

CITY OF DANA POINT
AGENDA REPORT

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| Reviewed By: | |
| DH | X |
| CM | X |
| CA | |

DATE: JANUARY 8, 2007

TO: CITY MANAGER/CITY COUNCIL

**FROM BRAD FOWLER, DIRECTOR OF PUBLIC WORKS AND
ENGINEERING SERVICES**

**SUBJECT: ADOPTION OF A RESOLUTION APPROVING A NOTICE OF
COMPLETION FOR THE DEL OBISPO PARK
RESTROOM/CONCESSION BUILDING PROJECT**

RECOMMENDED ACTION:

That the City Council (1) adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE DEL OBISPO PARK RESTROOM/CONCESSION BUILDING PROJECT

and (2) direct staff to transfer any project savings to the Annual General Park Rehabilitation, CIP #1206.

ISSUES:

The City Council awarded a contract to Lehman Construction, Incorporated for the construction of the Del Obispo Park Restroom/Concession Building Project on May 24, 2006. The work has been substantially completed in accordance with the approved plans and specifications. The Notice of Completion is now recommended for approval.

BACKGROUND:

The General Park Rehabilitation Program was established by the City Council to provide a mechanism for the City to rehabilitate parks within the City's control. Del Obispo Park is one of the most heavily utilized parks in the entire City of Dana Point. The primary use of the park is for baseball, including youth baseball activities. The Del Obispo Park baseball fields and surrounding areas were rehabilitated in late 2004, but the restroom and concession stand remained untouched due to funding limitations. Both the restroom and the concession stand had reached the end of their useful life and needed to be replaced.

Based on the need for improvements, the City Council allocated funds for the project, and staff has worked to design and construct a new building to accommodate both uses.

DISCUSSION:

The City’s contractor, Lehman Construction, Incorporated, has substantially completed the construction of the Del Obispo Restroom/Concession Building Project. There remain project punchlist items and some minor change order work. The project was constructed in accordance with the approved plans and specifications.

At project end, staff estimates that approximately \$725,000 of the original \$750,000 budget will be utilized for project expenditures. This project was funded from General Parks Rehabilitation CIP funds and the minor project savings amount will be returned to this account for other parks improvement projects. Therefore, staff recommends that the City Council adopt a resolution approving a Notice of Completion, Action Document A. The City Clerk may then forward the request for recordation to the County of Orange, Action Document B.

NOTIFICATION/FOLLOW-UP:

Lehman Construction, Incorporated

STRATEGIC PLAN IMPLEMENTATION:

Under the Strategic Planning Initiative to maintain, modernize and beautify the City’s infrastructure and neighborhoods, this project implements the tactical element of upgrading and maintaining facilities.

FISCAL IMPACT:

The project was completed within the budget limits approved by the City Council when the project was awarded, and subsequently amended. Staff recommends that the remaining project balance be transferred to the Annual General Park Rehabilitation Project, CIP #1206 for construction of the Sunset Park improvements.

ALTERNATIVE ACTIONS:

- 1. Other alternatives as determined by the City Council

ACTION DOCUMENTS:

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| A. | Resolution | 4 |
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B. [Notice](#) of Completion 6

SUPPORTING DOCUMENTS:

None

Action Document A – Resolution**RESOLUTION NO.****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE DEL OBISPO PARK RESTROOM/CONCESSION BUILDING PROJECT**

THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the City of Dana Point entered into an agreement with Lehman Construction, Incorporated, for construction of the Del Obispo Restroom/Concession Building Project on May 24, 2006.

WHEREAS, the City Engineer and City Construction Manager have evaluated the work and cost figures and recommends approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dana Point as follows:

- Section 1. That the work required to be performed by said Contractor has been completed.
- Section 2. That the work is hereby accepted and approved.
- Section 3. That the City Clerk is directed to certify the Resolution and to forthwith forward a "Notice of Completion" to the Recorder of the County of Orange for recording.
- Section 4. That the City Clerk is directed to release security posted for the completion of the project thirty-five (35) days after recordation of the Notice of Completion by the County of Orange Recorder, provided that no stop notices have been filed against said contractor.

PASSED, APPROVED, AND ADOPTED this 8th day of January, 2007.

Diane Harkey, Mayor

ATTEST:

Kathy M. Ward, Acting City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANA POINT)

I, KATHY WARD, Acting City Clerk of the City of Dana Point, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 07-XX-XX-XX, and was duly passed and adopted by the City Council of the City of Dana Point, California, at a regular meeting thereof, held on the 8th day of January, 2007, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

KATHY M. WARD,
ACTING CITY CLERK

Action Document B – Notice of Completion

Recording Fees Exempt per
Government Code Section 6103

Recording Requested by:
Public Works Department
City of Dana Point
33282 Golden Lantern
Dana Point, California

When Recorded Please Mail to:
CITY CLERK
CITY OF DANA POINT
33282 GOLDEN LANTERN
DANA POINT, CA 92629

This Space for Recorder's Use Only

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that a contract was heretofore awarded by the City Council of the City of Dana Point, California, to Lehman Construction, Incorporated for the performance of the following work:

DEL OBISPO RESTROOM/CONCESSION BUILDING PROJECT

Said work was substantially completed on December 22, 2006 by said company, was completed in accordance with City standards and to the satisfaction of the City Engineer and the City Construction Manager of the City of Dana Point; and was accepted by the City Council of the City of Dana Point, owner, at a regular meeting thereof held on the 8th day of January, 2007 by Resolution No. _____.

Upon said contract, surety was given by Developers Surety and Indemnity Company, Bond Number 731628P, as required by law.

DATED this _____ day of _____, 2007,
at Dana Point, California.

Kathy M. Ward, Acting City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANA POINT)

I, Kathy M. Ward, Acting City Clerk of the City of Dana Point, California, do hereby certify that the foregoing Notice of Completion is true and correct, and that said Notice of Completion was duly and regularly ordered to be recorded in the Office of the Orange County Recorder by said City Council.

DATED this _____ day of _____, 2007, at Dana Point, California.

Kathy M. Ward, Acting City Clerk