



CITY COUNCIL AGENDA REPORT

MEETING DATE: AUGUST 19, 2008

ITEM NUMBER:

SUBJECT: REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS08-00291 FOR STREET IMPROVEMENTS AT 290 LA PERLE LANE, COSTA MESA, CALIFORNIA

DATE: AUGUST 7, 2008

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: PETER NAGHAVI, PUBLIC SERVICES DIRECTOR

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

RECOMMENDED ACTION:

Refund cash deposit in connection with Encroachment Permit No. PS08-00291 in the amount of \$6,702 to Varkel Construction, Inc. (Contractor), 23141 La Cadena, Suite L, Laguna Hills California.

BACKGROUND:

On June 26, 2008, the Engineering Division issued Encroachment Permit No. PS08-00291 to Varkel Construction, Inc. (Contractor) for the construction of street improvements within La Perle Lane. The Encroachment Permit allowed the construction of a new drive approach, sidewalk, and curb and gutter. The cash deposit in the amount of \$6,702 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 \$6,702 be released and refunded to Varkel Construction, Inc.

ERNESTO MUÑOZ
City Engineer

PETER NAGHAVI
Public Services Director

MARC R. PUCKETT
Director of Finance

DISTRIBUTION: City Manager
 City Attorney
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 Staff