



# *CITY COUNCIL AGENDA REPORT*

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**MEETING DATE:** December 6, 2005

**ITEM NUMBER:**

**SUBJECT:** RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS03-00200 FOR STREET IMPROVEMENTS LOCATED AT 1475 SOUTH COAST DRIVE, COSTA MESA, CALIFORNIA

**DATE:** NOVEMBER 17, 2005

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

**PRESENTATION BY:** WILLIAM J MORRIS, DIRECTOR OF PUBLIC SERVICES

**FOR FURTHER INFORMATION CONTACT:** ERNESTO MUNOZ, CITY ENGINEER, (714) 754-5343

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## **RECOMMENDED ACTION:**

Release the Performance and Labor and Material Bonds (Certificate No. 014-012-211/08697157) in the amount of \$321,290 each to Sully Miller Contracting Company (Contractor), 100 E. Orangethorpe Avenue, Suite 200, Anaheim, CA 92801.

## **BACKGROUND:**

On April 2, 2003, the Engineering Division issued Encroachment Permit No. PS03-00200 to Sully Miller Contracting Company (Contractor) for the construction of street improvements within South Coast Drive between Harbor Boulevard and Susan Street. The Encroachment Permit allowed construction of sidewalk, curb and gutter, median modifications, street construction, and resurfacing. The Performance and Labor and Material Bonds in the amount of \$321,290 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 \$321,290 each be released to Sully Miller Contracting Company.

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ERNESTO MUNOZ  
City Engineer

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WILLIAM J. MORRIS  
Director of Public Services

DISTRIBUTION:     City Manager  
                      City Attorney  
                      Deputy City Clerk  
                      Staff

File Name Release Bonds PS03-00200

Date: 11-17-05

Time 3:00 p.m.