

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Deborah S. Traffenstedt, Administrative Services Director / City Clerk *DST*
Prepared by: Blanca Garza, Deputy City Clerk *BG*

DATE: September 13, 2006 (CC Regular Meeting of 9/20/2006)

SUBJECT: Consider Release of Cash Surety for the Otay Ranch Company for North Park Communities, LLC

BACKGROUND

The City received the above referenced cash surety from the Otay Ranch Company for North Park Communities, LLC on October 11, 2005, in the amount of \$100,000.00 as a surety to secure the developer's obligation to reimburse the City for election costs associated with the North Park Special Election of February 28, 2006.

DISCUSSION

North Park Communities, LLC has requested the cash surety, in the amount of \$100,000.00, be released.

This surety was submitted per the Second Amendment to the Memorandum of Understanding (MOU) between the City of Moorpark and North Park Village, LP. The cash surety was posted in the form of business check number 1566 and was accepted by the City to secure the developer's obligation to reimburse the City for election costs. Cash deposits were also received from the developer that were used to fund the special election costs. The election account is currently estimated to have a deficit balance of \$1,776.47, after a credit is applied for equipment purchased that will be retained by the Administrative Services Department (such as file cabinets). The Community Development entitlement project trust fund currently has an account balance for the North Park Village project of approximately \$32,000. Kim Kilkenny, representing North Park Communities, LLC, has concurred that the election account deficit may be funded by a transfer from the Community Development account, in order to permit a full refund of the \$100,000 cash surety at this time.

Staff recommends the \$100,000 cash surety be fully released.

The following chart is applicable to the surety and describes the recommended action:

Surety	Type	Deposit Amount	Recommended Action
Cash Surety	Check Number 1566	\$100,000.00	Release

STAFF RECOMMENDATION

1. Authorize the Finance Department to transfer money from the Community Development North Park project entitlement account to fund any election account deficit; and
2. Authorize the City Clerk to fully release the cash surety.