



## Legislation Details (With Text)

**File #:** 22-323      **Version:** 1

**Type:** Consent Calendar      **Status:** Passed

**File created:** 4/7/2022      **In control:** City Council/Public Financing Authority

**On agenda:** 5/3/2022      **Final action:** 5/3/2022

**Title:** Approve and accept Public Improvements for the Slater Storm Water Pump Station and release the Securities posted with Tract 15377

**Attachments:** 1. Att#1 Location Map, 2. Att#2 Notice of Acceptance, 3. Att#3 Guarantee & Warranty Bond

Date	Ver.	Action By	Action	Result
5/3/2022	1	City Council/Public Financing Authority	approved	Pass

## REQUEST FOR CITY COUNCIL ACTION

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

**SUBMITTED BY:** Sean Joyce, Interim City Manager

**VIA:** Sean Crumby, Director of Public Works

**PREPARED BY:** Bob Milani, Principal Civil Engineer

### Subject:

**Approve and accept Public Improvements for the Slater Storm Water Pump Station and release the Securities posted with Tract 15377**

### Statement of Issue:

Shea Homes Limited Partnership, A California Limited Partnership, the subdivider of Tract 15377, has completed all required public improvements related to the Slater Storm Water Pump Station and is now eligible to receive a release of securities pursuant to the provisions of the Subdivision Map Act.

### Financial Impact:

No City resources required with this action

### Recommended Action:

A) Accept the improvements constructed to the Slater Storm Water Pump Station with Tract 15377 (Attachment 1) and instruct the City Clerk to record the "Notice of Acceptance of Public Improvements" (Attachment 2) with the Orange County Recorder; and,

B) Release the Faithful Performance Bond No. 0195161, Labor and Materials Bond No. 0195161, pursuant to the California Government Code Section No. 66499.7(a); and,

C) Accept Guarantee and Warranty Bond No. 0195161M (Attachment 3): the security furnished for guarantee and warranty of public improvements, and instruct the City Clerk to file the bond with the City Treasurer; and,

D) Instruct the City Clerk to notify Shea Homes Limited Partnership, the subdivider of Tract No. 15377, and the City Treasurer to notify Berkley Insurance Company of these actions.

**Alternative Action(s):**

Deny the recommended action. Denying the recommended action may violate the Subdivision Map Act whereby:

1. Section 66499.7 of the Government Code requires that the securities given for the faithful performance of constructing the public improvements shall be released upon acceptance of the work.
2. Section 66499.9 of the Government Code requires the Guarantee and Warranty of the work for a period of one year following completion and acceptance of the improvement against any defective work, labor and materials furnished. Denying the acceptance of the Guarantee and Warranty bond may place undue burden and cost upon the city for correcting any defective work, labor and material provided by the subdivider.

**Analysis:**

On June 1, 2009, City Council approved Final Tract Map No. 15377 and the Subdivision Agreement between the City of Huntington Beach and Shea Homes and also accepted the required bonds. The subdivider has now completed the below public improvements and is requesting release of the aforementioned securities, pursuant to California Government Code Section 66499.7(a). The constructed improvements include all work and material related to the Slater Storm Water Pump Station.

The City Engineer has determined that this public improvement has been constructed in substantial compliance with the approved plans and specifications and recommends acceptance of the improvement. Shea Homes has provided a Guarantee and Warranty Bond No. 0195161M as security for the one-year warranty period and is now requesting acceptance of this bond.

Following is a list of the project data:

SUBDIVIDER:        Shea Homes Limited Partnership  
                         2 Ada, Suite 200, Irvine, CA, CA 92618

ENGINEER:         Hunsaker and Associates  
                         3 Hughes, Irvine, CA 92618

LOCATION: 17301 Graham Street (west side of Graham Street, south of Warner Avenue, adjacent to the Wintersburg Flood Control Channel)

NO. OF ACRES:    45 acres

NO. OF UNITS: 111 detached single family residential units

SURETY: Berkley Insurance Company, 475 Steamboat Road, Floor 1, Greenwich, CT 06830

**Environmental Status:**

This recommended action is a ministerial act and is exempt from the requirements of the California Environmental Quality Act pursuant to State CEQA Guidelines, California Administrative Code, Title 14, Chapter 3, Section 15268(b).

**Strategic Plan Goal:**

Non Applicable - Administrative Item

**Attachment(s):**

1. Location Map
2. Notice of Acceptance of Public Improvements
3. Guarantee and Warranty Bond No. 0195161M