



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Kevin Sin, Senior Civil Engineer
Art Vela, Director of Public Works

MEETING DATE: February 13, 2024

SUBJECT: Accept as Complete Various Public Improvements Related to the Atwell Specific Plan Development and Authorize the 90% Bond Exoneration

RECOMMENDATION:

Staff recommends that City Council accept as complete various public improvements related to the Atwell Specific Plan Development and authorize the 90% exoneration of those bonds covering those public improvements.

BACKGROUND:

On September 8, 2020, City Council adopted Resolution 2020-114 approving Final Tract Maps 37390, 37390-1, 37390-2 and 37390-F (PA 8), releasing the maps for recordation; authorizing staff to sign the subdivision improvement agreements and final tract maps; and accepting various Performance and Labor and Material Bonds for public improvements.

On December 10, 2019, City Council adopted Resolution 2019-154 approving Final Tract Map 37474 (PA 3), releasing the map for recordation; authorizing staff to sign the subdivision improvement agreement and final tract map; and accepting the Performance and Labor and Material Bond for public improvements.

On December 10, 2019, City Council adopted Resolution 2019-152 approving Final Tract Map 37298-2 (PA 1A), releasing the map for recordation; authorizing staff to sign the subdivision improvement agreement and final tract map; and accepting the Performance and Labor and Material Bond for public improvements.

On December 10, 2019, City Council adopted Resolution 2019-151 approving Final Tract Map No. 37298-1, releasing the map for recordation; authorizing staff to sign the subdivision improvement agreement and final tract map; and accepting the Performance and Labor and Material Bond for public improvements.

On June 14, 2022, City Council adopted Resolution 2022-83 authorizing staff to sign the paving, grading and drainage agreement with Tri Pointe Homes for the Foothill West Zone Reservoir Site. And on June 28, 2022, the City Council accepted an easement from Tri Pointe Homes for the Foothill West Zone Reservoir Site within Tract 35967 (PA 50A) for the construction of a potable water reservoir.

As conditions of approval for the Atwell Specific Plan development, Tri Pointe Homes was required to sign subdivision improvement agreements and to submit bonds to assure the City that the required public improvements are constructed according to City standards and specifications.

These public improvements included street, water, sewer, storm drain and monumentation associated with Tracts 37390, 37390-1, 37390-2 and 37390-F (PA 8); Tract 37474 (PA 3); Tract 37298-2 (PA 1A); Tract 37298-1; and Tract 35967 (PA 50A) of the Atwell Specific Plan Development.

JUSTIFICATION:

Staff has verified through inspections that the required public improvements were completed per City standards and specifications and recommends that City Council accept the public improvements as complete and authorize the 90% bond exoneration for the following bonds:

<u>Bond #</u>	<u>Bond Amount</u>	<u>Improvements</u>
CMS0339962	\$781,298.50	PA 8 Sewer
CMS0339963	\$1,234,334.10	PA 8 Street
CMS0339964	\$603,508.50	PA 8 Water
CMS0339965	\$46,172.50	PA 8 Monumentation
CMS0339966	\$242,581.00	PA 8 Backbone Potable Water
CMS0339967	\$43,941.50	PA 8 Backbone Non-potable Water
CMS0339968	\$548,076.78	PA 8 Backbone Street
CMS331809	\$543,973.00	PA 3 Water
CMS331810	\$113,574.00	PA 3 Storm Drain
CMS331811	\$502,670.75	PA 3 Sewer
CMS331816	\$404,248.00	PA 1A Water
CMS331817	\$63,123.50	PA 1A Storm Drain
CMS331818	\$838,334.48	PA 1A Street
CMS331819	\$443,785.00	PA 1A Sewer
CMS331797	\$129,122.00	Tr. 37298-1 Atwell Drive Water
CMS331780	\$97,324.50	Tr. 37298-1 Creekside Avenue Sewer
CMS331782	\$207,506.00	Tr. 37298-1 Creekside Avenue Water
CMS331790	\$811,943.70	Tr. 37298-1 Wilson Sewer
CMS331791	\$56,655.75	Tr. 37298-1 Wilson Water
CMS331789	\$245,525.00	Tr. 37298-1 Wilson Storm Drain
PB03010408001	\$4,475,000.00	Foothill West Zone (FWZ) Reservoir
PB03010408002	\$405,215.44	FWZ Site Paving, Grading and Drainage

The remaining 10% of the bond amounts will remain for a period of 12 months (maintenance period) at which point the 10% balance will be released and the improvements will become City owned and maintained improvements.

FISCAL IMPACT:

Not applicable. The cost of the improvements were paid for by Tri Pointe Homes.

ALTERNATIVES:

1. Accept staff recommendation to accept as complete various public improvements related to the Atwell Specific Plan Development and authorize 90% bond exoneration.
2. Do not accept staff's recommendation. Without approval from City Council, 100% of the bond amounts will remain in place, which may be viewed as unreasonable since Tri Pointe Homes has met their requirements for the release of the bonds.

ATTACHMENTS:

1. [Atwell PA8 \(Tr 37390-F\) SIA and Bonds.pdf](#)
2. [Atwell Phase 1B BB \(Tr 37390 -1 -2 -F\) SIA and Bonds.pdf](#)
3. [Atwell PA 3 \(Tr 37474\) SIA and Bonds.pdf](#)
4. [Atwell - PA 1A \(Tr 37298-2\) SIA and Bonds.pdf](#)

5. [Atwell FWZ SIA and Bonds.pdf](#)
6. [Tr 37390 Storm Drain Imp Plan.pdf](#)
7. [Tr 37390-1 Sewer Imp Plan.pdf](#)
8. [Tr 37390-1 STREET and WATER ON-SITE Imp Plans.pdf](#)
9. [Tr 37390-2 SEWER Imp Plan.pdf](#)
10. [Tr 37390-2 STREET Imp Plan.pdf](#)
11. [Tr 37390-2 WATER Imp Plan.pdf](#)
12. [Tr 37390-F Sewer Street and Water Imp Plans.pdf](#)
13. [Tr 37474 SEWER Imp Plan \(rev2\).pdf](#)
14. [Tr 37474 STREET Imp Plan \(rev2\).pdf](#)
15. [Tr 37474 WATER Imp Plan \(rev2\).pdf](#)
16. [Tr 37298-1 Wilson Creekside Atwell Sewer and Water Imp Plan.pdf](#)
17. [FWZ-RES Mechanical Imp Plan.pdf](#)
18. [FWZ-RES Site Paving Grading and Drainage Plan.pdf](#)
19. [Attachment 1e - Tr 37298-1 Wilson SD Imp Bond.pdf](#)
20. [Attachment 1e - Tr 37298-1 Wilson Sewer Imp Bond.pdf](#)
21. [Attachment 1e - Tr 37298-1 Wilson Water Imp Bond.pdf](#)
22. [Attachment 1e - Tract 37298-1 SIA.pdf](#)
23. [Attachment 2b - Tr 37390-1 Sewer Imp Plan.pdf](#)
24. [Attachment 2b - Tr 37390-1 Street Imp Plan.pdf](#)
25. [Attachment 1e - Tr 37298-1 Atwell Drive Water Bond.pdf](#)
26. [Attachment 1e - Tr 37298-1 Creekside Ave Sewer and Water Bonds.pdf](#)
27. [Attachment 2b - Tr 37390-1 Water Imp Plan.pdf](#)