

May 22, 2018

ITEM NO. 9a

CAPISTRANO BAY DISTRICT BOARD
3500 Beach Road
Capistrano Beach, Ca. 92624

UNDERGROUND UTILITIES

RE: PROPOSAL FOR PROJECT MANAGEMENT SERVICES & COORDINATIONS OF DESIGN & MANAGEMENT OF UNDERGROUND UTILITIES, STREET LIGHTING & MISC. UNDERGROUNDS AS REQUIRED FOR BEACH ROAD BY CAPISTRANO BAY DISTRICT.

Dear Board:

Attached please find my proposal for the project management for the above proposed Beach Road underground utilities (Rule-20 to OH), street lighting (undergrounds/above grounds) and miscellaneous undergrounds related for the above referenced project.

Scope Description (Beach Road):

This scope of project management encompasses the gathering of information and coordination of such information from numerous Beach Road homeowners, consultants, companies, agencies, City of Dana Point (Planning, Building And Engineering Departments), SDG&E, street lighting companies for the installation of underground utilities and new street lights. Assemble of a conceptual plan for electric, phone, and CATV composite layout related to undergrounding the above-mentioned project. Upon completion of the existing undergrounds and conceptual design, identify all dry utility related work orders, costs, and forecasted schedules to allow for the completion of the work.

Existing Facilities (Beach Road):

Project is approximately 7,800' long on Beach Road (private street) presently has overhead San Diego Gas and Electric, AT&T, and Cox Communication systems on the existing wood pole line paralleling the adjacent frontage of Beach Road (westside) on the beach side and west of Pacific Coast Highway and the railroad tracks.

Excluded Scope of Areas:

Project excludes auto entry area with interlocking pavers along the Beach Road surface and north gate area.

Assumptions:

There are several existing utilities underground of Beach Road. It is unknown whether any of these conflict with future improvements. This initial effort is intended to study and identify as many as of these conflicts as possible. Furthermore, it is assumed that the actual work required to accomplish the actual undergrounding by companies will be part of a this proposal efforts. Assumes, all home owners are participants to the undergrounding efforts and will grant all necessary easements and access. It is assumed all existing undergrounds of all kinds may remain in place although there is no guarantee of such which could drastically increase the total project cost, depending on the extend of such relocations.

Project Initiations:

- Schedule and attend all required agencies & consultant meetings as required.
- Meet with utility representatives to discuss design schedules and requirements of the project.
- Submit request for electric, telephone, CATV, and gas utility facility maps.
- Perform onsite walks with consultants and agencies to identify and capture as much possible existing facility data as possible and add to composite.
- Identify pick up points and availability of existing electric, telephone, and CATV facilities to properly underground within the project boundaries.

Prepare Ongoing Cost Estimates to Include but Not Limited:

- Agencies deposits, fees and refunds.
- Consultants fees.
- Contractors bids costs.

Review & Coordinate Underground Engineers Utility Coordination Services:

- Submit project exhibit to utilities with all project requirements for the undergrounding of overhead facilities.
- Prepare critical path time lines as requested by client for:
- Utility design and contract preparation.
- Future utility construction timelines.
- Review conceptual designs with client and other team members.
- Maintain regular flow of information throughout the project to client.
- Provide client with final concept design and expected utility fees/costs.
- Update budget estimate to include actual bid quantities.

Review & Coordinate Concept Dry Utility Composite Service:

- Prepare color dry utility composite exhibit depicting wet and existing dry utility locations to include: Existing joint and/or sole trench path, switches, vaults, transformers, handholes, pedestals, poles, street lights, meter pedestals, trees, landscape features, and all other facilities as requested by client prior to construction. Design to be overlaid on composite of all wet utilities, including building features, landscape and other architectural structures.
- Plans to include all existing facilities, facilities to protect in place.
- Coordinate as required to adjust dry utilities as necessary throughout the project review process. Adjust line work as changes occur.
- Submit concept dry utility composite to electric, telephone, gas and cable television planning/engineering staffs to assist in obtain their agreement to planned methodology.
- Provide sufficient drawing callouts for conduit and substructures to be identified, reviewed and approve. This includes conduit and structure sizes, clearances and construction constraints.
- Distribute final concept dry utility composite plan.

No Representation, Warranties & Guarantees:

- Consultant Dave Gutierrez make no representations, warranties or guarantees that undergrounds of any kind shall be completed by design or actual installation or constructed.
- Consultant Dave Gutierrez makes no representation that any undergrounds of any kind or utility furniture above ground can be accomplished given the existing improvements of existing road sizes, lot setbacks and agencies requirements.
- Consultant Dave Gutierrez shall be held harmless of all actions and shall be indemnified by the Capistrano Bay District, Boards and all the CBD homeowners.
- Consultant Dave Gutierrez makes no guarantee or representation of the length of time to complete any part necessary to complete existing plans collecting, due-diligence, preliminary design, final design, SDG&E approval or construction.

Execution of Contracts:

- Consultant Dave Gutierrez shall have full authority to manage and or sign all required applications as required on behalf of CBD. All such contracts shall be copied to Board members prior to execution for approval and copied after execution. Contractual obligations to be signed by Boards Members as required.

Underground Project Budgets:

- Consultant shall provide CBD Board regular updates to estimated project budget, with past costs and estimated future costs.

Reimbursements:

- CBD shall reimburse Consultant Dave Gutierrez of all expense affiliated with the project with copy of such receipt.

Exclusions:

- All project costs to be paid by CBD board.
- All blueprinting and reproduction costs.
- 3. All Fees and Deposit required by CBD.
- 4. All required additional services by 3rd Parties (including but not limited to surveys, topo's or boundary's).

Contract Fee Schedule – Three Phases:

- | | | | |
|-----------|----------------------|-----------|------------------------------------------|
| • Phase 1 | 1 st Year | \$ 94,500 | Due Diligence & Preliminary Design |
| • Phase 2 | 2 nd Year | \$ 47,250 | Process SDG&E Underground Plans Approval |
| • Phase 3 | 3 rd Year | \$ 47,250 | Bidding, Contracts & Construction |
| Total: | | \$189,000 | |
- Note: LAFCO processing service fee not included at this time (after Due Diligence).
 - Project Underground Fixed Fee Schedule, see attached.
 - All consultant fees invoiced monthly and to be paid with fifteen (15) calendar days.
 - Retainer Fee: Five Thousand (\$5,000) Dollars

Contract CBD Board Approval:**Agreed and Accepted by Capistrano Bay District Board:**

_____ Print Name:	_____ Signature of Approval:	_____ Date:
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Consultant Mr. David G. Gutierrez:

_____ Print Name:	_____ Signature of Approval:	_____ Date:
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Project Management Coordination of Agencies (Beach Road):

1. Title Company

- a. Current Easements on Beach Road

2. Civil Engineer

- a. Create Composite Plan of all existing underground utilities
- b. Coordination of Beach Road Overhead Lines (Plans)
- c. Coordination of Beach Road Undergrounds (Plans)
- d. Create survey (if required) of As-Builts
- e. Review Existing underground conflict of locations

3. City of Dana Point (As-Built Plans)

- a. Obtain Sewer Plan (Mains & Laterals) & Easements

4. City of Dana Point

- a. Planning Department (Applications, Entitlements, Plans & Fees as Required)
- b. Building Department (Plans & Fees as Required)

5. Moulton Water District

- a. Obtain Water Plan & Easements

6. San Diego Gas & Electric

- a. Obtain Current Gas & Electric As-Built Plans
- b. Process all Applications, fee and Deposits for new Underground Utilities
- c. Review past SDG&E plans

7. MetroLink Railroad

- a. Meeting regarding future underground.
- b. Obtain copy of any underground on Beach Road & Parking Areas

8. CBD Homeowners (South-end)

- a. Review with homeowner's possible transformer locations on private yards
- b. Review possible buyouts for transformer on private lots
- c. Transformer Agreements on Private Yards

CBD Homeowners (100%)

- a. Review locations and demolition of existing Power Poles
- b. Review locations and demolition of existing HO Improvements to be demo

9. Underground Engineer

- a. Review all past 2000, 2004, 2015 Underground Plans
- b. Analysis Beach Road for New Underground Plan (100% Beach Road)

10. Street Lighting (Manufactures & Installers)

- a. Review possible underground lines & New Street Light Locations
- b. Review existing same above grounds

11. Underground Contractor

- a. Onsite inspections
- b. Review Schedules and Location of Construction
- c. Coordination with Manager & Board of Construction

12. Underground Street Lighting Contractor

- a. Onsite inspections
- b. Review Schedules and Location of Construction
- c. Coordination with Manager & Board of Construction

13. Cable, Television & Misc. Joint Trench Contractor

- a. Review possible underground Joint Trench locations
- b. Review existing same joint trench

Existing & Future Plans Required (Estimated):

Overhead Power Poles:

1. SDG&E
 2. Cable TV
 3. AT&T
 4. Western Union
 5. Street Lighting
- Received

Undergrounds:

6. Sewer- City of Dana Point
7. Sewer Pump Station
8. Water- Moulton Water District
9. Gas-Southern California Gas
10. Storm Drain
11. High Pressure Gas Steel Line "Abandon"
12. Emergency Power Pole

SDG&E Underground Preliminary Plans

13. 2000 SDG&E Plans
 14. 2004 SDG&E Plans
 15. 2015 SDG&E Plans
 16. Pole Location Plan
 17. Transformer Location Plan
- Received
- Received

Civil Plans

18. Grading Plans-2003
 19. Storm Drain Locations Plan
 20. Entry Easements-2009
 21. Road Paving Plans
 22. Street Plans (Curb/Gutter)
 23. Street Grading Plans
- Received
- Received
- Received

BEACH ROAD UNDERGROUND MANAGEMENT SERVICES:

UNDERGROUND UTILITIES CONSULTANT FEES (PER STAGES):										9/3/2018
	Contract	Percentage	Board	Board	Management	Management	Est. Services	Schedule	Schedule	
	Amount	Contract	Approval	Approval	Contract	Contract	Duration	Start	Completion	
	(\$):	(%):	Contract	Date	Paid (\$):	Balance (\$):	Time (Mo.)	Estimated	Estimated	

STAGES:

1ST YEAR:										
1	Due Diligence	\$47,250	25.00%	\$50,000	7/31/2018		4 to 6 mos.	Upon signature	NA	
1A	LAFCO Orange County	Not included at this time.								
2	Predevelopment	\$18,900	10.00%				4 to 6 mos.	After Due Diligence		
3	Design Preliminary	\$28,350	15.00%				2	To Be Determined	To Be Determined	
		\$94,500	50.00%				5	To Be Determined	To Be Determined	

2ND YEAR										
4	SDGE Processing	\$47,250	25.00%				15	To Be Determined	To Be Determined	
		\$47,250	25.00%							

3RD YEAR:										
5	Contract/Bids Rec/Analysis	\$18,900	10.00%				4	To Be Determined	To Be Determined	
6	Construction Management	\$28,350	15.00%				6	To Be Determined	To Be Determined	
		\$47,250	25.00%							

Totals	\$189,000	100.00%					36 +/-	3 Years (Est.)		
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CONSULTANT FEE BASED ON UNDERGROUNDS TOTAL PROJECT COSTS:										
Project Costs &	Project	Percentage	Consultant	Board	Estimated	Estimated	Estimated	Estimated	Estimated	
Consultant Fees	Total	Of Project	Fee Amounts	Approvals	Duration	Start	Completion	Completion	Completion	
Estimated	Costs (Est.)	Total Costs		Date(s)	Time (Mo.)	Date	Date	Date	Date	
	\$ 4,500,000	4.20%	\$189,000	\$50k July-18	36 + LAFCO	3 Years + LAFCO	3 Years + LAFCO	3 Years + LAFCO	3 Years + LAFCO	(Est.)
Target Amount										

Total Undergrounds Project Costs included all cost including but not limited to direct and indirect costs, past/future in connection with entire project.
 Total direct costs to include but not limited to undergrounds, street lighting, cable, relocations, homeowner improvement repairs & buyouts, etc.
 All costs to be paid by CBD including but not limited to costs such as consultants, fees, deposits, blueprinting etc.

Excerpt from July meeting

Motion was made by Director Haack, seconded by Director Breeding and approved by a vote of 5-0 to authorize Dave Gutierrez, in an initial amount of \$50,000, to proceed with the first part of Phase I of his proposal.

The total proposed amount for Phase I is \$94,500 and is described as '*Due Diligence and Preliminary Design.*' It was not made clear during the meeting exactly what would be completed for the initial \$50,000 amount but Mr. Gutierrez indicated he would spell that out in the written agreement forthcoming in about a week.

B. Termination of legal services of Rutan & Tucker LLP

Manager Russell was directed to retain Rutan for miscellaneous legal needs such as reviewing ordinance and resolution language, minor Government Code research, etc.

C. Eligibility requirements for District Board members

The Board agrees that the primary eligibility requirement, as stated in the Elections Code, is being registered to vote in the Beach Road community. What is in question is whether actual residency is a secondary requirement. Manager Russell stated that the residency issue should to be evaluated by counsel.

D. Public access easements granted by homeowners

The Board pointed out that back in the 70's and 80's several homeowners recorded public access easements over their beachfront property in exchange for coastal development permits for home remodeling/rebuilding. While the CCC can no longer continue this practice, the 29 easements are in place and in full force. On these 29 properties, the owners must allow the public to pass and repass across their beachfront area.

10. NEW BUSINESS

There was no new business

11. QUALITY OF LIFE DISCUSSION TOPICS

Summer CBRA general meeting and party set for Saturday, August 18th

CBRA member Charlotte Bloom reported on plans for improved food and music. Additionally, the CBRA will be renting two six-seater golf carts to shuttle attendees to and from the party. It is suggested to buy tickets prior so that the organizers can plan accordingly for food and drinks.

Karen Morris introduced Ryan and Kellyann Phillips with Compass Property Management, and stated the transition has started and seems to be going smoothly.

12. WRITTEN COMMUNICATIONS

The written communication was discussed during the Security report

13. BOARD AND STAFF COMMENTS

Manager Russell pointed out that due to the severe shoreline erosion from the recent high surf event, the public pedestrian/bicycle path adjacent to the District's Northgate maintenance yard is about to become undermined and collapse. When this happens it is expected that the County will approach the District for some arrangement to use the District's property for pedestrian access. Manager Russell recommended that District legal counsel be apprised of this threat to be prepared if/when the County takes action. No direction was given to staff.