



CITY COUNCIL AGENDA REPORT

MEETING DATE: MARCH 17, 2015

ITEM NUMBER: **CC-8**

SUBJECT: REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00230 FOR PARKWAY IMPROVEMENTS AT 421 BERNARD STREET, COSTA MESA, CALIFORNIA

DATE: MARCH 5, 2015

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. PS13-00230 in the amount of \$88,185.25 to Behringer Harvard Pacifica, 5510 Morehouse Dr. Suite 200, San Diego, CA 92121.

BACKGROUND:

The Engineering Division issued Encroachment Permit No. PS13-00230 to Mike Kilbride (Contractor) for parkway and alley improvements at 421 Bernard Street. The Encroachment Permit allowed for the reconstruction of the alley, drive approaches, curb & gutter, sidewalk and utilities installation. The cash deposit in the amount of \$88,185.25 was received and accepted by the Public Services Department as a guarantee for the construction of parkway 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 \$88,185.25 be released and refunded to Behringer Harvard Pacifica (Developer).

ERNESTO MUNOZ
Public Services Director

FARIBA FAZELI
City Engineer

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