



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: NOVEMBER 14, 2006

ITEM NUMBER:

**SUBJECT:** REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS06-00422 FOR STREET IMPROVEMENTS LOCATED AT 290 SIERKS STREET, COSTA MESA, CALIFORNIA

**DATE:** OCTOBER 26, 2006

**FROM:** PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

**PRESENTATION BY:** WILLIAM J. MORRIS, DIRECTOR OF PUBLIC SERVICES

**FOR FURTHER INFORMATION CONTACT:** ERNESTO MUNOZ, CITY ENGINEER, (714) 754-5343

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## **RECOMMENDED ACTION:**

Refund cash deposit in connection with Encroachment Permit No. PS06-00422 in the amount of \$6,357 to Michael Saia (Applicant), 14 Delamesa West, Irvine, CA 92620.

## **BACKGROUND:**

On July 10, 2006, the Engineering Division issued Encroachment Permit No. PS06-00422 to Wright Construction (Contractor) for the construction of street improvements within Sierks Street. The Encroachment Permit allowed the reconstruction of curb and gutter and relocation of the existing driveway approach. The cash deposit in the amount of \$6,357 was received and accepted by the Public Services Department as a guarantee for the construction of the improvements.

## **ANALYSIS:**

All conditions of the Encroachment Permit have been met and the work has been completed and accepted by the Public Services Department.

## **ALTERNATIVES CONSIDERED:**

The alternative to this Council action would be to retain the cash deposit. The Costa Mesa Municipal Code Section 15-32(b) states, "The condition of said bond (or cash deposit) shall be that the applicant will perform the work authorized by any permit issued pursuant to this chapter in a good and workmanlike manner and to the satisfaction of the City Engineer." These conditions have been met; therefore, retention of the cash deposit would be in violation of the Municipal Code.

## **FISCAL REVIEW:**

There is no fiscal impact to the City relative to this item.

**LEGAL REVIEW:**

There is no legal review required relative to this item.

**CONCLUSION:**

All of the required conditions of the Encroachment Permit have been completed by the Contractor. Therefore, staff recommends that the cash deposit in the amount of \$6,357 be released and refunded to Michael Saia (Applicant).

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ERNESTO MUNOZ  
City Engineer

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WILLIAM J. MORRIS  
Director of Public Services

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MARC R. PUCKETT  
Director of Finance

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