



# CITY COUNCIL AGENDA REPORT

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MEETING DATE: NOVEMBER 6, 2007

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

**SUBJECT: RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS06-00010 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 16801 LOCATED AT 250 E. BAKER STREET, COSTA MESA, CALIFORNIA**

**DATE: OCTOBER 25, 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. 839490S, 839841S) in the amounts of \$47,437.50 and \$16,472.50 respectively for street improvements and (Certificate No. 839843S) for setting corner monuments in the amount of \$2,000 to Baker Redhill, a California General Partnership (Developer), 260 E. Baker Street, Suite 100, Costa Mesa, California.

## BACKGROUND

On November 1, 2005, the City Council approved the Final Map for Tract No.16801 for the subdivision of one (1) lot for condominium purposes. The Engineering Division requires the setting of durable monuments at corners of exterior and interior lots. The Performance Bond in the amount of \$2,000 was received and accepted by the Public Services Department as a guarantee for the setting of the monuments. Also, on January 3, 2006, the Engineering Division issued Encroachment Permit No. PS06-00010 to Miller Contracting Company (Contractor) for the construction of street improvements within E. Baker Street and Red Hill Avenue. The Encroachment Permit allowed the connection to the storm drain system, construction of sidewalk, drive approach and wheelchair ramp. The Performance and Labor and Material Bonds in the amount of \$47,437.50 and \$16,472.50 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, and all of the monuments have been set by the Engineer. Therefore, staff recommends that the Performance and Labor and Material Bonds in the amounts of \$47,437.50, \$16,472.50 and \$2,000 each be released to Baker Redhill, a California General Partnership (Developer).

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ERNESTO MUNOZ  
City Engineer

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WILLIAM J. MORRIS  
Director of Public Services

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