



MEMORANDUM

City of Angels City Council

Date: January 7, 2025

To: City Council

From: Amy Augustine, AICP City Planner

Re: Resolution 25-02 approving change orders for Utica Park / Lightner Mine Expansion including:

- A. Amend approved Change Order No. 4 for the Installation of Speed Cushions at Utica Park from \$9,000 to \$9,146.40
- B. Add Change Order No. 5 for additional lighting
- C. Add Change Order No. 6 for landscaping
- D. \$3,000 contingency
- E. **Optional** Change Order 7 for repaving entire parking lot and drive aisles
- F. **Optional** Change Order 8 for artificial turf option for bocce courts
- G. Budget Adjustment Request

Recommendation

The City Council may:

1. Approve/Amend all or some change orders in Resolution 25-02
2. Modify all or some change orders in Resolution 25-02; or
3. Deny/Return to Staff all or some change orders in Resolution 25-02

Staff recommends approving Resolution 25-02 A-D and G for a total cost of \$245,481.15:

- A. Amending Change Order No. 4 (speed bumps) adding \$146.40 for a total of \$9,146.40 (Gas Tax)
- B. Adding Change Order #5 (Additional lighting) \$67,096.98
- C. Adding Change Order #6 (Landscaping and Irrigation) \$175,237.77
- D. Approving a contingency of \$3,000
- E. Budget Adjustment Requested

Please refer to “Financial Impact” for funding options and ways to reduce allocations from ARPA and General Fund.

Background

The City was awarded a \$3,000,000 Rural Recreation and Tourism Grant in late 2022. The City hired Boyer for a design and build contract for the Utica Park Lightner Mine Expansion and Rehabilitation project in March of 2023 with a Notice to Proceed issued May 14, 2024. Boyer was the only bid received in response to the RFP for the expansion and renovation. A separate park contract for the children's playground was completed by SPEC. A separate contract for new park bathrooms was completed by T&S West. The three contracts were funded all or in part by the \$3,000,000 Rural Recreation and Tourism Grant. Supplemental funding has come from a state Per Capita Grant, ARPA, Angels Camp Community Club, Community Development Block Grants, and donations from Mariposa, Amador, Calaveras & Tuolumne Health Board, Inc. (MACT), Dignity Health Mark Twain Medical Center, Mark Twain Health Care District, Adventist Health, and PG&E. Additional funds are being collected for memorial/community trees and benches.

Some reasons previously discussed with Council resulting in change orders include, but are not limited to:

- Changes in the scope (e.g., requests by City, requests by public)
- Unanticipated discoveries: Waterline not separate between kitchen and landscaping; entire irrigation system required replacement
- Evaluating and remediating mines (anticipated for expansion area, not anticipated for existing park site)
- 16.8% inflation rate for material costs since grant awarded (grant does not adjust for these costs. City has a standing request with the State funding source to apply for any funds remaining at the end of the grant term (2028).
- Request for proposals included a list of incidentals/associated items (e.g., drinking fountains, ADA access, steps from SR 49). However, negotiating and contract review were done by separate groups. The executed contract did not include incidentals.
- Design/build contracting approach. Converting conceptual design to an actual construction design resulted in identification of items necessary, but unanticipated (e.g., additional fire hydrant, need to widen roadways). Budget for construction came after design and increased costs.
- Contracting did not address overlaps between multiple contractors. For example, \$104,000 was required for playground site prep and fencing by Boyer, although SPEC built the playground. Grading and site prep were performed by Boyer for new bathrooms.
- Deferred park maintenance and investment

A. Original contract:

Boyer's original design and build contract included 12 items for \$2,275,000:

Table 1: Original Boyer Contract Deliverables

A.	Construct one new amphitheater
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B.	Construct one new Lightner Mine Interpretive Hiking Trail with parcourse and gathering areas
C.	Renovate one Mark Twain Statue
D.	Construct one new Mark Twain Statue
E.	Construct one new Angels Creek trailhead kiosk
F.	Renovate one large Pavilion and kitchen (negotiated cost removed)
G.	Construct two new bocce courts
H.	Construct one new Outdoor gym/exercise area
I.	Construct one new full-size sports hardcourt (lined for basketball and pickleball)
J.	Construct one new bathroom building
K.	Construct new lighting
L.	Construct new landscaping

B. Added to Boyer Contract:

After the initial contract, Boyer was asked to add the following items outside the original contract scope (some were anticipated, some were not):

- Playground grading and perimeter concrete curbing
- Playground perimeter fencing
- Concrete slab over Old Lightner Shaft (50' X 50' concrete slab)
- 240 lineal feet of 6' tall wrought-iron fencing at the New Lightner Shaft
- Concrete plug at the Raise portal
- Concrete plug at the vertical shaft portal
- Stairs, railing, and concrete pathway leading from SR 49 to the new playground
- ADA parking between the restrooms and playground
- ADA parking near the kitchen
- Gym equipment grading, concrete curbing, and purchasing equipment
- New ADA concrete pathway from parking to playground, gym equipment, bathrooms and stairs at the east side of the playground
- New ADA concrete pathways from parking to pavilion, kitchen, amphitheater, and hardcourt
- Remove bulb-out at the bathrooms, lower sewer manhole, repour curb and gutter and patch/pave.
- 320 lineal feet of 10' tall chain link fencing at the hardcourt
- New fire hydrant by the kitchen
- New domestic water line to kitchen
- Additional paved parking spots and turnaround bulb for emergency response vehicles
- Storm drain rework to accommodate new parking and ADA pathways
- Speed bumps

As shown in Table 1, Change Orders 1-4 addressed the preceding additions.

C. Pending Requests (this agenda item)

Pending City/Community requested items are:

- ✓ **Change order 5: Lighting (including lighting and trenching).** Original budget \$60,000. An additional \$67,096.98 is being requested for the scope in **Attachment C** and is detailed in the Discussion (below). Note: These costs EXCLUDE replacing the two pole lights in Utica Park which are subject to a pending PG&E permit.
- ✓ **Change order 6: Landscaping and Irrigation.** Original budget \$40,000. Total cost \$215,237.77 (\$175,237.77 difference) per **Attachment D** and detailed in the Discussion (below).
- ✓ OPTIONAL Change order 7: Repave entire parking lot and drive aisles: \$147,771.53
- ✓ OPTIONAL Change order 8: Bocce ball court surfacing change from oyster shells to artificial turf: \$37,232

D. Outstanding (Unknown) Costs pending for Boyer:

PG&E permitting costs for lighting.

E. Items rejected by City for Boyer add-ons:

Item	Cost	Comment
EV charging infrastructure	\$11,500	Calaveras Council of Governments project funds to complete; Boyer adding conduit to proposed location
Drinking Fountains	\$24,000	IRWMP grant application pending
Dogi-Pots	\$5,000	Unfunded
Mining cart entrance repair and/or relocation	\$3,000	Eliminated
Kitchen renovations	\$83,145	PG&E Resilience Grant pending
Renovate existing bathrooms	\$79,350	Unfunded
Additional pavilion/shade structures	@\$117,875	Unfunded

Strategic Plan Alignment

A4: Economic Development: Promote a wide variety of economic opportunities consistent with the city's social, cultural, environmental, and aesthetic resources. The proposed Rural Recreation and Tourism grant park project is intended to increase tourism through park enhancements including a stage, historical (cultural) interpretation trail, and improved pavilion for outdoor events. A new children's playground, adult/teen exercise equipment, bocce courts, hardcourts, improved pavilion and stage are intended to encourage social interactions with local theatre productions, local musical performances, movies in the park and enhanced outdoor spaces for other local events.

A5: Economic Development: Maintain and enhance the city's economic vitality while conserving the city's social, cultural, environmental, and aesthetic resources. See above.

B2 Community Identity: Design new development to be compatible with the natural, scenic, and cultural resources and rural character of Angels Camp. The Community Stakeholders Design

Committee will assist with park design to ensure compatibility with cultural resources and rural character.

C7: Public Facilities and Services: Maintain or increase the levels of service currently available within Angels Camp for park facilities and infrastructure. The project will increase the size of Utica Park by 3.8± acres, add or improve numerous park amenities, and upgrade and expand infrastructure increasing the level of park facilities available to all age groups and ability levels for residents and visitors.

Discussion

Amend Change Order 4(B):

Staff inadvertently rounded the \$9,146.40 cost to \$9,000. Staff is requesting approval of an amendment to add the \$146.40. City gas tax funds will pay for that amendment.

Change Order 5: Additional Lighting (Attachment C)

The current budget is \$60,000 for lighting covers amphitheater lighting (\$39,966) and trenching (\$20,000) for that lighting. Several additions are proposed resulting in a request for an additional \$67,096.98 as per the following:

Item	Cost
Amphitheatre electrical (outlets, lights, panels, controls)	\$39,966.00
Excavation, trenching etc. for amphitheatre lighting	\$20,000.00
<i>Subtotal budgeted (Original budget)</i>	<i>\$59,966.00</i>
Additional site lighting requests (add-ons) <ul style="list-style-type: none"> • Flag pole light - \$3,208.00. Includes high quality in ground light set in concrete and misc. wire and conduit. • Replace existing recessed lights at kitchen exterior - \$638.00 • Furnish and install four dark sky wall packs at existing bathroom - \$2,449.00. Includes conduit, wire foundations and poles and lights. • Furnish and install four pole lights. Includes conduit, wire foundations and poles and lights. Single Light @ \$8,207.00 each = \$16,414 Two Lights @ \$9,008.00 each = \$18,016 (\$34,430) <ul style="list-style-type: none"> • Christmas tree outlet- \$1,644.00 • Rework existing plug- \$1,493.00 	\$43,857
Add-ons trenching, sanding, identification tape, backfill compaction for tree light and reworking existing plug	\$15,000.00
<i>Subtotal add-ons</i>	<i>\$58,857.00</i>
Contractor mark-up for add-on items (11%)	\$8,239.98
Contractor insurance for add-on items (3%)	

Total Change Order No. 5	\$67,096.98
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These costs excludes PG&E Permit fees and re-installing the two existing pole lights at Utica Park.

It is noted that the flag has never been lit. Gold Electric reviewed multiple options for lighting the flag, including pole-mounted and solar lighting. The durability of these options was far inferior to providing the proposed ground-mounted light which has greater longevity and less maintenance; but carries with it a higher price tag.

The Calaveras Public Power Agency provides grants of up to \$30,000 for certain lighting projects. The City is applying for one of these grants to offset some of the proposed additional costs. In addition, the City is pursuing a PG&E resilience grant. Some of those funds could be used to improve on-site lighting and could, potentially, offset some of the remaining added costs.

Change Order 6: Landscaping/Irrigation (Attachment D)

The Request for Proposals (RFP) for the project addressed the need for new landscaping which is a required element of the City's Rural Recreation and Tourism Grant. No details were provided in the RFP other than the City's desire to exclude shrubs for public safety (i.e., reduce hiding places, increase visibility, and reducing fuel load) and trees for carbon sequestration (i.e., reduce air emissions, eliminate invasive Trees of Heaven). \$40,000 is budgeted in Boyer's contract for "landscaping."

Unfortunately, due to deferred park maintenance over the life of the park, the entire irrigation system at the park was leaking extensively, broke frequently, and barely functioned. It could no longer remain functioning with temporary fixes. Therefore, during park demolition, the entire irrigation system was removed. As a result, a new irrigation system is required that was not part of the original grant scope of work (neither in the original grant nor in the RFP for the project) and was not included in Boyer's contract.

The City's Community Park Committee has approved a landscaping plan with 17 trees, hydroseeding the former grass areas of the park, turf at the amphitheater, and edging surrounding the large trees in the center of the park. The plan will, necessarily, require a new irrigation system.

Boyer's cost proposal for landscaping, including a new irrigation system, totals \$215,237.77. Minus the existing \$40,000 budget, a shortfall of \$175,237.77 remains (i.e., **Task Order 6**). PG&E is donating the trees. Approximately \$31,440 can be shaved from the cost by eliminating soil amendments. Because this decreases the likelihood of survival for new plants, staff does not recommend eliminating this line item. As shown in **Attachment D**, approximately \$110,840 of the cost is the new irrigation system. The remaining cost is site leveling, soil amendments, turf, hydroseeding and planting.

Staff has contacted the California Department of Parks and Recreation grant administrator and requested that the grant scope calling for a second Mark Twain statue be amended to eliminate the second statue and, instead, provide an expanded history of Mark Twain on proposed interpretive signs. This would provide an additional \$60,000 in Boyer's budget that could be re-appropriated for landscaping, reducing the overall shortfall to approximately \$115,237.77.

Contingency

Staff requests a \$3,000 contingency. The amount would not be added to any specific contract until or unless needed. This would allow for flexibility, allow for expedited approval of minor costs, and avoid the need to return to City Council to correct errors such as the one associated with Change Order 4A for \$146.40.

Boyer task orders previously approved by the City Council and currently proposed are as follows:

Table 2: Utica Park/Lightner Mine Construction and Expansion Contract to Date for Boyer

Item	Description	Amount	Recommendation	Funding Source for Added Cost
Original Agreement	Current Contract	\$2,275,000.00	Approved by Council	Rural Recreation and Tourism Grant
CO No. 1	Geotechnical – mine remediation (at City request)	\$193,888.00	Approved by Council	American Rescue Plan Act (ARPA) – previously budgeted
CO No. 2	Improve emergency access, fire hydrant, drainage	\$182,645.32	Approved by Council	\$94,645.32 General Fund Water Capital \$88,000 (hydrant and storm drain)
CO No. 3	Purchase outdoor gym equipment and materials (at City request)	\$132,303.62	Approved by Council	Rural Recreation and Tourism Grant plus private donations/a/
CO No. 4	Install Speed Bumps (neighboring landowner request)	\$9,000.00	Approved by Council	City Gas Tax
<i>Subtotal Boyer Contract Change Orders 1-4A as of 1/6/2025</i>		<i>\$2,792,836.94</i>	Approved by Council	See above
CO No. 4A (Added)	Install Speed Bumps – correct error add \$146.40 for total of \$9,146.40	\$146.40	Staff recommends approval	City gas tax fund
CO No. 5	Lighting: Additional lighting for expanded parking area, replace existing lighting at old bathrooms, walkway lighting, upgrade kitchen lighting, light flag/flag pole, lighting for community Christmas tree, repair/replace lighting to old slab	\$67,096.98	Staff recommends approval	General Fund and/or ARPA Note: CPPA Grant application <i>may</i> provide \$30,000 to offset; PGE resilience grant could offset remainder
CO No. 6	Landscaping/Irrigation: see Attachment D NOTE: \$40,000 already budgeted is excluded from total	\$175,237.77	Staff recommends approval	General Fund and/or ARPA
Subtotal Change Orders No. 4A addition, No. 5 and No. 6		\$242,481.15	See above	See above
<i>Subtotal Boyer Contract Change Orders 1-6</i>		<i>3,035,318.09</i>		
Contingency	Contingency for change orders No. 4 through No. 6	\$3,000.00	Staff recommends approval	General Fund and/or ARPA
Subtotal Staff Recommendation for Resolution #25-02		\$245,481.15	BUDGET ADJUSTMENT REQUEST	
CO No. 7 (Optional)	Re-pave entire parking lot and drive aisles (City council requested)	\$147,771.53	Staff recommends deferral to future after park opening	
CO No. 8 (Optional)	Use artificial turf instead of oyster shells for bocce court surfacing (public request)	\$37,232.00	Staff recommends deferral to future after park opening	
<i>Subtotal CO 7 and CO 8</i>		<i>\$185,003.53</i>		
<i>Grand Total All Change Orders 1-8</i>		<i>\$430,484.68</i>		

/a/ Mariposa, Amador, Calaveras & Tuolumne Health Board, Inc. (MACT), Dignity Health Mark Twain Medical Center, Mark Twain Health Care District

/b/ Staff recommends approving revision to correct staff error adding \$146.40

Financial Impact

Table 3: Funding for Change Orders 5 and 6

Item	Funding Source	Additional Amount
Amend Task Order 4A Speed Bumps	City Gas Tax	\$146.40
Task Order 5 Lighting	General Fund and/or ARPA (recommend 50/50)/a/	\$67,096.98
Task Order 6 Landscaping/Irrigation	General Fund and/or ARPA (recommend 50/50)	\$175,237.77
Contingency	General Fund and/or ARPA (recommend 50/50)	\$3,000.00
Subtotal Resolution 25-02 Request (\$146.40 gas tax, \$122,667.38 ARPA, \$122,667.37 General Fund)		\$245,481.15
/a/ Calaveras Public Power Agency (CPPA): Request for \$30,000 grant for lighting		<\$30,000.00>
/a/ PG&E resilience hub grant application – Lighting		<\$16,855.00>
<i>Total applied to change orders if grants are successful</i>		<\$46,855.00>
<i>Eliminate second Mark Twain Statue in park from grant scope/grant (request pending)</i>		<\$60,000.00>
Best Case Scenario (\$146.40 gas tax, \$69,239.88 ARPA, \$69,239.87 General Fund)		\$138,626.15
OPTION: Eliminate soil amendments from landscaping plan (not recommended)		-\$31,440.00

As shown in the preceding table; Staff have identified outside funding sources with potential to offset additional lighting costs. Those funds are not guaranteed. Therefore, Resolution 25-02 would be funded at \$245,481.15 with \$146.40 gas tax plus \$122,667.38 ARPA and 122,667.37 General Fund.

If additional grant funding is successful, overall costs to the general fund and ARPA would reduce by up to \$46,844 to 198,626.15 (\$146.40 gas tax plus \$99,239.88 ARPA and \$99,239.87 general fund)

Finally, staff has asked the state to modify the original grant to exclude the addition of a second Mark Twain Statue in favor of expanding information about Mark Twain on one of the interpretive signs. \$60,000 is currently budgeted by Boyer for that and those grant funds could be used to offset landscaping costs. **If approved and grant applications are successful, total would be reduced to \$138,626.15 with \$146.40 gas tax, plus \$69,239.88 ARPA and \$69,239.87 General Fund.**

As of 12/31/24, the balance in the ARPA account is \$360,264.56. Resolution 25-02 would reduce that amount by \$122,667.38 to \$237,597.18. If grant applications are successful and the state approves a change in grant scope; the ARPA account would be reduced by only \$69,239.88 to \$291,024.68.

Attachments

- A. Resolution 25-02 with
 - Attachment A Revised Boyer Task Order #4A with Speed Cushion Design Detail
 - Attachment B Boyer Change Order #5 (Lighting)
 - Attachment C Boyer Change Order #6 (Landscaping and Irrigation)
- B. Budget adjustment request