



## Legislation Details (With Text)

**File #:** 18-2011      **Version:** 1      **Name:**  
**Type:** Release of Security      **Status:** Passed  
**File created:** 8/2/2018      **In control:** City Council  
**On agenda:** 8/15/2018      **Final action:** 8/15/2018  
**Title:** City Council consideration to accept the Public Improvements associated with 910 South Vicentia Avenue; and release the appropriate Improvement and Grading Securities - Midoros LLC, a California Limited Liability Company.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A

Date	Ver.	Action By	Action	Result
8/15/2018	1	City Council	approved	

### AGENDA REPORT REQUEST FOR CITY COUNCIL ACTION

**DATE:** 8/15/2018

**TO:** Honorable Mayor and City Council Members

**FROM:** Public Works Department

**SUBJECT:**

City Council consideration to accept the Public Improvements associated with 910 South Vicentia Avenue; and release the appropriate Improvement and Grading Securities - Midoros LLC, a California Limited Liability Company.

#### RECOMMENDED ACTION:

That the City Council accept the improvements associated with 910 South Vicentia Avenue, and take the following actions:

1. Retain twenty-five percent of the Faithful Performance Security for one (1) year beyond the acceptance of the improvements as security for repair or replacement of any improvements that fail to meet City Standards at the end of the one-year period (379183S).
2. Retain the Labor and Material Security for six (6) months beyond the acceptance of the improvements, and automatically release the security unless any claims are filed (379183S).

3. Release the Grading and Erosion Control Securities (379182S and R2078).

**ANALYSIS:**

On November 15, 2017, the City entered into Precise Grading and Public Improvement Agreements with Midoros LLC, a California Limited Liability Company, who was the owner of a vacant lot, to secure the precise grading and public improvements associated with 910 South Vicentia Avenue in the R2 (Low Density Multi-Family) Zone, as shown on Exhibit "A." The owner constructed a single-family residence on the 0.17-acre lot.

All of the precise grading and public improvements secured by these agreements have been completed and inspected to City specifications.

Twenty-five percent of the Faithful Performance Security will be retained for a period of one (1) year to guarantee repair or replacement of any improvements that fail prior to the end of the one-year period. Any written claims against the performance security must be made prior to the one-year guarantee period, which is set to expire on August 15, 2019. City staff must release the Faithful Performance Security one (1) year after acceptance of the improvements by the City Council, pursuant to California Government Code Section 66499.9(c).

It is necessary to retain the Labor and Material Security for a period of six (6) months, in accordance with the State Subdivision Map Act.

The site has been precise graded in accordance with all City Standards and the approved Precise Grading Plan. Therefore, it is appropriate to release the Precise Grading and Erosion Control Securities at this time.

**COMMITTEE ACTION:**

Not applicable.

**STRATEGIC PLAN:**

Not applicable.

**FISCAL IMPACT:**

All applicable fees have been paid by the developer. It is the City's responsibility to begin the maintenance of the public improvements one (1) year after the date of acceptance. The owner will be responsible for maintenance of the landscaping within the City rights of way fronting the project.

**ENVIRONMENTAL ANALYSIS:**

This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action merely releases the current securities associated with the property. Since there is no possibility that adopting this action will have a significant effect on the environment, no environmental analysis is required.

**PREPARED BY:** CHRIS HORN, P.E., SENIOR CIVIL ENGINEER

**REVIEWED BY:** TOM KOPER, P.E., ASSISTANT PUBLIC WORKS DIRECTOR

**REVIEWED BY:** NELSON D. NELSON, P.E., PUBLIC WORKS DIRECTOR

**REVIEWED BY:** KERRY D. EDEN, ASSISTANT CITY MANAGER/ADMINISTRATIVE SERVICES DIRECTOR

**REVIEWED BY:** MICHELE NISSEN, ASSISTANT CITY MANAGER

**SUBMITTED BY:** DARRELL TALBERT, CITY MANAGER

Owner: Midoros, LLC,  
190 W. 3<sup>rd</sup> Street  
Santa Ana, CA, 90803

Engineer: Lan & Associates,  
13139 Harbor Blvd  
Garden Grove, CA, 92843