

7.1D-1

REPORT

**To the Honorable Mayor and City Council
From the City Manager**

November 3, 2003

Subject

Approval of Construction Improvement Agreement for 490 El Camino Real

Recommendation

Approve and authorize execution of a construction improvement agreement with H/S Whipple, LLC, for construction improvements for 490 El Camino Real

Background

On August 11, 2003, the Planning Director approved both the Use and Architectural Permits for H/S Whipple, LLC, to construct a new 9600 square-foot commercial retail building on 490 El Camino Real. The new building is located at the intersection of El Camino Real and Whipple Avenue. The Permits' conditions require the developer to construct certain public works improvements to provide services to the new building, and to protect the general welfare of the public.

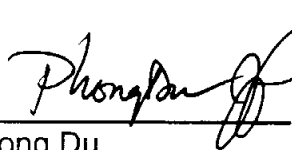
Engineering & Construction has approved the plans for the improvements submitted by the developer, H/S Whipple, LLC, and their civil engineering consultant firm, Kier & Wright, Inc.

According to Section 29.95, Article VII, Chapter 29 of the City Code, a Construction Improvement Agreement with the City is required. The developer is required to post Faithful Performance and Payment Bonds, each in the amount of \$400,000.

A complete copy of the Construction Agreement is available for review in the City Clerk's Office.

Fiscal Impacts

Funds in the amount of \$400,000 are being provided by H/S Whipple, LLC. The Public Works Services Department will maintain the improvements, subsequent to the acceptance of the project by the City Council.



 Phong Du
 Senior Civil Engineer



 Bruce Liedstrand
 Community Development Services Director



 Ed Everett
 City Manager