



CITY COUNCIL AGENDA REPORT

MEETING DATE: JUNE 19, 2012

ITEM NUMBER:

SUBJECT: REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS11-00238 FOR STREET IMPROVEMENTS AT RED HILL AVENUE AND PULLMAN STREET, COSTA MESA, CALIFORNIA

DATE: JUNE 7, 2012

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: ERNESTO MUNOZ, PUBLIC SERVICES DIRECTOR

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

RECOMMENDED ACTION:

Refund cash deposit in connection with Encroachment Permit No. PS11-00238 in the amount of \$10,000 to Hp Communications Inc., 13341 Temescal Canyon Road, Corona, California 92883.

BACKGROUND:

The Engineering Division issued Encroachment Permit No. PS11-00238 to Hp Communications Inc. (Contractor) for the installation of an underground conduit for Freedom Telecommunications Inc. (Applicant). The Encroachment Permit allowed the reconstruction of sidewalk and repair of all trenches per City standards at the intersection of Red Hill Avenue and Pullman Street. 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 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 \$10,000 be released and refunded to Hp Communications Inc.

FARIBA FAZELI
Interim City Engineer

ERNESTO MUNOZ
Public Services Director

COLLEEN O'DONOGHUE
Assistant Finance Director

DISTRIBUTION: Chief Executive Officer
 City Attorney
 Interim City Clerk
 Staff