



CITY COUNCIL AGENDA REPORT

MEETING DATE: JANUARY 21, 2014

ITEM NUMBER:

SUBJECT: REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS12-00415 FOR STREET IMPROVEMENTS AT 449 HAMILTON ST, COSTA MESA, CALIFORNIA

DATE: JANUARY 9, 2014

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: ERNESTO MUNOZ, PUBLIC SERVICES DIRECTOR

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

RECOMMENDED ACTION:

Refund cash deposit in connection with Encroachment Permit No. PS12-00415, in the amount of \$18,925.00 to Do Construction And Design Inc., (Contractor), 10495 Bolsa Avenue Westminster, California 92683.

BACKGROUND:

The Engineering Division issued Encroachment Permit No. PS12-00415 to the Contractor for the construction of street improvements within Hamilton Street. The Encroachment Permit allowed the construction of a drive approach, sidewalk, curb and gutter and (3) trenches for utility connections. The cash deposit in the amount of \$18,925.00 was received and accepted by the Public Services Department as a guarantee for the construction of the 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 \$18,925.00 be released and refunded to Kim Nguyen (Developer).

FARIBA FAZELI
City Engineer

ERNESTO MUNOZ
Public Services Director

STEPHEN DUNIVENT
Interim Finance Director

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