



Legislation Text

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**AGENDA REPORT  
REQUEST FOR CITY COUNCIL ACTION**

DATE: 4/4/2018

TO: Honorable Mayor and City Council Members

FROM: Public Works Department

**SUBJECT:**

City Council consideration to accept the public improvements associated with Assessor's Parcel Number 275-181-016, now 1402 Trudy Way - Orchard Glen Community Association; and release the appropriate Improvement Securities.

**RECOMMENDED ACTION:**

That the City Council accept the public improvements associated with 1402 Trudy Way and take the following actions:

1. Retain twenty-five percent of the Faithful Performance Security for one 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. (DEP 16-0174)
2. Retain the Labor and Material Security for six months beyond the acceptance of the improvements, and automatically release the security unless any claims are filed. (DEP 16-0175)

**ANALYSIS:**

On November 16, 2016, the City entered into an Improvement Agreement with Orchard Glen Community Association (the HOA) for the construction of electrical improvements in the public right-of-way. The improvements provide lighting to existing Association-maintained pillars located along Trudy Way at the entrance to the community. The HOA is responsible for the maintenance of the electrical improvements.

All public improvements secured by this agreement have been completed and inspected to City specifications.

Twenty-five percent of the Faithful Performance Security will be retained for a period of one 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 April 4, 2019. City Staff must release the Faithful Performance Security one 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 months, in accordance with the State Subdivision Map Act.

**COMMITTEE ACTION:**

Not applicable.

**STRATEGIC PLAN:**

Not applicable.

**FISCAL IMPACT:**

All City fees have been paid by the developer. It is the City's responsibility to begin the maintenance of the public improvements one year after the date of acceptance. Cost for maintaining the public improvements will be included in the Public Works Department's annual operating budget.

**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.

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

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