



CITY COUNCIL AGENDA REPORT

MEETING DATE: OCTOBER 6, 2009

ITEM NUMBER:

SUBJECT: RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS05-00418 AND PS06-00086 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 16070 LOCATED AT 2100 CANYON DRIVE, COSTA MESA, CALIFORNIA.

DATE: SEPTEMBER 24, 2009

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 Nos. 559866S, 730033S) in the amounts of \$53,640 and \$15,910 respectively for street improvements and (Certificate No. 849680S) for setting corner monuments in the amount of \$9,100 to Pacific Rim Communities Builder, Inc, (Developer), 3111 N. Tustin Avenue, Suite 220, Orange, California 92865.

BACKGROUND

On February 7, 2006, the City Council approved the Final Map for Tract No. 16070 for the construction of 18 units for single family use, two lots subdivision. The Engineering Division required the setting of durable monuments at corners of exterior and interior lots. The Performance Bond in the amount of \$9,100 was received and accepted by the Public Services Department as a guarantee for the setting of the monuments. Also, the Engineering Division issued Encroachment Permits No. PS05-00418 and PS06-00086 to Pacific Rim Communities Rim Builders (Contractor), for the construction of street improvements within Canyon Drive and a City storm drain easement. The Encroachment Permit allowed the construction of sidewalk, curb and gutter, drive approaches, storm drain and street lights. The Performance and Labor and Materials Bonds in the amounts of \$53,640 and \$15,910 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 \$53,640, \$15,910, and \$9,100 each be released to Pacific Rim Communities Builder, Inc.

ERNESTO MUÑOZ
City Engineer

PETER NAGHAVI, DIRECTOR
Department of Public Services

DISTRIBUTION: City Manager
City Clerk
City Attorney
Staff