



# *CITY COUNCIL AGENDA REPORT*

---

MEETING DATE: JANUARY 21, 2014

ITEM NUMBER:

**SUBJECT:** REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00123 FOR STREET IMPROVEMENTS AT 2269 SANTA ANA AVENUE, 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. PS13-00123 in the amount of \$17,824.80 to Dennis Gimian, 3 Rana, Irvine, CA 92612.

## **BACKGROUND:**

The Engineering Division issued Encroachment Permit No. PS13-00123 to Mastercraft Homes, (Contractor) for street improvements at 2269 Santa Ana Avenue. The Encroachment Permit allowed the construction of new curb & gutter, two (2) drive approaches, wheelchair ramp, spandrel and one (1) utility cut. The cash deposit in the amount of \$17,824.80 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 \$17,824.80 be released and refunded to Dennis Gimian (Developer).

---

**FARIBA FAZELI**  
City Engineer

---

**ERNESTO MUNOZ**  
Public Services Director

---

**STEPHEN DUNIVENT**  
Interim Finance Director

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