



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Granting Acceptance of Public Improvements and Approving Reduction of Faithful Performance Bond for Public Improvements for 260 South Main Street Subdivision at 260 South Main Street by Eastside San Ramon Partners, LLC, and Granting Authorization to the City Engineer to Release the Performance Bond After the One-year Warranty Period
Category:	Consent Calendar-Community Development
Meeting Date:	10/6/2020
Staff Contact:	Steve Erickson, 408-586-3301
Recommendation:	Adopt a resolution: <ol style="list-style-type: none">1. Granting acceptance of public improvements for 260 South Main Street Subdivision at 260 South Main Street, Tract 10435, Public Improvement Plan No. 2-1233; and2. Approving a reduction in the faithful performance bond to \$16,000, which shall be subject to and in effect for the duration of a one-year warranty period; and3. Granting authorization to the City Engineer to release the performance bond after the one-year warranty period, without further City Council action provided all required warranty work is completed to his satisfaction.

Background:

On November 7, 2017, the City Council approved the Final Map, public improvement plans, and the Subdivision Improvement Agreement ("Agreement") for Tract 10435 for 260 South Main Street Subdivision located at 260 South Main Street by Eastside San Ramon Partners, LLC ("Developer"). Public improvements installed include curb and gutter, sidewalk, driveway, asphalt concrete pavement, utility services, landscaping and other items of work along South Main Street and Sinnott Lane project frontages.

Analysis:

Public improvements have been successfully installed in accordance with the approved plans and specifications, and the completed work is ready for City acceptance and commencement of the 1-year warranty period. Staff recommends the City Council adopt a resolution (Attached) to accept the public improvements, to reduce the performance bond to \$16,000, which is 10% of the security's original value, and authorize the City Engineer to release the performance bond after the one-year warranty period once all required warranty work is satisfactorily completed.

Policy Alternative:

Alternative: Do not adopt a resolution granting acceptance of installed public improvements.

Pros: None

Cons: The Subdivision Improvement Agreement between the City and Developer requires the City to accept successfully installed public improvements that have passed inspection and meet the requirements of the Agreement and the approved plans and specifications. Not accepting the completed public improvements as

required by the Subdivision Improvement Agreement would delay the project and may subject the City to a claim by the Developer.

Reason not recommended: Staff recommends the City Council grant acceptance of installed public improvements in compliance with the requirements of the Subdivision Improvement Agreement allowing the City to own and maintain the improvements.

Fiscal Impact:

The public improvements have been constructed by the Developer as a requirement of the Subdivision Improvement Agreement. The City will have perpetual maintenance responsibilities for the improvements following completion of the 1-year warranty period.

California Environmental Quality Act:

Granting acceptance of public improvements and reducing faithful performance bond for public improvements are not considered projects under CEQA, as there will be no direct or reasonably foreseeable indirect physical change in the environment.

Recommendation:

Adopt a resolution:

1. Granting acceptance of public improvements for 260 South Main Street Subdivision at 260 South Main Street, Tract 10435, Public Improvement Plan No. 2-1233; and
2. Approving a reduction in the faithful performance bond to \$16,000, which shall be subject to and in effect for the duration of a one-year warranty period; and
3. Granting authorization to the City Engineer to release the performance bond after the one-year warranty period, without further City Council action, provided all required warranty work is completed to his satisfaction.

Attachments:

Resolution

Subdivision Improvement Agreement