



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: AUGUST 4, 2009

ITEM NUMBER:

**SUBJECT:** REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS09-00140 FOR STREET IMPROVEMENTS AT 722 BAKER STREET, COSTA MESA, CALIFORNIA

**DATE:** JULY 23, 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. PS09-00140 in the amount of \$9,621 to Hanna Construction, 1203 West Shelley Court, Orange, California, 92868.

## **BACKGROUND:**

On May 20, 2009, the Engineering Division issued Encroachment Permit No. PS09-00140 to Hanna Construction (contractor) for the construction of street improvements on Bristol Street and Baker Street. The Encroachment Permit allowed the removal of one drive approach, construction of new drive approach, sidewalk, curb and gutter, curb drains and the relocation of a street light. The cash deposit in the amount of \$9,621 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 \$9,621 be released and refunded to Hanna Construction.

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**ERNESTO MUÑOZ**  
City Engineer

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**PETER NAGHAVI, DIRECTOR**  
Department of Public Services

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**MARC R. PUCKETT**  
Director of Finance

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