

**CITY OF DANA POINT**  
**AGENDA REPORT**

Reviewed By:	
DH	X
CM	X
CA	

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**DATE: AUGUST 27, 2003**

**TO: CITY MANAGER/CITY COUNCIL**

**FROM LAWRENCE D. PIERCE, INTERIM DIRECTOR OF PUBLIC WORKS AND ENGINEERING SERVICES**

**SUBJECT: ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE LOT F PEDESTRIAN STAIRWAY RECONSTRUCTION PROJECT**

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**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 LOT F PEDESTRIAN STAIRWAY RECONSTRUCTION PROJECT

(2) direct staff to transfer all project savings to the Capital Improvement Program reserves.

**ISSUES:**

The City Council awarded a contract to the Hondo Company for the construction of the Lot F Pedestrian Stairway Reconstruction Project on March 12, 2003. The work has been completed in accordance with the approved specifications and to the satisfaction of the City Engineer. Since the work has been completed, it would be appropriate for the City Council to approve a Notice of Completion.

**BACKGROUND:**

At its regular meeting of September 26, 1989 the City Council approved the final subdivision map for Tract No. 13355, commonly known as the Village at Dana Point. At that time, the subdivider offered in dedication to the City all of the streets within the subdivision and portions of Calle La Primavera, Del Obispo Street and Manzanita Drive, along with scenic easements, a trail easement, Lot 73 in fee simple for park purposes, Lot "E" in fee simple for open space purposes

and Lot "F" in fee simple for pedestrian access purposes. The City Council accepted all of the streets and the scenic easements, but did not accept all of the other offers. Later, Lot 73 was accepted and is now known as Sea View Park.

Lot "F", the subject of this report and shown in Supporting Document C, is a ten-foot-wide pedestrian access lot from Calle La Primavera to Dartmouth Lane and was improved by the developer of the subdivision with a stairway, handrails and a low-level lighting system to provide subdivision residents along Calle La Primavera access to the common area facilities. The pedestrian facilities, since their construction, have been available to and used by the public, although they are owned by the homeowners association and were reportedly intended for member use only.

In March and, again, in June of last year, staff received letters from an attorney for the homeowners association providing notice that the association intended to construct a gate across the stairway to prevent the general public from using the pedestrian access. The reason given for the proposed gate construction was that there is an ongoing problem with nearby residents, not a part of the Village, bringing their pets to the common area via the stairway and not picking up the pets' waste. The March letter acknowledged that the public has been using the stairway facilities but did not indicate for how long, nor did the letter indicate what other measures had been taken to correct the objectionable behavior or what other alternatives to the gate were investigated.

The letters requested input from the City regarding the proposed gate because of the underlying rights of the City with respect to the irrevocable offer of dedication. In response, staff requested that the gate construction be postponed until the City could further investigate the situation and provide an official City response.

Staff's investigation revealed that the stairway and associated sidewalk at each end join the public sidewalk on the east side of Calle La Primavera and at the cul-de-sac end of Dartmouth Lane. To access the homeowners' common area from Calle La Primavera, one must walk on the public sidewalk on Calle La Primavera, then follow the private sidewalk and stairs within the pedestrian lot (Lot "F") to the public sidewalk on Dartmouth Lane, thence along Dartmouth Lane to Capistrano by the Sea, and southerly on Capistrano by the Sea to the common area. The same route can be taken in order to access any of the other interior public streets of the Village or to access Del Obispo Street and parts east.

It was also noted that additional access to the public streets within the Village from Calle La Primavera is achieved through the upper end of Sea View Park at the southerly end of Capistrano by the Sea. However, the distance one must walk if coming from the north is much greater than using the facilities in the pedestrian access lot, depending upon one's destination.

Staff's investigation also included inspecting the condition of the pedestrian facilities. It was noted that the stairs did not meet current building codes, and the handrail was deteriorated and potentially unsafe due to corrosion. The low-level lighting system adjacent to the stairs was also in questionable condition.

Based on the issues surrounding Lot "F", the City Council adopted a resolution accepting the offer of dedication at their August 13, 2002 meeting. At that time the City Council also took the following actions:

- (1) authorized the reconstruction of the pedestrian facilities located within Lot "F" by adding the project to the FY 02/03 Capital Improvement Program,
- (2) allocated \$75,000 from the Unallocated General Fund Reserves as a preliminary budget for the project,
- (3) authorized staff to retain a professional designer and other necessary support to accomplish the design of new facilities, and
- (4) authorized staff to advertise the project for construction bids upon completion of the preparation of bid documents.

On February 12, 2003, the City Council approved the use of \$50,000 in additional funding for this project.

City staff completed the design, advertised the project for construction bids, and the City Council awarded a contract on March 12, 2003 to the Hondo Company for construction of the project.

#### **DISCUSSION:**

The City's contractor, Hondo Company, Inc., has completed the construction of the Lot "F" Stairway Project, Fiscal Year 2002/2003. The City Inspector/Construction Manager has inspected the work and confirmed that the project was constructed in accordance with the approved plans and specifications. Therefore, staff recommends that the City Council adopt a resolution approving a Notice of Completion, Action Document A.

A location map of the Lot F Stairway Reconstruction Project site is attached as Supporting Document C. All project savings will be directed to the Capital Improvement Program reserves.

#### **NOTIFICATION/FOLLOW-UP:**

Hondo Company, Inc.

**STRATEGIC PLAN IMPLEMENTATION:**

In compliance with the strategic plan initiative to maintain, modernize and beautify the City’s infrastructure and neighborhoods, this project implements the tactical element of upgrading and maintaining pedestrian routes and walkways.

**FISCAL IMPACT:**

The available funding for the project is \$136,562.00. The costs incurred to date on the project are as follows:

Design, RJM Design Group	\$ 11,250.00
Check Request, RJM Design Group	\$ 1,798.31
Check Request, RJM Design Group	\$ 457.80
Project Management, PBS&J	\$ 3,636.00
Survey, Bush and Associates	\$ 3,200.00
Printing, Consolidated Reprographics	\$ 750.00
Construction, Hondo Company	\$ 85,740.00
Construction Management, PBS&J	\$ 15,974.00
Survey, Bush & Associates	\$ 3,200.00
Materials Testing, GMU	\$ 5,500.00
San Diego Gas & Electric	<u>\$ 395.00</u>
 TOTAL PROJECT COSTS TO DATE (Previous Council Actions)	 \$ 131,900.31

There is sufficient budget available for the project. All project savings will be directed to the Capital Improvement Program reserves.

**ALTERNATIVE ACTIONS:**

1. Other action deemed appropriate by the Council.

**ACTION DOCUMENTS:**

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**SUPPORTING DOCUMENTS:**

C. <a href="#">Location</a> Map of Lot “F” .....	9
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**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 LOT F PEDESTRIAN STAIRWAY RECONSTRUCTION PROJECT**

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

WHEREAS, the City of Dana Point has entered into an agreement with the Hondo Company, Inc. for the construction of the Lot “F” Pedestrian Stairway Reconstruction Project, FY 2002/2003.

WHEREAS, the Director of Public Works and Engineering Services has 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 27th day of August, 2003.

\_\_\_\_\_  
WILLIAM L. OSSENMACHER, MAYOR

ATTEST:

\_\_\_\_\_  
Susan A. Ramos, City Clerk

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

I, Susan A. Ramos, City Clerk of the City of Dana Point, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. \_\_\_\_\_ adopted by the City Council of the City of Dana Point, California, at a regular meeting thereof held on the 27<sup>th</sup> day of August, 2003, by the following vote:

AYES:

NOES:

ABSENT:

(SEAL)

\_\_\_\_\_  
SUSAN A. RAMOS, 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 Hondo Company, Inc. for the performance of the following work:

Lot "F" Pedestrian Stairway Reconstruction Project, FY 2002/2003

Said work was completed on June 9, 2003, by said company; was completed in accordance with City standards and to the satisfaction of the Director of Public Works and Engineering Services 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 27th day of August, 2003, by Resolution No. \_\_\_\_\_.

Upon said contract, surety was given by First National Insurance Company of America, Bond Number 6070010, as required by law.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2003, at Dana Point, California.

\_\_\_\_\_  
Susan A. Ramos, City Clerk

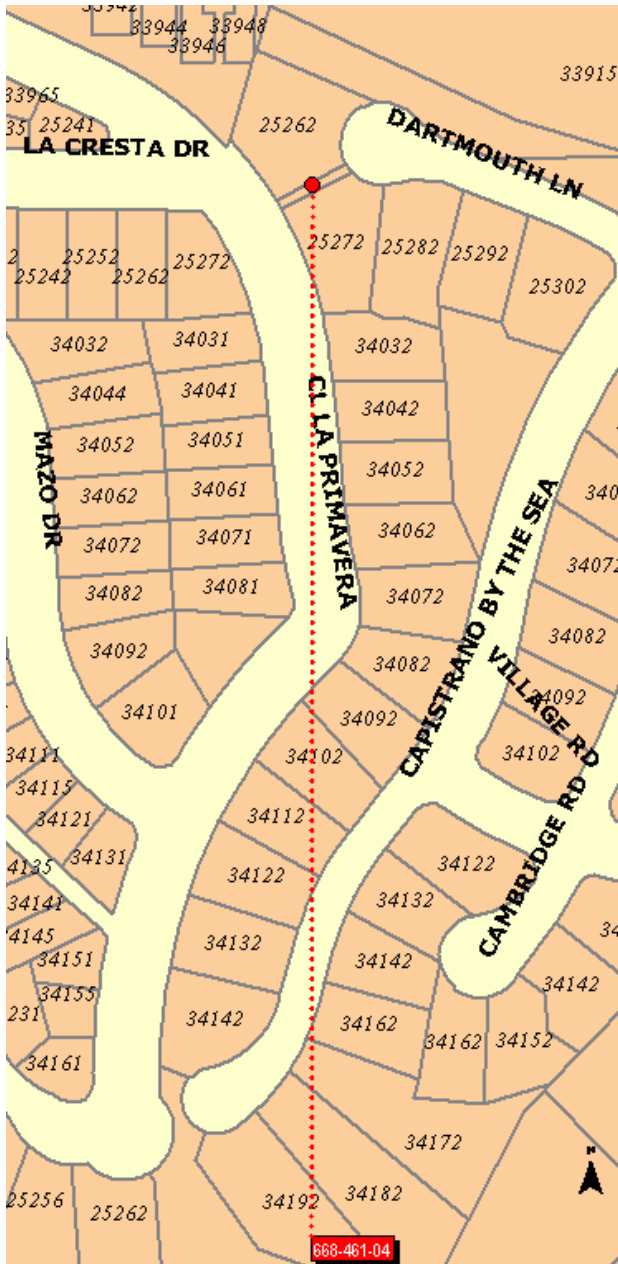
STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF DANA POINT )

I, Susan A. Ramos, 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 \_\_\_\_\_, 2003, at Dana Point, California.

\_\_\_\_\_  
Susan A. Ramos, City Clerk

**Supporting Document C – Location Map of Lot “F”**



APN	<a href="#">668-461-04</a>
House Number	
Street	
Owner Name	VILLAGE AT DANA POINT
Owner Address	19200 VON KARMAN AVE STE200
Owner CSZ	IRVINE,CA 92612-8553
Owner Phone	
Living Area	
Lot Size (SF)	
Legal Description	N TR 13355 LOT F
Assessed Value	
TBM Page	
Land Use	Residential 3.5-7 DU/AC
Zoning	PRD 12