



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: MARCH 1, 2011

ITEM NUMBER:

**SUBJECT:** RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS06-00154 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 16926 LOCATED AT 2287-2295 PACIFIC AVENUE, COSTA MESA, CALIFORNIA.

**DATE:** FEBRUARY 17, 2011

**FROM:** PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

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

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

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## ***RECOMMENDED ACTION***

Release the Performance and Labor and Material Bonds (Certificate No. 661119748) in the amounts of \$89,683 each for street improvements, and (Certificate No.661119749) for setting corner monuments in the amount of \$1,000 to 2295 Pacific, LLC (Developer), 190 Newport Center Drive, Suite 220, Newport Beach, California 92660.

## ***BACKGROUND***

On July 17, 2007, the City Council approved Final Map Tract No.16926 for the subdivision of ten (10) residential lots and one (1) lettered lot for a common interest residential development. The Engineering Division required the setting of durable monuments at corners of exterior and interior lots. The Performance Bond in the amount of \$1,000 was received and accepted by the Public Services Department as a guarantee for the setting of the monuments. Also, the Engineering Division issued Encroachment Permit No. PS06-00154 to Beta Construction (Contractor), for the construction of street improvements within Pacific Avenue. The Encroachment Permit allowed the construction of sidewalk, curb and gutter and two (2) drive approaches. The Performance and Labor and Materials Bonds in the amounts of \$89,683 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 \$89,683 each, and the bond for setting corner monuments in the amount of \$1,000 be released to 2295 Pacific, LLC.

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**ERNESTO MUÑOZ**

City Engineer

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**PETER NAGHAVI, DIRECTOR**

Public Services Department

DISTRIBUTION: City Manager  
City Attorney  
City Clerk  
Staff