



CITY COUNCIL AGENDA REPORT

MEETING DATE: DECEMBER 2, 2008

ITEM NUMBER:

SUBJECT: RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS06-00258 FOR STREET IMPROVEMENTS LOCATED AT 1202 BRISTOL STREET, COSTA MESA, CALIFORNIA

DATE: NOVEMBER 20, 2008

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: PETER NAGHAVI, DIRECTOR, DEPARTMENT OF PUBLIC SERVICES

FOR FURTHER INFORMATION CONTACT: ERNESTO MUÑOZ, CITY ENGINEER, 714-754-5335

RECOMMENDED ACTION

Release the Performance and Labor and Material Bonds (Certificate No. 661117280) in the amount of \$40,390 for street improvements to Bristol Newport Medical Plaza, LP (Developer), 1048 Irvine Avenue, Suite 446, Newport Beach, California 92660.

BACKGROUND

On October 6, 2006, the Engineering Division issued Encroachment Permit No. PS06-00258 to Miller Contracting Company (Contractor) for the construction of street improvements at 1202 Bristol Street. The Encroachment Permit allowed the construction of a driveway approach, curb and gutter, sidewalk and parkway drain. The Performance and Labor and Materials Bonds in the amount of \$40,390 was 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 amount of \$40,390 be released to Bristol Newport Medical Plaza, LP.

ERNESTO MUÑOZ

City Engineer

PETER NAGHAVI

Director, Department of Public Services

DISTRIBUTION: City Manager
City Clerk
City Attorney
Staff