



CITY COUNCIL AGENDA REPORT

MEETING DATE: FEBRUARY 5, 2008

ITEM NUMBER: _____

SUBJECT: REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS07-00753 FOR STREET IMPROVEMENTS AT 2030 PALOMA DRIVE, COSTA MESA, CALIFORNIA

DATE: JANUARY 24, 2008

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: PETER NAGHAVI, ACTING DIRECTOR OF PUBLIC SERVICES

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

RECOMMENDED ACTION:

Refund cash deposit in connection with Encroachment Permit No. PS07-00753 in the amount of \$5,633 to Rick Hamm Construction, Inc. (Contractor), 201 W. Carleton Avenue, Orange, CA 92867.

BACKGROUND:

On November 21, 2007, the Engineering Division issued Encroachment Permit No. PS07-00753 to Rick Hamm Construction, Inc. (Contractor), for the construction of street improvements within Paloma Drive. The Encroachment Permit allowed the relocation of an existing drive approach and reconstruction of curb and gutter. The cash deposit in the amount of \$5,633 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 \$5,633 be released and refunded to Rick Hamm Construction, Inc., (Contractor).

ERNESTO MUNOZ
City Engineer

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Acting Director of Public Services

MARC R. PUCKETT
Director of Finance

DISTRIBUTION: City Manager
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