



CITY COUNCIL AGENDA REPORT

MEETING DATE: AUGUST 7, 2007

ITEM NUMBER:

SUBJECT: REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS06-00185 FOR STREET IMPROVEMENTS AND SETTING CORNER MONUMENTS LOCATED AT 535 BERNARD STREET, COSTA MESA, CALIFORNIA

DATE: JULY 10, 2007

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

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

FOR FURTHER INFORMATION CONTACT: FARIBA FAZELI, SENIOR ENGINEER (714) 754-5378

RECOMMENDED ACTION:

Refund cash deposit in connection with Encroachment Permit No. PS06-00185 in the amount of \$8,480 to 1.7 Ocean Partners (Developer), P.O. Box 15126, Newport Beach, CA 92659.

BACKGROUND:

On February 9, 2007, the Engineering Division issued Encroachment Permit No. PS06-00185 to Coastline Masonry (Contractor) for the construction of street improvements within Bernard Street. The Encroachment Permit allowed the construction of curb and gutter, residential sidewalk, parkway drains and two residential drive approaches. The cash deposit in the amount of \$8,480 was received and accepted by the Public Services Department as a guarantee for the construction of the improvements and setting corner monuments.

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. However, 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 and the corner monuments have been set. Therefore, staff recommends that the cash deposit in the amount of \$8,480 be released and refunded to 1.7 Ocean Partners.

ERNESTO MUNOZ
City Engineer

WILLIAM J. MORRIS
Director of Public Services

MARC R. PUCKETT
Director of Finance

DISTRIBUTION: City Manager
 City Attorney
 City Clerk
 Staff

File Name: Refund Cash Deposit PS06-00185
Report

Date: 07/10/07

Time: 4:45 p.m.