



# *CITY COUNCIL AGENDA REPORT*

---

MEETING DATE: NOVEMBER 1, 2016

ITEM NUMBER: **CC-7**

**SUBJECT:** REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS15-00860 FOR STREET IMPROVEMENTS AT 334 E. 16<sup>TH</sup> ST., COSTA MESA, CALIFORNIA

**DATE:** OCTOBER 20, 2016

**FROM:** PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

**PRESENTATION BY:** JAMES G. ROSS, INTERIM PUBLIC SERVICES DIRECTOR

**FOR FURTHER INFORMATION CONTACT:** BALTAZAR MEJIA, CITY ENGINEER  
(714) 754-5335

---

## **RECOMMENDED ACTION:**

Refund cash deposit in connection with Encroachment Permit No. PS15-00860 in the amount of \$18,550.82 to 334 Costa Mesa Partners, LLC, 20201 SW Birch Street, Newport Beach, CA 92660.

## **BACKGROUND:**

The Engineering Division issued Encroachment Permit No. PS15-00860 to Mike Kilbride, LTD (Contractor) for parkway and street improvements at 334 E. 16<sup>th</sup> Street. The Encroachment Permit allowed for the construction of two drive approaches, curb & gutter, sidewalk, utility connections and resurfacing of the street. The cash deposit in the amount of \$18,550.82 was received and accepted by the Public Services Department as a guarantee for the construction of parkway and 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 \$18,550.82 be released and refunded to 334 Costa Mesa Partners, LLC (Developer).

---

**JAMES G. ROSS**  
Interim Public Services Director

---

**BALTAZAR MEJIA**  
City Engineer

---

**STEPHEN DUNIVENT**  
Interim Finance Director