



CITY COUNCIL AGENDA REPORT

MEETING DATE: MARCH 17, 2015

ITEM NUMBER: **CC-6**

SUBJECT: RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS10-00187 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 17176 LOCATED AT 351 W. BAY STREET, COSTA MESA, CALIFORNIA.

DATE: MARCH 5, 2015

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: ERNESTO MUNOZ, PUBLIC SERVICES DIRECTOR

FOR FURTHER INFORMATION CONTACT: FARIBA FAZELI, CITY ENGINEER
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RECOMMENDED ACTION

Release the Performance and Labor and Material Bonds (Certificate No. 4371998) in the amounts of \$18,266.00 each for street improvements and (Certificate No.4371999) for setting corner monuments in the amount of \$2,750.00 to Bayside West, LLC (Developer), 190 Newport Center Drive, Suite 220, Newport Beach, California 92660.

BACKGROUND

On August 3, 2010, the City Council approved Final Map Tract No.17176 for the subdivision of seven (7) 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 \$2,750.00 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. PS10-00187 to Hillcrest Contracting Inc. (Contractor), for the construction of street improvements within Bay Street. The Encroachment Permit allowed for the construction of curb and gutter, sidewalk, drive approach, curb drain and street resurfacing. The Performance and Labor and Materials Bonds in the amounts of \$18,266.00 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 \$18,266.00 each, and the bond for setting corner monuments in the amount of \$2,750.00 be released to Bayside West, LLC.

ERNESTO MUNOZ
Public Services Director

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City Engineer

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 Assistant CEO
 City Attorney
 Staff