



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: FEBRUARY 17, 2009

ITEM NUMBER:

**SUBJECT:** REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS08-00246 FOR OFF-SITE IMPROVEMENTS FOR TRACT MAP NO. 17265 AT 2379 ELDEN AVENUE, COSTA MESA, CALIFORNIA

**DATE:** FEBRUARY 5, 2009

**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. PS08-00246 in the amount of \$9,172 to Elden Street Partners (Developer), P.O. Box 15126, Newport Beach, CA 92659.

## **BACKGROUND:**

On June 25, 2008, the Engineering Division issued Encroachment Permit No. PS08-00246 to the Developer for the construction of street improvements within Elden Avenue for Tract Map No. 17265. The Encroachment Permit allowed the construction of two driveway approaches, residential sidewalk, and street trenching to install water laterals upgrades. The cash deposit in the amount of \$9,172 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 \$9,172 be released and refunded to Elden Street Partners (Developer).

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**ERNESTO MUÑOZ**  
City Engineer

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**PETER NAGHAVI**  
Director of Public Services Department

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**MARC R. PUCKETT**  
Director of Finance

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