



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: JUNE 17, 2008

ITEM NUMBER:

**SUBJECT:** REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS07-00798 FOR STREET IMPROVEMENTS AT 3200 HARBOR BOULEVARD, COSTA MESA, CALIFORNIA

**DATE:** JUNE 5, 2008

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

**PRESENTATION BY:** PETER NAGHAVI, DIRECTOR, PUBLIC SERVICES

**FOR FURTHER INFORMATION CONTACT:** ERNESTO MUÑOZ, CITY ENGINEER, (714) 754-5335

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## **RECOMMENDED ACTION:**

Refund cash deposit in connection with Encroachment Permit No. PS07-00798 in the amount of \$64,958 to Lusardi Construction (Contractor), 1570 Linda Vista Drive, San Marcos, CA 92078.

## **BACKGROUND:**

On March 12, 2008, the Engineering Division issued Encroachment Permit No. PS07-00798 to Lusardi Construction (Contractor) for the construction of street improvements within Gisler Avenue. The Encroachment Permit allowed the construction of curb and gutter, sidewalk, drive approaches, island medians, and water and sewer laterals. The cash deposit in the amount of \$64,958 was received and accepted by the Public Services Department as a guarantee for the construction of street 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 \$64,958 be released and refunded to Lusardi Construction.

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**ERNESTO MUÑOZ**  
City Engineer

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**PETER NAGHAVI**  
Public Services Director

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**MARC R. PUCKETT**  
Director of Finance

DISTRIBUTION:      City Manager  
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