City of San Juan Capistrano
Agenda Report

TO: Honorable Mayor and Members of the City Council
FROM: Benjamin Siegel, City Manager
SUBMITTED BY: Steve May, Public Works & Utilities Director
PREPARED BY: Tom Toman, Assistant Public Works Director
Joe Parco, City Engineer
DATE: April 16, 2019
SUBJECT: Revised Conceptual Plan for the Northwest Open Space Community Park Project (Putuidem Cultural Village - CIP 09209)

RECOMMENDATION:

1. Approve the revised conceptual plan for the Northwest Open Space Community Park Project (Putuidem Cultural Village - CIP 09209);

2. Direct staff to modify the plans and specifications to reflect the revised Project; and,

3. Direct staff to advertise and receive construction bids for the revised Project.

EXECUTIVE SUMMARY:

At its March 5, 2019, meeting, the City Council directed staff to advance the Northwest Open Space Community Park Project (Putuidem Village - CIP 09209). A location map of the Project site is included as Attachment 1. Staff is recommending that the City Council approve a revised conceptual plan for the Putuidem Village that can be built within the existing budget and maintains nearly all of the cultural amenities that were in the original project. Pending Council approval of the revised concept design, staff recommends that the Project plans be finalized and advertised for construction bidding.

DISCUSSION/ANALYSIS:

The City Council previously reserved a portion of the Northwest Open Space for the planned Northwest Open Space Community Park Project, also known as the Putuidem Cultural Village. On May 15, 2018, the City Council approved plans and specifications for
the Project, adopted a resolution approving a Mitigated Negative Declaration, and authorized staff to advertise and receive construction bids. The City opened construction bids for the Project on August 21, 2018, and the low bid received was $2,396,110. This bid, together with construction contingencies, expenses related to Native American monitoring, materials testing, and construction management, exceeded the available budget by approximately $700,000. Furthermore, the second low bidder had filed a protest against the low bid, which may also have led to litigation whether the protest was sustained or denied.

Consequently, on October 2, 2018, the City Council rejected all bids and directed staff to work with Project stakeholders to determine whether some elements of the Project could be modified or eliminated to reduce costs. Staff met with the stakeholders on October 29, 2018, to discuss a potential revised Project and phased approach which focused on the cultural village amenities and would defer the corporate, equestrian, and off-site improvements to a later phase if desired. The revised conceptual plan is included as Attachment 2. The revised conceptual plan for the Putuidem Cultural Village maintains nearly all of the cultural amenities included in the original project, including but not limited to: a statue of Coronne, six ramadas, six kiichas, a community stone, cultural amphitheater, interpretive panels, and directional monuments. Project elements omitted from the original project’s scope of work include the equestrian-related amenities, multi-use trail, horse corral, corporate area, permanent restrooms, and a new parking lot. These omitted elements could be added as part of a later Project phase or incorporated into a potential future use of the Northwest Open Space.

Pending City Council approval of the revised conceptual plan, the original project plans and specifications can be modified to reflect the revised Project in approximately three to four weeks, with advertisement for construction bids beginning in June 2019. A construction contract could then be awarded in early Fall 2019. With construction anticipated to last approximately 6-8 months, the Project would be anticipated to be completed by Spring 2020.

**FISCAL IMPACT:**

There is no immediate fiscal impact associated with the recommended action. The total Project budget for design and construction of the NWOS Community Park is approximately $2,800,000. To date, approximately $412,000 has been spent on design, leaving approximately $215,000 for bidding and construction support and $2,118,000 for construction. Funding is provided through Measure Y Open Space Bonds funds, Community Facilities District Bonds, and Park and Recreation Developer Impact Fees. The revised Project is anticipated to cost $2,000,000 and includes construction, mobilization, cultural and fabrication items, construction support and staff time, and a ten percent contingency.
ENVIRONMENTAL IMPACT:

The City's environmental consultant prepared an Initial Study pursuant to Section 15063 of the CEQA Guidelines and, on November 28, 2017, the City's Environmental Administrator issued a Mitigated Negative Declaration (MND) pursuant to Section 15070 of the CEQA Guidelines (SCH# 2017111084). The MND includes mitigation measures that will ensure that the Project will not result in any significant adverse effects on the environment. On November 28, 2017, a Notice of Intent to Adopt a Mitigated Negative Declaration and Initial Study was posted with the Orange County Clerk Recorder. The public review period was from November 28, 2017, to December 27, 2017, which was extended to January 5, 2018. The City Council adopted a resolution approving the MND and staff posted a Notice of Determination pursuant to Section 15072 of the CEQA Guidelines on May 15, 2018. The revised conceptual plan for the Northwest Open Space Community Park Project are well within the MND adopted.

PRIOR CITY COUNCIL REVIEW:

- On March 5, 2019, the City Council voted unanimously to proceed with the revised Northwest Open Space Community Park Project (Putuidem Village - CIP 09209).

- On October 2, 2018, the City Council rejected all bids received on August 21, 2018, for construction of the Northwest Open Space Community Park Project (CIP 09209), and directed staff to release the contractors' bid bonds received for the Project. The Council also directed staff to work with Project stakeholders to reevaluate the Project scope of work to determine whether some elements of the Project could be modified or eliminated to reduce costs.

- On May 15, 2018, the City Council adopted a resolution approving a Mitigated Negative Declaration for the Project (SCH# 2017111084) pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, approved plans and specifications for the Project, authorized staff to advertise and receive construction bids for the Project, authorized staff to issue a Request for Proposals (RFP) for archeological and paleontological services, and confirmed use of the Farm Operations Fund to cover annual maintenance costs of the Project.

- On March 21, 2017, the City Council approved and authorized the City Manager to execute Amendment No. 3 to the Personal Services Agreement with NUVIS for a contract augmentation in the amount of $288,299, for design of the Northwest Open Space Community Park Project.

- On December 6, 2016, the City Council received and filed feedback from the Parks, Recreational, Senior and Youth Services Commission, the Putuidem Committee and the Trails and Equestrian Commission and directed staff to proceed with the design of the Northwest Open Space Community Park Project as proposed in Option 4 with specified changes in accordance with the feedback received.
• On November 15, 2016, the City Council directed the Northwest Open Space Community Park Project to be forwarded to the Trails and Equestrian Commission for review.

• On September 20, 2016, the City Council directed the design of the Northwest Open Space Community Park Project (without input from NUVIS Landscape Architecture and Planning) to be sent back to the original design committees (Parks, Recreation, Senior and Youth Services Commission and the Putuidem Committee) for their review and recommendation to the City Council on the design, and sustainability, such as yearly maintenance costs, and estimated revenues from events; and, direct staff to bring back the recommendation to the City Council, along with a Request for Proposals (RFP) for design services.

• On May 3, 2016, the City Council received a presentation by staff on the Northwest Open Space Community Park; selected Concept Plan Option 4, with the following modifications: inclusion of a separate unisex restroom, bubbling rock water feature, phasing planting of shrubs, and removing the bleachers and the Americans with Disabilities (ADA) ramp; directed staff to request a proposal from NUVIS Landscape Architects (current designer) for commencement of final design; and allowed the Juanéñio Band of Mission Indians, Acjachemen Nation, to have dedicated use of the park four times a year.

• On April 7, 2015, the City Council considered project options for the Northwest Open Space Community Park Project and approved the Alternate Base Amenities/Facilities Base option for an extended paved entry driveway and turn-around, a prefabricated restroom with attached drinking fountain, an expanded group cultural area, a corporate area and a pole corral at the existing equestrian staging area with an equestrian Americans with Disabilities Act (ADA) ramp.

• On February 17, 2015, the City Council received and filed a project update for the Northwest Open Space Community Park Project; provided comments and direction on the proposed park project; and directed staff to return to the City Council with alternative project options for the expenditure of remaining park project funds. The City Council also authorized staff to begin discussions with the ARK of San Juan Companion Animal Rescue for the possible design, construction, and operations of a pet adoption center within the Northwest Open Space.

• On February 4, 2014, the City Council considered the recommendations of the Open Space, Trails, and Equestrian Commission, and Parks, Recreation, and Senior Services Commission to amend the proposed scope of work for the Northwest Open Space, Phase 1 Community Park, and directed staff to proceed with Option "B", the lower cost alternative previously approved by the City Council. On June 3, 2014, the City Council approved a Personal Services Agreement with NUVIS Landscape Architecture and Planning, to prepare California Environmental Quality Act (CEQA) environmental studies, plans, specifications, cost estimates, and provide bidding and construction support for the Northwest Open Space Community Park project (Phase 1) in the amount of $444,234; and authorized the City Manager to execute Change
Orders to the Personal Services Agreement in an amount not to exceed the 10% contingency amount of $44,423.

- On November 5, 2013, the City Council considered the opinion of probable costs and directed staff to proceed with a reduced cost alternative and to also give the information to the Open Space, Trails, and Equestrian Commission and the Parks, Recreation, and Senior Services Commission. Additionally, the City Council directed staff to continue discussion with the property owners to the west of the Northwest Open Space property regarding their request for an access road.

- On October 1, 2013, the City Council rejected the proposals received for the redesigning of the Northwest Open Space, Phase 1 Community Park and directed staff to return to the City Council with a revised alternative approach for consideration.

- On April 16, 2013, the City Council reconsidered the Northwest Open Space Phase 1 Conceptual Community Park Plan and directed staff to modify the plan to reduce the community gardens to 75 plots with an area set aside for a commercial organic farm/garden lease, to expand the picnic area, to keep the parking area as designed, and to study the location of the restroom buildings; and to include two horseshoe courts, two volleyball courts, and two bocce ball courts. The City Council noted that an equestrian facility would be more appropriate in the Phase 2 area.

- On February 16, 2010, the City Council approved a Personal Services Agreement with Adam Streeter Civil Engineers, Inc. to develop the Preliminary Grading Plan for the Project.

- On February 3, 2009, the City Council reviewed and endorsed the Northwest Open Space Conceptual Park Plan (Phase 1).

COMMISSION/COMMITTEE/BOARD REVIEW AND RECOMMENDATIONS:

- On December 5, 2016, the Trails and Equestrian Commission held a meeting and work-session to review the design and sustainability for the Northwest Open Space Community Park Project and directed staff to bring recommendations back to the City Council regarding the multi-use trail to the restrooms and that it be at least 15’ wide.

- On October 17, 2016, the Parks, Recreational, Senior and Youth Services Commission and the Putuidem Committee held a meeting and work-session to review the design and sustainability for the Northwest Open Space Community Park Project and directed staff to bring recommendations back to the City Council in support of the previously approved Option 4 Concept Plan with suggestions for specific cost saving measures for the Project. The commission also recommended against a Request for Proposal (RFP) process for additional concept.

- On March 22, 2016, the Planning Commission received and filed a project update presentation by staff and the Putuidem Committee, and provided comments and feedback for the Northwest Open Space Community Park Project.
• On March 10, 2016, the Design Review Committee received and filed a project update presentation by staff and the Putuidem Committee, and provided comments and feedback for the Northwest Open Space Community Park Project.

• On February 8, 2016, the Trails and Equestrian Commission received and filed a project update presentation by staff and the Putuidem Committee, and provided comments and feedback for the Northwest Open Space Community Park Project.

• On January 26, 2016, the Cultural Heritage Commission received and filed a project update presentation by staff and the Putuidem Committee, and provided comments and feedback for the Northwest Open Space Community Park Project.

• On January 19, 2016, the Parks, Recreation, Senior and Youth Services Commission received and filed a project update presentation by staff and the Putuidem Committee, and provided comments and feedback for the Northwest Open Space Community Park Project.

• On September 22, 2015, the Cultural Heritage Commission received and filed a presentation on “The Village of Putuidem” provided by Mr. Steven Rios, a City resident and member of the self-described Putuidem Committee. Members of the Putuidem Committee responded to questions.

• On January 6, 2014, the Open Space, Trails, and Equestrian Commission and Parks, Recreation and Senior Services Commission jointly reviewed the reduced cost option and recommended further reductions in the proposed scope of improvements.

• On August 6, 2012, the Open Space Trails and Equestrian Commission reviewed and discussed a draft Request for Proposals for the Northwest Open Space, and Phase 1 Improvements.

• On March 10, 2009, the Planning Commission conducted a Work Session on the Northwest Open Space Conceptual Land Use Plan, Phase 1 Park Improvements.

NOTIFICATIONS:

• NUVIS Landscape Architecture and Planning
• Adams Streeter Civil Engineers
• Phil Schwartze
• Susie Wernet (Friends of the Library)
• Jeff Singer (Friends of the Library)
• Katherine Ransom
• Putuidem Committee
• Nathan Banda, Four Directions Education
• Parks, Recreation, Senior and Youth Services, Trails and Equestrian Commission
• Chad Kearns, Hamilton Oaks
• Linda Kearns, Hamilton Oaks
• Sean Magee, Hamilton Oaks
• Tom Tolmasoff, Mountain Pines
• Hilary Haskell, San Diego Gas & Electric
• Scott Morgan, State Clearinghouse
• Richard Vuong, Orange County Public Works
• Joseph Ontiveros, Soboba Band of Luiseno Indians
• Rudy Reyes, Juaneno Band of Mission Indians
• Terri Morris, Richard A. Tinnelly Law Offices
• Alexandre Kling, Golcheh Development
• Calvary Chapel
• Capistrano Vineyards
• Dan Morrar, Insite Commercial Real Estate
• Joseph Ontiveros, Soboba Band of Luiseno Indians
• Mark Korando, Habitat for Humanity
• Michael de la Torre, LINC Housing
• Mission San Juan Capistrano
• Red Tail Acquisitions, LLC
• Richard Vuong, Orange County Public Works
• Rudy Reyes, Juaneno Band of Mission Indians
• San Juan Capistrano Chamber of Commerce
• Scott Morgan, State Clearinghouse
• Terri Morris, Richard A. Tinnelly Law Offices
• Tom Hribar

ATTACHMENTS:

Attachment 1: Putuidem Cultural Village Location Map
Attachment 2: Revised Conceptual Plan NWOS Putuidem Cultural Village
Simplified Plan
NORTH WEST OPEN SPACE COMMUNITY PARK
City of San Juan Capistrano, CA