



CITY COUNCIL AGENDA REPORT

MEETING DATE: FEBRUARY 2, 2016

ITEM NUMBER: **CC-4**

SUBJECT: REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS14-00696 FOR PARKWAY IMPROVEMENTS AT 2183 MINER STREET, COSTA MESA, CALIFORNIA

DATE: JANUARY 21, 2016

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 the cash deposit in connection with Encroachment Permit No. PS14-00696 in the amount of \$23,235 to Miner Partners LLC, 20201 SW Birch Street, Suite 100, Newport Beach, CA 92660.

BACKGROUND:

The Engineering Division issued Encroachment Permit No. PS14-00696 to Pacific Standard Inc. (Contractor) for parkway improvements at 2183 Miner Street. The Encroachment Permit allowed for the reconstruction of a drive approach, curb and gutter, sidewalk, storm drain connection, and utilities installation. The cash deposit in the amount of \$23,235 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 the 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. 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 \$23,235 be released and refunded to Miner Partners LLC (Developer).

ERNESTO MUNOZ
Public Services Director

FARIBA FAZELI
City Engineer

DISTRIBUTION: Chief Executive Officer
Assistant Chief Executive Officer
City Attorney
City Clerk
Assistant Finance Director
Staff