



CITY COUNCIL AGENDA REPORT

MEETING DATE: NOVEMBER 3, 2009

ITEM NUMBER:

SUBJECT: RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS08-00391 FOR STREET IMPROVEMENTS LOCATED AT 3300 HYLAND AVENUE, COSTA MESA, CALIFORNIA.

DATE: OCTOBER 22, 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 No. 733943S) in the amount of \$213,530 each for street improvements to 3300 Hyland Avenue I, LLC, (Developer), 3300 Hyland Avenue, Costa Mesa, California 92626.

BACKGROUND

On August 15, 2008, the Engineering Division issued Encroachment Permit No. PS08-00391 to Snyder Langston Builders (Contractor), for the construction of street improvements within Hyland Avenue. The Encroachment Permit allowed the construction of a new entrance, curb and gutter, connection to the storm drain, and relocation of a street light and catch basin. The Performance and Labor and Materials Bonds in the amount of \$213,530 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 amount of \$213,530 each be released to 3300 Hyland Avenue I, LLC.

ERNESTO MUÑOZ

City Engineer

PETER NAGHAVI, DIRECTOR

Department of Public Services

DISTRIBUTION: City Manager
Deputy City Clerk
City Attorney
Staff