



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: JANUARY 3, 2012

ITEM NUMBER:

**SUBJECT: REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS11-00297 FOR STREET IMPROVEMENTS AT 3095 HARBOR BOULEVARD, COSTA MESA, CALIFORNIA**

**DATE: DECEMBER 15, 2011**

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

**PRESENTATION BY: ERNESTO MUNOZ, INTERIM DIRECTOR, PUBLIC SERVICES DEPARTMENT**

**FOR FURTHER INFORMATION CONTACT: FARIBA FAZELI, INTERIM CITY ENGINEER, (714) 754-5335**

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## **RECOMMENDED ACTION:**

Refund cash deposit in connection with Encroachment Permit No. PS11-00297 in the amount of \$10,105 to Eleven Western Builders Inc, 2862 Executive Place, Escondido, 92029.

## **BACKGROUND:**

On June 14, 2010, the Planning Commission approved ZA-10-17 for the construction of a new Sonic Burger. The Engineering Division issued Encroachment Permit No. PS11-00297 to Eleven Western Builders (Contractor) for the construction of street improvements within Harbor Boulevard and Nutmeg Place. The Encroachment Permit allowed the construction of a drive approach, curb and gutter, sidewalk, and curb drains. The cash deposit in the amount of \$10,105 was received and accepted by the Public Services Department as a guarantee for the construction of street improvements.

## **ANALYSIS:**

All Conditions of Approval for the project and 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 \$10,105 be released and refunded to Eleven Western Builders Inc.

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**FARIBA FAZELI**  
Interim City Engineer

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**ERNESTO MUNOZ**, Interim Director  
Public Services Department

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**BOBBY YOUNG**  
Finance & I.T. Director

Chief Executive Officer  
City Attorney  
City Clerk  
Staff