



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: DECEMBER 5, 2006

ITEM NUMBER:

**SUBJECT:** REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS06-00339 FOR STREET IMPROVEMENTS LOCATED AT 250 SANTO TOMAS AVENUE, COSTA MESA, CALIFORNIA

**DATE:** NOVEMBER 21, 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. PS06-00339 in the amount of \$5,623 to Damon Van Oostendorp (Homeowner), 250 Santo Tomas, Costa Mesa, CA 92627.

## **BACKGROUND:**

On June 1, 2006, the Engineering Division issued Encroachment Permit No. PS06-00339 to John Dickens (Contractor) for the construction of street improvements within Santo Tomas Avenue. The Encroachment Permit allowed the construction of curb and gutter, driveway approach, residential sidewalk and two parkway drains. The cash deposit in the amount of \$5,623 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 \$5,623 be released and refunded to Damon Van Oostendorp (Homeowner).

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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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