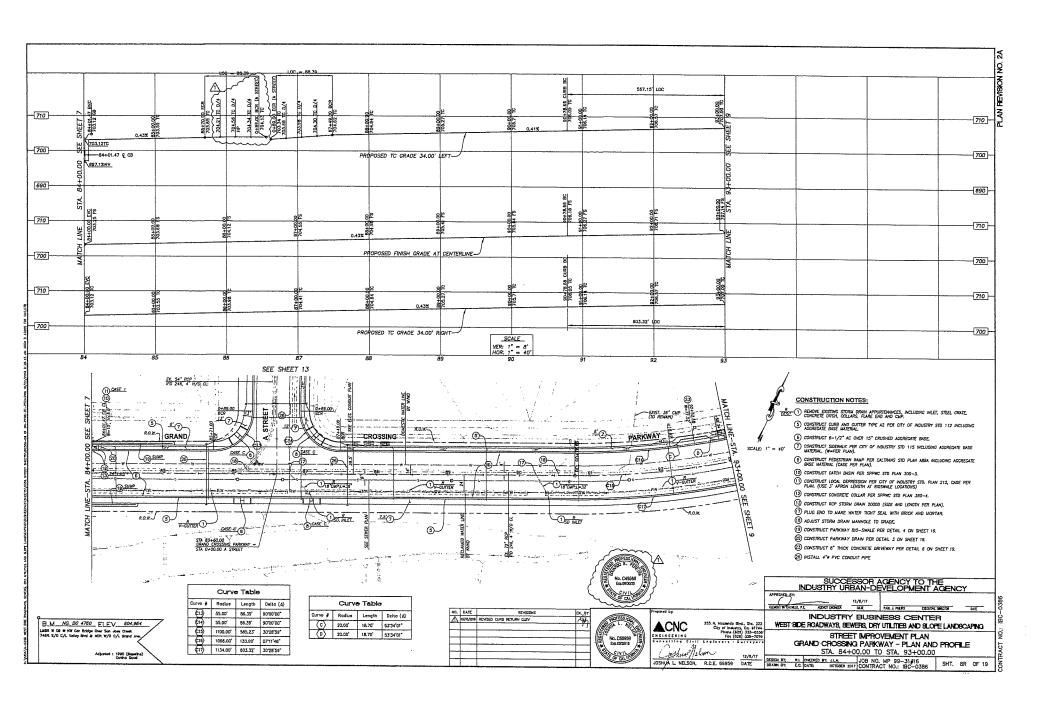
E&R CONSTRUCTION INC. RESERVES THE RIGHT TO WITHDRAW THIS BID AT ANY TIME

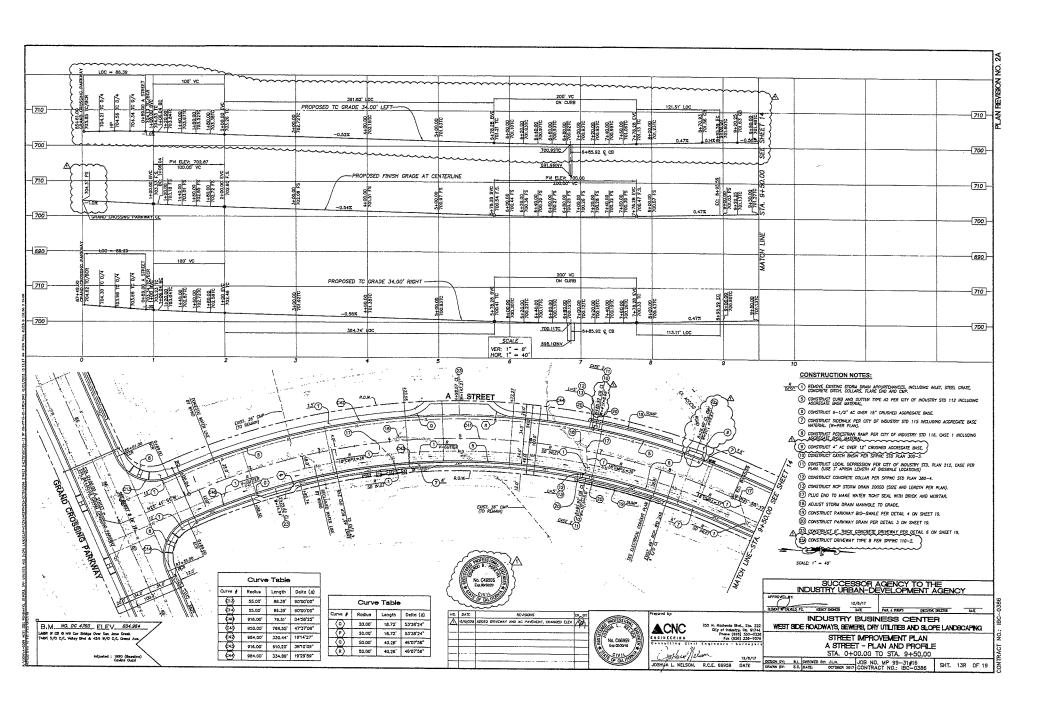


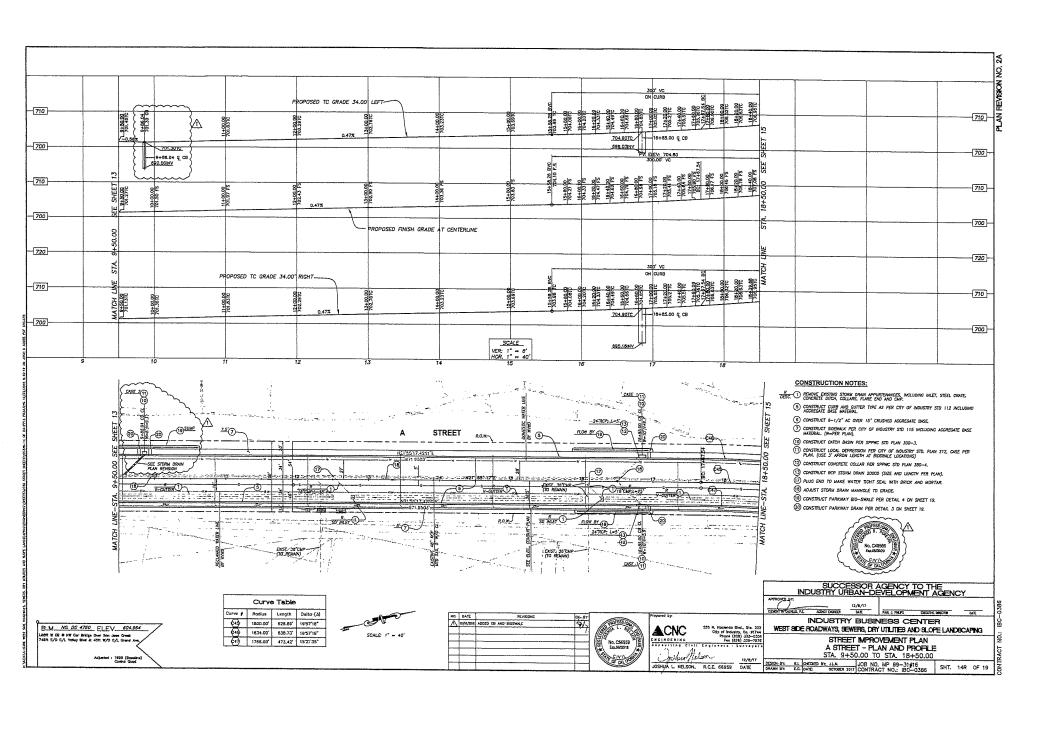


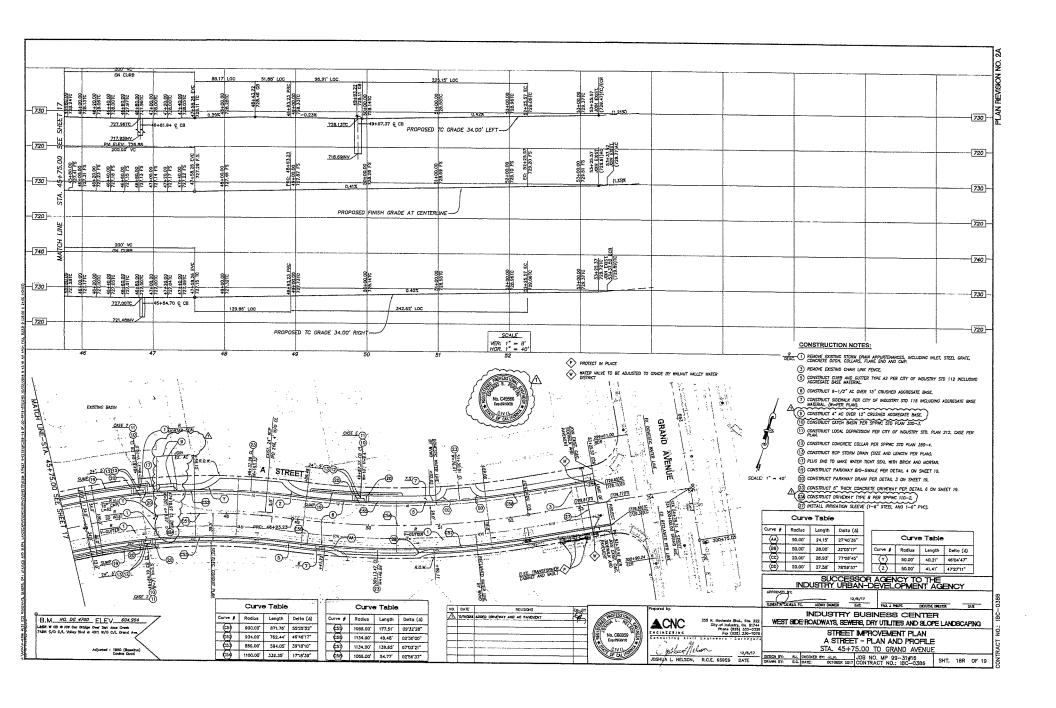


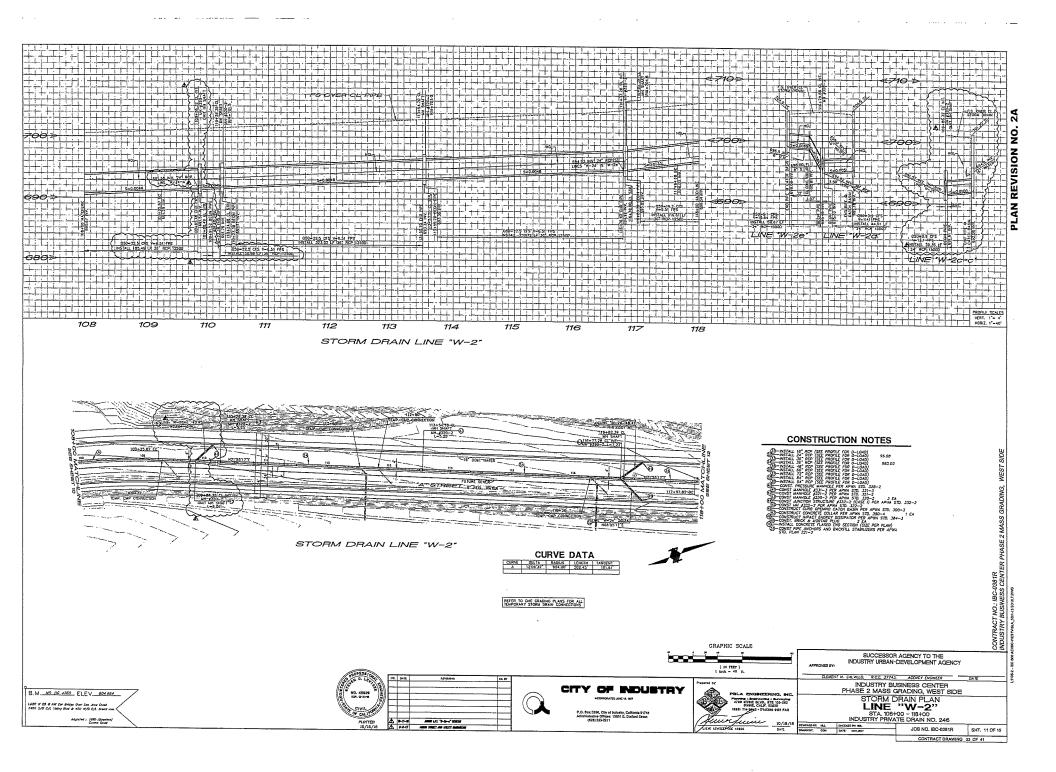












CITY OF INDUSTRY

CHANGE ORDER

15651 E. S	Stafford St.					
City of Ind	ustry, CA 91744					
(626)333-2	2211		Ch	ange Order No	3	
Project	West Side Roadways, Sewers, Dry Utilities and Slope Landscaping	Contract No.	IBC-0386	_	Date February	y 28, 2019
Type Project	Roadways, Utilities & Landscaping					
		Location	City of Industry			
Explana	ntion:			**************************************		
	During construction of the sewer in "A" Street	et, the Contractor enco	untered an existing	36-inch CMF	at two locations inter	tering with
	the new sewer. Contractor was directed to r	emove the interfering	portions and re-lay t	the CMP		
	Extra Work by: Contract Items		Х			
			Negotiated			T & M
The contra	ctor is hereby directed to perform all labor and to p	rovide all materials neces	ssary to carry out the v	work described	l below:	
ITEM			UNIT		TOTALS (\$)
NO.	ITEM	QUANTITY	PRICE		+	_
	Remove interfering portions of the			1		
1	CMP and re-lay to clear sewer	LS		\$	60,425.82	
				\$	_	
				\$		

T & M SUMMARY

*Labor Cost				Total Labor per Day			
*Equipment Cost	(See a	attached breakdow	n)	Total Equipment per Day			
*Material Cost				Sub-Total		\$	-
(*Attach breakdown of labor, equi	pment an	d materials)					
CHANGE ORDER SUMMA	ARY		% of Contract Amount	Other Additive (Profit & Bo	and Fee)		
Original Contract Amount	\$2	23,969,171.10		Total T & M		\$	-
Total Previous Change Orders	\$	201,643.24	0.8413%	Pay This			
Total Change Orders	\$	262,069.06	1.09%	CHANGE ORDER	\$60,425.82		0.25%
Authorized by			۸۵۵	tional Contract Dave	10		

TOTAL COST

Authorized by Additional Contract Days

I hereby certify that the quantities shown and/or amounts shown for equipment, material and labor costs (if any) are correct to the best of my knowledge and the total cost shown above shall be considered final payment for the work specified by this change order. The total cost includes compensation for any delay in the preparation of this change order and the time to complete the specified work.

Contractor Representative Joshua Nelson - Contract Agency Engineer

Troy Helling - Executive Director Date terards 2.20.19 Gerardo Perez, Construction Manager

\$60,425.82

State License # 679962 A/B

Tax ID # 95-4423204

December 14, 2018

City of Industry 15625 E Stafford St Industry, CA 91744

Attn:

Gerardo Perez

CC:

Joshua Nelson

Shaun Malganji

Regarding:

Proposal for COR regarding CMP Adjustment

West Side Roadways IBC - 0386

Gerry:

Shawnan is pleased to provide the City of Industry a change order request for CMP adjustments.

DESCRIPTION	UNIT	QTY	UNIT PRICE	EXTENDED
CMP Replacement @ STA 12+50.53 & 16+26.72	LS	1	\$ 51,550.00	\$ 51,550.00
Grading	LS	1	\$ 4,870.00	\$ 4,870.00
Contractor Markup	LS	1	\$ 2,821.00	\$ 2,821.00
Bond	LS	1	\$ 1,184.82	\$ 1,184.82
			Total:	\$ 60,425.82

Please let us know how you would like us to proceed.

Thank you, Shawnan

Shawn A. Smith President

E&R Construction Inc.

General Engineering Contractor 5141 Calmview Ave Baldwin Park, Ca. 91706 Lic. No. 449476

(626)-338-8405 * Fax(626)-960-7206

E & R Const COR #

3

Date: December 10, 2018

Job: City of Industry West Side Improvements

Add:

7 Working days

TO: Shawnan Attention: Shawn Smith

Remove and replace 36" CMP for sewer alignment

Change Order Request

Item#	Quantity		<u>Description</u>	Unit Price	Total Price
1	1	ls	CMP Replacement sta 12+50.53 Remove and replace existing 36" CMP includes removal of existing pipe and bulkheads	\$ 12,870.00	\$12,870.00
1	1	ls	CMP Replacement sta 16+26.72 Remove and replace existing 36" CMP includes removal of existing pipe and bulkheads	\$ 38,680.00	\$38,680.00
			19' deep in slope- rough grade replacement only	Total	\$51,550.00

NOTES: CMP fittings are approximately 3 weeks from order

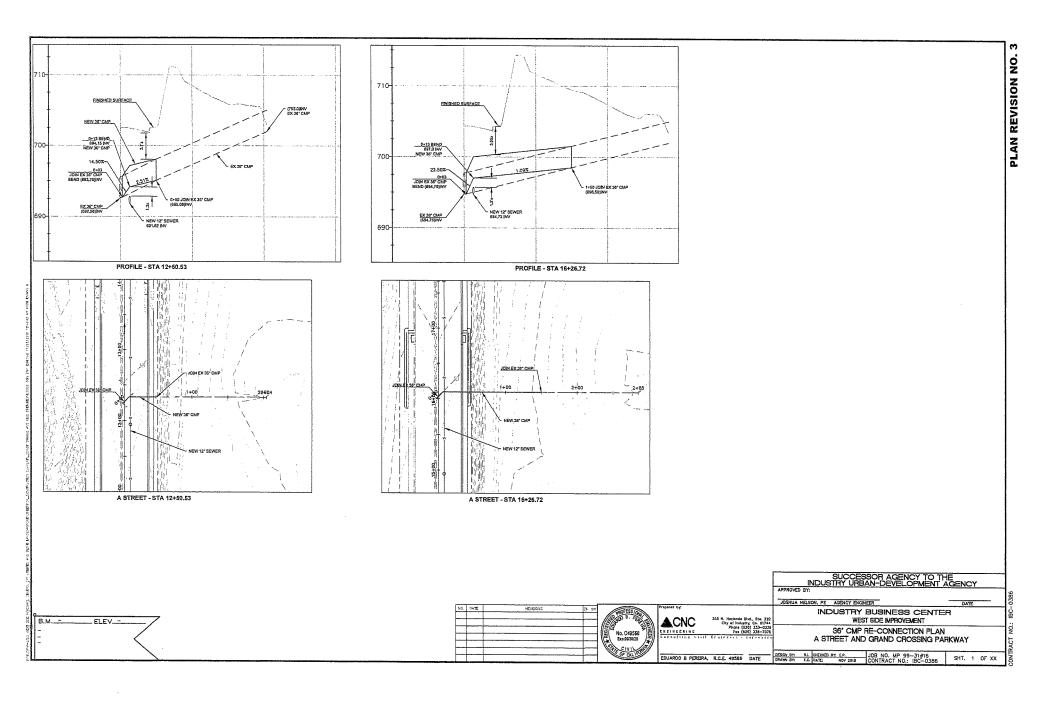
Prices include rough slope grading-fine grade of slope by others

Prices quoted are firm for 60 days from date of quote. Thereafter, prices are subject to review.

EXCLUSIONS:

Permit/Inspection Cost, Engineering, Survey, Bonds
Fire service signage, chains and locks of any kind
Construction Water
Any finished paving or concrete- unless specified
Haul away of excess excavated materials- unless specified
Slurry or rock backfill- unless specified
Certified Payroll
Compaction testing- unless specified
Storm Water Pollution or Construction Water Prevention Program
Video Camera Lines
Dewatering

E&R CONSTRUCTION INC. RESERVES THE RIGHT TO WITHDRAW THIS BID AT ANY TIME



CITY OF INDUSTRY

CHANGE ORDER

15651 E. Stafford St.
City of Industry, CA 91744
(626)333-2211

City of Ind (626)333-2	ustry, CA 91744						Change Ord	er No.	4
	West Side Road Utilities and Slo			Contract No	. IBC-0386	Date February 28, 2019			
Type Project	Roadways, Utilitie	es & Land	scaping	Contractor	r Shawnan				
Evnlana	ation:			Location	City of Industry		1		
Explana		of the ne	w sewer lateral i	n "A" Street at approx	rimate Station 106+69	it wa	s disclosed that the	e sewer lateral	
	interfered with the	existing (60-inch storm dra	ain. A plan revision w	as issued to construc	t a se	wer chimney and p	pipe supports.	
	Extra Work	bv:			X	-			
The contra			ontract Items	arovide all materials nec	Negotiated essary to carry out the w	- ork de	prorihad halaw	T 8	M
ITEM	ctor is hereby directe	a to periori	il all labor and to p	Tovide all materials nec	UNIT	T	-	OTALS (\$)	
NO.		ITEM		QUANTITY	PRICE		+		
1	Install sewer chi	mney an	d pipe	LS		6	10 445 02		
	supports			LS		\$	10,445.93		
						\$	-		
						\$	-		
					TOTAL COST	-	\$10,445.93		
T & M SI	JMMARY								
Labor Cos					Total Labor per Day				
Equipmen		(See a	ttached breakdowr	n)	Total Equipment per Da	ıy			
Material C	ost eakdown of labor, equ	inment an	1 materials)		Sub-Total			\$	-
		***************************************	materialsy	0/ -5 0 - 44 0 4					
	ORDER SUMM			% of Contract Amount	Other Additive (Profit &	Bond	Fee)		
	ntract Amount	\$2	23,969,171.10		Total T & M			\$	-
Total Previo	ous Change Orders	\$	262,069.06	1.0934%	Pay This				
otal Chang	ge Orders	\$	272,514.99	1.14%	CHANGE ORDER		\$10,445.93		0.04%
Authorize	d by			Additi	onal Contract Days		10		
					nt, material and labor				
		ensation for	or any delay in th		red final payment for change order and the				
Contractor F	Representative		2-20-19 1-1- Date		Troy Helling - Executive		tor)		Date
oshua Nels	søn - Contract Agency	Engineer	1 3/1 Date		Serardo Perez, Constru		Manager	2.	20 · (5)



Sialic Contractors Corporation dba

SHAWNAN

12240 Woodruff Avenue, Downey, CA 90241 Phone (562) 803-9977 Fax (562) 803-9955 State License # 679962 A/B

Tax ID # 95-4423204

December 28, 2018

City of Industry 15625 E Stafford St Industry, CA 91744

Attn:

Gerardo Perez

CC:

Joshua Nelson

Shaun Malganji

Regarding:

Proposal for COR regarding Sewer Chimney Work

West Side Roadways IBC - 0386

Gerry:

Shawnan is pleased to provide the City of Industry a change order request for Sewer Chimney Work.

DESCRIPTION	UNIT	QTY	UNIT PRICE	EXTENDED
Install Chimney	LS	1	\$ 8,870.00	\$ 8,870.00
Supervision	LS	1	\$ 980.00	\$ 980.00
Contractor Markup	LS	1	\$ 492.50	\$ 492.50
Bond	LS	1	\$ 103.43	\$ 103.43
			Total:	\$ 10,445.93

Please let us know how you would like us to proceed.

Thank you,

Shawnan

Shawn A. Smith

President

E&R Construction Inc.

General Engineering Contractor 5141 Calmview Ave Baldwin Park, Ca. 91706 Lic. No. 449476

(626)-338-8405 * Fax(626)-960-7206

E & R Const COR #

4

Date: December 28, 2018

Job: City of Industry

West Side Improvements

Add:

2 Working days

TO: Shawnan
Attention: Shawn Smith

Add Chimney on SS Lateral

Change Order Request

Item#	Quantity	Description	Unit Price	Total Price
		Sewer Chimney		
1	1	Is Install chimney(concrete encased- per stds), pipe support 2- 22.5 deg bends per detail given	\$ 8,870.00	\$8,870.00
		F 2 31.22.	Total	\$8,870.00

NOTES: Lateral pipe to be paid per contract price.

Prices quoted are firm for 60 days from date of quote. Thereafter, prices are subject to review.

EXCLUSIONS:

Permit/Inspection Cost, Engineering, Survey, Bonds
Fire service signage, chains and locks of any kind
Construction Water
Any finished paving or concrete- unless specified
Haul away of excess excavated materials- unless specified
Slurry or rock backfill- unless specified
Certified Payroll
Compaction testing- unless specified
Storm Water Pollution or Construction Water Prevention Program
Video Camera Lines
Dewatering

E&R CONSTRUCTION INC. RESERVES THE RIGHT TO WITHDRAW THIS BID AT ANY TIME

