

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 1, 2022 AGENDA**

Subject:	Type:	Submitted By:
PROFESSIONAL SERVICES AGREEMENT – GRADE CONTROL IMPROVEMENTS AMENDMENT NO. 1	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAT DOWSE CITY ENGINEER

SYNOPSIS

A resolution has been prepared to approve Amendment No. 1 with City Ventures for the grade control improvements for City Centre Lot 14 to include the deletions and additions of items of work resulting in an increase of \$2,045 for a total not to exceed amount of \$114,278.28.

FISCAL IMPACT

The FY21/FY22 Biennial Budget provides funding for this project increase.

RECOMMENDATION

Approval

BACKGROUND

On February 2, 2021, the City Council approved the Lot 14 Grade Control Improvements agreement for the construction of certain retaining wall and drainage improvements that were undertaken by City Centre, LLC and its affiliate, City Centre I, LLC. Throughout the construction project there were both additions and deletions of work which resulted in an overall cost increase of \$13,440, to which the City's portion increased by \$2,045. This amendment brought the total project cost to \$277,452 of which La Vista's total portion is \$114,278.28.

A copy of the amendment, including the applicable cost share, is attached.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO A PROFESSIONAL SERVICES AGREEMENT WITH CITY VENTURES FOR GRADE CONTROL IMPROVEMENTS FOR LOT 14 IN AN INCREASED AMOUNT OF \$2,045 FOR A TOTAL NOT TO EXCEED AMOUNT of \$114,278.28.

WHEREAS, the City Council of the City of La Vista has determined that grade control improvements are necessary; and

WHEREAS, the FY21/FY22 Biennial Budget provides funding for this project increase; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal code requires that the City Administrator secure council approval prior to authorizing any purchases over \$5,000;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorizing the execution of amendment no. 1 to a professional services agreement with City Ventures for grade control improvements for Lot 14 in an increased amount of \$2,045 for a total not to exceed amount of \$114,278.28.

PASSED AND APPROVED THIS 1ST DAY OF MARCH 2022.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

**AMENDMENT NO.1 –
IMPROVEMENT AND EASEMENT AGREEMENT
Grade Control Improvements**

THIS AMENDMENT NO. 1 (“AMENDMENT”) is made and entered into this 24th day of February, 2022, by and among La Vista City Centre, LLC (hereinafter referred to as “City Centre”), City Centre 1, LLC, a Nebraska limited liability company, (hereinafter referred to as “City Centre 1”) (City Centre and City Centre 1 together are hereinafter referred to as “Redeveloper”), and the CITY OF LA VISTA, NEBRASKA (hereinafter referred to as “City”).

WHEREAS, an IMPROVEMENT AND EASEMENT AGREEMENT Grade Control Improvements dated February 2, 2021 (“Agreement”) was made and entered into by and among City Centre, City Centre 1 and City to specify the relative responsibilities of the parties in connection with certain grade control improvements constructed by City Centre 1 in the vicinity of the northeast boundary of Lot 14, La Vista City Centre (“Grade Control Improvements”) and serving said lot and a dual purpose fire lane and pedestrian walkway constructed by City on adjacent City property; and

WHEREAS, the parties desire to amend the Agreement for certain additions and deletions to the work and related costs.

NOW, THEREFORE, the Agreement is amended as follows:

I. Section 2. Section 2 of the Agreement is deleted and replaced in its entirety by the following.

“2. Payment of Costs. Upon completion of the Grade Control Improvements, City shall pay City Centre 1 an amount equal to the sum of the following amounts: The share of each line item of cost allocable to the City as set forth in Exhibit “C”, attached to and incorporated by reference into this Amendment, that is actually incurred, not to exceed the dollar amount of the City share for such line item in Exhibit “C”, subject to the final costs, allocations, and adjustments specified in such Exhibit “C” under the title of “Amendment No. 1” (“Applicable Share”). City Centre 1 shall pay all costs in excess of the Applicable Share. The City’s obligation to pay the Applicable Share shall be subject to City receipt of the Certificate of Compliance satisfactory to City Engineer.”

II. Exhibit “C”. Exhibit “C” of the Agreement is deleted and replaced in its entirety by revised Exhibit “C” attached and incorporated by reference in to this Amendment.

III. Other.

A. Incorporation of Recitals. Recitals at the beginning of this Amendment are incorporated into this Amendment by reference.

B. Effect of Amendment. All provisions of the Agreement shall be deemed amended

consistent with the revisions of this Amendment. Except as modified by this Amendment, all provisions of the Agreement shall continue in full force and effect as originally agreed by this parties.

C. Counterparts. This Amendment may be executed in any number of counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same Amendment.

IN WITNESS WHEREOF, each of the undersigned has executed this Amendment as of the day and year indicated.

[Remainder of page intentionally left blank; signatures to follow]

COUNTERPART SIGNATURE PAGE

CITY OF LA VISTA, NEBRASKA,

Mayor Date

ATTEST:

City Clerk Date

COUNTERPART SIGNATURE PAGE

LA VISTA CITY CENTRE, LLC,
a Nebraska limited liability company

By: _____


Christopher L. Erickson, Manager

Date: 02/24/22

COUNTERPART SIGNATURE PAGE

CITY CENTRE 1, LLC,
a Nebraska limited liability company

By:


Christopher L. Erickson, Manager

Date: 02/24/22

EXHIBIT C
APPLICABLE SHARE

(Attached)

EXHIBIT "C"

ORIGINAL AGREEMENT

#	Civil Work Description	Total Cost of Work	City+Ventures	City of La Vista
1A	EARTHWORK	\$30,000.00	\$15,000.00	\$15,000.00
1B	FLEXMAT & SOME CLASS B RIPRAP INSTALLED	\$16,750.00	\$8,375.00	\$8,375.00
1C	INLET STRCUTURES AND PIPING - 30" RCP and 42" last 24'	\$49,000.00	\$24,500.00	\$24,500.00
2	LANDSCAPING - SEED/EROSION CONTROL	\$4,000.00	\$2,000.00	\$2,000.00
3	SPRINKLERS	\$2,000.00	\$1,000.00	\$1,000.00
4	RETAINING WALL	\$106,436.00	\$67,056.00	\$39,380.00
5	SURVEYING	\$4,000.00	\$2,000.00	\$2,000.00
6	SPECIAL INSPECTIONS - OLSSON	\$4,000.00	\$2,000.00	\$2,000.00
7	SILT FENCE AND EROSION CONTROL	\$2,000.00	\$1,000.00	\$1,000.00
8	SHORING FOR TRANSFORMER	\$2,500.00	\$1,250.00	\$1,250.00
9	FENCING	\$6,500.00	\$6,500.00	\$0.00
10	ADDITIONAL 6' SWITCHBACK SIDEWALK	\$4,000.00	\$2,000.00	\$2,000.00
11	MISCELLANEOUS FINISH GRADING AND OCI LABOR	\$2,000.00	\$1,000.00	\$1,000.00
12	STAINING OF WALL TO MATCH PREVIOUS WALLS ONSITE	\$3,675.00	\$2,315.25	\$1,359.75
13	INSTALL ANTI GRAFFITTI COATING TO WALL	\$3,150.00	\$1,984.50	\$1,165.50
14	SUBTOTAL	\$240,011.00	\$137,980.75	\$102,030.25
15	OCI OVERHEAD - 5%	\$12,000.55	\$6,899.04	\$5,101.51
16	OCI PROFIT - 5%	\$12,000.55	\$6,899.04	\$5,101.51

AGREEMENT TOTAL	\$264,012.10	\$151,778.83	\$112,233.28
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AMENDMENT NO.1

#	Civil Work Description	Total Cost of Work	City+Ventures	City of La Vista
X1	MANHOLE BARREL EXTENSIONS	\$4,500.00	\$2,250.00	\$2,250.00
X2	STORM SEWER PIPE BEDDINING	\$4,700.00	\$2,350.00	\$2,350.00
X3	DEDUCT ITEM 10 (ADDITIONAL 6' SWITCHBACK SIDEWALK)	-\$4,000.00	-\$2,000.00	-\$2,000.00
X4	ADDITIONAL FLEXAMAT AT STEEP SLOPES	\$8,500.00	\$8,500.00	\$0.00
X5	DEDUCT ITEM 8 (SHORING FOR TRANSFORMER)	-\$2,500.00	-\$1,250.00	-\$1,250.00
X6	SUBTOTAL	\$11,200.00	\$9,850.00	\$1,350.00
X7	INDIRECT 10% (OCI LABOR)	\$1,120.00	\$985.00	\$135.00
X8	SUBTOTAL	\$12,320.00	\$10,835.00	\$1,485.00
X9	OCI OVERHEAD AND PROFIT	\$1,120.00	\$560.00	\$560.00
	AMENDMENT NO. 1 TOTAL	\$13,440.00	\$11,395.00	\$2,045.00

REVISED TOTAL	\$277,452.10	\$163,173.83	\$114,278.28
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