



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: JANUARY 6, 2015

ITEM NUMBER: **CC-8**

**SUBJECT:** REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00245 FOR PARKWAY IMPROVEMENTS AT 1036 AND 1042 W. 18<sup>TH</sup> STREET, COSTA MESA, CALIFORNIA

**DATE:** DECEMBER 18, 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

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## **RECOMMENDED ACTION:**

Refund cash deposit in connection with Encroachment Permit No. PS13-00245 in the amount of \$41,135 to MBK Southern California LTD, 4 Plaza Drive, Irvine, CA 92614.

## **BACKGROUND:**

The Engineering Division issued Encroachment Permit No. PS13-00245 to Kana Pipeline Inc (Contractor) for the construction of street improvements within W.18<sup>th</sup> Street. The Encroachment Permit allowed the construction of (2) drive approaches, sidewalk, curb & gutter and storm drain connections. The cash deposit in the amount of \$41,135 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 \$41,135 be released and refunded to MBK Southern California, LTD (Developer).

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**FARIBA FAZELI**  
City Engineer

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**ERNESTO MUNOZ**  
Public Services Director

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**STEPHEN DUNIVENT**  
Interim Finance Director

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