



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Consider Adjusting Purchase Price by \$32,151.01 of the \$355,000 Paid for 217 East Lockeford Street by the Eagles Hall.

MEETING DATE: September 16, 2009 City Council Meeting

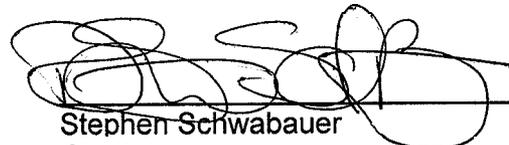
PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: Consider Adjusting Purchase Price by \$32,151.01 of the \$355,000 Paid for 217 East Lockeford Street by the Eagles Hall.

BACKGROUND INFORMATION: When the City acquired 217 East Lockeford Street, located on the property was a boarding house that later burned. The City cleared the lot but left some of the charred debris and brick on site. Neil Andersen confirmed the soil needed replacement to support a foundation. Total costs were \$32,151.01. Had City management staff been aware of the materials the City left on site we would have discounted the appraised price. As such, it is appropriate to do so now.

FISCAL IMPACT: Sales revenue offset by additional demolition expense, net revenue \$322,849.

FUNDING AVAILABLE: Proceeds of sale.


Stephen Schwabauer
City Attorney

APPROVED:


Blair King, City Manager

Eagles Site Contamination Cleanup Project 217 E Lockeford St

| <u>Vendor</u> | <u>Service</u> | <u>Amount</u> | <u>Paid</u> | <u>Comments</u> |
|----------------------|------------------------------|--------------------|-------------|------------------------------|
| Neil O. Anderson | Geotechnical Services | \$2,800.00 | Yes | Reimburse Lodi Eagles |
| Delta Buildings Inc. | Site Contamination Costs | \$1,495.00 | Yes | Reimburse Lodi Eagles |
| Grayson Engineering | Excavation Work | \$21,194.01 | | |
| Neil O. Anderson | Engineering Site Observation | \$1,080.00 | | |
| Neil O. Anderson | AC/Soil Inspection- Reports | <u>\$1,162.00</u> | | |
| | Total | \$27,731.01 | | |

Geotechnical Consulting Services Agreement

PARTIES

This Agreement between:

Lodi Eagles Hall, Aerie #848
320 N. Washington Street
Lodi, CA 95240
Hereinafter called "Client"

Neil O. Anderson & Associates, Inc.
902 Industrial Way
Lodi, CA 95240
Hereinafter called "NOA"
FEIN#: 680251001

PROJECT

Client engages NOA to provide services for the project generally described as:
Lodi Eagles Hall

SCOPE OF SERVICES

NOA agrees to perform services as follows:

Geotechnical consulting projects per the attached proposal dated: July 28, 2009

Any additional services requested will be invoiced in accordance with NOA's then-current schedule of fees. NOA is not responsible for scheduling or methods employed by the Client's separate contractors, Clients, agents, and other representatives. Accordingly, the Client will be responsible for any additional fees invoiced to the Client by NOA as a result of unforeseen delays in work progress or retesting resulting from the inability of the Client's separate contractors, Clients, agents, and other representatives to produce a work product in conformance with the project plans and specifications.

COMPENSATION

payment will be due upon receipt of NOA's reports and related invoices. In the event that an invoice remains unpaid after 30 days from date of invoice, interest will begin to accrue from the date of the invoice at the rate of 1-1/2% per month.

The parties have read and understand completely the Terms and Conditions attached to this document which are incorporated herein as part of this Agreement and willingly enter into this Agreement which shall become effective on the date signed by the Client below.

"Client" Lodi Eagles Hall, Aerie #848

Todd Hausauer
Signature of Authorized Representative

Todd Hausauer
Name (Typed or written)

TRUSTEE
Title

8/3/09
Date

"NOA" Neil O. Anderson & Associates, Inc.

Troy M. Schless
Troy M. Schless, PE 71404
Authorized Representative

*Paid 8/7/09
Lodi Eagles Hall
Check # 1012*

Date

please be aware that by signing this agreement you acknowledge that:

- NOA does not third-party bill.
- All services arranged by you on behalf of someone else will be billed directly to you



LODI AERIE 848 FRATERNAL ORDER
OF EAGLES

320 N. WASHINGTON ST.
LODI, CA 95240

1012

DATE 8-6-09

90-4181/1211
1056

PAY
TO THE
ORDER OF

Neal Anderson and Associates

\$ 2800.00

Two Thousand Eight Hundred and ⁰⁰/₁₀₀

DOLLARS

 Security
Features
Details on
Back.



UMPQUA
BANK

1-866-4UMPQUA
(1-866-486-7782)

George Dectra
Ronald J. Stuffer

FR _____



151 W. Taddei Rd.
Acampo, CA 95220

Lic. # 390070
Ph. (209) 334-0513
Fax (209) 334-9916
E-mail: deltabuildings@gmail.com

August 18, 2009

Lodi Eagles Aerie #848
320 N. Washington Street
Lodi, CA 95240

Subject: Site Work Contamination Cost

INVOICE

Site work contamination cost for grade layout and exploring excavation, mobilization, regrade for test holes (Neil Anderson) and meetings.

Delta's cost is \$ 1,495.00

Please remit payment to above address.
Any questions, please call the office.
Thanks,

Kim Dietz
Office Manager

*Paid 9/4/09
Lodi Eagles Para
check # 1015*



GRAYSON
ENGINEERING
GENERAL ENGINEERING CONTRACTOR

Invoice

Date: 8/19/2009
Invoice No: 71701F89

Bill To:

Eagles Aeire 848
PO Box 2575
Lodi, CA 95241

Project Information:

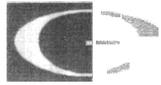
Eagles Hall
217 E. Lockeford Street
Lodi, CA

| Item | Description | Price | % Complete | Amount |
|--|--|-------------------------------|------------|-----------|
| | Friday, August 14, 2009 | | | 8,592.25 |
| | Monday, August 17, 2009 | | | 6,112.13 |
| | Tuesday, August 18, 2009 | | | 4,365.50 |
| | Wednesday, August 19, 2009 | | | 2,124.13 |
| | ***See attached daily work description | | | |
| | | Total Amount | | 21,194.01 |
| Please pay from this invoice | | Less Previous Billing: | | |
| Invoices are subject to late payment charge of 1.5% per month after 30 days from invoice date. | | Amount of <i>this</i> Invoice | | |
| | | Less Retention this Invoice | | |
| | | Total Invoice Now Due | | 21,194.01 |

PO BOX 2672 LODI. CA 95242-2756

PHONE (209) 368-54

FAX (209) 68-7704



DAILY WORK DESCRIPTION

Friday, August 14, 2009

1. Met Troy from Neil Anderson office at 7am
2. Started excavating on South East end of building pad by Troy Scheisse.
3. Removed brick footings and debris and stockpiled.
4. Located what looked to be a basement, over excavated down to approx. 7' deep.
5. East side of pad was clean to approx. 2.5 - 3' stockpiled clean dirt.
6. Afternoon lined up trucks to start off haul - Vaz hauled off 20 loads.
7. Gene Landes Trucking off hauled 2 end dump loads

Monday, August 17, 2009

1. Compacted bottom of old basement. George from Anderson's office took tests on bottom. All passed. He watched and tested all the way to the top. All passes.
2. Moisture conditioned dirt and compacted clean stockpiled dirt into basement and balance of pad. All tests passed.
3. Lined up fill material with Jeff Dean at AM Stephens.

Tuesday, August 18, 2009

1. Compacted pad subgrade approx. el. 50.10.
2. Started placing import fill.
3. Found pipe on North end of pad, dug up didn't find anything. Back filled.
4. Had Shaun pick up skid steer with broom to sweep roadway and lot.
5. AM Stephens supplied fill for City of Lodi 52 Mega dump loads approx. 500 c.y.

Wednesday, August 19, 2009

1. Finished fine grading pad.
2. Loaded out stockpiled dirt. Trucking by others - No charge for loader use.
3. Cleaned up site, moved out equipment.

Neil O. Anderson & Associates
 902 Industrial Way
 Lodi, CA 95240



GEOTECHNICAL
 ENVIRONMENTAL
 INSPECTIONS & TESTING
 LABORATORY SERVICES
 POOL ENGINEERING
 POST TENSION DESIGN

INVOICE

Todd Hausauer
 Lodi Eagles Hall, Aerie #848
 PO Box 2575
 Lodi CA 95240

Invoice #: BILL0009531
 Invoice Date: 8/17/2009
 Project Number: LTI090668
 Project Name: Lodi Eagles Hall
 217 E. Lockeford Street
 Lodi CA 95240

Customer ID: LOD16150
 Purchase Order:

Project Manager: Troy Schiess

| Date | Item | Qty | Rate | Amount |
|------------------|---|------|----------|----------------------------|
| <u>8/14/2009</u> | Engineering Site Obs TI Three trips to site to observe on-going over-excavation of site P/u soil sample from Steavenson Park for lab testing. | 8.00 | \$135.00 | \$1,080.00 |
| | | | | ----- \$1,080.00 |
| | | | | ===== |
| | | | | \$1,080.00 |

After 30 days a finance charge will be due at the rate of 1.5% per month.

TAX ID: #68-0251001
 CONTACT INFORMATION: PHONE (209)367-3701
 EMAIL billing@noanderson.com

| | |
|--------------------------------------|-------------------|
| BILLING LINE AMOUNT: | \$1,080.00 |
| PREPAYMENT AMOUNT: | \$0.00 |
| TOTAL: | \$1,080.00 |
| CASH: | \$0.00 |
| CHECK: | \$0.00 |
| CREDIT CARD: | \$0.00 |
| TERMS DISC TAKEN: | \$0.00 |
| TOTAL DUE THIS INVOICE: | \$1,080.00 |
| OUTSTANDING CUSTOMER BALANCE: | \$0.00 |

Neil O. Anderson & Associates
 902 Industrial Way
 Lodi, CA 95240



GEOTECHNICAL
 ENVIRONMENTAL
 INSPECTIONS & TESTING
 LABORATORY SERVICES
 POOL ENGINEERING
 POST TENSION DESIGN

INVOICE

Todd Hausauer
 Lodi Eagles Hall, Aerie #848
 PO Box 2575
 Lodi CA 95240

Invoice #: BILL0009788
 Invoice Date: 8/31/2009
 Project Number: LTI090668
 Project Name: Lodi Eagles Hall
 217 E. Lockeford Street
 Lodi CA 95240

Customer ID: LOD16150
 Purchase Order:

Project Manager: Troy Schiess

| Date | Item | Qty | Rate | Amount |
|------------------------------|---|------|----------|-------------------|
| Professional Services | | | | |
| 8/17/2009 | AC/Soil Inspector w/ Nuc Gauge | 4.00 | \$80.00 | \$320.00 |
| 8/17/2009 | Proctor Mod Effort 4 in D1557 2 proctors | 2.00 | \$205.00 | \$410.00 |
| 8/17/2009 | Report Production | 1.00 | \$50.00 | \$50.00 |
| 8/17/2009 | Trip Charge | 1.00 | \$6.00 | \$6.00 |
| 8/18/2009 | AC/Soil Inspector w/ Nuc Gauge 2 visits to jobsite | 4.00 | \$80.00 | \$320.00 |
| 8/18/2009 | Report Production | 1.00 | \$50.00 | \$50.00 |
| 8/18/2009 | Trip Charge | 1.00 | \$6.00 | \$6.00 |
| | | | | \$1,162.00 |
| | | | | \$1,162.00 |

After 30 days a finance charge will be due at the rate of 1.5% per month.

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 EMAIL billing@noanderson.com

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| CHECK: | \$0.00 |
| CREDIT CARD: | \$0.00 |
| TERMS DISC TAKEN: | \$0.00 |
| TOTAL DUE THIS INVOICE: | \$1,162.00 |
| OUTSTANDING CUSTOMER BALANCE: | \$0.00 |

P.O. BOX 1867
LODI, CA 95241



PHONE: (209)333-0136
FAX (209) 333-0993

INVOICE NO. 5475

City of Lodi
Attn: Schwabauer
P.O. Box 3006
Lodi, California 95241

AUG 26 2009

CITY ATTORNEYS OFFICE

DATE 20-Aun-09

PURCHASE
ORDER NO _____

TERMS PAYABLE 10th FOLLOWING MONTH

217 EAST LOCKEFORD STREET, Lodi California

| <u>DATE</u> | <u>UNIT</u> | <u>DESCRIPTION</u> | | <u>RATE</u> | | <u>TOTAL</u> | <u>DAILY TOTAL</u> |
|-------------------|-------------|--------------------|------|-------------|----|--------------|--------------------|
| 08/18/09 | 52.00 LDS | Fill Dirt | @ \$ | 85.00 | LD | \$4,420.00 | \$4,420.00 |
| TOTAL AMOUNT DUE: | | | | | | | \$4,420.00 |