



CITY COUNCIL AGENDA REPORT

MEETING DATE: OCTOBER 17, 2016

ITEM NUMBER: **CC-6**

SUBJECT: RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS15-00147 FOR STREET IMPROVEMENTS LOCATED AT 2562 SANTA ANA AVENUE, COSTA MESA, CALIFORNIA

DATE: OCTOBER 6, 2016

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: JAMES G. ROSS, INTERIM PUBLIC SERVICES DIRECTOR

FOR FURTHER INFORMATION CONTACT: BALTAZAR MEJIA, CITY ENGINEER
(714) 754-5335

RECOMMENDED ACTION

Release the Performance and Labor and Material Bonds (Certificate No. 802544S) in the amounts of \$19,583.00 each for street improvements to NTH 5, LLC (Developer), 418 Via Lido Nord, Newport Beach, CA 92663.

BACKGROUND

The Engineering Division issued Encroachment Permit No. PS15-00147 for the construction of street improvements on Santa Ana Avenue. The Encroachment Permit allowed for the construction of curb and gutter, sidewalk, drive approach and parkway drains. The Performance and Labor and Material Bonds in the amounts of \$19,583.00 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. Therefore, staff recommends that the Performance, and Labor and Material Bonds in the amounts of \$19,583.00 each be released to NTH 5, LLC.

JAMES G. ROSS

Interim Public Services Director

BALTAZAR MEJIA

City Engineer

DISTRIBUTION: Chief Executive Officer
Assistant CEO
City Attorney
Staff