



CITY OF LONG BEACH

R-34

DEPARTMENT OF PUBLIC WORKS

333 West Ocean Boulevard 9th Floor • Long Beach, CA 90802 • (562) 570-6383 • Fax (562) 570-6012

January 5, 2010

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

- 1) Adopt Plans and Specifications No. R-6717 for the Reconstruction Of The Belmont Shore Alleys, and authorize the City Manager to award and execute the contract with Sully Miller Contracting, in an estimated amount of \$586,891, plus a 20 percent contingency amount of \$117,378 if necessary, for a total of \$704,269, and any amendments thereto except for an increase in the contract price;
- 2) Adopt a resolution ordering the vacation of alley portions south of Second Street and east of Argonne Avenue; and,
- 3) Increase appropriations in the Special Assessment District Capital Projects Fund (CP 202) in the Department of Public Works (PW) in the amount of \$1,047,630. (District 3)

DISCUSSION

The anticipated rehabilitation work on the Belmont Shore alleys will consist of removing existing concrete pavement and constructing new Portland Cement Concrete pavement. The work will also include construction of trash enclosures at three locations. A vicinity map of the area is attached as Exhibit A.

City Council's adoption of the plans and specifications and award of the contract to the lowest responsible bidder are being recommended concurrently in order to expedite implementation of this project. The project was advertised for bids on November 21, 2009, and bids were opened on December 11, 2009. Project outreach included direct e-mail notification to over 400 businesses, including local companies as well as publications that provide contracting information to small contracting companies. Information regarding Sully Miller Contracting is provided in the attached contract award document marked as Exhibit B.

The construction of the three trash enclosures within areas that are now part of the public alley necessitates the vacation of three alley easements as shown on the attached Exhibit C. Proceedings for this vacation are being conducted in accordance with Chapter 4, Summary Vacation, of the Public Streets, Highways and Service Easements Vacation Law of the California Streets and Highways Code. Section 8334 of that Chapter states that the legislative body of a local agency may summarily vacate that portion of right-of-way that is excess right-of-way not required for street or highway purposes. The Department of Public Works supports this summary vacation based on the following evidence, facts, and conditions, finding that the dedicated right(s)-of-way to be vacated are unnecessary for present or future public alley use:

1. The three alley portions to be vacated each lie between two public alleys that can function independently and without need for interconnection. The vacation of these alley easements will not result in loss of access to any property. Full access to adjacent business, public parking lots and adjacent residential properties will be maintained.
2. The portions vacated will be used for the proposed trash enclosures. The City owns the lots on either side of the areas to be vacated, and will thus retain ownership of the vacated areas. Vacation of the alley areas will not affect traffic access to adjacent streets or alleys.
3. On December 17, 2009, the City of Long Beach Planning Commission determined that the subject alley vacation action is consistent with the General Plan, as required in Section 8313 of the Public Streets, Highways and Service Easements Vacation Law. In conformance with the California Environmental Quality Act, Categorical Exemption Number CE 73-09 was issued for this project. The Planning Department staff report is included as Exhibit D.
4. The interested City Departments, including Fire and Police, have reviewed the proposed right-of-way vacation and land development, and have no objections to this action. Conditions of approval satisfying the concerns of the public utility companies are shown on Exhibit E.

The proposed resolution of intention to vacate and other related matters were reviewed by Deputy City Attorney Linda Trang on December 10, 2009 and Budget and Performance Management Bureau Manager David Wodynski on December 17, 2009.

SUSTAINABILITY

All concrete work on this project will include recycled waste ash and aggregate, diverting these materials from our landfills.

TIMING CONSIDERATIONS

City Council action on this matter is requested on January 5, 2010, to authorize commencement of this Public Works project. Construction is projected to begin in February 2010, and should take approximately 25 working days.

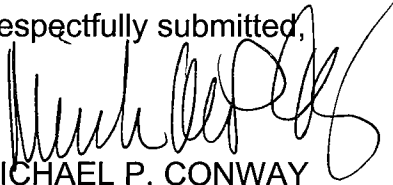
FISCAL IMPACT

The contract award is for an estimated total amount of \$586,891, plus a 20 percent contingency amount of \$117,378 if necessary, for a total of \$704,269. The requested summary vacation has no fiscal impact. Additional funds are being appropriated for design, construction management and administrative overhead. Funding for this project is provided from Community Facilities District No. 2007-2, (Belmont Shore) 2009 Special Tax Bonds.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

APPROVED:

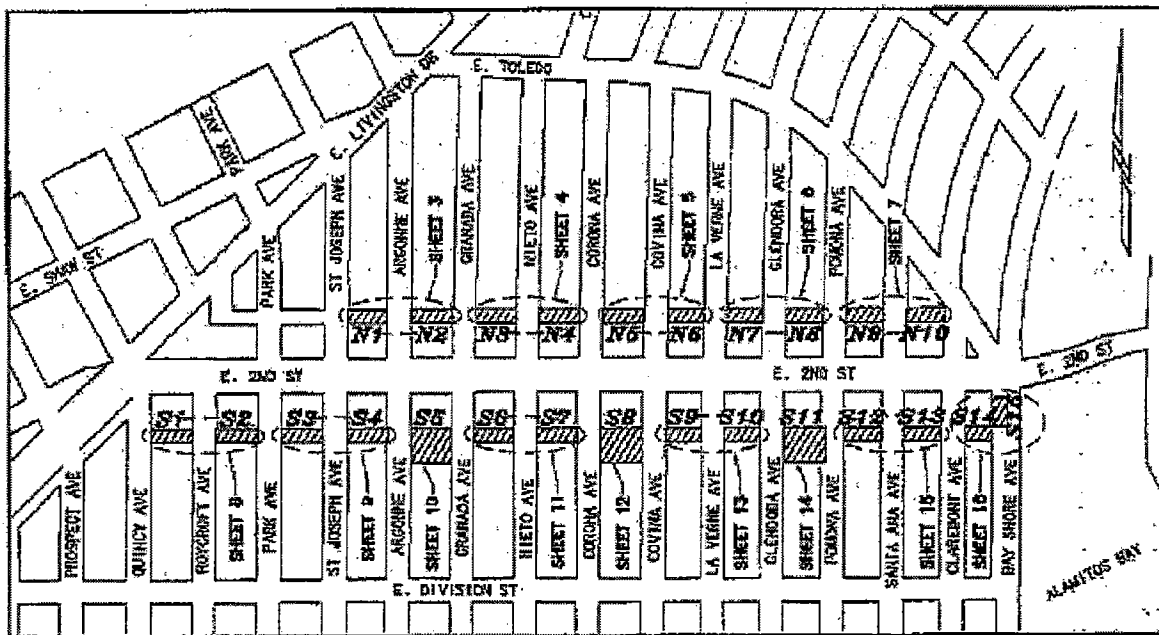
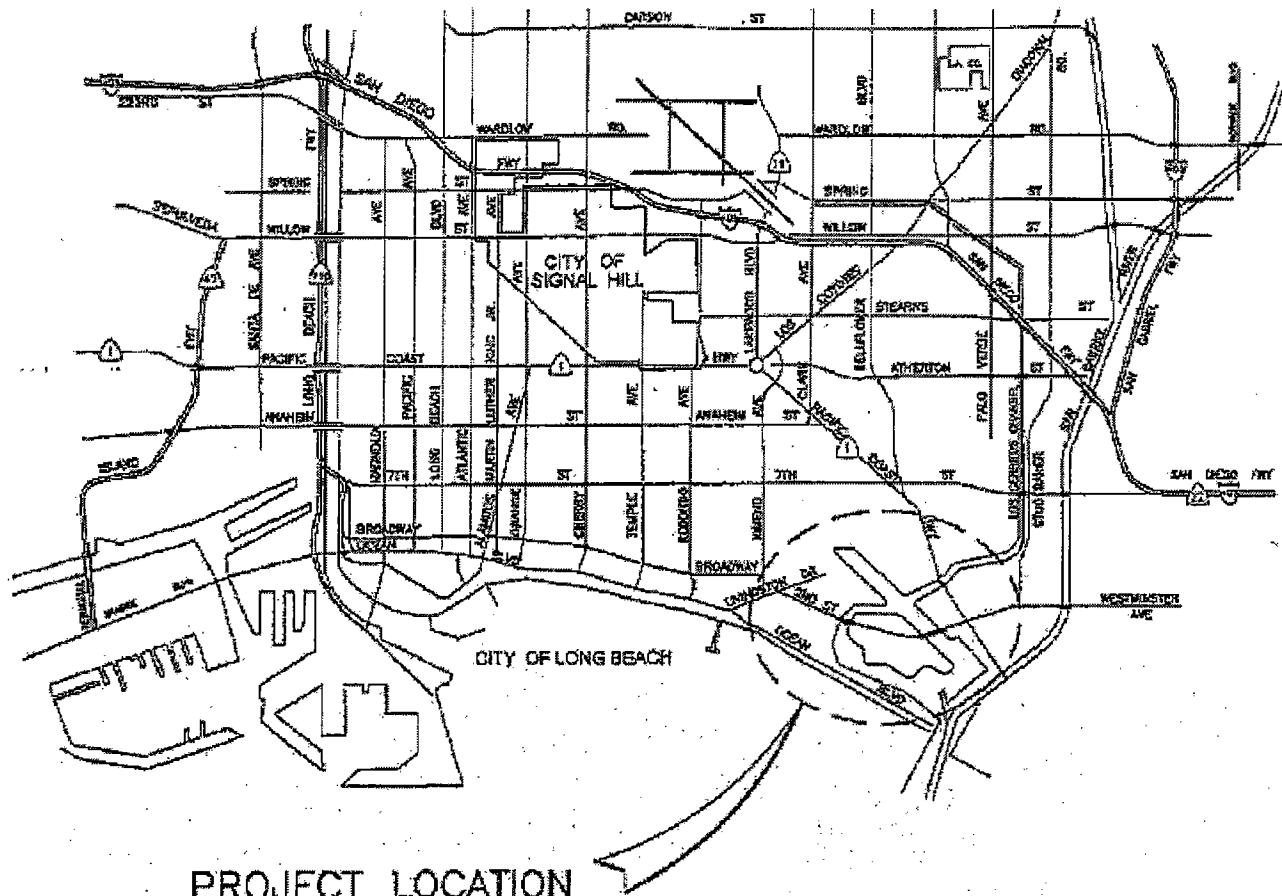
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Attachments

- Exhibit A – Vicinity Map
- Exhibit B – Award Document
- Exhibit C – Easement documents
- Exhibit D – Planning Commission Letter
- Exhibit E – Conditions of Approval Resolution



PATRICK H. WEST
CITY MANAGER



CITY OF LONG BEACH - CALIFORNIA
 DEPARTMENT OF PUBLIC WORKS, ENGINEERING BUREAU

EXHIBIT A
VICINITY MAP FOR THE RECONSTRUCTION OF
BELMONT SHORE ALLEYS

Recommended Contract Awards For December 15, 2009

<u>PROJECT NUMBER</u>	<u>DESCRIPTION</u>	<u>FUNDING SOURCE</u>	<u>LOWEST RESPONSIBLE BIDDER/ LOCATION</u>	<u>AWARD AMOUNT</u>
R-6717	Reconstruction of the Belmont Shore Alleys in the City of Long Beach, California	Community Facility District Number 2007-2 (Belmont Shore)	Sully-Miller Contracting Co. 1100 E. Orangethorpe Ave. #200 Anaheim, CA 92801	\$586,890 plus 20% contingency
			BIDDER IS NOT A MBE/WBE/DBE	

There were nine (9) Plans and Specifications sold. Six (6) bids were received; none were MBE, WBE, DBE, or local firms.

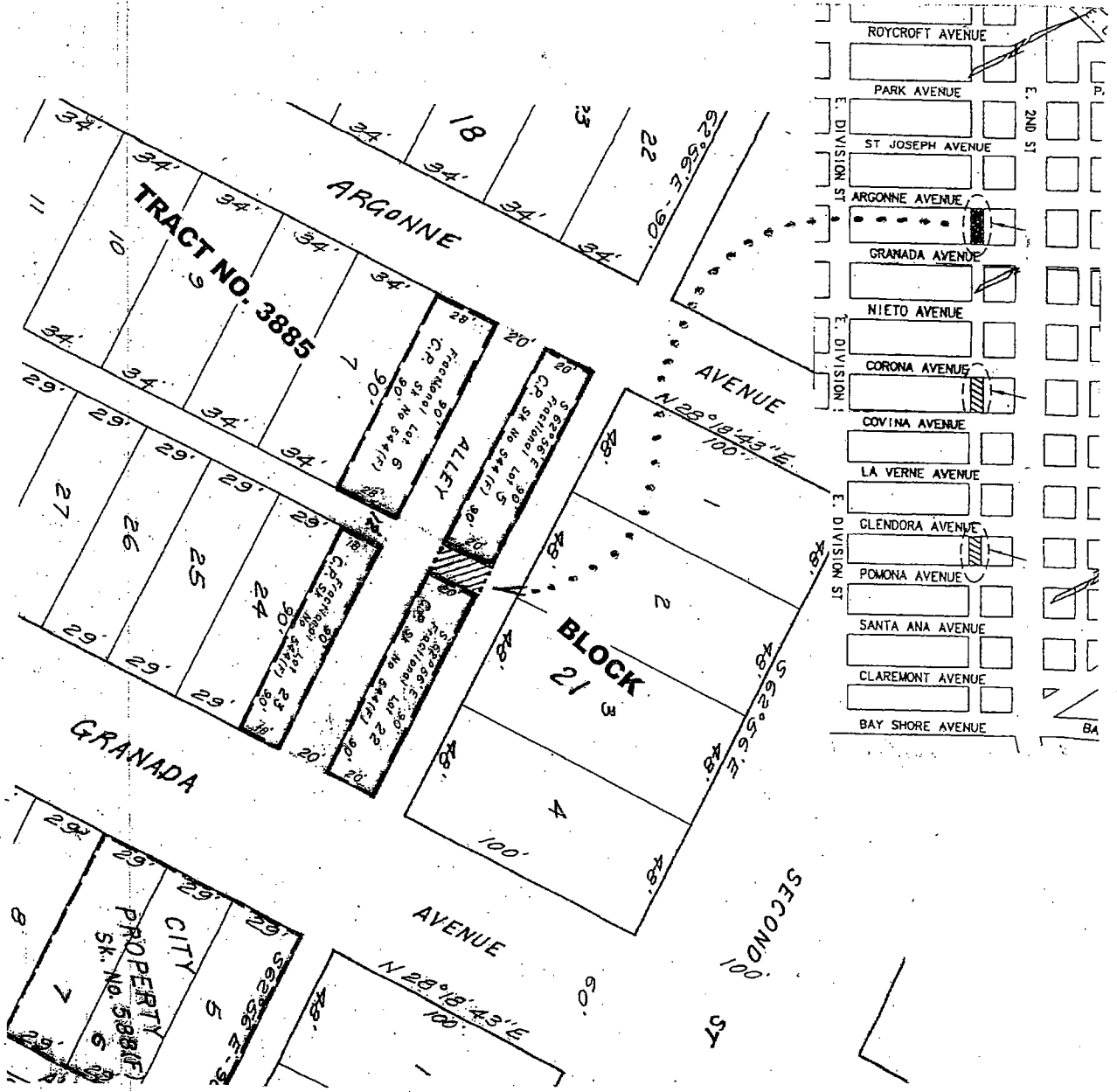
Linda Trang, Deputy City Attorney, approved the Plans and Specifications on November 19, 2009.

The above is a construction project, which can be increased up to 25% above the award amount with no further City Council Actions, per the standard Specifications for Public Works Construction ("Green Book") which has been adopted by the City Council.

PROCUREMENT OUTREACH: Advertisements are placed in the Press – Telegram. In a continuing effort to increase participation of Long Beach businesses, MBEs and WBEs, bids for construction projects exceeding \$100,000 are sent, by the Public Works Department, to approximately 20 trade publications and plan rooms catering to the construction industry. Bids and Request for Proposals are available for viewing at the Purchasing Division Public Center; current bids are announced on the Public Works' bid page: <http://www.PlanetBids.com/LongBeach/Bidframe.cfm>.

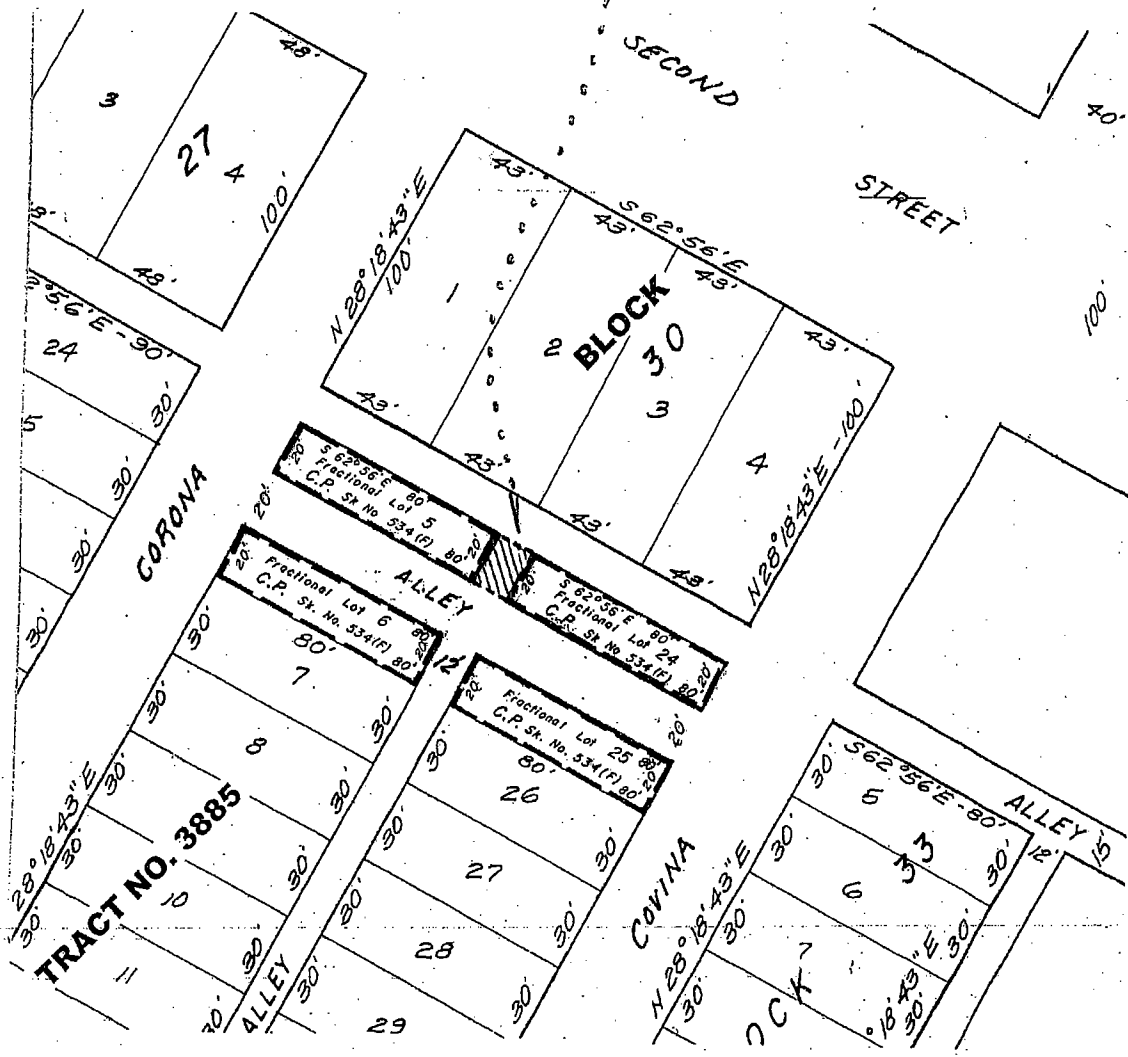
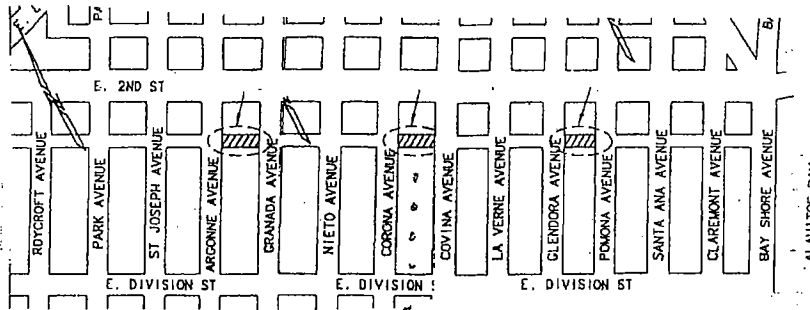
EXHIBIT B

PARCEL 1
**Alley portion between Argonne and Granada Avenues to
be vacated by the City of Long Beach.**



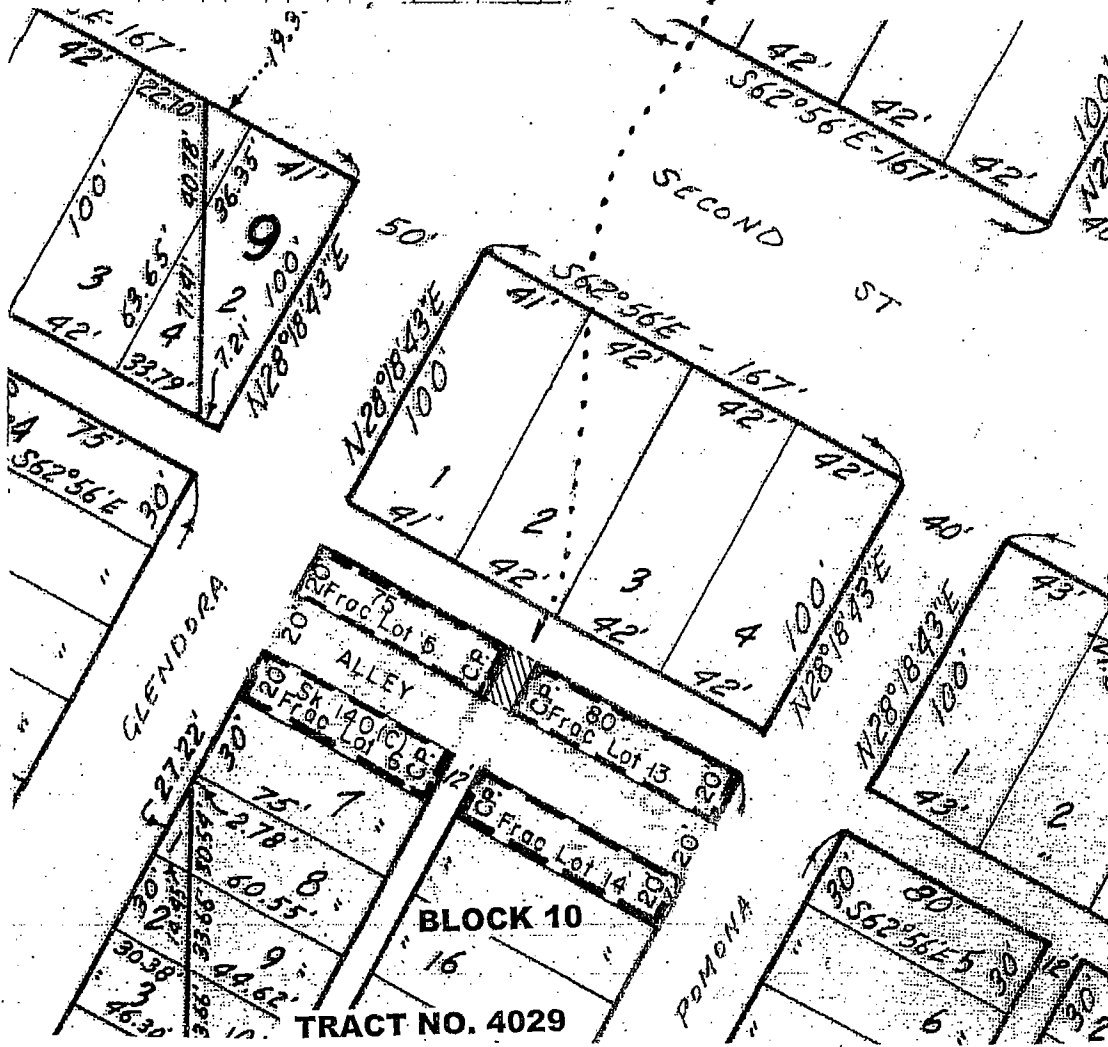
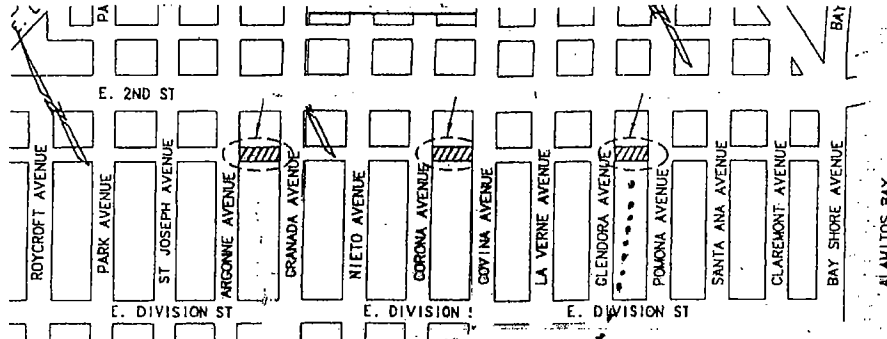
PARCEL 2

Alley portion between Corona and Covina Avenues
to be vacated by the City of Long Beach



PARCEL 3

Alley portion between Glendora and Pomona Avenues
to be vacated by the City of Long Beach





CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 6th Floor

Long Beach, CA 90802

(562) 670-6194

FAX (562) 670-6068

December 17, 2009

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION: Approve finding of conformity with the adopted General Plan for the vacation of three alley portions between Argonne and Pomona Avenues. (District 3)

APPLICANT: City of Long Beach
Public Works Department
(Application No. 121709-1)

DISCUSSION

The City of Long Beach proposes to vacate three alley portions just south of Second Street in Belmont Shore. The alley portions are between 1) Argonne and Granada Avenues, 2) Corona and Covina Avenues, and 3) Glendora and Pomona Avenues (Exhibit A – Location Map). For a visual reference of typical alley sections, please see Exhibit B. The City will retain ownership of each property after the vacations. The purpose of these vacations are to relocate the trash bins, belonging to the adjacent property owners, off the alley that parallels Second Street and into permanent trash enclosures within the surface parking lot south of Second Street. The construction of these new trash enclosures is being funded by the Belmont Shore Parking Commission.

Pursuant to California Government Code Section 65402, no street, parcel or alley may be vacated until such action has been submitted to, and reported upon by, the Planning Commission as to its conformity with the adopted General Plan. The proposed public right-of-way vacation is herein submitted for such review. A finding of conformity shall be made when the proposed re-use of the property conforms to the maps and policies of the General Plan. The General Plan consists of eleven elements and each element of the General Plan carries the same authority concerning land use issues. All elements of the General Plan were considered and staff finds this vacation in conformance with all the elements of the General Plan. A review of the relevant elements and specific General Plan consistency findings are presented below:

A key goal of the Transportation Element is to establish a transportation system, which can provide sufficient mobility for people and goods throughout the city while accommodating

the alley south of Second Street. Moreover, the subject public rights-of-way are not referenced in the Transportation Element and the proposed vacation does not contradict any policies or objectives in the Transportation Element.

The subject sites are located within Land Use District No. 2 (Mixed Style Homes) and abutting LUD No. 8P (Pedestrian-Oriented Retail Strip). LUD No. 2 describes parts of the city with a mixture of low density housing types. The proposed alley vacations may improve circulation within surface parking lots south of Second Street, which is identified as a neighborhood concern in the Land Use Element. Therefore, the proposed vacation is consistent with the Land Use Element.

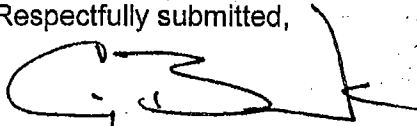
PUBLIC HEARING NOTICE

The posting and distribution of the Planning Commission agenda for December 17, 2009 meets the requirements for adequate public hearing notice for this action.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 79-09) was issued for the proposed project.

Respectfully submitted,



CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

CB:JG:IB
P:/ Planning/PC Staff Reports/alley vacation

Attachments Exhibit A – Maps of Alley Vacations
 Exhibit B – Visual Depiction of Typical Alley Portion

CONDITIONS OF APPROVAL

SKETCH NO. 975V

The proposal was reviewed by the interested city departments and public agencies, and there were no objections, provided that the following conditions of approval are included:

1. An easement shall be reserved for any existing utilities.
2. No storm waters will be obstructed.

The above conditions are flexible in that they may be adjusted in consideration of changing conditions or of new evidence which occurs or becomes available prior to the adoption of the resolution vacating by the City Council.

GM:SC/ D71

EXHIBIT E

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION ORDERING THE VACATION OF THREE ALLEY PORTIONS SOUTH OF SECOND STREET AND EAST OF ARGONNE AVENUE, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA PURSUANT TO CHAPTER 4, PART 3 OF DIVISION 9 OF THE CALIFORNIA STREET AND HIGHWAYS CODE

WHEREAS, the City Council of the City of Long Beach adopts this resolution pursuant to Chapter 4 of the Public Streets, Highways and Service Easements Vacation law (Streets and Highways Code Sections 8330 et seq.); and

WHEREAS, this resolution vacates three alley portions south of Second Street and east of Argonne Avenue described more particularly as follows:

Parcel 1

The northerly 20.00 feet of that northeasterly-southwesterly alley, 12 feet in width, in Block 21, Tract No. 3885 as per map recorded in Book 42, Pages 56 and 57 of Maps in the Office of the County Recorder of the County of Los Angeles.

Parcel 2

The northerly 20.00 feet of that northeasterly-southwesterly alley, 12 feet in width, in Block 30, Tract No. 3885 as per map recorded in Book 42, Pages 56 and 57 of Maps in the Office of the County Recorder of the County of Los Angeles.

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Parcel 3

The northerly 20.00 feet of that northeasterly-southwesterly alley, 12 feet in width, in Block 10, Tract No. 4029 as per map recorded in Book 43, Page 2 of Maps in the Office of the County Recorder of the County of Los Angeles.

Reserving unto the City of Long Beach, its successors and assigns a perpetual easement and right-of-way, at any time or from time to time, to lay, construct, maintain, operate, repair, renew, replace, change the size of and remove the existing utility lines, including, but not limited to, sanitary sewers, storm drains and appurtenant structures, together with all necessary gates, valves, fittings, hydrants and appurtenances for the transportation of water and gas, with the right of ingress to and egress from the same, over, through, under, along and across that certain property vacated herewith; and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of conduits, cables, wires, poles and other convenient structures, equipment and fixtures for the operation of telephone lines and other communication lines, and for the transportation or distribution of electric energy, and incidental purposes including access and the right to keep the property free from inflammable materials, and wood growth, and otherwise protect the same from all hazards in, upon and over the part vacated. Access for maintenance of the above-mentioned facilities must be maintained at all times. No improvements shall be constructed within the easement which would impede the operation, maintenance or repair of said facilities. Construction of any improvements, including changes of grade, shall be subject to the prior written approval of all the City departments and public utilities responsible

1 for the above said facilities.

2
3 WHEREAS, the above-described property is excess right-of-way and is not
4 required for street or highway purposes; and

5 WHEREAS, the vacation of this right-of-way will not cut off all access to any
6 adjoining property;

7 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
8 follows:

9 Section 1. Pursuant to Chapter 4, Part 3 of Division 9 of the California
10 Streets and Highways Code (Sections 8330 et seq.), the following findings are made
11 regarding the above-described property:

12 A. That the document entitled "Sketch No. 975V", attached
13 hereto as Exhibit "A", accurately depicts the property to be vacated.

14 B. That the findings of fact made by the City Council for the
15 purposes of this summary vacation of excess right-of-way pursuant to
16 California Streets and Highways Code Section 8334(a), set forth in the
17 document entitled "City Council Findings" and attached hereto as Exhibit
18 "B", are incorporated herein and made a part of this resolution by this
19 reference.

20 Section 2. The above-described portion of the right-of-way is hereby
21 vacated and closed. From and after the date this resolution is recorded, such vacated
22 right-of-way shall no longer constitute a street or highway.

23 Section 3. The City Clerk is hereby instructed to certify to the adoption of
24 this resolution, and to cause a certified copy to be recorded in the Office of the County
25 Recorder of the County of Los Angeles, California.

26 Section 4. This resolution shall take effect immediately upon its adoption
27 by the City Council.

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 20__, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

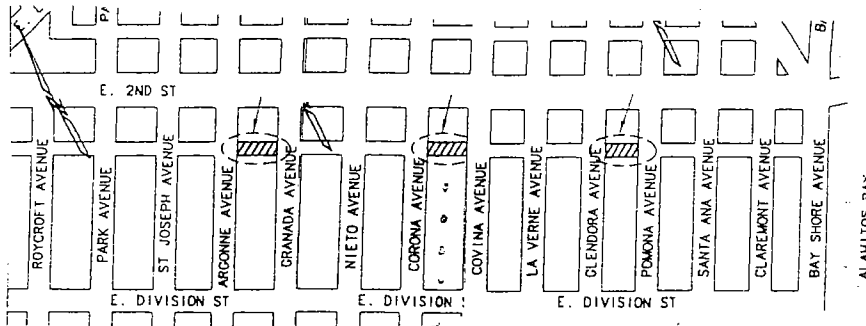
OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

PARCEL 1
Alley portion between Argonne and Granada Avenues to
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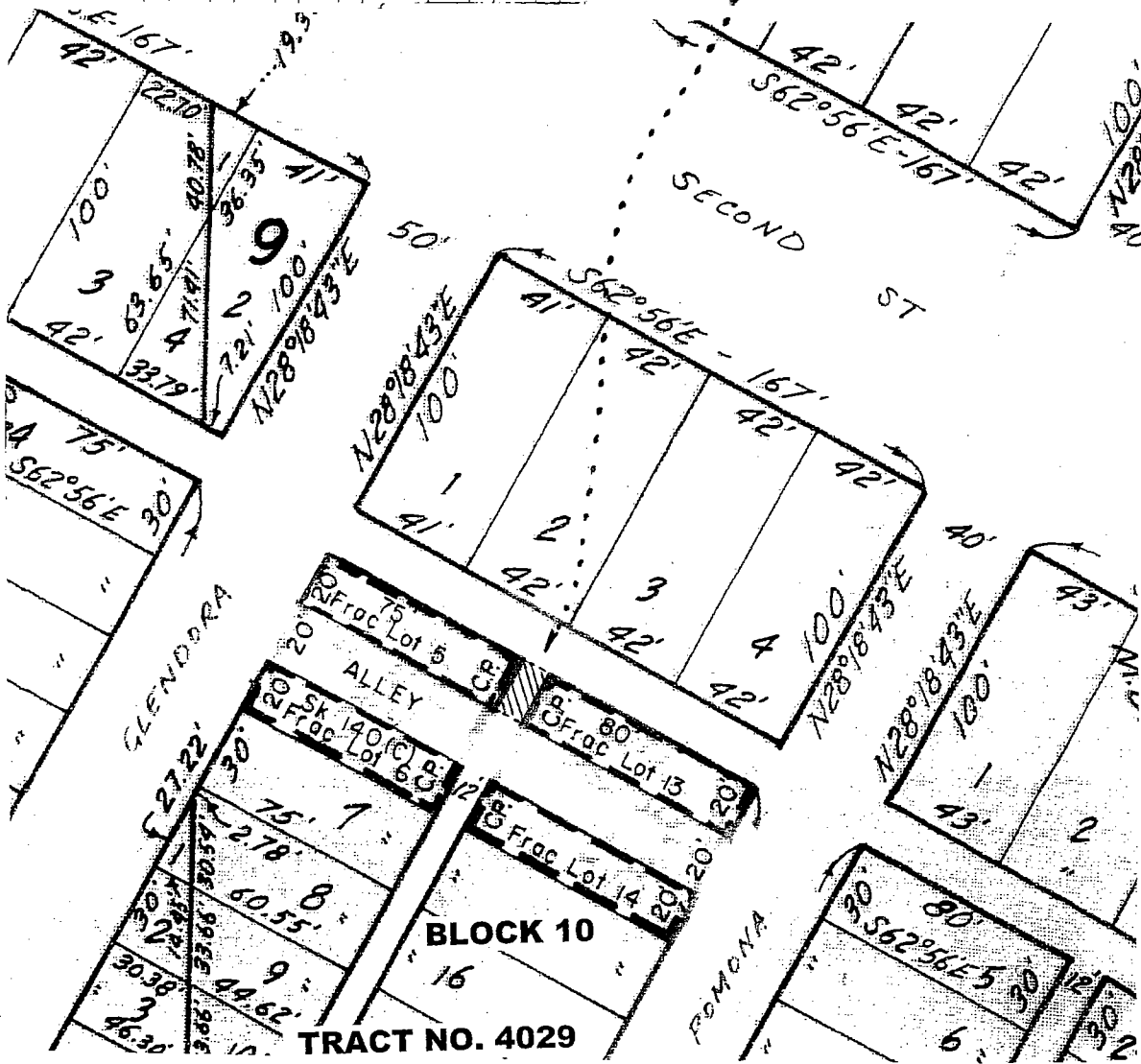
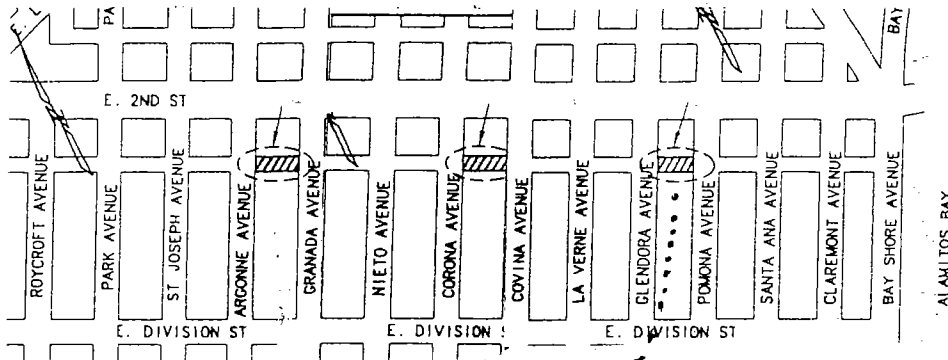
PARCEL 2

Alley portion between Corona and Covina Avenues
to be vacated by the City of Long Beach



PARCEL 3

Alley portion between Glendora and Pomona Avenues
to be vacated by the City of Long Beach



CITY COUNCIL FINDINGS

VACATION OF THREE ALLEY PORTIONS SOUTH OF SECOND STREET AND EAST OF ARGONNE AVENUE

Reference Sketch No. 975V

1. The subject right-of-way is unnecessary for present or prospective public use. This finding is based upon the following subfindings:
 - a) The three alley portions to be vacated each lie between two public alleys that can function independently and without need for interconnection. The vacation of these alley easements will not result in loss of access to any property. Full access to adjacent business, public parking lots and adjacent residential properties will be maintained.
 - b) The portions to be vacated will be used for the proposed trash enclosures. The City owns the lots on either side of the areas to be vacated, and will thus retain ownership of the vacated areas.
 - c) On December 17, 2009, the City of Long Beach Planning Commission determined that the subject alley vacation action is consistent with the General Plan, as required in Section 8313 of the Public Streets, Highways and Service Easements Vacation Law.
 - d) The interested City Departments, including Fire and Police, have reviewed the proposed right-of-way vacation and land development, and have no objections to this action.
 - e) The rights-of-way would not be useful for exclusive bikeway purposes.
2. The vacation of said rights-of-way will not have a significantly adverse environmental effect. This finding is based upon the following subfindings:
 - a) The right-of-way is not and will not be needed for public use.
 - f) In conformance with the California Environmental Quality Act, Categorical Exemption Number CE 73-09 was issued for this project.

EXHIBIT B