



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: MARCH 20, 2007

ITEM NUMBER: \_\_\_\_\_

**SUBJECT:** RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS04-00635 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 16448 LOCATED AT 115 E. WILSON, COSTA MESA, CALIFORNIA

**DATE:** MARCH 8, 2007

**FROM:** PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

**PRESENTATION BY:** WILLIAM J MORRIS, DIRECTOR OF PUBLIC SERVICES

**FOR FURTHER INFORMATION CONTACT:** ERNESTO MUNOZ, CITY ENGINEER, 714-754-5343

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## ***RECOMMENDED ACTION***

Release the Performance and Labor and Material Bonds (Certificate No. SU 5008531) in the amount of \$64,241.22 each for street improvements and Performance Bond (Certificate No. SU 5008532) in the amount of \$1,500 for setting corner monuments to United Pacific Development Corp. (Developer), 3111 N. Tustin Avenue, Suite 220, Orange California.

## ***BACKGROUND***

On July 19, 2004, the City approved the Final Map for Tract No.16448 for the construction of a five single-family residential project. The Engineering Division required the setting of durable monuments at corners of exterior and interior lots. The Performance Bond in the amount of \$1,500 was received and accepted by the Public Services Department as a guarantee for the setting of the monuments. Also, on September 10, 2004, the Engineering Division issued Encroachment Permit No. PS04-00635 to Metco Equipment Inc. (Contractor) for the construction of street improvements within Wilson Street and Newport Boulevard. The Encroachment Permit allowed the connection to the storm drain system and utilities. The Performance and Labor and Materials Bonds in the amount of \$64,241.22 each were received and accepted by the Public Services Department as a guarantee for the construction of the improvements.

## ***ANALYSIS***

All conditions of the Encroachment Permit have been met and the work has been completed and accepted by the Public Services Department.

## ***ALTERNATIVES CONSIDERED***

The alternative to this Council action would be to retain the Performance and Labor and Material Bonds. Costa Mesa Municipal Code Section 15-32 states, "The condition of said bond shall be that the applicant will perform the work authorized by any permit issued pursuant to this chapter in a good and workmanlike manner and to the satisfaction of the City Engineer." These conditions have been met; therefore, retention of the bonds would be in violation of the Municipal Code.

**FISCAL REVIEW**

There is no fiscal impact to the City relative to this item.

**LEGAL REVIEW**

There is no legal review required relative to this item.

**CONCLUSION**

All of the required conditions of the Encroachment Permit have been completed by the Contractor. Therefore, staff recommends that the Performance and Labor and Material Bonds in the amounts of \$64,241.22 and \$1,500 each be released to United Pacific Development Corp. (Developer).

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ERNESTO MUNOZ  
City Engineer

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WILLIAM J. MORRIS  
Director of Public Services

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