



# CITY COUNCIL AGENDA REPORT

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MEETING DATE: JULY 21, 2009

ITEM NUMBER:

**SUBJECT:** REDUCTION OF THE MAINTENANCE BOND IN CONNECTION WITH THE COASTAL SAGE SCRUB RESTORATION PROJECT AT FAIRVIEW PARK

**DATE:** JULY 9, 2009

**FROM:** PUBLIC SERVICES DEPARTMENT

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

**FOR FURTHER INFORMATION CONTACT:** ROBERT STAPLES, FAIRVIEW PARK PLAN ADMINISTRATOR, (714) 754-5303

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## **RECOMMENDATION**

Reduce the Maintenance Bond (Certificate #SU 5014567) from \$321,500 to \$64,300 for Habitat Revegetation at Fairview Park to Headlands Reserve, LLC, 24849 Del Prado, Dana Point, CA 92629.

## **BACKGROUND**

On April 5, 2005, the City Council approved the Memorandum of Agreement and Land Covenant with Headlands Reserve, LLC, for the creation of 11 acres of Coastal Sage Scrub (CSS) in the lower northwest portion of Fairview Park. Headlands Reserve, LLC, created 11 acres of CSS to partially compensate for native plant impacts that occurred within the Headlands Development project in Dana Point. Headlands Reserve, LLC, provided all funding for the installation of the CSS plantings and five years of maintenance costs. Public Services staff oversees the maintenance contractor and field biologist.

The CSS community created will provide habitat for a variety of avian species including the coastal California gnatcatcher (*Polioptila californica*), California towhee (*Pipilo crissalis*), white-crowned sparrow (*Zonotrichia leucophrys*), wrentit (*Chamaea fasciata*), Bewick's wren (*Thryomanes bewickii*), California thrasher (*Toxostoma redivivum*) and Costa's hummingbird (*Calypte costae*). The CSS will also provide habitat for a variety of reptile and mammal species.

## **ANALYSIS**

The Memorandum of Agreement with Headlands Reserve, LLC, states that the Maintenance Bond may be reduced annually after the completion of each restoration year. Headlands Reserve, LLC, has not requested an annual reduction of the Maintenance Bond and is now asking for a reduction in the bond for years 2005-2008.

The 11 acre CSS site is fully established and the irrigation has been shut down since December 2008. Maintenance and monitoring will continue to be performed by Natures Image, Inc., and a qualified URS biologist/restoration specialist. During the remaining maintenance period, sufficient personnel and equipment will be allocated to perform landscape maintenance of all planted areas. Maintenance will continue on a monthly

basis and monitoring visits will continue to be conducted quarterly. The need for additional maintenance visits shall be determined by the monitoring biologist based on current site conditions.

Headlands Reserve, LLC, is responsible for the CSS site until 2011, or earlier if staff and the biologist deem that the site meets the contracted success criteria. The reduced Maintenance Bond, \$64,300 posted by Headlands Reserve, LLC, will remain in affect until the City accepts the site as complete.

**ALTERNATIVES CONSIDERED**

There were no alternatives considered for this item.

**FISCAL REVIEW**

There is no fiscal impact due to this item.

**LEGAL REVIEW**

There is no legal review required on this item.

**CONCLUSION**

It is recommended that the City Council reduce the Maintenance Bond (Certificate #SU 5014567) from \$321,500 to \$64,300 for Habitat Revegetation at Fairview Park to Headlands Reserve, LLC, 24849 Del Prado, Dana Point, CA 92629.

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PETER NAGHAVI, Director  
Department of Public Services

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ROBERT STAPLES  
Fairview Park Plan Administrator

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City Attorney  
City Clerk  
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