



CITY COUNCIL AGENDA REPORT

MEETING DATE: JULY 6, 2010

ITEM NUMBER:

SUBJECT: REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS09-00282 FOR STREET IMPROVEMENTS AT 918 SUNSET DRIVE, COSTA MESA, CALIFORNIA

DATE: JUNE 24, 2010

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: PETER NAGHAVI, DIRECTOR, PUBLIC SERVICES DEPARTMENT

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

RECOMMENDED ACTION:

Refund cash deposit in connection with Encroachment Permit No. PS09-00282 in the amount of \$9,240 to Michael Howarth, 514 Via Lido Nord, Newport Beach, California 92663.

BACKGROUND:

On July 2, 2009, the Engineering Division issued Encroachment Permit No. PS09-00282 to Mike Kilbride, Ltd (contractor) for the construction of street improvements within Sunset Drive. The Encroachment Permit allowed the reconstruction of one drive approach, curb and gutter, construction of a curb drain, and the installation of a new water lateral. The cash deposit in the amount of \$9,240 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 \$9,240 be released and refunded to Michael Howarth.

ERNESTO MUÑOZ
City Engineer

PETER NAGHAVI, DIRECTOR
Public Services Department

COLLEEN O'DONOGHUE
Assistant Finance Director

DISTRIBUTION: City Manager
 City Attorney
 City Clerk
 Staff