



CITY COUNCIL AGENDA REPORT

MEETING DATE: DECEMBER 6, 2004

ITEM NUMBER:

SUBJECT: REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS04-00375 FOR STREET IMPROVEMENTS LOCATED AT 600 TOWN CENTER DRIVE, COSTA MESA, CALIFORNIA

DATE: NOVEMBER 23, 2004

FROM: PUBLIC SERVICES/ENGINEERING DIVISION

PRESENTATION BY: WILLIAM J. MORRIS, DIRECTOR OF PUBLIC SERVICES

FOR FURTHER INFORMATION CONTACT: ERNESTO MUNOZ, CITY ENGINEER, (714)-754-5343

RECOMMENDATION:

Refund the cash deposit in the amount of \$103,050.75 to South Coast Plaza (Developer), P. O. Box 1440, CA 92626.

BACKGROUND:

On July 7, 2004, the Public Services Department issued a permit to allow construction of a right-hand turn pocket. The Engineering Division's requirements for this permit included a \$103,050.75 cash deposit as a guarantee for the construction of street improvements, including curb and gutter, sidewalk, curb drains, utility trenches, and street resurfacing. The deposit was received and accepted by the Finance Department on July 7, 2004.

ANALYSIS:

All of Engineering Division's Conditions contained within the 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 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:

Funds have been placed on deposit and are available for refund.

LEGAL REVIEW:

There is no legal review required on this item.

CONCLUSION:

All of the required improvements have been constructed by the Developer. Therefore, staff recommends that the cash deposit in the amount of \$103,050.75 be released and returned to South Coast Plaza.

Ernesto Munoz
City Engineer

William J. Morris
Director of Public Services

Marc R. Puckett
Finance Director

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