



CITY COUNCIL AGENDA REPORT

MEETING DATE: OCTOBER 1 , 2013

ITEM NUMBER:

SUBJECT: REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00172 FOR STREET IMPROVEMENTS AT 164 FLOWER STREET, COSTA MESA, CALIFORNIA

DATE: SEPTEMBER 19, 2013

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. PS13-00172 in the amount of \$13,338.32 to Sam-Costa Mesa LLC, 20201 SW Birch Street, Suite 100, Newport Beach, California, 92660.

BACKGROUND:

The Engineering Division issued Encroachment Permit No. PS13-00172 to West Coast Concrete (Contractor), for the construction of street improvements within Flower Street. The Encroachment Permit allowed the construction of two drive approaches, sidewalk, curb and gutter, wheelchair ramp and curb drains. The cash deposit in the amount of \$13,338.32 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 \$13,338.32 be released and refunded to Sam-Costa Mesa LLC.

ERNESTO MUNOZ
Public Services Director

FARIBA FAZELI
Interim City Engineer

COLLEEN O'DONOGHUE
Assistant Finance Director

DISTRIBUTION: Chief Executive Officer
 Assistant CEO
 City Attorney
 City Clerk
 Staff