



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: SEPTEMBER 16, 2008

ITEM NUMBER:

**SUBJECT:** REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS07-00818 FOR STREET IMPROVEMENTS 322 EAST 17<sup>TH</sup> STREET, COSTA MESA, CALIFORNIA

**DATE:** SEPTEMBER 4, 2008

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

**PRESENTATION BY:** PETER NAGHAVI, DIRECTOR, DEPARTMENT OF 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. PS07-00818 in the amount of \$10,000 to CSB Partnership (Lessee) at 7872 Edinger Avenue, Huntington Beach, California.

## **BACKGROUND:**

On December 13, 2007, the Engineering Division issued Encroachment Permit No. PS07-00818 to Oliver Mahon Asphalt (Contractor) for the construction of street improvements within East 17<sup>th</sup> Street. The Encroachment Permit allowed the trenching in the street to repair a damaged sewer lateral. The cash deposit in the amount of \$10,000 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 \$10,000 be released and refunded to CSB Partnership.

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**ERNESTO MUÑOZ**  
City Engineer

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**PETER NAGHAVI**  
Director of Public Services

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**MARC R. PUCKETT**  
Director of Finance

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