



AGENDA REPORT
CITY OF SAN CLEMENTE
City Council Meeting

910 Calle Negocio
2nd Floor
San Clemente, California
www.san-clemente.org

Meeting Date: 6/6/2023

Agenda Item: 7M

Department: Public Works
Prepared By Masako Hennequin, Associate Civil Engineer

Subject:
ACCEPTANCE AND NOTICE OF COMPLETION FOR SIDEWALK IMPROVEMENTS FOR AVENIDA CABRILLO (CDBG), PROJECT NO. 10317

Summary:
LC Paving and Sealing, Inc. has completed the construction contract within budget. The Resolution before City Council will accept the project and allow staff to record the notice of completion.

Background:
On February 15, 2022, the City Council awarded a construction contract to LC Paving and Sealing, Inc. for sidewalk improvements on the 100 and 200 blocks of Avenida Cabrillo as shown in the location map on Attachment 2. The work consisted of replacing sidewalk, curb and gutter, ADA ramps and driveways on the south side of Avenida Cabrillo. The retaining wall adjacent to the City Community Center parking lot was also replaced along with new landscaping and irrigation system.

The construction cost summary is as follows:

Construction Management and Inspection	\$24,547
Construction	\$702,050
Total Construction Cost	\$726,597

- Council Options:**
- Adopt Resolution No. 23-43.
 - Modify and adopt Resolution No. 23-43.
 - Continue the item with direction to provide additional information.

Fiscal Impact:
The total project (construction, management and inspections) was completed at a cost of \$726,597. The construction portion of the project cost \$702,050, which was approximately \$20,800 more than the original not to exceed contract amount of \$681,231.88. The reasons for the overage were due to unforeseen conditions encountered during construction which required the removal of an old buried concrete slab and replacement of an aged irrigation system. These change orders were outside the original scope of work and could not have been predicted at the time of the original award.

Environmental Review/Analysis:

This project was previously determined to be categorically exempt from the California Environmental Quality Act (CEQA) under Class 2 (Replacement or Reconstruction, 14 CCR section 15302) of the State CEQA Guidelines.

Recommended Actions:

Staff Recommendation

Adopt Resolution No. 23-43, which will:

1. Accept the Sidewalk Improvements for Avenida Cabrillo (CDBG), Project No. 10317 from the LC Paving and Sealing, Inc.;
2. Authorize the Public Works Director to execute and record the Notice of Completion for Sidewalk Improvements for Avenida Cabrillo (CDBG), Project No. 10317;
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against the Contractor, LC Paving and Sealing, Inc.; and
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

Attachment:

1. Resolution No. 23-43
2. Location Map
3. Notice of Completion
4. Staff Report Dated February 15, 2022 (without attachments)

Notification:

None.

RESOLUTION NO. 23-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING AS COMPLETE THE SIDEWALK IMPROVEMENTS OF AVENIDA CABRILLO (CDBG), AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION WITH THE COUNTY CLERK RECORDER

WHEREAS, on February 15, 2022, the City Council authorized a construction contract with LC Paving and Sealing, Inc. (LC Paving) for certain improvements along Avenida Cabrillo, Project No. 10317 ; and

WHEREAS, the work consisted of replacing sidewalk, curb and gutter, ADA ramps and driveways on the south side of Avenida Cabrillo, along with the replacement of a retaining wall adjacent to the City Community Center with landscaping and irrigation replacement; and

WHEREAS, LC Paving has completed the work to the satisfaction of the Public Works Director.

NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolves as follows:

SECTION 1. That the above recitations are true and correct.

SECTION 2. That the City Council accepts as complete the improvements along Avenida Cabrillo (Project No. 10317).

SECTION 3. That the City Council authorizes the Public Works Director to execute and the City Clerk to record a Notice of Completion for the project.

SECTION 4. That the City Council authorizes the City Clerk to release the payment bond for this project 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against the LC Paving and Sealing, Inc.

SECTION 5. That the City Council authorizes the City Clerk to release the performance bond for this project upon receipt of a Warranty Bond in the amount of 25% of the total construction cost.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this _____ day of June, 2023.

Mayor of the City of
San Clemente, California

ATTEST:

CITY CLERK of the City of
San Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 23-43 was adopted at a regular meeting of the City Council of the City of San Clemente held on _____ day of June 2023, by the following vote:

AYES:

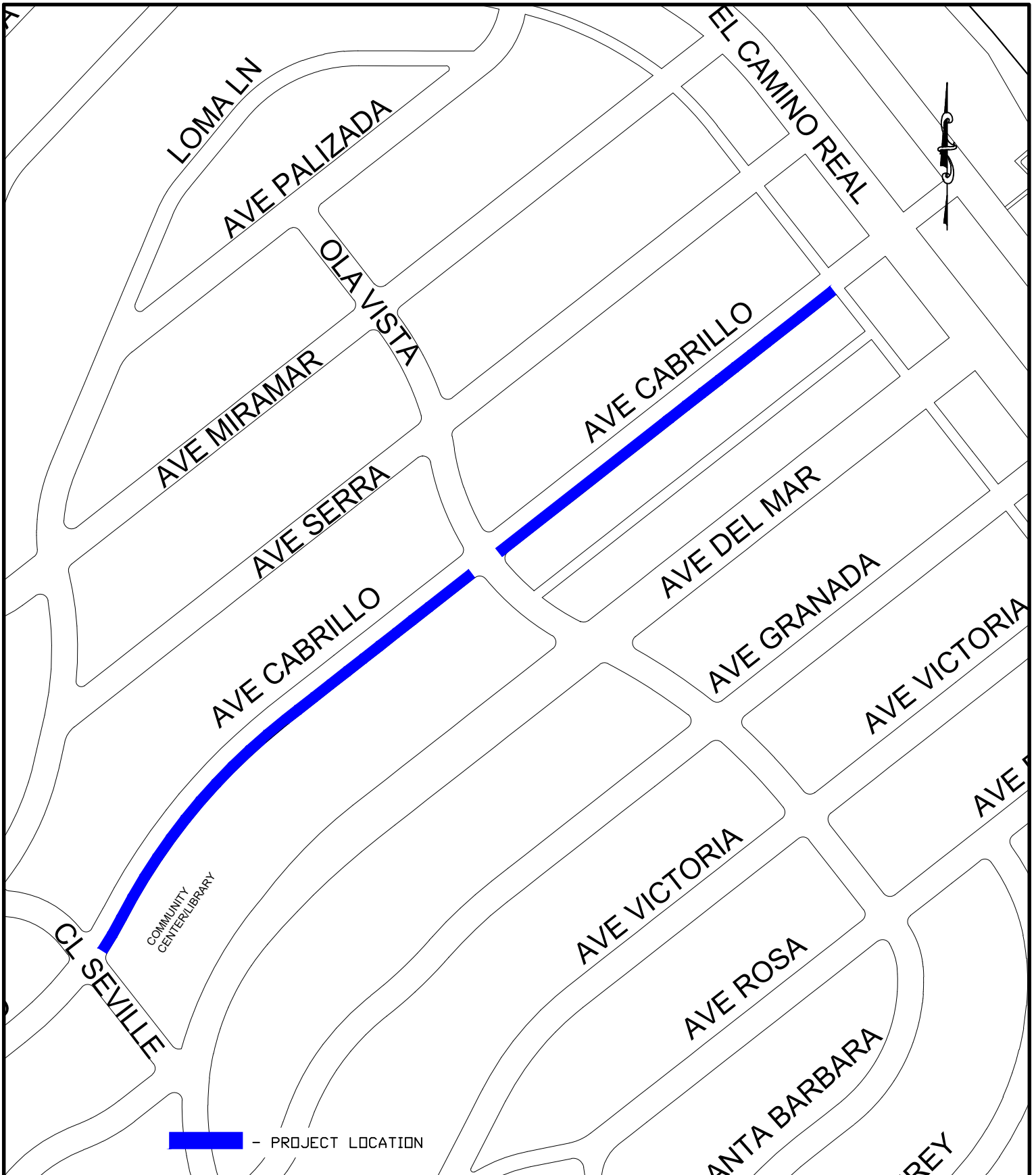
NOES:

ABSENT:

CITY CLERK of the City of
San Clemente, California

Approved as to form:

Elizabeth A. Mitchell, City Attorney



CITY OF SAN CLEMENTE
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 San CLEMENTE, CA 92673
 Tel (949) 361-6100
 Fax (949) 361-8316

LOCATION MAP
 AVENIDA CABRILLO SIDEWALK
 IMPROVEMENT PROJECT
 (ALLEY TO N. CALLE SEVILLE)
 PROJECT No. 10317

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Recording Requested By:
City of San Clemente

When Recorded, Mail To:
Public Works Department
City of San Clemente
910 Calle Negocio
San Clemente, CA 92673

Recorded for the benefit of the City of San Clemente and exempt from recording fees pursuant to Government Code Section 27383.

Space above this line is for Recorder's Use Only

NOTICE OF COMPLETION

Notice is hereby given by the City of San Clemente, a Municipal Corporation, that a public work of improvement has been completed as follows:

- 1. *Project title or description of work:* Sidewalk Improvements for Avenida Cabrillo (CDBG), Project No. 10317.
- 2. *Date of completion:* April 5, 2023.
- 3. *Street address or legal description of the project site:* 100 Block and 200 Block of Avenida Cabrillo
- 4. *Name of owner:* City of San Clemente.
- 5. *Interest or estate of owner:* Public Facility; Owned in Fee.
- 6. *Address of owner:* 910 Calle Negocio, Suite 100, San Clemente, CA 92673
- 7. *Name and address of contractor:* L.C. Paving & Sealing, Inc., 620 Alpine Way, Escondido, CA 92029.

I am the Public Works Director / City Engineer for the City of San Clemente, a Municipal Corporation, the owner of the indicated interest or estate in the property described above. I make this verification on behalf of the City of San Clemente. I have read this Notice of Completion and know its contents. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____ in San Clemente, California.

Kiel Koger, Public Works Director / City Engineer
City of San Clemente



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: February 15, 2022

Agenda Item CeH

Approvals:

City Manager es js

Dept. Head js

Attorney CJ

Finance TUR

Department: Public Works / Engineering
Prepared By: Kiel Koger, Public Works Director/City Engineer

Subject: **CONSTRUCTION CONTRACT AWARD TO LC PAVING AND SEALING FOR THE SIDEWALK IMPROVEMENTS FOR AVENIDA CABRILLO, PROJECT No. 10317**

Fiscal Impact: Yes. The estimated total project costs of \$820,000 is available primarily from CDBG funds with the remaining funds from the FY 2022 Street Improvement Fund, CIP Project No. 12305

Summary: Staff recommends that the City Council approve a construction contract with LC Paving and Sealing in an amount not to exceed \$681,231.88. The purpose of the project is to provide an American with Disabilities Act (ADA) compliant walkway along the 100 and 200 Block of Avenida Cabrillo (Attachment 1). The project also includes replacing sidewalk, driveway approaches, curb/gutter, cross gutters and ADA ramps, retaining walls, utility relocations, drainage improvements and landscaping.

Background: The project is partially funded with Community Development Block Grant (CDBG) funds; therefore, public outreach meetings through the Planning Department helped identify the project location and limits. As a result, an ADA compliant sidewalk will be installed along the 100 and 200 Block of Avenida Cabrillo, from Calle Seville to west of N. El Camino Real where feasible. Some existing driveways, curb and gutter, and areas of sidewalk will be removed and replaced to create a uniformly ADA compliant walkway.

Discussion: Six electronic bids were opened on January 27, 2022 with costs ranging from \$646,172.40 to \$1,220,917.50. The results are presented on the attached Bidder's Listing (Attachment 2). The first bid of \$646,172.40 was not a complete bid and was determined to be non-responsive. The lowest responsive bidder was LC Paving and Sealing of Escondido, CA, with a total bid amount of \$681,231.88. Based on the low bid, the total estimated project cost is \$820,000 as summarized below:

Project Budget Summary

Construction (rounded up)	682,000
Construction Management & Inspection (approx. 10%)	69,000
Project Contingency (approx. 10%)	69,000
Estimated Total Project Cost	\$820,000

As required by City Policy and State Law, the Contractor will be required to provide performance and payment bonds simultaneously with execution of the construction contract. A warranty bond will also be required prior to City Council acceptance of the project. Project plans and specifications are on file in the City Clerk's office.

Recommended

Action: STAFF RECOMMENDS THAT the City Council:

1. Approve the plans and specifications for the Sidewalk Improvements for Avenida Cabrillo, Project No. 10317; and
2. Approve and authorize the authorize the Public Works Director / City Engineer execute, Contract No. _____, by and between the City of San Clemente and LC Paving and Sealing, providing for Sidewalk Improvements for Avenida Cabrillo, Project No. 10317, in the amount of \$681,231.88.

Attachments: 1. Location Map
2. Bidders List
3. Contract

Notification: None.

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