



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: NOVEMBER 6, 2007

ITEM NUMBER:

**SUBJECT:** REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS07-00530 FOR STREET IMPROVEMENTS LOCATED AT 401 ESTHER STREET, COSTA MESA, CALIFORNIA

**DATE:** OCTOBER 25, 2007

**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. PS07-00530 in the amount of \$9,264 to Home Plate Development (Developer), 711 West 17<sup>th</sup> Street, Suite B12, CA 92627.

## **BACKGROUND:**

On August 17, 2007, the Engineering Division issued Encroachment Permit No. PS07-00530 to Mike Kilbride, Ltd. (Contractor) for the construction of street improvements within Esther Street and Walnut Place. The Encroachment Permit allowed the construction of curb and gutter, residential sidewalk, and residential drive approaches. The cash deposit in the amount of \$9,264 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 \$9,264 be released and refunded to Home Plate Development (Developer).

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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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RefundCashCepositPS07-00530 401Esther Report

10/11/07

8:30 a.m.