



A G E N D A



**IMPERIAL BEACH CITY COUNCIL
REDEVELOPMENT AGENCY
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY**

JUNE 17, 2009

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

**CLOSED SESSION MEETING – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.**

**THE CITY COUNCIL ALSO SITS AS THE CITY OF IMPERIAL BEACH REDEVELOPMENT AGENCY,
PLANNING COMMISSION, AND PUBLIC FINANCING AUTHORITY**

The City of Imperial Beach is endeavoring to be in total compliance with the Americans with Disabilities Act (ADA). If you require assistance or auxiliary aids in order to participate at City Council meetings, please contact the City Clerk's Office at (619) 423-8301, as far in advance of the meeting as possible.

CLOSED SESSION CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 1340 Holly Ave., Imperial Beach, CA 91932, APN 633-161-30-2, 3, 8, 10,
12, 14, 15, 17, &18

Agency Negotiator: City Manager

Negotiating Parties: Sand and Sea Capital, Inc.

Under Negotiation: Instruction to Negotiator will concern price and terms of payment

RECONVENE AND ANNOUNCE ACTION (IF APPROPRIATE)

REGULAR MEETING CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

PLEDGE OF ALLEGIANCE

AGENDA CHANGES

**MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/
REPORTS ON ASSIGNMENTS AND COMMITTEES**

COMMUNICATIONS FROM CITY STAFF

PUBLIC COMMENT - Each person wishing to address the City Council regarding items not on the posted agenda may do so at this time. In accordance with State law, Council may not take action on an item not scheduled on the agenda. If appropriate, the item will be referred to the City Manager or placed on a future agenda.

Any writings or documents provided to a majority of the City Council/RDA/Planning Commission/Public Financing Authority regarding any item on this agenda will be made available for public inspection in the office of the City Clerk located at 825 Imperial Beach Blvd., Imperial Beach, CA 91932 during normal business hours.

PRESENTATIONS (1.1)

1.1 RECYCLE ALL-STAR AWARD PRESENTATION. (0270-30)

City Manager's Recommendation: Present the Recycle All-Star Award Certificate, \$100.00 check and used oil-recycling premiums to Estella Dorado.

CONSENT CALENDAR (2.1 - 2.5) - *All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items, unless a Councilmember or member of the public requests that particular item(s) be removed from the Consent Calendar and considered separately. Those items removed from the Consent Calendar will be discussed at the end of the Agenda.*

2.1 MINUTES.

City Manager's Recommendation: Approve the minutes of the regular City Council Meeting of May 20, 2009.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 68818 through 68854 with the subtotal amount of \$516,459.63 and Accounts Payable Numbers 68855 through 68884 with the subtotal amount of \$88,759.87; for a total amount of \$605,219.50.

2.3 RESOLUTION NO. 2009-6771 – AUTHORIZING RENEWAL OF THE AGREEMENT WITH PARTNERSHIPS WITH INDUSTRY FOR TIDELANDS MAINTENANCE SERVICES. (0920-20)

City Manager's Recommendation: Adopt resolution.

2.4 RESOLUTION NO. 2009-6773 – APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF IMPERIAL BEACH AND BDS ENGINEERING, INC. FOR CITY ENGINEERING SERVICES. (0700-05)

City Manager's Recommendation: Adopt resolution.

2.5 RESOLUTION NOS. 2009-6774 AND R-09-183 – AUTHORIZING AN AGREEMENT WITH MCDUGAL, LOVE, ECKIS, SMITH, BOEHMER & FOLEY FOR CITY ATTORNEY AND SPECIAL LEGAL SERVICES. (0440-30)

City Manager's Recommendation: Adopt resolutions.

ORDINANCES – PUBLIC HEARING/INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 ORDINANCE NO. 2009-1086 – ADOPTING THE REVISED SEWER SERVICE RATES FOR SANITARY SEWER SERVICE AND AMENDING SECTION 13.06.140.B OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES - DESIGNATED. (0830-95)

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2009-1086 – “An Ordinance of the City Council of the City of Imperial Beach, California, adopting the revised sewer service rates for sanitary sewer service and amending section 13.06.140.B of Chapter 13.06 of the Imperial Beach Municipal Code pertaining to sewer service charges - designated;
3. City Clerk to read title of the Ordinance No. 2009-1086; and
4. Motion to dispense with the second reading and adopt Ordinance No. 2009-1086 by title only.

PUBLIC HEARINGS (5.1 - 5.2)

- 5.1 KAMAL NONA (OWNER)/STOSH THOMAS (ARCHITECT); CONDITIONAL USE PERMIT (CUP 060398), DESIGN REVIEW (DRC 060399), SITE PLAN REVIEW (SPR 060400) FOR TWO MIXED USE DEVELOPMENTS WITH TWO RETAIL COMMERCIAL SPACES AND TWO RESIDENTIAL UNITS FOR EACH DEVELOPMENT (FOUR COMMERCIAL AND FOUR RESIDENTIAL UNITS TOTAL) LOCATED AT 1120, 1122 13TH STREET AND 1150, 1152 13TH STREET, IN THE C-3 (NEIGHBORHOOD COMMERCIAL) ZONE. MF 863. (0600-20)**

City Manager's Recommendation:

1. Declare the continued public hearing open;
2. Receive report and public testimony;
3. Close the public hearing; and
4. Adopt Resolution No. 2009-6772 – Approving Conditional Use Permit (CUP 060398), Design Review Case (DRC 060399) and Site Plan Review (SPR 060400), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

- 5.2 1257 EAST LANE – NOTICE TO ELIMINATE SUBSTANDARD AND PUBLIC NUISANCE CONDITIONS. (0470-20)**

City Manager's Recommendation:

1. Declare the continued public hearing open;
2. Receive report and public testimony;
3. Consider:
 - a. If all the violations are abated, staff recommends the public hearing be closed, and the Council adopt Resolution No. 2009-6777 assessing \$9,600.00 in civil penalties and \$500.00 in administrative fees; or
 - b. If violations are not abated, staff recommends the public hearing be closed, and the Council adopt Resolution No. 2009-6777 assessing \$9,600.00 in civil penalties and \$500.00 in administrative fees. In addition, the Council authorizes staff to seek legal action to either compel the property owner to clean up the property or to obtain an abatement warrant to cause the abatement to be completed by City forces or private contract.

REPORTS (6.1 - 6.7)

- 6.1 BIKEWAY VILLAGE – PROPOSAL FOR POSSIBLE REZONE AT 536 13TH STREET AND 535 FLORENCE STREET. (0600-20)**

City Manager's Recommendation: Receive the report and provide comments and/or direction as necessary. It is further recommended that the City Council support, in concept, the possible rezoning of the subject property for the purposes described in the staff report, subject to appropriate application and permit procedures.

- 6.2 UPDATE ON THE FINANCIAL STATUS OF THE CITY'S GENERAL FUND. (0310-10)**

City Manager's Recommendation: Receive and file report.

- 6.3 REPORT BACK ON THE ANNUAL FINANCIAL REPORT OF THE CITY OF IMPERIAL BEACH FOR THE YEAR ENDED JUNE 30, 2008. (0310-10)**

City Manager's Recommendation: Receive and file report.

- 6.4 APPROVAL OF THE 9TH & PALM RELOCATION PLAN FOR DISPLACED BUSINESSES. (0640-20 & 0640-30)**

City Manager's Recommendation: Approve the 9th & Palm Redevelopment Project Relocation Plan.

(Continued on Next Page)

REPORTS (Continued)

6.5 RESOLUTION NO. 2009-6776 – APPROVING AMENDMENT NO. 1 TO AGREEMENT BETWEEN SAN DIEGO UNIFIED PORT DISTRICT AND CITY OF IMPERIAL BEACH FOR TIDELANDS MAINTENANCE SERVICES – AGREEMENT NO. 29-2006. (0150-70 & 0920-20)

City Manager's Recommendation:

1. Receive report; and
2. Adopt resolution.

6.6 FAÇADE IMPROVEMENT PROGRAM. (0640-20)

City Manager's Recommendation: Review and comment on the guidelines.

6.7 RESOLUTION NO. 2009-6770 AND RESOLUTION NO. R-09-181 – AUTHORIZING THE REPLACEMENT OF BANNER POLES IN TRIANGLE AND VETERANS PARKS. (0920-60 & 0920-70)

City Manager's Recommendation: Adopt resolutions.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

ADJOURNMENT

The Imperial Beach City Council welcomes you and encourages your continued interest and involvement in the City's decision-making process.

FOR YOUR CONVENIENCE, A COPY OF THE AGENDA AND COUNCIL MEETING PACKET MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK AT CITY HALL OR ON OUR WEBSITE AT

www.cityofib.com.

Copies of this notice were provided on June 12, 2009 to the City Council, San Diego Union-Tribune, I.B. Eagle & Times, and I.B. Sun.

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF IMPERIAL BEACH)

AFFIDAVIT OF POSTING

I, Lisa Wolfson, Deputy City Clerk of the City of Imperial Beach, hereby certify that the Agenda for the Regular Meeting as called by the City Council, Redevelopment Agency, Planning Commission, and Public Financing Authority of Imperial Beach was provided and posted on June 12, 2009. Said meeting to be held at 5:30 p.m. June 17, 2009, in the Council Chambers, 825 Imperial Beach Boulevard, Imperial Beach, California. Said notice was posted at the entrance to the City Council Chambers on June 12, 2009 at 12:00 p.m.

Lisa Wolfson
Deputy City Clerk



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: JUNE 17, 2009
ORIGINATING DEPT.: PUBLIC WORKS *HAZ*
SUBJECT: RECYCLE ALL-STAR AWARD PRESENTATION

BACKGROUND:

The Recycle All-Star Program is designed to encourage residents to participate in weekly curbside collection of recyclables. Each month, a City inspector canvasses one randomly selected neighborhood on trash day in search of a Recycle All-Star – the residence with the greatest quantity of uncontaminated recyclables placed in its curbside-recycling bin. Winners receive a certificate from the City, a \$100 check from EDCO, and other premiums such as a travel mug, a frisbee, pens, pencils, note pads, and a 100% recycled-content tote bag. During inspection, information tags are placed on non-winning recycling bins to promote the Recycle All-Star Program, to remind residents of what materials are recyclable, and to point out contamination observed in the bins.

DISCUSSION:

On June 1, 2009, City inspectors canvassed the 500 block of Delaware Street in search of a Recycle All-Star. The following resident was selected as the Recycle All-Star for the month of June, 2009: Estella Dorado.

The above resident has been notified of his/her award by telephone and letter and invited to accept the Recycle All-Star award at the June 17, 2009 City Council meeting.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Not a project as defined by CEQA.

FISCAL ANALYSIS:

None

DEPARTMENT RECOMMENDATION:

Mayor, in company with an EDCO representative, will present the Recycle All-Star award certificate, \$100 check, and other premiums listed above to Estella Dorado.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

DRAFT

MINUTES

Item No. 2.1

**IMPERIAL BEACH CITY COUNCIL
REDEVELOPMENT AGENCY
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY**

MAY 20, 2009

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

REGULAR MEETING – 6:00 P.M.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:00 p.m.

ROLL CALL

Councilmembers present: McCoy, King
Councilmembers absent: McLean
Mayor present: Janney
Mayor Pro Tem present: Bragg

Staff present: City Manager Brown; City Attorney Lough;
City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MAYOR JANNEY recommended Consent Calendar Item Nos. 2.2 through 2.5 be pulled for discussion at the end of the agenda.

MOTION BY MCCOY, SECOND BY BRAGG, TO PULL CONSENT CALENDAR ITEM NOS. 2.2 THROUGH 2.5 FOR DISCUSSION AT THE END OF THE AGENDA. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCLEAN

**MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/
REPORTS ON ASSIGNMENTS AND COMMITTEES**

MAYOR JANNEY reported attendance at the Urban Land Institute Binational Mayors Forum where they received information on sustainable development and suggested that this topic be on the upcoming City Council workshop agenda; he requested representatives from ULI and SANDAG be invited to participate in the workshop.

COUNCILMEMBER MCCOY announced Memorial Day is on Monday and a remembrance ceremony will take place at the Veterans Park rotunda; she reminded everyone to be mindful of water usage due to limited resources and potential cost increases.

MAYOR PRO TEM BRAGG reported on the San Diego County League of California Cities luncheon meeting, she announced the League will launch an action plan to protect local funds from the State of California and that the following six names were submitted to be considered for appointment to the California Coastal Commission: Carrie Downing from Coronado, Steve Castaneda from Chula Vista, Ben Hueso from San Diego, Donna Frye from San Diego, Ann Kulchin from Carlsbad, and Ester Sanchez from Oceanside; she was a poll worker for the May 19 election and expressed disappointment with the low voter turnout; she announced the Miss I.B. Pageant is scheduled for June 6, the Relay for Life is scheduled for June 6 and June 7 and there will be a lasagna dinner fundraiser on May 24 at the Fleet Reserve with the proceeds going towards cancer research; there was a press conference today by Heal the Bay where it was announced Imperial Beach was not on the list of the Top 10 Beach Bummers; she added that Heal the Bay was asked to highlight the work that has been done locally and regionally to avoid I.B. being on that list.

MAYOR JANNEY spoke about the years of dedicated efforts by many that have helped to improve the image of Imperial Beach.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1 & 2.6)

MOTION BY BRAGG, SECOND BY MCCOY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1, AND 2.6. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCLEAN

2.1 MINUTES.

Approved the minutes of the regular City Council Workshop Meetings of April 8 and April 21, 2009.

2.6 RESOLUTION NO. 2009-6762 – DECLARING A SEVERE FISCAL HARDSHIP. (0150-30)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION/PUBLIC HEARING (4)

None.

PUBLIC HEARINGS (5.1 - 5.2)

5.1 KAMAL NONA (OWNER)/STOSH THOMAS (ARCHITECT); CONDITIONAL USE PERMIT (CUP 060398), DESIGN REVIEW (DRC 060399), SITE PLAN REVIEW (SPR 060400) FOR TWO MIXED USE DEVELOPMENTS WITH TWO RETAIL COMMERCIAL SPACES AND TWO RESIDENTIAL UNITS FOR EACH DEVELOPMENT (FOUR COMMERCIAL AND FOUR RESIDENTIAL UNITS TOTAL) LOCATED AT 1120, 1122 13TH STREET AND 1150, 1152 13TH STREET, IN THE C-3 (NEIGHBORHOOD COMMERCIAL) ZONE. MF 863. (0600-20)

The following were submitted as Last Minute Agenda Information:

- a. March 2, 2005 staff report for Item No. 6.1:
FERAS "RUSTY" BARGHOUT (applicant/property owner)/Nick Aljabi (architect); Conditional Use Permit (CUP 03-03), Design Review (DRC 03-10), Site Plan Review (SPR 03-09) for a mixed development with three retail commercial spaces and four residential units located at 1146 13th Street, in the C-3 (Neighborhood Commercial) Zone. MF 641. (0600-20)
- b. PowerPoint presentation from March 2, 2005
- c. Copy of signed Resolution No. 2005-6114
- d. March 2, 2005 City Council meeting minutes for Item No. 6.1

MAYOR JANNEY declared the continued public hearing open.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported a request from the applicant to continue the public hearing to June 3, 2009 was received and submitted to City Council as Last Minute Agenda Information.

MOTION BY MCCOY, SECOND BY BRAGG, TO CONTINUE THE PUBLIC HEARING TO JUNE 3, 2009. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCLEAN

5.2 1257 EAST LANE – NOTICE TO ELIMINATE SUBSTANDARD AND PUBLIC NUISANCE CONDITIONS. (0470-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item, announced staff visited the property today and saw progress made on the abatement of violations and recommended the public hearing be continued to June 17, 2009.

CRAIG SHERMAN, attorney representing the property owner, supported continuance of the public hearing.

MOTION BY MCCOY, SECOND BY KING, TO CONTINUE THE PUBLIC HEARING TO JUNE 17, 2009. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCLEAN

REPORTS (6.1 - 6.6)

6.1 RESOLUTION NO. 2009-6757 – ESTABLISHING THE RESPONSIBLE RETAILER PROGRAM (RRP). (0240-07)

The following were submitted as Last Minute Agenda Information: Letter of support for department recommendation submitted by Mayda and Ted Winter, received 5/20/09, and Opinion in opposition submitted by Zofia Migdalska of MZM Bistro, related via telephone conversation 5/20/09.

CITY MANAGER BROWN introduced the item and reported that Sheriff's Captain Miller received additional funding that can be used towards the cost of the program, without any fee to the retailers for the first two years.

PUBLIC SAFETY DIRECTOR SOTELO gave a report on the item.

SHERIFF'S CAPTAIN MILLER gave a PowerPoint presentation on the item and submitted for the record an article from the Petaluma Argus-Courier newspaper.

SAMANTHA DABISH, representing Neighborhood Market Association, supported the purpose and intent of the program but opposed the fee structure, questioned what the fees would be after the first two years, and stated the program is a duplication of efforts of the ABC.

BRIAN COLLINS expressed concern about alcohol-related problems on Seacoast Drive and spoke in support of the program.

CATHERINE HOCKMUTH, representing the South Bay Community Change Project and the Institute for Public Strategies, spoke about the development of the program, the year's worth of work staff and the community put into it, and in support of the item.

PATI ARVIZU, representing South Bay Youth 4 Change, reported on shoulder tap services that took place in 2007 and 2008, and spoke in support of the item.

MAXINE CUMMINGS, owner of Mickie's Bar & Grill, stated she is willing to work with the Sheriff's Department and anticipated a mutually respectful relationship.

REBECCA BAZNER was not available to speak.

REUBEN BINGHAM expressed concern about victims of alcohol-related incidents; spoke about a drunk driver who crashed into his fence and in support of the item.

MAYOR JANNEY expressed concern about the fee structure, appreciated the efforts of Captain Miller for obtaining the additional funding and supported an annual review of the program.

MAYOR PRO TEM BRAGG spoke in support of the program and thanked Captain Miller for obtaining the additional funding; she questioned how much of the 960 hours worked by the deputy were for education versus enforcement and requested an overview of the program.

SHERIFF'S CAPTAIN MILLER stated she envisioned a deputy going into the various establishments in town and developing a partnership where education is a large component with enforcement necessary with repeat violators.

COUNCILMEMBER MCCOY spoke in support of the program.

COUNCILMEMBER KING spoke in support of the program and suggested staff look into other funding options for the program in two years.

CITY ATTORNEY LOUGH read into the record the following to replace the last two Whereas statements in Resolution No. 2009-6757:

WHEREAS, the Responsible Retailer Program shall be funded for a two year period by a Justice Assistance Grant under the Department of Justice recovery Act and other grant funds;

WHEREAS, the City Manager is directed to return on an annual basis, or sooner as necessary, to report on the status of the Responsible Retailer Program.

MOTION BY JANNEY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2009-6757 – ESTABLISHING THE RESPONSIBLE RETAILER PROGRAM (RRP) AS AMENDED. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCLEAN

MAYOR JANNEY called a recess at 7:03 p.m. and reconvened the meeting at 7:10 p.m.

6.2 RESOLUTION NOS. 2009-6756 AND R-09-178 – APPROVING FISCAL YEAR 2009-2010 AND FISCAL YEAR 2010-2011 OPERATING BUDGETS, ESTABLISHING THE GANN LIMIT, AND ESTABLISHING BUDGET AUTHORIZATION POLICIES; AND AUTHORIZING THE TWO-YEAR APPROPRIATION OF RDA FUNDS FOR USE IN THE TWO-YEAR FISCAL YEAR 2009-2011 RDA BUDGET, BEGINNING ON JULY 1, 2009 AND ENDING JUNE 30, 2011. (0330-30)

CITY MANAGER BROWN introduced the item.

FINANCE DIRECTOR MCGRANE gave a PowerPoint presentation on the item; he announced the formal document will be distributed after all financial actions are completed.

MAYOR JANNEY asked for staff to report back on ABC costs, the difference between ABC costs versus Public Works administrative costs, and an analysis of storm water costs; he applauded staff on their negotiations with the Port; and he hopes the County Board of Supervisors, the Sheriff, and Deputy Sheriff's Association recognize these difficult times and keeps costs as low as possible for all contract cities.

MOTION BY KING, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2009-6756 – APPROVING FISCAL YEAR 2009-2011 BUDGETS, ESTABLISHING THE GANN LIMIT, AND ESTABLISHING BUDGET AUTHORIZATION POLICIES AND RESOLUTION NO. R-09-178 – AUTHORIZING THE TWO-YEAR APPROPRIATION OF RDA FUNDS FOR USE IN THE TWO-YEAR FY 2009/2011 RDA BUDGET, BEGINNING ON JULY 1, 2009 AND ENDING JUNE 30, 2011. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCLEAN

6.3 RESOLUTION NO. 2009-6760 – APPROVING AN AGREEMENT BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF IMPERIAL BEACH FOR POLICE, FIRE, EMERGENCY MEDICAL, LIFEGUARD AND ANIMAL CONTROL SERVICES. (0150-70)

The Agreement between the Port District and the City of Imperial Beach (Attachment 2 to staff report) was submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY MANAGER RITTER gave a report on the item; he stressed that the City provides services to the Port for land that they own.

MOTION BY BRAGG, SECOND BY KING, TO ADOPT RESOLUTION NO. 2009-6760 – APPROVING AN AGREEMENT BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF IMPERIAL BEACH FOR POLICE, FIRE, EMERGENCY MEDICAL, LIFEGUARD AND ANIMAL CONTROL SERVICES. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCLEAN

6.4 RESOLUTION NO. 2009-6755 – AWARDING CONTRACT FOR FIRE DEPARTMENT STATION REMODEL – KITCHEN REMODEL CIP# F05-204. (0910-40)

CITY MANAGER BROWN introduced the item.

MOTION BY BRAGG, SECOND BY KING, TO ADOPT RESOLUTION NO. 2009-6755 – AWARDING CONTRACT FOR FIRE DEPARTMENT STATION REMODEL – KITCHEN REMODEL CIP# F05-204. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCLEAN

6.5 METROPOLITAN TRANSIT SYSTEMS (MTS) BOARD CITY COUNCIL REPRESENTATION ASSIGNMENT. (0410-50)

MAYOR JANNEY recommended that he be appointed as the primary representative and Mayor Pro Tem Bragg as the alternate for the MTS Board for the remainder of 2009.

CITY ATTORNEY LOUGH explained that since there is a stipend, the Attorney General opined that the Councilmember who is nominated for a Board position cannot vote on it because they receive a stipend, which is equivalent to receiving income from an outside source; he suggested separate motions so Mayor Pro Tem Bragg can recuse herself from voting on that item; the Mayor can vote on the matter for appointing himself because the City Code allows for it.

MOTION BY JANNEY, SECOND BY BRAGG, TO APPROVE MAYOR JANNEY'S APPOINTMENT OF HIMSELF AS THE PRIMARY REPRESENTATIVE TO THE MTS BOARD FOR THE REMAINDER OF 2009 IN ACCORDANCE WITH CHAPTER 2.18.010.C OF THE I.B.M.C. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCLEAN

MAYOR PRO TEM BRAGG left Council Chambers at 7:49 p.m. due to a potential conflict of interest.

MOTION BY JANNEY, SECOND BY MCCOY, TO APPROVE MAYOR JANNEY'S APPOINTMENT OF MAYOR PRO TEM BRAGG AS ALTERNATE TO THE MTS BOARD FOR THE REMAINDER OF 2009 IN ACCORDANCE WITH CHAPTER 2.18.010.C OF THE I.B.M.C. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCLEAN
DISQUALIFIED:	COUNCILMEMBERS:	BRAGG (DUE TO A POTENTIAL CONFLICT OF INTEREST)

MAYOR PRO TEM BRAGG returned to Council Chambers at 7:50 p.m.

6.6 RESOLUTION NO. R-09-179 – AUTHORIZING THE PAYMENT OF RELOCATION EXPENSES AND FIXTURES AND EQUIPMENT COSTS IN AN AMOUNT NOT TO EXCEED \$1,462,402, AUTHORIZING THE EXECUTIVE DIRECTOR FOR AND ON BEHALF OF THE AGENCY TO EXECUTE PAYMENTS FOR RELOCATION EXPENSES AND FIXTURES AND EQUIPMENT TO THE 9TH & PALM REDEVELOPMENT PROJECT DISPLACED BUSINESSES AND TENANTS; AND RATIFYING THE PAYMENT OF \$34,835 FOR FIXTURES AND EQUIPMENT TO BANANA PLACE. (0640-20 & 0640-30)

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY announced Debbie London of Epic Land Solutions was in attendance; he gave a report on the item; he explained that Banana Place requested an expedited relocation so staff processed a payment in order for the business to proceed; he announced the relocation plan is currently under a 30-day review and will be brought forward for City Council approval at the June 17 meeting.

City Council discussion ensued regarding the relocation process; it was noted that equipment that remains on the site can either be auctioned off or offered back to the businesses at salvaged value.

MOTION BY MCCOY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. R-09-179 – AUTHORIZING THE PAYMENT OF RELOCATION EXPENSES AND FIXTURES AND EQUIPMENT COSTS IN AN AMOUNT NOT TO EXCEED ONE MILLION FOUR HUNDRED SIXTY-TWO THOUSAND FOUR HUNDRED TWO DOLLARS (\$1,462,402); AUTHORIZES THE EXECUTIVE DIRECTOR FOR AND ON BEHALF OF THE AGENCY TO EXECUTE PAYMENTS FOR RELOCATION EXPENSES AND FIXTURES AND EQUIPMENT TO THE 9TH & PALM REDEVELOPMENT PROJECT DISPLACED BUSINESSES AND TENANTS; AND RATIFIES THE PAYMENT OF THIRTY-FOUR THOUSAND EIGHT HUNDRED THIRTY-FIVE DOLLARS (\$34,835) FOR FIXTURES AND EQUIPMENT TO BANANA PLACE. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCLEAN

MAYOR JANNEY stressed that expenditures (such as the one for Banana Place) should not be made without first being presented to City Council for their review and approval.

ITEMS PULLED FROM THE CONSENT CALENDAR

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

A correction to Page 1 of the Warrant Register was submitted as Last Minute Agenda Information.

MAYOR JANNEY stated that he has noticed a significant number of expenditures for the Clean and Green and Façade Improvement Programs and requested that both programs be brought back to City Council for an update and review.

CITY MANAGER BROWN stated that staff will return to City Council with the Clean and Green

Program at the next meeting and with the Façade Improvement Program at the June 17 meeting.

MOTION BY MCCOY, SECOND BY BRAGG, TO RATIFY THE FOLLOWING REGISTERS: ACCOUNTS PAYABLE NUMBERS 68638 THROUGH 68723 WITH THE SUBTOTAL AMOUNT OF \$460,070.96; AND PAYROLL CHECKS 40999 THROUGH 41056 FOR THE PAY PERIOD ENDING 04/23/09 WITH THE SUBTOTAL AMOUNT OF \$158,368.39; FOR A TOTAL AMOUNT OF \$618.439.35 AND VOID CHECK NUMBER 68638. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCLEAN

2.3 ANNUAL FINANCIAL REPORT OF THE CITY OF IMPERIAL BEACH FOR THE YEAR ENDED JUNE 30, 2008. (0310-10)

MAYOR JANNEY requested that staff address the findings that were raised in the report.

MOTION BY MCCOY, SECOND BY KING, TO RECEIVE AND FILE THE AUDITED CITY OF IMPERIAL BEACH FINANCIAL STATEMENTS FOR THE YEAR ENDED JUNE 30, 2008. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCLEAN

2.4 RESOLUTION NO. 2009-6759 – APPROVING THE SUBMITTAL OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS – RECOVERY APPLICATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE AGREEMENT WITH THE COUNTY OF SAN DIEGO. (0650-34)

The staff report and minutes from the October 15, 2008 City Council meeting (Item No. 5.2: PROPOSED PROJECT PROPOSALS FOR THE FISCAL YEAR 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM) were submitted as Last Minute Agenda Information.

MAYOR JANNEY noted that City Council usually has input on these matters and that the item should not have been placed on the Consent Calendar; he stated he understood why staff selected the Sports Park restroom but the decision should have been made by City Council, not staff.

MOTION BY MCCOY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2009-6759 – APPROVING THE SUBMITTAL OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS – RECOVERY APPLICATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE AGREEMENT WITH THE COUNTY OF SAN DIEGO. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCLEAN

2.5 RESOLUTION NO. R-09-180 – AUTHORIZING THE EXECUTIVE DIRECTOR/CITY MANAGER TO AMEND THE CONTRACT FOR PROFESSIONAL SERVICES WITH EDAW/AECOM INC. TO COMPLETE THE REVIEW OF THE CITY’S COMMERCIAL ZONING AND DEVELOPMENT REGULATIONS OF THE CITY’S GENERAL PLAN/LOCAL COASTAL PLAN AND ZONING ORDINANCE. (0620-05)

MAYOR JANNEY questioned if there are problems with the project.

COMMUNITY DEVELOPMENT DIRECTOR WADE responded that he would not characterize the situation as a problem; at the onset staff did not anticipate having to request additional information nor additional staff time to review that information; a workshop will be held with the City Council in late June then will return back to City Council with the final document.

MOTION BY MCCOY, SECOND BY BRAGG, TO APPROVE RESOLUTION NO. R-09-180 – AUTHORIZING THE EXECUTIVE DIRECTOR/CITY MANAGER TO AMEND THE CONTRACT FOR PROFESSIONAL SERVICES WITH EDAW/AECOM INC. TO COMPLETE THE REVIEW OF THE CITY’S COMMERCIAL ZONING AND DEVELOPMENT REGULATIONS OF THE CITY’S GENERAL PLAN/LOCAL COASTAL PLAN AND ZONING ORDINANCE

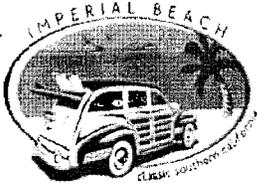
AYES:	COUNCILMEMBERS:	MCCOY, KING, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCLEAN

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:21 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY R. BROWN, CITY MANAGER

MEETING DATE: June 17, 2009

ORIGINATING DEPT.: Michael McGrane *mm*
Finance Director

SUBJECT: RATIFICATION OF WARRANT REGISTER

BACKGROUND:

None

DISCUSSION:

As of April 7, 2004, all large warrants above \$100,000 will be separately highlighted and explained on the staff report.

Vendor	Check #	Amount	Explanation
City of San Diego	68825	\$379,317.00	Metro Sewer Charge 4 th Qtr 2008-2009

ENVIRONMENTAL IMPACT

Not a project as defined by CEQA.

The following registers are submitted for Council ratification.

<u>WARRANT #</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Accounts Payable</u>		
68818-68854	05/29/09	516,459.63
68855-68884	06/04/09	88,759.87
<u>TOTAL</u>		<u>\$ 605,219.50</u>

FISCAL IMPACT:

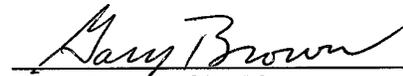
Warrants are issued from budgeted funds.

DEPARTMENT RECOMMENDATION:

It is respectfully requested that the City Council ratify the warrant register.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation



Gary Brown, City Manager

Attachments:

1. Warrant Registers

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
05/29/2009	68818	ADT SECURITY SERVICES, INC.	103				70.44
101-6010-451.21-04	05/09/2009	JUNE 2009	93071974	090103	11/2009		70.44
05/29/2009	68819	AFLAC	120				461.30
101-0000-209.01-13	05/28/2009	PAYROLL AP PPE 5/21/09	20090528		11/2009		461.30
05/29/2009	68820	ART AYALA	1567				17.00
101-3030-423.28-04	05/13/2009	RFND EMT RE-CERTIFICATION	410780		11/2009		17.00
05/29/2009	68821	BARKER PLUMBING	2092				800.00
248-1920-519.20-06	04/22/2009	CLEAN&GREEN-354 DAISY AVE	11704	091201	10/2009		800.00
05/29/2009	68822	TOMAS P. LUJAN	2050				8,731.00
248-1920-519.20-06	04/24/2009	CLEAN&GREEN 1225 ELM	04-24-2009	090987	10/2009		8,731.00
05/29/2009	68823	CALIFORNIA COMMERCIAL ASPHALT	590				309.07
101-6020-452.30-02	04/28/2009	1/2 TYPE 111 C2	83311	090012	10/2009		309.07
05/29/2009	68824	CALIFORNIA AMERICAN WATER	612				3,466.91
101-5010-431.27-02	05/18/2009	05-0114717-7 03/13-05/13	06-08-2009		11/2009		11.94
101-5010-431.27-02	05/18/2009	05-0115202-9 03/13-05/13	06-08-2009		11/2009		27.25
101-6020-452.27-02	05/18/2009	05-0115205-2 03/13-05/13	06-08-2009		11/2009		2,456.63
101-1910-419.27-02	05/18/2009	05-0115206-0 03/13-05/13	06-08-2009		11/2009		585.36
101-1910-419.27-02	05/18/2009	05-0115208-6 03/13-05/13	06-08-2009		11/2009		138.36
101-5010-431.27-02	05/18/2009	05-0115214-4 03/13-05/13	06-08-2009		11/2009		8.88
601-5060-436.27-02	05/18/2009	05-0115249-0 03/13-05/13	06-08-2009		11/2009		11.94
101-5020-432.27-02	05/18/2009	05-0424056-5 03/13-05/13	06-08-2009		11/2009		22.19
101-6020-452.27-02	05/18/2009	05-0477133-8 03/13-05/13	06-08-2009		11/2009		176.04
101-1910-419.27-02	05/18/2009	05-0115210-2 03/13-05/13	06-08-2009		11/2009		28.32
05/29/2009	68825	CITY OF SAN DIEGO	896				379,317.00
601-5060-436.21-04	04/20/2009	METRO SEWER FY 09 4TH QTR	510318	090205	10/2009		379,317.00
05/29/2009	68826	COLONIAL LIFE & ACCIDENT	941				147.74
101-0000-209.01-13	05/28/2009	PAYROLL AP PPE 5/21/09	20090528		11/2009		147.74
05/29/2009	68827	CREATIVE BENEFITS INC FSA	1108				352.52
101-0000-209.01-11	05/28/2009	PAYROLL AP PPE 5/21/09	20090528		11/2009		352.52
05/29/2009	68828	DAVE HEYDEN LANDSCAPE	1136				646.84
408-1920-519.20-06	07/17/2008	FACADE IMPRVMT-1340 IB B	1211	091208	09/2009		646.84
05/29/2009	68829	FABRICATION ARTS	1477				45,182.61
408-1920-519.20-06	05/28/2009	SURFBOARD SCULPTURES	21213		11/2009		45,182.61
05/29/2009	68830	FASTSIGNS	1847				17,349.75
408-1920-519.20-06	04/29/2009	FACADE IMPRVMT-SILVER ST	NC237-17100	091203	10/2009		17,349.75
05/29/2009	68831	GOMEZ CRANE SERVICE	1039				1,200.00
101-5010-431.21-04	05/06/2009	4HRS CRANE RENTAL	05-06-2009	091176	11/2009		187.50

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
101-6040-454.28-01	05/06/2009	4HRS CRANE RENTAL	05-06-2009	091176 11/2009 412.50
101-6040-454.28-01	05/12/2009	4 HRS CRANS SVC	05-12-2009	091176 11/2009 600.00
05/29/2009	68832	GOOGLE, INC.	2009	
503-1923-419.20-06	05/05/2009	ENTERPRISE EDITION	722504	090399 11/2009 705.51
05/29/2009	68833	HDL COREN & CONE	88	
101-1920-419.20-06	05/13/2009	APR-JUN 09 PROPERTY TAX	0014620-IN	090535 11/2009 2,025.00
05/29/2009	68834	HDZ PAINTING	2064	
408-1920-519.20-06	05/21/2009	FACADE IMPRVMT-CHAVEZ	02567A	090767 11/2009 3,500.00
05/29/2009	68835	HORIZON HEALTH EAP	90	
101-1130-412.20-06	05/14/2009	MAY 2009	34436	090029 11/2009 395.91
05/29/2009	68836	I B FIREFIGHTERS ASSOCIATION	214	
101-0000-209.01-08	05/28/2009	PAYROLL AP PPE 5/21/09	20090528	11/2009 242.00
05/29/2009	68837	ICMA RETIREMENT TRUST 457	242	
101-0000-209.01-10	05/28/2009	PAYROLL AP PPE 5/21/09	20090528	11/2009 5,229.64
05/29/2009	68838	JESSOP & SON LANDSCAPING	479	
101-6010-451.21-04	05/21/2009	MAY 2009	388321	090148 11/2009 3,052.83
05/29/2009	68839	KAUFMAN'S PAINTING	1929	
248-1920-519.20-06	05/15/2009	CLEAN&GREEN-614 IB BLVD	0002	091202 11/2009 11,950.00
408-1920-519.20-06	05/15/2009	FACADE IMPRVMT-1070 13TH	000	091202 11/2009 6,700.00
05/29/2009	68840	KEYSER MARSTON ASSOC INC	620	
405-1260-413.20-06	05/11/2009	APRIL 2009	0020686	080320 11/2009 557.50
05/29/2009	68841	MASON'S ALIGNMENT, BRAKES	921	
501-1921-419.28-01	05/05/2009	ALIGNMENT-DAKOTA	15022	090050 11/2009 59.00
05/29/2009	68842	MOFFATT & NICHOL	1995	
405-1260-413.20-06	05/11/2009	IB OPPORTUNISTIC BEACH FI	48374	090326 11/2009 1,830.20
05/29/2009	68843	PBS & J	1606	
101-5060-564.20-08	05/18/2009	APRIL 2008 PALM AVE WATER	1043818	091063 11/2009 3,496.38
05/29/2009	68844	SEIU LOCAL 221	1821	
101-0000-209.01-08	05/28/2009	PAYROLL AP PPE 5/21/09	20090528	11/2009 1,443.23
05/29/2009	68845	SWC - CROWN COVE AQUATIC CENTE	1595	
101-3020-422.20-06	02/27/2009	HCP CARD PROCESSING	CCAC021509	090447 09/2009 85.00
101-3020-422.20-06	03/23/2009	HCP CARD PROCESSING	CCAC030509	090447 09/2009 50.00
05/29/2009	68846	UNITED WAY OF SAN DIEGO COUNTY	1483	
101-0000-209.01-09	05/28/2009	PAYROLL AP PPE 5/21/09	20090528	11/2009 90.00
05/29/2009	68847	WESTERN PUMP INC	752	
501-1921-419.28-01	05/19/2009	CALIBRATE DISPENSERS	0076846-IN	090061 11/2009 190.77

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
05/29/2009	68848	IMPERIAL BEACH CHAMBER OF COMM	1505	470.00
101-1920-419.29-04	05/21/2009	SCHOLARSHIP/SPONSOR MISS	05-21-2009	11/2009 120.00
101-1110-412.29-04	05/19/2009	2009 INSTALLATION-GOLD SP	5202	091204 11/2009 350.00
VOIDED # 68849-68853				
05/29/2009	68854	U.S. BANK	1873	23,084.48
101-1130-412.28-12	02/01/2009	RENEWAL SUBSCRIPTION	1-6399310	091087 10/2009 299.00
101-1020-411.28-04	03/26/2009	SHUTTLE SERV. CCAC CONFER	03-26-2009	091078 10/2009 62.00
101-1110-412.30-02	03/25/2009	TTAYLOR'S MOM CONDOLENCE	03-25-2009	091087 10/2009 59.37
101-1020-411.30-01	03/25/2009	OFFICE SUPPLIES	50673542	091096 10/2009 20.68
101-1110-412.30-01	03/25/2009	OFFICE SUPPLIES	50673542	091096 10/2009 125.11
101-1020-411.29-02	04/03/2009	ITEM EMPLOYEE QTR LUNCHEO	631019680-01	091078 10/2009 22.96
101-1020-411.29-04	04/07/2009	BATTERY CHARGE TESTER	078194	091078 10/2009 20.64
101-1020-411.29-02	04/15/2009	EMPLOYEE RECOGNITION	049288	091078 10/2009 25.00
101-1020-411.28-04	04/16/2009	LUNCH MEETING W/DGLADWELL	080126	091078 10/2009 32.08
101-1230-413.28-12	04/13/2009	URBAN LAND INST. MEMBERSH	04-13-2009	091084 10/2009 225.00
101-3040-424.30-01	04/14/2009	OFFICE SUPPLIES	04-14-2009	091084 10/2009 93.46
101-5020-432.28-04	04/06/2009	LUNCHEON/PANEL ENV. MANG.	071161	091087 10/2009 51.38
101-1010-411.29-04	04/01/2009	COUNCIL MEMB. DINNER	250006IG	091096 10/2009 82.62
101-1010-411.29-04	04/06/2009	COUNCIL WORKSHOP	026747	091096 10/2009 130.50
101-1010-411.28-04	04/20/2009	MAYOR'S EXECUTIVE FORUM	04-20-2009	091096 10/2009 250.00
101-1010-411.29-04	04/20/2009	AG EVERYDAY ASSITANT	04-20-2009	091096 10/2009 4.12
245-1240-413.20-06	03/13/2009	POWER POLE	2635023	091086 10/2009 33.94
408-1920-519.20-06	03/25/2009	MAILING OLD PALM PLAQUES	03-25-2009	091086 10/2009 13.90
408-1920-519.20-06	03/27/2009	LEASES FOR ATTONERY	079627	091086 10/2009 7.55
101-1230-413.30-01	03/29/2009	OFFICE SUPPLIES	03-29-2009	091086 10/2009 37.66
101-1020-411.30-01	04/01/2009	TONER 98A HP	469975559-001	091079 10/2009 106.56
101-1020-411.29-02	04/16/2009	FREE THE FILES KICKOFF ME	04-16-2009	091079 10/2009 7.49
405-1260-413.20-06	04/10/2009	PAINT PUBART	035526	091082 10/2009 152.07
101-1230-413.28-12	04/07/2009	APA MEMBERSHIP	023499-090201	091085 10/2009 513.00
101-1230-413.28-04	04/08/2009	APA LUNCHEON (SDAPA)	7BC13414H610524	091085 10/2009 25.00
101-1230-413.28-04	04/08/2009	PAYPAL MEMEBERSHIP FEE	0920-7724-3974	091085 10/2009 15.00
101-1230-413.28-01	04/10/2009	MICROFICHER REPAIR	19530	091086 10/2009 248.00
101-3040-424.30-01	04/15/2009	OFFICE SUPPLIES	04-15-2009	091086 10/2009 16.31
101-3070-427.30-01	04/15/2009	OFFICE SUPPLIES	04-15-2009	091086 10/2009 2.16
101-1230-413.28-11	04/20/2009	PLANS PRINTED	19546	091086 10/2009 391.50
101-6010-451.30-02	03/23/2009	TEEN CAFE SUPPLIES	057921	091017 10/2009 345.98
101-6010-451.29-04	03/25/2009	JANITORIAL SUPPLIES SP	057389/1191476	091017 10/2009 86.21
101-6010-451.29-04	03/27/2009	JANITORIAL SUPPLIES SP	020528/9191814	091017 10/2009 161.56
101-6010-451.28-01	03/31/2009	CLEANING SUPPLIES	032518/5019317	091017 10/2009 22.53
101-3070-427.30-01	03/30/2009	TAPE DISPENSER	054490	091080 10/2009 5.97
101-5040-434.28-07	03/25/2009	NEWSPAPER ADD/BUYERS WANT	879040	091118 10/2009 39.93
101-6010-451.29-04	04/03/2009	REFRESHMENTS FOR PARENTS	04-03-2009	091017 10/2009 44.94
101-6010-451.30-02	04/13/2009	ITEMS FOR MUSIC ROOM SP	013333	091017 10/2009 124.53
101-6010-451.30-02	04/13/2009	GRILL FOR SPORTS PARK	032166/2012368	091017 10/2009 186.98
101-6010-451.30-02	04/13/2009	GAS FOR GRILL	095610/2012370	091017 10/2009 51.95
101-6010-451.30-02	04/13/2009	ITEMS FOR MUSIC ROOM SP	1122195127	091017 10/2009 142.33
101-6010-451.29-04	04/13/2009	WIPERS FOR SP CITY VEHICL	257865	091017 10/2009 10.86
101-6010-451.30-02	04/14/2009	SUPPLIES FOR THE ART CLAS	086082/1122205	091017 10/2009 35.85
101-6010-451.30-02	04/16/2009	SUPPLIES FOR ART CLASS	032092/9573777	091017 10/2009 21.61

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
101-6010-451.30-02	04/17/2009	SUPPLIES ART CLASS SP	031121/8573922	091017 10/2009 3.22
101-6010-451.30-01	04/20/2009	CAMERA, CARD MEMORY, INK	04-20-2009	091017 10/2009 240.27
405-1260-413.30-01	04/02/2009	RDA TOOLS,CHAIN,PADLOCKS,	040920/3010028	091080 10/2009 113.70
101-3080-428.30-01	04/08/2009	AVA CAMERA, BATTERY CHARG	04-08-2009	091080 10/2009 258.71
101-3080-428.30-01	04/09/2009	BATTERY RECHARGER	W-01-398828947	091080 10/2009 60.82
405-1260-413.30-01	04/09/2009	KEY TAGS, TRASH BAGS, PAD	031046/6572978	091080 10/2009 68.37
101-5020-432.30-01	04/01/2009	BLACK TONER	04-01-2009	091118 10/2009 90.25
101-5020-432.28-04	04/15/2009	REGIST. PEST MANG. TRAINI	04-15-2009	091118 10/2009 40.00
601-5050-436.30-02	04/16/2009	PAPER FOR GARAGE SALE	2477538	091118 10/2009 28.08
101-3040-424.28-12	03/11/2009	GOVERNMENTAL MEMBER DUES	2710793	091081 10/2009 100.00
101-6010-451.30-02	04/08/2009	TEEN CAFE SUPPLIES	061834	091014 10/2009 49.50
101-6010-451.29-04	04/17/2009	TEEN CAFE SUPPLIES	04-17-2009	091014 10/2009 35.10
101-3040-424.28-12	04/02/2009	SDICC MEMBERSHIP FEE	1297-3507-2482	091081 10/2009 51.75
101-3040-424.28-04	04/06/2009	INTERNATIONAL CODE BUILDI	5274828	091081 10/2009 68.54
101-5010-431.30-02	04/06/2009	ASPHALT PATCH	1729510	091115 10/2009 203.94
101-5010-431.30-02	04/17/2009	LGA SCREW	054376/8022951	091115 10/2009 9.03
101-6020-452.30-02	04/29/2009	PVC GLUE, PRIMER, SLIP FI	04-29-2009	091138 10/2009 24.59
503-1923-419.28-04	03/24/2009	CONFERENCE FOOD	23982	091111 10/2009 2.84
101-6040-454.30-02	03/25/2009	DRILL BIT	055898/1592218	091123 10/2009 45.70
101-6040-454.30-02	03/30/2009	CEMENT DYE & SCREWDRIVER	063021/6568938	091123 10/2009 13.10
101-6040-454.30-02	03/30/2009	LAWN FERTILIZER	084709/6592718	091124 10/2009 29.03
101-3040-424.28-12	04/08/2009	STATE AGENCY MEMBERSHIP	04-08-2009	091081 10/2009 215.00
503-1923-419.28-04	04/01/2009	ATT SCHOOL FOOD	032610	091111 10/2009 29.97
503-1923-419.30-22	04/03/2009	PRINTER PART	NMW5687	091111 10/2009 147.70
503-1923-419.30-22	04/09/2009	PART REPLAC. (SEWER)	00143562	091111 10/2009 37.04
503-1923-419.30-22	04/09/2009	HP MAINT. KIT (RETURN)	005700162	091111 10/2009 189.16-
503-1923-419.27-05	04/15/2009	CELPHONE	0751357646	091111 10/2009 211.11
101-6040-454.30-02	04/01/2009	FURNITURE SLIDES	053549/4592951	091123 10/2009 10.84
101-6040-454.30-02	04/03/2009	TRENCHING SHOVEL/HANDTOWE	087521/2569421	091123 10/2009 46.66
101-6040-454.30-02	04/06/2009	FURNITURE SLIDES.	025702/9585216	091123 10/2009 43.37
101-6040-454.30-02	04/06/2009	TEE NUTS.	58104	091123 10/2009 11.55
101-6040-454.30-02	04/20/2009	STEEL	37202	091123 10/2009 65.25
101-6040-454.30-02	04/01/2009	MORTAR & STUCCO MIX	036783/4019551	091124 10/2009 31.14
101-6040-454.30-02	04/02/2009	HOSE PARTS, NOZZELS	7001704	091124 10/2009 79.89
101-1910-419.30-02	03/25/2009	DOWNSPOUT REPAIR	072107/1017834	091120 10/2009 22.92
101-1910-419.30-02	03/25/2009	FAUCET REPAIR KITS	134517	091120 10/2009 140.42
101-5010-431.30-02	03/25/2009	CONCRETE 60 BAGS	090856/1274389	091131 10/2009 164.73
101-5010-431.30-02	03/30/2009	PRPANE TANK	042628/6568886	091131 10/2009 51.47
101-6020-452.30-02	04/01/2009	DRILL BIT, SCREWS	005184/4584688	091116 10/2009 18.66
405-1260-513.28-01	04/02/2009	METAL FOR GATE @VETS	00009	091120 10/2009 199.86
405-1260-513.28-01	04/03/2009	SUPPLIES FOR LIGHT/MONUME	024311/2010150	091120 10/2009 55.97
101-6020-452.30-02	04/08/2009	PAINT FOR REEMA&TEEPLE FE	0707-7	091120 10/2009 51.48
501-1921-419.30-02	04/09/2009	VEHICLE CLEANING SUPPLIES	251462	091120 10/2009 21.17
501-1921-419.30-02	04/09/2009	VEHICLE CLEANING SUPPLIES	251702	091120 10/2009 6.51
501-1921-419.30-02	04/09/2009	CREDIT VEHICLE CLEANING	272937	091120 10/2009 5.97-
501-1921-419.28-01	04/15/2009	HOSES FOR KABODA TRACTOR	182351	091120 10/2009 146.03
501-1921-419.28-01	04/15/2009	RECHARGEHOSES FOR KABODA	182351	091120 10/2009 146.03
501-1921-419.28-01	04/15/2009	CREDIT HOSE FOR KABODA TR	85430	091120 10/2009 146.03-
101-5010-431.30-02	04/09/2009	1 YARD OF CONCRETE	80598778-001	091131 10/2009 179.44
101-5010-431.30-02	04/15/2009	WEED BARRIER	049819/0203418	091131 10/2009 48.80

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
101-5010-431.30-22	04/20/2009	CRECENT WRENCHES (2)	034793/5190485	091131 10/2009 34.71
501-1921-419.50-04	04/06/2009	BED RHINOLINING FOR NEW 1	008064	091136 10/2009 416.50
501-1921-419.50-04	04/07/2009	POWDER COAT	104	091136 10/2009 190.00
405-5030-433.28-01	03/24/2009	HOSE REPAIR	T920021	091119 10/2009 14.89
501-1921-419.28-16	03/23/2009	WATER TANK CHECK VALVE	P2C0661 001	091135 10/2009 372.95
501-1921-419.28-16	03/24/2009	TRAILER HITCH	11330	091135 10/2009 53.88
405-1260-513.20-06	04/06/2009	POTHOLE REPAIR FOR MIRACL	022547	091114 10/2009 200.00
405-5030-433.30-02	04/07/2009	SPRAY PAINT, HAND WASH, S	057740	091119 10/2009 44.16
405-5030-433.30-02	04/09/2009	SAFETY GLOVES	001923/6240255	091119 10/2009 28.74
405-5030-433.30-02	04/16/2009	PAINT, ROLLER, BRUSHES	027333/9194917	091119 10/2009 90.15
501-1921-419.28-16	04/09/2009	COOLANT RESERVOIR	454124	091135 10/2009 35.55
601-5050-436.28-01	04/13/2009	REPLACEMENT CLUTCH	23944	091135 10/2009 931.82
501-1921-419.50-04	04/21/2009	ELEC. CONV. TRAILER BRAKE	658647	091135 10/2009 19.76
501-1921-419.30-02	04/30/2009	SAFETY GLASSES FOR MMURPH	429-4861	091135 10/2009 569.00
101-5020-432.30-01	03/25/2009	CANARY AND BLUE PAPER	2421282	091133 10/2009 131.17
101-5020-432.30-01	03/26/2009	CREDIT HP YELLOW INK	918190-3273-001	091133 10/2009 71.10-
101-5020-432.30-01	03/26/2009	CREDIT HP INK, PRINthead	918362-9314-002	091133 10/2009 157.29-
501-1921-419.29-04	04/06/2009	CAR WASH	080640	091122 10/2009 8.00
601-5060-436.29-04	04/15/2009	POSTAGE FOR MAIL NOTICE	18208	091122 10/2009 1,576.53
601-5060-436.30-02	04/14/2009	CONCRETE TO REPAIR	055662/1022258	091129 10/2009 26.38
601-5050-436.30-02	04/07/2009	PAPER	2452365	091133 10/2009 21.95
601-5050-436.30-02	04/07/2009	PAPER (CREDIT)	2453975	091133 10/2009 21.95-
601-5050-436.30-02	04/07/2009	PAPER FOR GARAGE SALES FL	2453978	091133 10/2009 34.47
101-5020-432.29-02	04/16/2009	FLOWERS	0652301377900	091133 10/2009 69.03
101-5020-432.30-01	04/17/2009	OFFICE SUPPLIES	8638	091133 10/2009 21.57
101-6040-454.30-02	03/28/2009	ANGLE BROOMS FOR PLAZA	086897/8568757	091125 10/2009 37.14
502-1922-419.30-02	03/23/2009	REPLACEMENT JACKETS	059083-00	091137 10/2009 382.30
501-1921-419.28-15	03/24/2009	FUEL FOR TRUCK	132634	091137 10/2009 4.32
502-1922-419.30-02	03/27/2009	REPLAC. SAFETY JACKET	057725-00	091137 10/2009 64.16
101-5010-431.21-04	03/27/2009	BEE REMOVAL AT 1136 HELMO	1688	091137 10/2009 275.00
101-6040-454.30-02	04/04/2009	PVC PARTS FOR DUNES PARK	049628/1572394	091125 10/2009 18.41
101-6040-454.30-02	04/06/2009	OVC FOR DUNES PARK	028895/9569751	091125 10/2009 8.20
101-6040-454.30-02	04/14/2009	KEYS FOR #612	84049985	091125 10/2009 15.12
502-1922-419.30-02	04/08/2009	SAFETY WINDVREAKERS	1013239851	091137 10/2009 252.43
101-5020-432.28-04	04/16/2009	REGIS. PEST MANAGEMTN TRA	04-16-2009	091137 10/2009 40.00
101-5020-432.28-04	04/16/2009	REGIST. PEST MANAGEMENT T	04-16-2009	091137 10/2009 40.00
502-1922-419.30-02	04/16/2009	SAFETY WINDBREAKER	1013285902	091137 10/2009 407.88
101-3030-423.28-01	03/26/2009	ADAPTER FOR FLASH LIGHT	1238099390	091107 10/2009 23.30
101-3030-423.28-01	03/27/2009	JANITORIAL SUPPLIES	285853	091107 10/2009 261.86
101-3030-423.30-02	03/31/2009	FUEL FOR TRUCK	IB12407	091107 10/2009 10.00
101-3030-423.28-04	03/11/2009	REFRESHMENTS FOR LG&FD	355244	091109 10/2009 70.00
101-3030-423.28-04	03/23/2009	TUITION TO SWIFT WATER RE	7114	091109 10/2009 750.00
101-3030-423.30-02	03/24/2009	SUNSCREEN FOR LG	0395141-IN	091109 10/2009 265.43
101-3030-423.28-04	03/25/2009	REFUND HOTEL RESERVATIONS	4KYCM6H	091109 10/2009 65.49-
101-3030-423.30-02	03/25/2009	DRV PORT./OFFICE SUPPLIES	539	091109 10/2009 207.11
101-3030-423.28-04	03/25/2009	SWR TRAINING CANCELLED	7114	091109 10/2009 750.00-
101-3030-423.30-02	03/30/2009	SUNSCREEN FOR LG	0395188-IB	091109 10/2009 277.76
101-3030-423.30-02	04/09/2009	MEDICAL SUPPLIES	05090488	091107 10/2009 89.95
101-3030-423.30-02	04/14/2009	WATER BOTTLES FIRST AID	7033751	091107 10/2009 52.44
101-3030-423.30-02	04/08/2009	NEW LG TRUCK BED LINER	047819	091109 10/2009 413.33

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
101-3030-423.30-02	04/09/2009	BLACK INK CARTRIDGES (2)	1049	091109 10/2009 166.56
101-3030-423.28-01	04/13/2009	PORTABLE TOWER CHAIRS	45287	091109 10/2009 583.99
101-3030-423.30-02	04/14/2009	NEW LG TRUCK TOW HITCH	899640	091109 10/2009 94.58
101-3030-423.30-02	04/17/2009	EXTRA KEYS FOR NEW LG TRU	725	091109 10/2009 15.05
101-3030-423.30-02	03/23/2009	FUEL FOR PWC	001760	091105 10/2009 11.57
101-3030-423.25-03	03/13/2009	UNIFORMS EQUIPMENT	49182	091108 10/2009 278.00
101-3030-423.28-04	03/31/2009	TRAINING HALO SUMMIT CONF	2368369752	091108 10/2009 200.00
101-3030-423.28-01	04/01/2009	BATTERY REPAIR PWC	92399	091105 10/2009 174.35
101-3030-423.30-02	04/06/2009	GASOLINE FOR PWC	026090	091105 10/2009 11.64
101-3030-423.28-01	04/16/2009	SAND BAGS CARNT. ST.	1730827	091105 10/2009 717.75
101-3030-423.28-01	04/04/2009	PWC MAINTENANCE	242722	091108 10/2009 9.23
101-3030-423.28-01	04/04/2009	PWC MAINTENANCE	5495	091108 10/2009 86.06
101-3030-423.30-02	04/08/2009	SHIPPING DEMO HEAD LAMPS	1498	091108 10/2009 7.22
101-3030-423.28-04	04/09/2009	CSLSA MEETING LODGING	53835558	091108 10/2009 79.63
101-3030-423.28-04	04/10/2009	FUEL CSLSA MEETING	123228	091108 10/2009 35.00
101-3030-423.30-02	04/13/2009	NEW BEACH FLAGS	043420	091108 10/2009 104.73
101-3030-423.28-01	04/13/2009	TOWER/TRUCK BINO REPAIR	64356	091108 10/2009 787.69
101-3030-423.28-04	04/22/2009	USLA MEETING	22L7SX	091108 10/2009 391.45
101-0000-209.01-03	05/18/2009	JCOOPER COMPUTER LOAN	284170032459	11/2009 834.85
101-0000-209.01-03	05/18/2009	LLEICHTLE COMPUTER LOAN	SW09033000734	11/2009 859.23
101-0000-209.01-03	05/18/2009	JSELYBY COMPUTER LOAN	W45452702	11/2009 1,311.92
101-3060-426.21-04	03/22/2009	DIRECT TV MONTHLY PAYMENT	978239391	091102 10/2009 34.99
101-3020-422.28-11	03/30/2009	ENVELOPES	16144	091102 10/2009 172.40
101-3020-422.30-02	03/24/2009	NEW PHONE TO REPLACE BROK	08708	091104 10/2009 10.20
101-3020-422.30-02	03/26/2009	VACUUM BAGS	75059911	091104 10/2009 8.62
101-3020-422.30-02	03/28/2009	VACUM	2-9087-0359-007	091104 10/2009 139.00
101-3020-422.30-02	03/30/2009	STATION SUPPLIES	047013	091104 10/2009 99.41
101-3020-422.21-02	04/09/2009	BUSINESS MEETING	063419	091100 10/2009 31.84
101-3020-422.21-02	04/16/2009	HEARTLAND DISPATCH LUNCH	046811	091101 10/2009 37.38
101-3050-425.30-02	04/02/2009	ANIMAL CONTROL SERVICES	002429	091102 10/2009 15.17
101-3020-422.28-11	04/13/2009	EMPLOYEES NAME TAGS	09-178	091102 10/2009 9.16
101-3020-422.30-01	04/15/2009	OFFICE SUPPLIES	04-15-2009	091102 10/2009 35.28
101-3020-422.28-09	04/16/2009	LETTER CERTIFICATION	028659	091102 10/2009 13.05
101-3020-422.30-02	04/17/2009	CLEANING SUPPLIES	052110	091104 10/2009 172.33
101-3020-422.30-01	05/06/2009	MONTHLY SUBSCRIPTION	16352027	091100 10/2009 19.95
06/04/2009	68855	ALLEN H WISELEY	2	
101-0000-121.00-00	05/27/2009	P38328	MR Refund	11/2009 113.00
06/04/2009	68856	ARROWHEAD MOUNTAIN SPRING WATE	1340	
101-1010-411.30-02	05/22/2009	MAY 2009 -CITY HALL	09E0025324922	090100 11/2009 91.85
06/04/2009	68857	BOB HOFFMAN VIDEO PRODUCTION	457	
101-1010-411.21-04	05/15/2009	CBB PROGRAM CONSULTATION	31199	F09127 11/2009 62.50
06/04/2009	68858	CVA SECURITY	797	
101-1910-419.20-23	06/01/2009	JUNE 09 EOC 2089	11818	090149 12/2009 30.00
101-1910-419.20-23	06/01/2009	JUNE 09 PW314	11881	090149 12/2009 30.00
06/04/2009	68859	CONSTRUCTION RESIDUE RECYCLING	1009	
101-5010-431.29-04	04/30/2009	CONCRETE	9508	090013 10/2009 190.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT	
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR	TRN AMOUNT
101-5010-431.29-04	04/30/2009	CONCRETE	9509	090013 10/2009	110.00
06/04/2009	68860	COPY POST PRINTING	1371		456.77
601-5050-436.30-02	05/15/2009	STORMWATER NOV PRINT	18350	F09129 11/2009	237.96
101-1130-412.28-11	05/18/2009	ENVELOPES FOR PERSONNEL D	18345	F09126 11/2009	218.81
06/04/2009	68861	COUNTY OF SAN DIEGO	1055		3,232.00
101-3010-421.21-04	05/27/2009	APRIL 09 PARKING PENALTY	04/09	11/2009	3,232.00
06/04/2009	68862	DATAQUICK	1134		312.75
101-1210-413.21-04	05/04/2009	APRIL 2009	B1-1504044	090218 11/2009	11.00
101-3020-422.21-04	05/04/2009	APRIL 2009	B1-1504044	090218 11/2009	133.25
101-3070-427.21-04	05/04/2009	APRIL 2009	B1-1504044	090218 11/2009	168.50
06/04/2009	68863	DG LANDSCAPE	1167		1,985.00
601-5060-436.21-04	06/01/2009	WEED CONTROL PS#9	995	090082 12/2009	110.00
101-5010-431.21-04	06/01/2009	MAY 2009	996	090082 12/2009	1,875.00
06/04/2009	68864	DISTINGUISHED FIRE EXTINGUISHE	1686		499.99
101-6040-454.20-18	04/29/2009	ANNUAL EXTINGUISHER SVC	E97416	11/2009	20.00
101-1910-419.20-18	04/29/2009	ANNUAL EXTINGUISHER SVC	E97414	11/2009	279.99
501-1921-419.20-18	04/29/2009	ANNUAL EXTINGUISHER SVC	E97415	11/2009	200.00
06/04/2009	68865	DRUG TESTING NETWORK INC	1195		179.85
101-1130-412.21-04	05/14/2009	DMV SCREEN FOR MIKE KING	43169	F09124 11/2009	59.95
101-1130-412.29-04	05/26/2009	DMV FOR MCASAS AND PREEMP	43303	F09133 11/2009	119.90
06/04/2009	68866	ENVIRO MATRIX ANALYTICAL INC	1691		820.00
601-5050-436.21-04	05/29/2009	MAY 2009 E-7 05/12	9050642	090098 11/2009	385.00
601-5050-436.21-04	05/29/2009	MAY 2009 WATER TESTING	9050643	090098 11/2009	435.00
06/04/2009	68867	GCR TIRE CENTERS	1702		1,107.23
501-1921-419.28-16	05/15/2009	TIRES	24490	090065 11/2009	624.68
501-1921-419.28-16	05/15/2009	TIRES	25252	090065 11/2009	482.55
06/04/2009	68868	GRAY & SONS	1054		200.00
501-1921-419.28-01	05/26/2009	DIESEL SMOKE INSPECTION	527815	11/2009	200.00
06/04/2009	68869	IPMA/ SAN DIEGO CHAPTER	402		110.00
101-1130-412.28-12	05/14/2009	RENEWAL FOR LINDA LEICHTL	IPMA 09-10	F09125 11/2009	55.00
101-1130-412.28-12	05/14/2009	RENEWAL FOR LINDA LEICHTL	IPMA 09-10	F09125 11/2009	55.00
06/04/2009	68870	KOA CORPORATION	611		6,394.70
405-1260-513.20-06	04/30/2009	03/16-04/26/09 ECO BIKEWA	JA64F9XX25	090735 10/2009	6,394.70
06/04/2009	68871	MICHAL PIASECKI CONSULTING	1795		675.00
601-5050-436.20-06	06/01/2009	MAY 09 ENVIRONMENTAL DIV	105	090068 12/2009	675.00
06/04/2009	68872	MICHELLE FELAN PETTY CASH	CUST 2028		135.49
101-1010-411.28-04	01/22/2009	JAN 09/MCLEAN/CHAMBER	135887	11/2009	10.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT	
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR	TRN AMOUNT
101-1010-411.28-04	02/06/2009	FEB 09/MCLEAN/1ST FRIDAY	02-06-2009	11/2009	11.00
101-1130-412.28-04	02/19/2009	FEB09 SDIPMA LUNCHEON	02-19-2009	11/2009	40.00
101-1010-411.28-04	02/26/2009	FEB 09/MCLEAN/CHAMBER	02-26-2009	11/2009	10.00
101-1010-411.28-04	03/06/2009	MCLEAN/FIRST FRIDAY	03-06-2009	11/2009	11.00
101-1110-412.28-04	03/05/2009	BROWN,G CCMA MTG-PKG FEE	17574	11/2009	5.00
101-1110-412.28-04	04/02/2009	BROWN,G CCMA MTG-PKG FEE	18170	11/2009	5.00
101-1130-412.30-02	04/06/2009	INTERVIEW REFRESHMENTS	8342	11/2009	7.49
101-1010-411.28-04	05/01/2009	MCLEAN/FIRST FRIDAY	05-01-2009	11/2009	11.00
101-1130-412.28-04	05/21/2009	IMPA LUNCHEON/CEJA,E	05-21-2009	11/2009	25.00
06/04/2009	68873	AVI SYSTEMS	1668		380.63
101-1020-411.21-04	04/30/2009	CONFIGURE AMX WAP W/IT ST	634200	091193 10/2009	380.63
06/04/2009	68874	NASLAND ENGINEERING	1656		2,841.65
408-5010-531.20-06	04/30/2009	ST PHASE 3A P/E 4/30/09	87524	071139 10/2009	2,841.65
06/04/2009	68875	PITNEY BOWES INC (INVOICE PAYME	271		120.96
101-1920-419.28-09	05/10/2009	POSTAGE MACHINE SEALER	874030	F09121 11/2009	120.96
06/04/2009	68876	PMI	23		284.47
101-6040-454.30-02	05/06/2009	DIAMOND GRIP, FREEFORM	0176042	090058 11/2009	284.47
06/04/2009	68877	REYES CONSTRUCTION	1		3,132.53
101-5010-431.27-01	05/26/2009	REFUND OVERPYMT	00244833	11/2009	3,132.53
06/04/2009	68878	ROBERT M HEEND	2		434.00
101-0000-121.00-00	05/27/2009	P37808	MR Refund	11/2009	434.00
06/04/2009	68879	SDGE	289		437.65
101-5010-431.27-01	03/04/2009	9476 001 6989 01/30-03/03	03-19-2009	09/2009	437.65
06/04/2009	68880	SKS INC.	412		6,045.00
501-1921-419.28-15	05/20/2009	240 GAL DIESEL/1052 REG	1226498-IN	090063 11/2009	3,126.02
501-1921-419.28-15	05/27/2009	1140 GALLONS REG FUEL	1226614-IN	090063 11/2009	2,918.98
06/04/2009	68881	UNDERGROUND SERVICE ALERT	OF 731		55.50
601-5060-436.21-04	06/01/2009	MAY 2009	520090305	090011 12/2009	31.50
601-5060-436.21-04	05/01/2009	APRIL 2009	420090305	090011 11/2009	24.00
06/04/2009	68882	UNION BANK OF CALIFORNIA	735		875.00
101-1920-419.29-04	05/13/2009	02/01/09-04/30/09	542785	090555 11/2009	875.00
06/04/2009	68883	VILLA FORD INC	1663		57,206.85
501-1921-419.50-04	05/29/2009	2009 FORD F-350	J9-0857	090543 11/2009	28,504.58
501-1921-419.50-04	05/29/2009	2009 FORD F-350 SUPER DUT	J9-0858	090543 11/2009	28,702.27
06/04/2009	68884	XEROX CORPORATION	861		319.50
101-1920-419.30-01	05/09/2009	XEROX STAPLES FOR MAIL RO	106431095	F09130 11/2009	96.79
101-3030-423.20-06	05/01/2009	APRIL 09 LG COPIER/PRNTR	040260219	091273 11/2009	222.71

DATE RANGE TOTAL * 605,219.50 *



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: JUNE 17, 2009
ORIGINATING DEPT.: PUBLIC WORKS *HAZ*
SUBJECT: AUTHORIZATION TO RENEW THE PARTNESHIPS WITH
INDUSTRY GROUP SERVICES AGREEMENT

BACKGROUND:

In July 1999, City Council, City of Imperial Beach, authorized an agreement with "Partnerships with Industry" (PWI) to provide limited maintenance services in the Tidelands area. This agreement has been renewed annually since that date. The current agreement expires June 30, 2009.

DISCUSSION:

Partnerships with Industry desires to continue the agreement with the City of Imperial Beach. Attachment (2) is the proposed agreement for FY 2008-2009. The services provided by PWI have proven to be very beneficial to the City. Staff recommends the program be continued for the next fiscal year. The program will be funded within the approved FY 2009/2010 budget.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

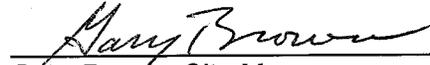
The cost of the Agreement for FY 2008/2009 is not to exceed \$31,500. The adopted two year FY 2009/2010 and 2010/2011 budgets included this agreement at a cost not to exceed \$36,000 per fiscal year. PWI agreement is submitted with a prevailing wage for the work as detailed in the contract is \$8.47 per employee.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Authorize the Public Works Director to execute the agreement with PWI.
3. Authorize the City Manager to approve a purchase order for the cost of the annual agreement with Partnerships with Industry.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution 2009-6771
2. Exhibit A – Partnerships with Industry Group Services Agreement #1

RESOLUTION NO. 2009-6771

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING RENEWAL OF THE AGREEMENT WITH PARTNERSHIPS WITH INDUSTRY FOR TIDELANDS MAINTENANCE SERVICES

The City Council of the City of Imperial Beach does hereby resolve as follows:

WHEREAS, in July 1999, City Council, City of Imperial Beach, authorized an agreement with "Partnerships With Industry" to provide limited maintenance services in Tidelands area; and

WHEREAS, annually the Agreement must be renewed to continue the service; and

WHEREAS, the service agreement expired June 30, 2009; and

WHEREAS, Partnerships With Industry desires to continue the agreement with the City of Imperial Beach for FY 2009-2010; and

WHEREAS, the services provided by Partnerships With Industry have proved to be very beneficial to the City; and

WHEREAS, the cost of the Agreement for FY 2009-2010 is not to exceed \$31,500.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

1. The above recitals are true and correct.
2. City Council, City of Imperial Beach, desires to continue the Agreement with Partnerships with Industry.
3. The Public Works Director is authorized to execute an agreement with Partnerships With Industry for the Services denoted in Exhibit A
4. The City Manager is authorized to approve the purchase order for the payment of the services provided in the Agreement.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 17th day of June, 2009, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2009-6771 – A Resolution of the City Council of the City of Imperial Beach, California, Authorizing Renewal of the Agreement with Partnerships With Industry for Tidelands Maintenance Services

CITY CLERK

DATE

Creating Jobs. Enhancing Lives.



PWI - South Bay Office

Group Services "GS"

Partnership Service Agreement With:
IMPERIAL BEACH PUBLIC WORKS

July 1, 2009

Manager: Hugo Martinez / Director: Dalinda Zurita



Partnerships With Industry

An important and valuable labor source to our employment community,
Bringing together employers and workers with developmental disabilities since 1985

Group Services Agreement # 1

PWI Office:	South Bay	Ph:	(619) 424-2250
Nonprofit Tax ID:	33-0169950	Fax:	(619) 424-2258
Busn:	Imperial Beach Public Works		
Addr:	825 Imperial Beach Blvd.		
C/S/Z:	Imperial Beach, CA 91932		
Contact:	Hank Levien		
Projected Start Date:	Wednesday, July 1, 2009		

Provisions of PWI Agreement/Understanding

The services will be performed by "PWI workers", also known as PWI clients. The work shall be completed under the supervision of a PWI staff member, referred to as the Employment Training Specialist (ETS) or Job Coach. The ETS will monitor production and quality. The work performed by the PWI workers will be:

Trash abatement throughout the beach and parks. Cleaning of park restrooms. Relining of trash cans with plastic liners throughout the beach. Sweeping and raking of park grounds and street ends.

This agreement reflects fiscal year 2009-2010. All invoices will summarize total by Lot/Project codes provided by City of Imperial Beach.

Days of Work -	Monday - Friday	Lunch -	30 minutes
Work Schedule -	7:00am to 12:30pm		
# of Workers -	3		

Partnerships With Industry:

- Will be responsible for the assessment and placement of all PWI workers in the group.
- Will maintain accurate time and attendance records on each PWI worker.
- Carries Workers' Compensation and General Liability insurance on workers and PWI staff.
- PWI workers and staff members will follow rules provided by Imperial Beach Public Works.
- Will provide final compensation (i.e., payroll services) for the PWI workers and PWI staff.
- Is an independent contractor and not an employee or agent of Imperial Beach Public Works.

Imperial Beach Public Works:

- Will provide PWI with the necessary tools and equipment to perform the tasks required.
- Will proactively inform PWI management and ETS of changes which affect the group's employment.
- Will address any performance concerns with the ETS and PWI management.
- Will work proactively w/PWI to ensure that all safety-related issues are addressed immediately.
- Will hold in confidence information regarding individuals who are PWI workers.
- Will offer the same break times and uniforms to the PWI workers as with all other employees.

Compensation

Semi-monthly invoices will be based on the actual hours worked, with the annual compensation not to exceed \$31,500. The hours of operation are: Monday through Friday, 7:00am to 12:30pm, with a 30 minute lunch break. Please see attached holiday schedule. We will not be scheduled on these days.

Each worker's productivity will be timestudied per U.S. Dept. of Labor (DOL) standards. This rate determines the 'norm' for individual pay. Norms are established by conducting timestudies on experienced workers (i.e., received at least one pay increase and has worked at least six months). Individual pay is determined by assessing individual productivity and multiplying that by the 'prevailing wage' (i.e., wage earned by an 'experienced worker'. The following is an example of one worker's pay... [75% (productivity) X \$7.00 (prevailing wage) = \$5.25]. Timestudies are completed at least semi-annually. Changes in individual productivity will be reflected in subsequent invoices.

Annually, and when there is an increase in the minimum wage, the DOL requires that a new survey of 'prevailing wage' be conducted. PWI will conduct the prevailing wage survey (average pay of experience workers at similar businesses). If the prevailing wage changes, or the minimum wage increases, PWI will notify you. Any changes in minimum/prevailing wage will be reflected in subsequent invoices. The prevailing wage for the work as detailed in this contract is: \$8.47.

Payment for Services / PWI Contact Information

PWI prepares invoices for service periods: 1st - 15th, and 16th through month's end. The invoice will also include actual and direct overhead expenses such as workers compensation and reasonable and necessary administrative support. Payment must be received within 30 days of the invoice date. If any questions, please contact Hugo Martinez, PWI Group Services Manager - (619) 424-2250.

Employment Training Specialist (Job Coaching) Support

The focus of the ETS is to work with each employee to develop work skills, encourage productivity, and ensure quality. The ETS should not be expected to perform work for the employer/contractor. The ETS's ongoing support and expertise is paid for by PWI. Due to PWI's funding by the State of California's Department of Rehabilitation, PWI must recognize certain holidays throughout the year. On these holidays, the group cannot work. A schedule of the holidays will be supplied by Partnerships With Industry.

PWI's Goal and Mission

It is the goal of PWI for each PWI client/worker to attain the employment independence to the extent each person aspires. In addition to the PWI workers completing the work as stated in this agreement, the PWI Group is considered production and training opportunity. Workers who evidence the necessary work skills to advance their careers are encouraged to do so.

PWI's mission is to bring together businesses and workers with developmental disabilities. PWI is successful because of supportive employers, competent and dedicated PWI workers/clients, and because it's good business. This work opportunity will enable persons with developmental disabilities to earn an income, prove their worth as valued employees, and most importantly, satisfy your labor needs. We look forward to a long and mutually beneficial working partnership with Imperial Beach Public Works.

Termination of Agreement

This agreement is ongoing and may be terminated upon twenty (20) calendar days prior written notice. PWI needs advance notice in order to most effectively and positively coordinate future services, funding, and support for the PWI workers impacted by an agreement ending.

Hank Levien

Employer Representative

Signature

Date

Vickie Cap

PWI - Associate Executive Director

Signature

Date

cc: original to PWI Accounting, copy to contractor, South Bay - PWI Director: Dalinda Zurifa



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: JUNE 17, 2009 *HCB*

ORIGINATING DEPT.: PUBLIC WORKS

SUBJECT: RESOLUTION APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF IMPERIAL BEACH AND BDS ENGINEERING, INC. FOR CITY ENGINEERING SERVICES

BACKGROUND: On May 17, 2006, City Council, City of Imperial Beach adopted Resolution 2003-6327 approving the renewal of the Professional Services Agreement between the City of Imperial Beach and BDS Engineering, Inc. for various engineering and administrative services. The Agreement was effective July 1, 2006 and expires June 30, 2009.

DISCUSSION: The City and BDS Engineering, Inc. desire to renew the Professional Services Agreement for another three-year period. Exhibit A, of attached Resolution provides the updated Agreement with BDS Engineering, Inc. The Agreement is provided for Council review and acceptance. This new agreement adds the specific language that BDS Engineering, Inc. is to serve as City Engineer in accordance with Government Code 66414.5; 66499.51(b), and Government Code § 4000 et. seq.

ENVIRONMENTAL DETERMINATION:
Not a project as defined by CEQA.

FISCAL IMPACT:
No new impact. Funding for Engineering services comes from regular, approved operating budget or Capital Improvement Projects for which the City Engineer renders services therein.

DEPARTMENT RECOMMENDATION:
1. Receive the report
2. Adopt attached resolution

CITY MANAGER'S RECOMMENDATION:
Approve Department recommendation.

Gary Brown

Gary Brown, City Manager

Attachments:
1. Resolution No. 2009-6773
2. Exhibit A to Resolution No. 2009-6773; City of Imperial Beach Agreement for Professional Services between the City of Imperial Beach and BDS Engineering, Inc. for City Engineer Services

RESOLUTION NO. 2009-6773

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF IMPERIAL BEACH AND BDS ENGINEERING, INC. FOR CITY ENGINEERING SERVICES

WHEREAS, on May 17, 2006, City Council, City of Imperial Beach adopted Resolution 2003-6327 approving the renewal of the Professional Services Agreement between the City of Imperial Beach and BDS Engineering, Inc. for various engineering and administrative services; and

WHEREAS, the Agreement was effective July 1, 2006 and expires June 30, 2009; and

WHEREAS, the City and BDS Engineering, Inc. desire to renew the Professional Services Agreement for another three-year period; and

WHEREAS, this new agreement adds the specific language that BDS Engineering, Inc. is to serve as City Engineer in accordance with Government Code 66414.5; 66499.51(b), and Government Code § 4000 et. seq.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

1. The above recitals are true and correct.
2. The City Manager is authorized and directed to execute the Agreement in Exhibit A on behalf of the City of Imperial Beach

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 17th day of June 2009, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2009-6773 – A Resolution of the City Council of the City of Imperial Beach, California, Approving An Agreement For Professional Services Between The City Of Imperial Beach And BDS Engineering, Inc. For City Engineering Services

CITY CLERK

DATE



City of Imperial Beach
AGREEMENT FOR PROFESSIONAL SERVICES

**BETWEEN THE CITY OF IMPERIAL BEACH AND
BDS ENGINEERING, INC.
FOR CITY ENGINEER SERVICES**

This Agreement, entered into this _____ day of _____, 2009, by and between the CITY OF IMPERIAL BEACH (hereinafter referred to as "CITY") and BDS ENGINEERING, Inc. (hereinafter referred to as "CONSULTANT").

RECITALS

WHEREAS, pursuant to Resolution No. 2009-____ passed on _____, 2009, established and permitted this Agreement to be entered into; and

WHEREAS, CITY desires to employ a CONSULTANT to furnish City Engineer services consistent with Gov. Code 66414.5; 66470; 66499.51(b), Government Code § 4000 et. seq.), and Bus. & Prof. Code § 6730.2; and

WHEREAS, CITY has determined that CONSULTANT is qualified by experience and ability to perform the services desired by CITY, and CONSULTANT is willing to perform such services; and

WHEREAS, CITY has authorized the preparation of an Agreement to retain the services of CONSULTANT as hereinafter set forth;

NOW, THEREFORE, IT IS MUTUALLY AGREED THAT CITY DOES HEREBY RETAIN CONSULTANT ON THE FOLLOWING TERMS AND CONDITIONS:

Section 1. EMPLOYMENT OF CONSULTANT.

CITY hereby agrees to engage CONSULTANT and CONSULTANT hereby agrees to perform the services hereinafter set forth, in accordance with all terms and conditions contained herein. CONSULTANT represents that all professional services required hereunder will be performed directly by CONSULTANT, or under direct supervision of CONSULTANT.

Section 2. SCOPE OF SERVICES AND COMPENSATION.

- A. CONSULTANT shall provide services as described in Exhibit "A" entitled "Scope of Services", attached hereto and made a part hereof.
- B. As additional consideration, CONSULTANT and CITY agree to abide by the terms and conditions contained in this Agreement.
- C. CONSULTANT will, in a professional manner, furnish all labor and all personnel; all supplies, materials, equipment, printing, vehicles, transportation, office space, and facilities; all testing, analyses, and calculations; and all other means, except as otherwise expressly specified to be

furnished by CITY, that are necessary or proper to complete the work and provide the required professional services.

- D. CONSULTANT shall be compensated for services rendered in accordance with the rate schedule attached hereto as Exhibit "B". Deviations from the price schedule in Exhibit B may be negotiated however they must be memorialized in writing.
- E. CONSULTANT will submit monthly statements for basic and additional services rendered. Payments to CONSULTANT will be made by CITY within thirty (30) days of receipt of invoice. CITY agrees that the CONSULTANT's billings are correct unless CITY, within ten fifteen (15) days from the date of receipt of such billing, notifies CONSULTANT in writing of alleged inaccuracies, discrepancies, or errors in billing. In the event CITY disputes part or all of an invoice, CITY shall pay the undisputed portion of the invoice within the above mentioned thirty days. CITY agrees to pay a monthly late payment charge of five percent (5%) which will be applied to any unpaid and undisputed balance commencing thirty (30) days after the date of the original billing.

Section 3. PROJECT COORDINATION AND SUPERVISION.

The Public Works Director, currently H. A. Levien, is hereby designated as the PROJECT COORDINATOR for CITY and will monitor the progress and execution of this Agreement. Gordon Axelson is hereby designated as the CITY ENGINEER from the CONSULTANT's firm.

Section 4. LENGTH OF CONTRACT.

This Agreement shall commence July 1, 2009 and continue through June 30, 2012. Notwithstanding the above, this Agreement may be terminated by either party pursuant to the Termination provisions set forth in Section 15 below.

Should CONSULTANT begin work on any phase in advance of receiving written authorization to proceed, any professional services performed by CONSULTANT in advance of the said date of authorization shall be considered as having been done at CONSULTANT'S own risk and as a volunteer unless said professional services are so authorized.

Any delay occasioned by causes beyond the control of CONSULTANT shall be reason for the granting of extension of time for the completion of the aforesaid services. When such delay occurs, CONSULTANT shall immediately notify the PROJECT COORDINATOR in writing of the cause and the extent of the delay, whereupon the PROJECT COORDINATOR shall ascertain the facts and the extent of the delay and determine whether an extension of time for the completion of the professional services is justified by the circumstances.

Section 5. CHANGES.

If changes in the work seem merited by CITY or CONSULTANT, and informal consultations with the other party indicate that a change is warranted, it shall be processed by CITY in the following manner: a letter outlining the changes shall be forwarded to CITY by CONSULTANT with a statement of estimated changes in fee or time schedule. An amendment to the Agreement shall be prepared by CITY and executed by both parties before performance of such services or CITY will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

Section 6. OWNERSHIP OF DOCUMENTS.

All documents, data, studies, drawings, maps, models, photographs and reports prepared by CONSULTANT under this Agreement shall be considered the property of CITY. CONSULTANT may retain such copies of said documents and materials as desired, but shall deliver all original materials to CITY.

Section 7. PUBLICATION OF DOCUMENTS.

Except as required by the Public Records Act or pursuant to court order, no copies, sketches, or graphs of materials, including graphic art work, prepared pursuant to this Agreement shall be released by CONSULTANT to any other person or agency without CITY's prior written approval. All press releases, including graphic display information to be published in newspapers or magazines, shall be approved and distributed solely by CITY, unless otherwise provided by written agreement between the parties. After project completion, CONSULTANT may list the project and the general details in its promotional materials.

Section 8. COVENANT AGAINST CONTINGENT FEES.

CONSULTANT declares that it has not employed or retained any company or person, other than a bona fide employee working for CONSULTANT, to solicit or secure this Agreement, that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon or resulting from the award or making of the Agreement. For breach of violation of this warranty, CITY shall have the right to annul this Agreement without liability, or, at its sole discretion, to deduct from the Agreement price or consideration, or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

Section 9. NO ASSIGNMENTS.

Neither any part nor all of this Agreement may be assigned or subcontracted, except as otherwise specifically provided herein, or to which Agency, in its sole discretion, consents to in advance thereof in writing. Any assignment or subcontracting in violation of this provision shall be void.

Section 10. INDEPENDENT CONTRACTOR.

At all times during the term of this Agreement, CONSULTANT shall be an independent contractor and shall not be an employee of the CITY. CITY shall have the right to control CONSULTANT only insofar as the results of CONSULTANT'S services rendered pursuant to this Agreement; however, CITY shall not have the right to control the means by which CONSULTANT accomplishes its services.

Section 11. LICENSES, PERMITS, ETC.

CONSULTANT represents and declares to CITY that it has all licenses, permits, qualifications, and approvals of whatever nature that are legally required to practice its profession. CONSULTANT represents and warrants to CITY that CONSULTANT shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement, any license, permit, or approval which is legally required for CONSULTANT to practice its profession.

Section 12. INSURANCE.

CONSULTANT shall maintain, during the term of this Agreement, Workers' Compensation and Employer's Liability Insurance as prescribed by applicable law. Upon request, CITY shall be provided with satisfactory evidence that premiums have been paid and shall deliver to CITY certificates of insurance as to each policy. Each certificate of insurance shall provide that the policy will not be materially altered or cancelled without first giving 10 days written notice to the CITY by certified mail. Coverage shall include appropriate waivers of subrogation as to the City. CONSULTANT agrees to this requirement irrespective of any other similar obligation imposed on others and CONSULTANT agrees to do so in conformity with the requirements set forth herein including those requirements set forth for certificates of insurance.

CONSULTANT shall assume liability for the wrongful or negligent acts, errors and omissions of its officers, agents and employees and sub Contractors in regard to any functions or activity carried out by them on behalf of CITY pursuant to the terms of this Agreement.

Section 13. CONSULTANT NOT AN AGENT.

Except as CITY may specify in writing, CONSULTANT shall have no authority, expressed or implied, to act on behalf of Agency in any capacity whatsoever as an agent. CONSULTANT shall have no authority, expressed or implied, pursuant to this Agreement to bind CITY to any obligation whatsoever.

Section 14. INDEMNITY.

As respects the operations of Consultant under this Agreement other than the performance of professional services, CONSULTANT shall indemnify and hold harmless, and defend the CITY and its officers, directors, and employees from any and all claims, liabilities, damages, losses and costs, including but not limited to reasonable attorneys fees and other costs of defense, attributable to personal injury, bodily injury, including death, or property damage, including loss of use thereof, and arising out of or alleged to arise out of the negligence or willful misconduct of CONSULTANT or anyone for whom CONSULTANT is legally responsible.

As respects the performance of professional services under this Agreement, CONSULTANT shall indemnify and hold harmless the CITY, its officers, directors, and employees from and against liabilities, damages, losses, and costs, including but not limited to reasonable attorneys fees and other costs of defense, to the extent caused by the negligence or willful misconduct of CONSULTANT or anyone for whom CONSULTANT is legally responsible.

Section 15. TERMINATION.

CITY may terminate this Agreement at any time by giving written ten (10) days' notice to CONSULTANT of such termination and specifying the effective date thereof at least ten (10) days before the effective date of such termination. In that event, all finished or unfinished documents, data, studies, surveys, drawings, maps, reports and other materials prepared by CONSULTANT shall, at the option of CITY, become the property of CITY. If this Agreement is terminated by CITY as provided herein, CONSULTANT will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of CONSULTANT covered by this Agreement, less payments of compensation previously made.

Section 16. STANDARD PROVISIONS.

CONSULTANT will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin, nor shall CONSULTANT discriminate against

any qualified individual with a disability. CONSULTANT will take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex or national origin and shall make reasonable accommodation to qualified individuals with disabilities. Such action shall include, but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. CONSULTANT agrees to post in conspicuous places available to employees and applicants for employment any notices provided by CITY setting forth the provisions of this non-discrimination clause.

Section 17. GENERAL CONDITIONS.

CONSULTANT shall provide no services for any private client within the corporate boundaries of CITY during the period that this Agreement is in effect, nor shall CONSULTANT, without, previous written permission from the PROJECT COORDINATOR, review any plan, map or other work which to the best of CONSULTANTS knowledge has been submitted by a private client for which the CONSULTANT has performed work within the previous 12 months or anticipates performing work in the succeeding 12 months. CONSULTANT shall immediately notify the PROJECT COORDINATOR in writing whenever CONSULTANT has reason to believe that aforementioned circumstance exists. CONSULTANT knows of no interests where it holds nor of any relationship it has or may have that would constitute a conflict of CONSULTANT performing the duties set forth in this Agreement solely in the best interest of CITY.

Section 18. OFFICE SPACE AND CLERICAL SUPPORT.

Consultant shall provide its own office space and clerical support at its sole cost and expense.

Section 19. INDEPENDENT CONSULTANT.

CONSULTANT and any sub consultants employed by CONSULTANT shall be independent Consultants and not agents of CITY hereunder. Any provision in this Agreement that may appear to give CITY the right to direct CONSULTANT or sub consultant as to the details of doing the work or to exercise a measure of control over the work means that CONSULTANT shall follow the direction of the CITY as to end results of the work only.

Section 20. CONFIDENTIAL RELATIONSHIP.

CITY may from time to time communicate to CONSULTANT certain information to enable Consultant to effectively perform the services. CONSULTANT shall treat all such information as confidential, whether or not so identified, and shall not disclose any part thereof without the prior written consent of CITY. CONSULTANT shall limit the use and circulation of such information, even within its own organization, to the extent necessary to perform the services. The foregoing obligation of this Paragraph 20, however, shall not apply to any part of the information that (i) has been disclosed in publicly available sources of informational (ii) is, through no fault of CONSULTANT, hereafter disclosed in publicly available sources of information; (iii) is now in the possession of CONSULTANT without any obligation of confidentiality; or (iv) has been or is hereafter rightfully disclosed to CONSULTANT by a third party, but only to the extent that the use or disclosure thereof has been or is rightfully authorized by that third party.

CONSULTANT shall not disclose any reports, recommendations, conclusions or other results of the services or the existence of the subject matter of this contract without the prior written consent of CITY. In its performance hereunder, CONSULTANT shall comply with all legal obligations it may now or hereafter have respecting the information or other property of any other person, firm or corporation.

Section 21. ARBITRATION.

In the event of a dispute between CITY and CONSULTANT concerning the terms of this Agreement or its performance, the parties agree to submit such dispute to arbitration before the American Arbitration Association or other mutually acceptable arbitrator. In the event that the subject of such arbitration is compensation claimed by CONSULTANT in the event of termination, CONSULTANT's damages shall be limited to compensation for the 60-day period for which Consultant would have been entitled to receive compensation if terminated without cause. In the event of arbitration, each party shall bear its own attorneys' fees and costs incurred.

Section 22. NOTICES.

All communications to either party by the other party shall be deemed made when received by such party at its respective name and address, as follows:

H.A. Levien
Public Works Director
City of Imperial Beach
825 Imperial Beach Blvd.
Imperial Beach CA 91932

Gordon Axelson
BDS ENGINEERING, INC.
6859 Federal Blvd.
Lemon Grove, CA 91945

Any such written communications by mail shall be conclusively deemed to have been received by the addressee five days after the deposit thereof in the United States Mail, postage prepaid and properly addressed as noted above.

Section 23. INTERPRETATION.

This Agreement and its performance shall be governed, interpreted, construed, and regulated by the laws of the State of California.

Section 24. ENTIRE AGREEMENT.

This Agreement, and its Attachments and Exhibits, set forth the entire understanding of the parties. There are no other understandings, terms or other agreements expressed or implied, oral or written. The following attachments are a part of this Agreement: two Exhibits entitled "A," Scope of Work and Exhibit "B" Rate Schedule.

Section 25. SEVERABILITY.

If any portion of this Agreement is declared by a court of competent jurisdiction to be invalid or unenforceable, then such portion shall be deemed modified to the extent necessary in the opinion of the court to render such portion enforceable and, as so modified, such portion and the balance of this Agreement shall continue in full force and effect.

Section 26. TIME IS OF ESSENCE.

Time is of the essence for each and every provision of this agreement that states a time for performance and for every deadline imposed by the PROJECT COORDINATOR.

Section 27. COMPLIANCE WITH LAW.

CONSULTANT and CITY will use reasonable care to comply with applicable laws in effect at the time the services are performed hereunder which, to the best of their knowledge, information and belief, apply to their respective obligations under this Agreement. This Agreement is governed by and will be construed in accordance with the laws of the State of California. Any action brought to enforce or interpret any portion of this agreement must be brought in San Diego, California.

Section 28. STATEMENT OF EXPERIENCE.

By executing this Agreement, CONSULTANT represents that it has demonstrated trustworthiness and possesses the quality, fitness, and capacity to perform the Agreement in a manner satisfactory to CITY. CONSULTANT represents that its financial resources, surety and insurance experience, service experience, completion ability, personnel, current workload, experience in dealing with private owners, and experience in dealing with public agencies all suggest that CONSULTANT is capable of performing the proposed contract and has a demonstrated capacity to deal fairly and effectively with and to satisfy a public agency.

Section 29. CONFLICTS OF INTEREST AND POLITICAL REFORM ACT OBLIGATIONS.

During the term of this Agreement CONSULTANT shall not act as consultant or perform services of any kind for any person or entity whose interests conflict in any way with those of the CITY. CONSULTANT shall at all times comply with the terms of the Political Reform Act and the local conflict of interest ordinance. CONSULTANT shall immediately disqualify itself and shall not use its official position to influence in any way any matter coming before the CITY in which the CONSULTANT has a financial interest as defined in Government Code Section 87103. CONSULTANT represents that it has no knowledge of any financial interests which would require it to disqualify itself from any matter on which it might perform services for the Agency.

CONSULTANT shall comply with all of the reporting requirements of the Political Reform Act and local ordinance. Specifically, CONSULTANT shall file Statements of Economic Interest with the City Clerk of the CITY in a timely manner on forms which CONSULTANT shall obtain from the City Clerk.

IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF IMPERIAL BEACH,
A municipal corporation

CONSULTANT/CONSULTANT:

City Manager

Name/Title of Signatory

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

City Attorney

Public Works Director

EXHIBIT "A"
SCOPE OF SERVICES

1. ENGINEERING SERVICES

A. General Administrative Functions: Under the direction of the Public Works Director, to administer functions pertaining to the engineering needs of the CITY as requested, and compensated in accordance with the fee schedule, attached as a part of this agreement, including but not necessarily limited to the following:

1. City Engineer services consistent with Gov. Code 66414.5; 66470; 66499.51(b), Government Code § 4000 et. seq., and Bus. & Prof. Code § 6730.2.

2. Analyze and recommend engineering programs to the Public Works Director consistent with budget limitations of the CITY.

3. Attend meetings with CITY staff, public officials, community leaders, developers, contractors and the general public pertinent to development projects, as requested by the CITY.

4. Provide engineering review and comments on land development projects, planning matters and planning programs.

5. Make recommendations pertaining to development controls upon request.

6. Provide general engineering consultation regarding such items as beach erosion, street signing and striping programs, etc.

7. Investigate special traffic hazard locations and make appropriate recommendations.

8. In coordination with the City Attorney, develop and implement procedures for the preparation, acceptance, recording, and filing of property rights attained by the CITY.

9. Review existing street maintenance procedures, determine the options available to the CITY and make appropriate recommendations.

10. Review existing procedures for maintenance and operation of storm drains, lighting, street medians, and other activities the responsibility of the CITY. Determine the options available to the CITY and make appropriate recommendations

B. Development Control: Upon specific and separate authorization by CITY, perform the following engineering services:

1. In cooperation with the Public Works Director, establish and implement a procedure for providing engineering recommendations on proposed development. This would involve, the review of each tentative development plan and providing recommendations on control.

2. Develop a procedure and implement the engineering review and approval of final maps, parcel maps, record of survey, grading plans and improvement plans.

3. Develop procedures for construction observation and other matters pertaining to the orderly processing of development after its approval by the City Council.

4. Review and make recommendations as to the adequacy of engineering master plans.

5. Review and check land division maps and records of survey to secure conformance with applicable CITY standards and the California Map Act.

6. Review and check grading plans and improvement plans for facilities under the jurisdiction of the CITY that are prepared by private developers or other agencies to secure conformance with CITY design standards.

7. Establish performance, labor and material bond amounts when required and require the posting of such securities and other development fee/deposits within the proper time sequence of such development review.

8. Provide construction observation during construction of improvements by private developers to assure compliance with CITY standards.

9. Establish working relationships with the various public utility companies whose facilities encroach in the public right-of-way.

10. Review Storm Water Control Plan submittals and Storm Water Pollution Prevention Plans submittals from private developers or consultants for public projects. Prepare written comments and recommendations relative to these plan's compliance with the current environmental regulations.

C. **Capital Projects:** Upon specific and separate authorization by CITY, perform the following engineering services:

1. Prepare preliminary studies, designs, and cost estimates for CITY capital improvement projects.

2. Prepare plans, specifications, and contract documents for said capital improvement projects. One set (originals) of the approved plans, specifications and contract documents shall be furnished to the CITY to be reproduced by CITY for bidding purposes.

3. Assist CITY in bid process including bid opening, review of bids, and recommendation on award.

4. Provide office and field engineering during construction phase of capital improvement projects.

D. **Construction Management:** Upon specific and separate authorization by CITY, provide construction management services as follows:

1. Provide contract administration during the course of construction of CITY capital improvement projects to include construction observation to assure compliance with contract documents, review and approval of contractor request for payment, and issuance of certificates of completion.

2. Provide field surveys, as required.

3. Provide material testing, as required.

E. Other Services: Upon specific and separate authorization by CITY, provide other engineering services as listed below:

1. Traffic engineering studies.
2. Real property services, including acquisition and relocation assistance.
3. Assessment engineering.
4. Flood control studies.
5. Landscape architecture.
6. Design survey and mapping.
7. Other studies, investigations, and reports, as directed.

EXHIBIT "B"

The Rate Schedule below is a part of the Agreement Between the City of Imperial Beach and BDS ENGINEERING, INC. for Various Engineering and Administrative Services and shall serve as a basis for CONSULTANT'S compensation for services rendered.

- A. For Development Control services provided pursuant to paragraph 1.B. of Exhibit "A," compensation to CONSULTANT shall be on an hourly basis as such hourly rates are set forth herein.
- B. For Capital Project, Construction Management, and Other Services provided pursuant to paragraphs 1.C, 1.D, and 1.E. of Exhibit "A" CONSULTANT shall be compensated as set forth herein.
- C. For Capital Project services provided pursuant to paragraph 1.C. of Exhibit "A," compensation to CONSULTANT shall be on an hourly basis as such hourly rates are set forth herein.
- D. For Construction Management services provides pursuant to paragraph 1.D. of Exhibit "A," compensation shall be on an hourly basis, up to the previously agreed maximum amount.
- E. For Other Services provided pursuant to paragraph 1.E. of Exhibit "A," compensation shall be on an hourly basis as such hourly rates are set forth herein.
- F. For services provided by a sub consultant, such services shall be provided to CITY at Consultant's actual cost.

RATE SHEDULE FOR ENGINEERING SERVICES

OFFICE ENGINEERING

Principal Engineer	\$155.00
Engineer	130.00
Assistant Engineer or Design Draftsperson	114.00
Computer Aided Drafting	88.00
Engineering Technician or Draftsperson	86.00
Construction Inspector	94.00
Word Processing/Clerical and Pickup and Delivery	58.00
Expert Testimony	370.00

FIELD ENGINDEERING AND SERVEYING

2-Man Field Party	\$205.00
2-Man Field Party (Prevailing Wage)	\$250.00

OUTSIDE SERVICES & MATERIALS

Cost Plus 15%



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY R. BROWN, CITY MANAGER

MEETING DATE: JUNE 17, 2009

ORIGINATING DEPT.: TOM RITTER, ASSISTANT CITY MANAGER

SUBJECT: ADOPT CITY RESOLUTION NO. 2009-6774 AND
REDEVELOPMENT AGENCY RESOLUTION R-09-183
APPROVING AN AGREEMENT WITH MCDUGAL LOVE
ECKIS SMITH BOEHMER & FOLEY FOR CITY ATTORNEY
AND SPECIAL LEGAL SERVICES

BACKGROUND:

The law firm of McDougal Love Eckis Smith Boehmer & Foley has provided City Attorney Services for the City of Imperial for over ten years. The current agreement with McDougal Love Eckis Smith Boehmer & Foley expires as of June 30, 2009. McDougal Love Eckis Smith Boehmer & Foley propose to provide legal services to the City and Redevelopment Agency (RDA) for an additional two years at the same rate as in the current agreement with only minor language changes that should not have a significant effect on the overall cost of services to the City/RDA.

DISCUSSION:

Since July 1, 2007 the legal firm of McDougal Love Eckis Smith Boehmer & Foley has been paid a retainer of \$8,227 per month to provide general legal services and \$144.50 per hour for special legal services. They propose to continue to provide these services at the same rates with a few changes to the agreement language that should not significantly impact overall costs to the City. The only substantive change includes making the more complex Redevelopment Agency legal advice a Special Service.

ENVIRONMENTAL IMPACT:

Not a project as defined by CEQA.

FISCAL IMPACT:

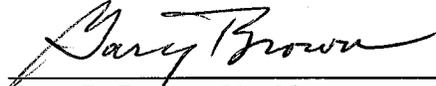
The City's FY 09-11 budget has funds available for this purpose in the City Attorney, Redevelopment Agency, and Risk Management budgets.

DEPARTMENT RECOMMENDATION:

Staff recommends Council/Agency adopt City Resolution No. 2009 – 6774 and Redevelopment Agency Resolution No. R-09-183 approving an agreement with McDougal Love Eckis Smith Boehmer & Foley for City Attorney and special legal services.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary R. Brown, City Manager

Attachment

1. Resolution
2. Agreement for City Attorney Services
3. Exhibit A – Description of Attorney Services
4. Exhibit B – Hourly Billing Rates
5. Changes to Exhibit A (Redlined version)

**RESOLUTION NO. 2009-6774
(REDEVELOPMENT RESOLUTION NO. R-09-183)**

A RESOLUTION OF THE CITY COUNCIL AND REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH AUTHORIZING AN AGREEMENT WITH MCDUGAL LOVE ECKIS SMITH BOEHMER & FOLEY FOR CITY ATTORNEY AND SPECIAL LEGAL SERVICES

WHEREAS, the City and Redevelopment Agency desires effective, efficient, and cost effective legal services; and

WHEREAS, the City and Redevelopment Agency desires to enter into an Agreement with the law firm of McDougal Love Eckis Smith Boehmer & Foley, a professional corporation, to provide City Attorney services in the amount of \$98,724 each year for FY 2009-10 and FY 2010-11 and special legal services at the rate of \$144.50 per hour; and

WHEREAS, McDougal Love Eckis Smith Boehmer & Foley will perform these services and responsibilities as stated in the Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the City Council and Redevelopment Agency of the City of Imperial Beach as follows:

1. Adopt Resolution 2009-6774 and Resolution R-09-183 approving an agreement with McDougal, Love, Eckis, Smith Boehmer & Foley for City Attorney and special legal services; and
2. Authorize and direct the Mayor to execute said agreement for and on behalf of the City of Imperial Beach City and the Redevelopment Agency of Imperial Beach.

PASSED, APPROVED AND ADOPTED by the City Council and Redevelopment Agency of the City of Imperial Beach at its regular meeting held on the 17th day of June 2009, by the following roll call vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD
CITY CLERK

**AGREEMENT FOR CITY ATTORNEY SERVICES BETWEEN
THE CITY OF IMPERIAL BEACH AND
THE IMPERIAL BEACH REDEVELOPMENT AGENCY**

AND

**McDOUGAL, LOVE, ECKIS, SMITH, BOEHMER & FOLEY
A Professional Corporation**

THIS AGREEMENT is made this 1st day of July 2009, by and between the City of Imperial Beach, a Municipal Corporation, (hereinafter referred to as "City"), the Imperial Beach Redevelopment Agency, (hereinafter referred to as "Agency"), and McDougal, Love, Eckis, Smith, Boehmer & Foley, a Professional Corporation, (hereinafter referred to as "Attorneys" or "Firm"). The parties agree that City and Agency shall retain the Attorneys to perform legal services on the terms and conditions set forth herein.

RECITALS

- A. The City and Agency require legal services customarily provided by the offices of a city attorney appointed by the City Council.
- B. Attorneys are fully qualified to provide the legal services sought by the City and Agency and willing to provide such legal services.
- C. Attorneys are willing to devote such time as may be necessary to provide such services in keeping with the highest standards of the legal profession and refrain from any employment that would conflict with representation of the City and Agency.

NOW, THEREFORE, the parties hereby agree as follows:

1. GENERAL RETAINER SERVICES

1.1 Designation of City and Agency Attorney.

The City and Agency shall appoint the following designated members of the law firm of McDougal, Love, Eckis, Smith, Boehmer & Foley in the following capacities:

James P. Lough	City Attorney, General Counsel (hereinafter "City Attorney")
David Stotland	Deputy City Attorney
Steven E. Boehmer	Special Counsel

The City Attorney may assign other attorneys in the Firm to work on City and Agency matters on an as-needed basis.

Attorneys shall not replace the designated City Attorney without the City Council's prior approval, except as may be necessary from time to time due to illness or vacation scheduling, in which case approval of a substitute attorney shall be obtained from the City Manager.

The City Attorney shall devote such time as necessary to perform those duties set forth on Exhibit "A", including the provision of Political Reform Act conflict of interest assistance (related to the Political Reform Act and other applicable conflict of interest laws) on behalf of the City to City employees and officials upon appropriate request. The Attorneys shall represent the City in all litigation except where the City Council may otherwise direct.

General Counsel shall perform those duties set forth on Exhibit "A" applicable to general counsel, including the provision of conflict of interest assistance (related to the Political Reform Act and other applicable conflict of interest laws) on behalf of the Agency to Agency employees and officials upon appropriate request. General Counsel shall represent the Agency in all litigation except where the Agency may otherwise direct.

The Attorneys' duties shall specifically include those set forth in Exhibit "A" attached and shall be performed by such members of the law firm as designated by the City Attorney and under the City Attorney's supervision.

1.2 Independent Contractor.

No employment relationship is created by this Agreement. Attorneys shall, for all purposes, be independent contractors to the City.

Attorneys shall not at any time or in any manner represent that they or any of their employees or agents are in any manner employees of the City. City acknowledges and agrees that the City Attorney, Assistant City Attorney, Deputy City Attorney and special counsel representing the City and the Agency will need to represent to others their capacity and relationship to the City.

Attorneys shall fulfill the professional responsibilities and duties under this Agreement in the manner that in Attorneys' sole discretion is deemed appropriate, subject to customary limitations that exist between an attorney and the client. Attorneys shall maintain independent ethical judgment in the conduct of legal services on behalf of the City and Agency.

1.3 Client is the City

Attorneys have been retained to represent the City and Agency as organizations, and owe a duty of loyalty to the organization. In the event the City's interest becomes adverse to the interest of a Council Member or staff member, Attorneys shall explain to the individual(s) that the organization is the client, that he/she cannot represent the individual(s) due to the conflict or potential conflict of interest, and that the individual(s) may wish to obtain independent counsel. When appropriate, Attorneys shall advise such individual(s) that any discussions with Attorneys may no longer be privileged.

In the event that Attorneys know that an individual intends to act (or refuses to act) in a manner related to the representation that is (1) a violation of a legal duty to the City, or (2) a violation of law which reasonably might be imputed to the City, and the individual's act (or refusal to act) is likely to result in substantial injury to the City, Attorneys shall proceed as is reasonably necessary in the best interest of the City.

1.4 City Attorney Services.

Attorneys shall perform those services as set forth in Exhibit "A" hereto.

2. COMPENSATION

2.1 Basic Retainer for General Services

The City agrees to initially pay to Attorneys a monthly retainer in the amount of Eight Thousand Two Hundred Twenty-seven and No/100 Dollars (\$8,227.00) for all services defined as "general services" in Exhibit "A". All services rendered which are not "general services" shall be approved by the City Manager in advance of the services being performed, and are deemed "special services" and shall be compensated at the rates set forth in Exhibit "B" attached hereto.

2.2 Payment Terms

The monthly retainer for City Attorney services and the monthly retainer for General Counsel services shall become due and payable on receipt of invoice no sooner than the first day of the month immediately following the month in which such services were provided. Payment for special services shall be made upon receipt of a detailed and itemized invoice. Payment for special services shall be made within thirty (30) days from the last day of the month in which Attorneys' services were provided.

2.3 Payments for Travel and Meeting Expenses

The City shall reimburse the City Attorney for travel and meeting expenses approved by the City Council that are deemed necessary and reasonable. Meal costs, excluding alcoholic beverages, will be reimbursed if deemed necessary in connection with the approved travel authorized by the City.

2.4 Invoice Requirements

2.4.1 General Legal Services. Billing for monthly legal services, including those services set forth in Exhibit "A", shall be submitted on separate invoices for each matter being handled.

2.4.2 Billing Increments. All invoices shall be detailed in six (6) minute, or one-tenth (0.1) hour increments.

2.4.3 Description of Work Performed. The invoice must briefly describe each item of work performed, the identity of the attorney, paralegal, or expert who performed the work and the date of the work. For example, if four distinct tasks were done on a file in one day, the tasks shall be separately noted on the bill with an individual time charge for each.

2.5 Prohibition Against Payment for Specified Activities

Absent special circumstances and the prior written approval by the City, the City is not obligated to pay for the following:

2.5.1 New Attorneys. Time spent by new attorneys to become familiar with the matter.

2.5.2 One Attorney. More than one attorney to attend any court hearing, deposition, or a meeting with the City's officers and/or employees.

2.5.3 Paralegals. Paralegals may perform discovery, coordination of witnesses and other support services normally associated with civil litigation. Paralegal time shall include calendaring, issuance of subpoenas and discovery and coordinating offers in criminal matters filed under the Imperial Beach Municipal Code. No more than one paralegal working shall be tasked to work on the same matter or charge for consulting with another paralegal.

2.5.4 Expert Consultants and Witnesses. The need for, identify and qualifications of experts should be timely reported to the City. The City recognizes the need for well-qualified experts for the successful evaluation of and defense of matters. The City encourages the use of experts not only for defense purposes, but to assist in early evaluation of cases.

2.5.5 Secretarial Time. The City will not pay for secretarial time or secretarial overtime. The City does not pay attorneys or paralegals for secretarial tasks or tasks that should be subsumed into the City Attorney's overhead. For example, the City will not reimburse its City Attorney for time spent faxing, mailing, arranging for messengers, or calendaring.

2.5.6 Word Processing. The City does not reimburse for the costs of word processing.

2.6 Reimbursable Expenses.

2.6.1 Photocopying Charges. The City will reimburse for photocopying costs only on a per-copy basis. The maximum charge reimbursable is \$0.20 per page for the copying of documents less than 25 pages; and \$0.10 per page for the copying of documents 25 pages or greater, including any time spent making the copies. Outside copying services will be used when possible, if the cost of doing so is less expensive to the City, or for special copying services that cannot be performed by Attorneys' staff.

2.6.2 Facsimile Charges. Facsimile transmissions may be used when necessary. The City will pay for facsimile transmissions based upon reasonable rates associated with actual cost, excluding secretarial time.

2.6.3 Telephone/Mail/Delivery Charges. Long distance telephone, cellular phone, and postal charges will be reimbursed at actual cost. Federal Express and similar delivery services shall be reimbursed only if Attorneys have obtained the prior approval of the City. Charges associated with delivery of materials, service of subpoenas and other documents, and filing by messenger services will be reimbursed at actual cost. Attorney should use reasonable efforts to accomplish work sufficiently in advance to allow delivery, filing, and service by U.S. Mail when not otherwise prescribed by law. Rush delivery costs will be reimbursed only if Attorneys have obtained the prior approval of the City.

2.6.4 Invoice Review and Discussion. The City will not pay for time used to prepare invoices or for discussion of invoices. If the City has questions about invoices or requires additional information on invoices, Attorneys must provide the information without charge to the City.

2.6.5 Unit Billing Time. The City will not pay unit billing time charges. Attorneys shall charge only for actual time spent.

2.6.6 File Opening and Closing. The City will not pay for time for file opening or file closing. These are not true tasks or adequate descriptions of legal activities.

2.6.7 Prior Work. The City will not pay for products that Attorneys have performed and billed for in other matters. This applies to the use of forms.

2.6.8 Payment. The City agrees to pay reimbursable costs within thirty (30) days from the last day of the month in which Attorneys incurred such costs.

3. INSURANCE

Attorneys shall maintain their own liability, health, worker's compensation, disability and other insurance and the City shall not be responsible therefore. At a minimum, Attorneys shall maintain two million dollars (\$2,000,000) in general liability and two million (\$2,000,000) in malpractice insurance or such other amounts as may be required by the State Bar of California.

4. INDEMNIFICATION AND HOLD HARMLESS

Attorneys shall defend, indemnify, and hold the City harmless from any and all claims, liabilities, obligations, and causes of action for injury or death of any person and for injury or damage or destruction of property that directly results from Attorneys' sole and exclusive professional negligence, or sole and exclusive negligence involving the operation of any motor vehicle. This provision shall not be construed to waive or affect the immunities of the parties provided to public agencies, their agents, and employees by law.

5. CONFLICT OF INTEREST

Attorneys shall not knowingly represent any person or entity in any matter that may reasonably result in a contrary position to that of the City. However, upon full disclosure to the City, the City may waive this provision in writing.

6. TERM

The services to be provided by Attorneys under this Agreement shall begin on July 1, 2009 and end on June 30, 2011.

7. TERMINATION

The City may immediately terminate this Agreement for cause at any time. Either the City or Attorneys may terminate this Agreement with or without cause at any time by providing ninety (90) days' notice in writing to the other party.

8. FILES

Attorneys' files for matters involving the City, and works in progress thereof, are the property of the City and upon termination of this Agreement, shall, upon demand, be immediately delivered to the City. Attorneys may retain copies of pertinent documents, unless expressly prohibited or restricted by the City.

Executed on the date and year first indicated above at Imperial Beach, California.

CITY OF IMPERIAL BEACH,
a Municipal Corporation

McDOUGAL, LOVE, ECKIS, SMITH,
BOEHMER & FOLEY, a Professional
Corporation

By _____
JAMES C. JANNEY, Mayor

By _____
STEVEN E. BOEHMER

IMPERIAL BEACH REDEVELOPMENT
AGENCY

By _____
JAMES C. JANNEY, Chair

EXHIBIT "A"

Attorney Services

Except as provided elsewhere in this Agreement, Attorneys shall provide, in a professional manner, all of the usual, customary and necessary services, normally provided by a City Attorney and Redevelopment Agency General Counsel, to City and the Redevelopment Agency, as those services are required. Scope of services to be provided shall include the following:

A. General Services

1. Attendance at City Council/Redevelopment Agency meetings;
2. Regular established office hours at City Hall;
3. Attendance at departmental meetings, staff meetings or committee meetings deemed necessary and appropriate, or as requested by the City Manager or City Council;
4. Review and comment on City Council agenda items referred by the City Manager;
5. Research, preparation or review of routine written opinions, ordinances, resolutions, agreements, leases, public works contracts, and other routine documents of a legal nature necessary or requested by the City Manager or City Council;
6. Promptly respond to all requests for legal advice from the City Council Members, City Manager, Commissioners, department heads, and other designated personnel as appropriate;
7. Monitoring and advising the City Council and staff of legislation and case law affecting the City;
8. Rendering general advice and assistance in the administration of the City's general liability risk management and insurance programs;
9. Monitoring activities of any special outside counsel retained by the City;
10. Providing conflict of interest assistance to Council/Agency and staff on behalf of the City/Redevelopment Agency, and assisting

members and staff in seeking advice from the Fair Political Practices Commission;

11. Providing advice on issues related to the Brown Act (California Government Code section 54950 et seq.) and the California Public Records Act (California Government Code section 6250 et seq.); and
12. Represent the City in non-adversarial administrative proceedings, legislative hearings, and other intergovernmental meetings.

B. Special Services:

Special Services will be performed upon the request of the City Manager or City Council.

1. Provide legal advice and counsel to commissions and boards and attend commission meetings, board meetings, or committee meetings as deemed necessary by the City Manager or City Council;
2. Commence and prosecute all criminal or civil actions necessary and appropriate to enforce municipal ordinances, including enforcement through administrative proceedings, and the representation of the City and Agency, and their officers, agents and employees in matters in state and federal courts, as well as state and federal administrative agencies (such as the Department of Fair Employment and Housing, Equal Employment Opportunity Commission, Worker's Compensation Appeals Board, etc);
3. Represent the Redevelopment Agency as General Counsel, in administrative and civil litigation and in public finance matters such as assessments and tax related matters;
4. Render advice and assistance to City's representatives on labor relations matters, complex public records requests, review memoranda of understanding or other labor agreements, development agreements, advise on complex CEQA matters, draft implementing legislation or other pertinent documents and represent City before mediators or arbitrators on matters arising from memoranda of understanding or the City's personnel rules;
5. Render advice and assistance and represent the City/Agency in the administration of all claims and litigation filed by or against it; provided, however, that special counsel may be retained to defend or prosecute actions requiring special expertise, or in the event of a

conflict of interest which disqualifies the Attorneys from such representation; and

6. Real property transactions in which the City/Agency is the seller or purchaser, or is involved in any exchange, or is involved in any sale/leaseback or lease/leaseback arrangement.

EXHIBIT "B"

Hourly Billing Rates

City Attorney	\$144.50
Deputy City Attorney	\$144.50
Special Counsel	\$144.50
Paralegal	\$85.00

EXHIBIT "A"

Attorney Services

Except as provided elsewhere in this Agreement, Attorneys shall provide, in a professional manner, all of the usual, customary and necessary services, normally provided by a City Attorney and Redevelopment Agency General Counsel, to City and the Redevelopment Agency, as those services are required. Scope of services to be provided shall include the following:

A. General Services

1. Attendance at City Council/Redevelopment Agency meetings;
2. Regular established office hours at City Hall;
3. Attendance at departmental meetings, staff meetings or committee meetings deemed necessary and appropriate, or as requested by the City Manager or City Council;
4. Review and comment on City Council agenda items referred by the City Manager;
5. Research, preparation or review of written opinions, ordinances, resolutions, agreements, leases, public works contracts, and other routine documents of a legal nature necessary or requested by the City Manager, ~~Redevelopment Agency~~ or City Council;
6. Promptly respond to all requests for legal advice from the City Council Members, City Manager, Commissioners, department heads, and other designated personnel as appropriate;
7. Monitoring and advising the City Council and staff of legislation and case law affecting the City;
8. Rendering general advice and assistance in the administration of the City's general liability risk management and insurance programs;
9. Monitoring activities of any special outside counsel retained by the City;
10. Providing conflict of interest assistance to Council/Agency and staff on behalf of the City/Redevelopment Agency, and assisting

Redline Version

members and staff in seeking advice from the Fair Political Practices Commission;

11. Providing advice on issues related to the Brown Act (California Government Code section 54950 et seq.) and the California Public Records Act (California Government Code section 6250 et seq.); and
12. Represent the City in non-adversarial administrative proceedings, legislative hearings, and other intergovernmental meetings.

B. Special Services:

Special Services will be performed upon the request of the City Manager or City Council.

1. Provide legal advice and counsel to commissions and boards and attend commission meetings, board meetings, or committee meetings as deemed necessary by the City Manager or City Council;
2. Commence and prosecute all criminal or civil actions necessary and appropriate to enforce municipal ordinances, including enforcement through administrative proceedings, and the representation of the City and Agency, and their officers, agents and employees in matters in state and federal courts, as well as state and federal administrative agencies (such as the Department of Fair Employment and Housing, Equal Employment Opportunity Commission, Worker's Compensation Appeals Board, etc);
3. Represent the ~~City/~~Redevelopment Agency as General Counsel, issuer's counsel, borrower's counsel, or any similar relationship in which the Attorney's opinion is needed in financing matters as requested by the City Manager or Redevelopment Agency, and in other administrative and civil litigation and in public finance matters such as assessments and tax related matters;
4. Render advice and assistance to City's representatives on Representing City in labor relations matters negotiations, complex public records requests, review memoranda of understanding or other labor agreements, development agreements, advise on CEQA matters, draft implementing legislation or other pertinent documents, and representing City before mediators or arbitrators on matters arising from memoranda of understanding or the City's personnel rules;

Redline Version

5. Render advice and assistance and represent the City/Agency in the administration of all claims and litigation filed by or against it; provided, however, that special counsel may be retained to defend or prosecute actions requiring special expertise, or in the event of a conflict of interest which disqualifies the Attorneys from such representation; and
6. Real property transactions in which the City/Agency is the seller or purchaser, or is involved in any exchange, or is involved in any sale/leaseback or lease/leaseback arrangement.



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: JUNE 17, 2009
ORIGINATING DEPT.: PUBLIC WORKS *HAL*
SUBJECT: SECOND READING OF ORDINANCE TO CONSIDER
ADOPTION OF THE SEWER SERVICE CHARGE FOR FISCAL
YEAR 2010

BACKGROUND:

Pursuant to Chapter 13.06 of the Imperial Beach Municipal Code, a sewer service fee is charged to all residential and non-residential customers in the city limits of the City of Imperial Beach that discharge sewage into the sewer lines maintained by the city, or is considered by the San Diego Metropolitan Sewer System to be within the city jurisdiction. Ordinance 2005-1030, Section 2, adopted by Council on July 20, 2005 states:

"Ordinance 2005-1030, Section 2:

"The rates established hereunder shall increase each July 1st, beginning in the year 2006 through July 1, 2010, inclusive, by the amount of five and one-half percent (5.5%) to account for expected increased costs of sewer service. Rates, beginning in July 1, 2011 and thereafter, will be adjusted based on the United States Bureau of Labor Statistics Consumer Price Index data for the Los Angeles-Riverside-Orange County Statistical Area, or by a more appropriate future determiner of Imperial Beach Cost of Living that may be developed. Prior to the scheduled increase each year, the City Council shall hold a public hearing in conjunction with the process of adoption or review of the City budget adoption of the annual City budget to determine if there are costs reasonably borne by the City to justify the annual increase established hereunder. If the City Council determines that the actual costs of the sewer program do not require the automatic annual increase, the City Council shall amend the sewer rates to reflect the actual costs of service, including adequate reserves for contingencies. Nothing herein prevents the City Council from enacting fees that cover the actual costs of the sewer program."

Imperial Beach Municipal Code 13.06.080. Single-Family rate limit. reads –

"Notwithstanding Section 13.06.140 of this chapter, single family residential ratepayers shall have an annual rate limit of six hundred dollars per household. This limit shall increase at the rate of the cost of living factors implemented on an annual basis under Section 13.06.140 of this chapter and its implementing Ordinance No. 2005-1030 (Ordinance 2005-1035 § 2, 2005)."

The calculated annual Single –Family Rate Limit is as follows:

Fiscal Year	Amt.	5.5% increase	Total Increase
2005/06	\$600	\$0	\$600
2006/07	\$600	\$33	\$633
2007/08	\$633	\$35	\$668
2008/09	\$668	\$37	\$705
2009/10	\$705	\$39	\$743*

*At the City Council meeting of June 3, 2009, staff corrected the Maximum Single Family residential rate cap to be \$743.00, not \$784.00.

Since the sewer service charges are codified in the Imperial Beach Municipal Ordinance, changes to the sewer service charges must be made through a new ordinance. And, since the ordinance proposes a change in a sewer service fee, a public hearing must be held to effect sewer service fee changes.

Additionally in the recent California Supreme Court decision (Bighorn-Desert View Water Agency v. Verjil, (2006) 39 Cal. 4th 205), the court ruled that a public agency's water rate and charges for ongoing water delivery are subject to the initiative provision of Article 13C, Section 3, as added to the California Constitution by Proposition 218. The *Bighorn* decision raises concerns about the applicability of this decision relative to waste water (sewer) service charges, particularly with regard to public noticing requirements. In an abundance of caution, City Council directed staff to notice a 45-day public hearing period and for staff to mail notices of the proposed fee increase to all affected property owners.

DISCUSSION:

On April 15, 2009, City Council set the public hearing and first reading of the ordinance for the June 3, 2009, regular City Council meeting. The following adoption schedule was approved:

- Mail the 45-day notice no later than April 17, 2009
- Public Hearing and First Reading of Ordinance, June 3, 2009
- Second Reading of Ordinance, June 17, 2009

The 5.5% adjustment for the year starting July 1, 2009, is shown on the below table:

Revised Sewer Rates FY 2009/10 FOR ANNUAL BILL CALCULATIONS			
<i>City of Imperial Beach</i>			
Customer Class		Current Rate (2008/09) (a)	Requested (2009/10 Sewer Rates (b))
Single-Family Residential (c)	Class 1		
Volume-based Rate	Class 1	\$2.1594	\$2.2782
Annual Base Charge	Class 1	\$145.5355	\$153.5399
Multi-Family Residential	Class 2	\$3.6662	\$3.8678
Rest./Bakeries/Mort./Groc.	Class 3	\$7.0164	\$7.4023
Small Commercial	Class 4	\$3.6440	\$3.8444
Car Wash/Laundries	Class 5	\$3.3215	\$3.5042
Public Agency/Institutional	Class 6	\$3.0760	\$3.2452
Heavy Commercial	Class 7	\$6.4074	\$6.7598
Mixed Use Light	Class 8	\$3.7158	\$3.9202
Mixed Use Heavy	Class 8.5	\$5.4073	\$5.7047
Navy	Class 9	\$4.2076	\$4.4390
Sewer Unit Charges – by Treatment Parameter			
Volume Charges (\$/HCF)		\$2.9229	\$3.0836
Strength Surcharges – BOD (\$/lb)		\$0.4916	\$0.5186
Strength Surcharges – TSS (\$/lb.)		\$0.4565\$	\$0.4816

- (a) Current rates effective July 1, 2008
- (b) 5.5% increase per Ordinance No. 2005-1030, Section 2
- (c) Maximum Single Family residential rate cap is \$743.00

As of the time of the preparation of this staff report, staff has received:

- 12 telephonic inquiries regarding the notice to adjust the rate
- 0 telephonic complaints regarding the notice to adjust the rate
- 0 written objections to the notice to adjust the rate

City Council held a public hearing and conducted the first reading of the ordinance at the June 3, 2009 City Council meeting.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

The Ordinance will increase the cost of sewer service by 5.5% across the board for all sewer customers.

DEPARTMENT RECOMMENDATION:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2009-1086 an Ordinance of the City Council of the City of Imperial Beach, California, adopting new monthly user charges for sanitary sewer service and amending section 13.06.140.B of Chapter 13.06 of the Imperial Beach Municipal Code pertaining to sewer service charges.
3. City Clerk to read title of the Ordinance No. 2009-1086
4. Motion to dispense the second reading and adopt Ordinance No. 2008-1086 by title only.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Ordinance 2009-1086 amending Fiscal Year 2010 Sewer Service Fee Rates

ORDINANCE NO. 2009-1086

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH CALIFORNIA ADOPTING THE REVISED SEWER SERVICE RATES FOR SANITARY SEWER SERVICE AND AMENDING SECTION 13.06.140.B OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES - DESIGNATED

WHEREAS, On July 20, 2005, City Council adopted Ordinance No. 2005-1030 revising the sewer service fee in Fiscal Year 2006; and

WHEREAS, Ordinance 2005-1030, Section 2 stated, "The rates established hereunder shall increase each July 1st, beginning in the year 2006 through July 1, 2010, inclusive, by the amount of five and one-half percent (5.5%) to account for expected increased costs of sewer service"; and

WHEREAS, in subsequent Fiscal Years 2007, 2008, and 2009 the Sewer Service Charges were increased by 5.5% respectively; and

WHEREAS, the increased costs of sewer service does not exceed the actual cost of providing service.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AS FOLLOWS:

Section 1: Section 13.06.140.B is hereby amended to read as follows:

"B. Said service charges are based upon the Foresight Consulting Sewer Rate Study, June 2005. Annual sewer service charges will be determined by applying the volume charge per hundred cubic feet (HCF) for each customer classification to each premises as determined by the water utility meter readings for the prior year, and the suspended solids (SS) and biological oxygen demand (BOD) content for such volume.

Revised Sewer Rates FY 2009/10 FOR ANNUAL BILL CALCULATIONS			
<i>City of Imperial Beach</i>			
Customer Class		Current Rate (2008/09) (a)	Requested (2009/10) Sewer Rates (b)
Single-Family Residential (c)	Class 1		
Volume-based Rate	Class 1	\$2.1594	\$2.2782
Annual Base Charge	Class 1	\$145.5355	\$153.5399
Multi-Family Residential	Class 2	\$3.6662	\$3.8678
Rest./Bakeries/Mort./Groc.	Class 3	\$7.0164	\$7.4023
Small Commercial	Class 4	\$3.6440	\$3.8444
Car Wash/Laundries	Class 5	\$3.3215	\$3.5042
Public Agency/Institutional	Class 6	\$3.0760	\$3.2452
Heavy Commercial	Class 7	\$6.4074	\$6.7598
Mixed Use Light	Class 8	\$3.7158	\$3.9202
Mixed Use Heavy	Class 8.5	\$5.4073	\$5.7047
Navy	Class 9	\$4.2076	\$4.4390
Sewer Unit Charges – by Treatment Parameter			
Volume Charges (\$/HFC)		\$2.9229	\$3.0836
Strength Surcharges – BOD (\$/lb)		\$0.4916	\$0.5186
Strength Surcharges – TSS (\$/lb.)		\$0.4565	\$0.4816

(a) Current rates effective July 1, 2008

(b) 5.5% increase per Ordinance No. 2005-1030, Section 2

(c) Maximum Single Family residential rate cap is \$743.00

Section 2: This ordinance shall become effective thirty (30) days following its passage and adoption.

Section 3: The City Council of the City of Imperial Beach hereby declares that should any section, paragraph, sentence, phrase, term or word of this Ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared invalid.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, held on the 3rd day of June 2009, and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, held on the 17th day of June 2009 by the following roll call vote:

AYES: **COUNCILMEMBERS:**
NOES: **COUNCILMEMBERS:**
ABSENT: **COUNCILMEMBERS:**

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CITY CLERK

APPROVED AS TO FORM:

JAMES LOUGH, CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be true and exact copy of Ordinance No. 2009-1086, Adopting The Revised Sewer Service Rates For Sanitary Sewer Service And Amending Section 13.06.140.B Of Chapter 13.06 Of The Imperial Beach Municipal Code Pertaining To Sewer Service Charges - Designated

CITY CLERK

DATE



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: JUNE 17, 2009

ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR
JIM NAKAGAWA, AICP, CITY PLANNER
TYLER FOLTZ, ASSOCIATE PLANNER *TF*

SUBJECT: KAMAL NONA (OWNER)/STOSH THOMAS (ARCHITECT);
CONDITIONAL USE PERMIT (CUP 060398), DESIGN REVIEW
(DRC 060399), SITE PLAN REVIEW (SPR 060400) FOR TWO
MIXED USE DEVELOPMENTS WITH TWO RETAIL
COMMERCIAL SPACES AND TWO RESIDENTIAL UNITS FOR
EACH DEVELOPMENT (FOUR COMMERCIAL AND FOUR
RESIDENTIAL UNITS TOTAL) LOCATED AT 1120, 1122 13TH
STREET AND 1150, 1152 13TH STREET, IN THE C-3
(NEIGHBORHOOD COMMERCIAL) ZONE. MF 863.

PROJECT DESCRIPTION/BACKGROUND:

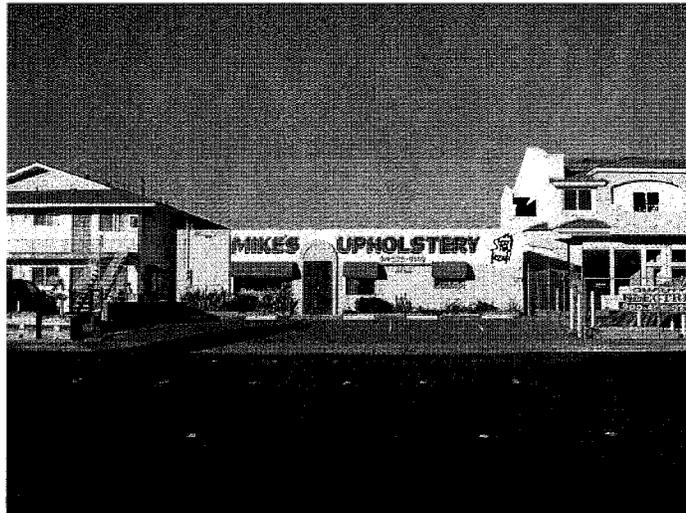
This project (MF 863) was originally scheduled for the April 15, 2009 meeting; however, additional consideration regarding access and parking was necessary. The project was heard by City Council on May 6, 2009, and the decision was to continue the project to the May 20, 2009 meeting. The primary concerns raised were related to the ability to provide drought tolerant landscaping, review of mutual access and parking requirements, and verification of proper notification procedure. Prior to the public hearing on May 20, 2009 the applicant requested that the project be continued



to the June 3, 2009 hearing. Prior to the June 3, 2009 public hearing, the applicant requested that the project be continued to the June 17, 2009 hearing. The applicant requested the continuances on May 20 and June 3 so that the project could be heard by a full Council.

Drought tolerant landscaping, xeriscape, is required and subject to staff approval (condition #7 on Resolution 2009-6772).

Mutual access and parking arrangements have been done in Imperial Beach previously (e.g. IB Promenade by Sterling Development and Dan Malcolm at 13th St./Palm Avenue). Staff has reviewed the access and parking requirements of the neighboring projects adjacent to 1120, 1122, 1150, 1152 13th Street and has determined that all owners of parcels 633-022-20-00 (1120, 1122 13th Street), 633-022-19-00 (1126 13th Street), 633-022-17-00 (1144 13th Street), 633-022-18-00 (1146 13th Street), and 633-022-



16-00 (1150, 1152 13th Street) shall provide mutual access and parking with one another (mutual access and parking condition approved by Council in Resolution 2005-6114 for 1144/1146 13th Street is provided as attachment #3). All costs initiated by new construction to meet this requirement will be incurred by the applicant. If access cannot be legally obtained by applicant, an alternative plan for access, parking, and circulation may be approved by the Community Development Director (ref. Resolution 2009-6772 condition #4).

A signed affidavit, copy attached, provided by First American Title Company states that all occupants within 100 feet and owners within 300 feet, according to the latest available assessment roll of the County of San Diego, were included in a public notice packet submitted to the City in May of 2006. The noticing requirements for this project have been met. Typically notice packages are provided upon project submittal; however, a policy of requiring a notice packet immediately prior to a public hearing will be enacted to ensure accuracy for all projects. A neighboring property owner was concerned that his tenants were not notified; staff had delivered a notice to all tenants at the neighboring property so that they were aware that the project would be heard on May 20, 2009. All individuals in attendance of the May 20, 2009 hearing were informed that the project would be continued to the June 3, 2009 meeting. All individuals in attendance of the June 3, 2009 hearing were informed that the project would be continued to the June 17, 2009 meeting.

The application, originally submitted on May 26, 2006, is for a Conditional Use Permit (CUP 060398), Design Review Case (DRC 060399), and Site Plan Review (SPR 060400) for two mixed-use developments, each development consisting of 2,004 square feet of retail commercial space on the first floor and two residential units totaling 1,896 square feet above the first floor for each building (4,008 square feet of retail commercial space total; 3,792 square feet of residential space total) at two 5,840 square foot parcels (APN 633-022-20-00 and 633-022-16-00) at 1120, 1122 13th Street and 1150, 1152 13th Street in the C-3 (Neighborhood Commercial) Zone. Mixed-use development projects in the C-3 (Neighborhood Commercial) Zone are subject to approval of a Conditional Use Permit (I.B.M.C 19.28.020). The project was subject to design review by the Design Review Board because the project requires a conditional use permit, and because it is located on a Design Corridor (13th Street) (IBMC 19.83.020).

PROJECT EVALUATION/DISCUSSION:

The two rectangular 5,840 square-foot project sites front on the west side of 13th Street between Imperial Beach Boulevard and Fern Avenue. The sites abut the two mixed-use projects located at 1126 13th Street and 1144, 1146 13th Street. 1120, 1122 13th Street consists of a residential duplex unit, and 1150 13th Street consists of Mike's Upholstery. The adjacent property to the north of 1120 is a small shopping center and the property to the south is an approved mixed-use building. The property to the north of 1150 is an approved mixed-use building and to the south is a multi-family residence. Directly across 13th Street from the site are commercial buildings. Across from the alley is a residential neighborhood zoned R-3000 (Two-Family Residential).

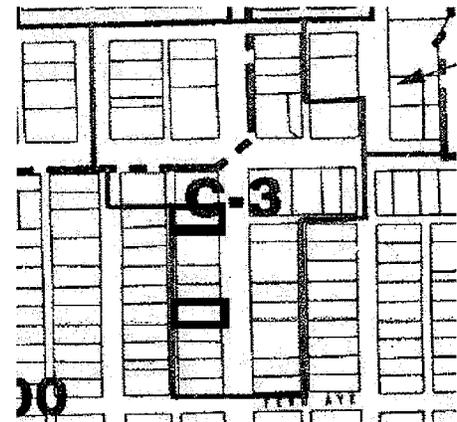
General Plan/Zoning Consistency: The proposed developments are subject to C-3 (Neighborhood Commercial) zoning requirements. The C-3 zone is intended to provide for businesses to meet the local neighborhood demand for commercial goods and services. It is intended that the dominant type of commercial activity in the zone will be neighborhood serving retail and office use such as markets, professional offices, personal services, restaurants and hardware stores (I.B.M.C. 19.28.010). The proposed project will provide four retail commercial spaces total, which meets the intent of the land use designation.

Standards	Provided/Proposed
One dwelling per 2,000 square feet of lot area above the first floor	One dwelling unit per 2,920 square feet (at both 1120, 1122 13 th Street & 1150, 1152 13 th Street)
There are no front, side and rear yard setbacks in the C-3 zone (Section 19.28.030)	Front yard: 52 feet Side yard (1120, 1122 south elevation/1150, 1152 north elevation): 3 feet Side yard (1120, 1122 north elevation/1150, 1152 south elevation): 0 feet Rear yard: 0 feet
Minimum lot size of 3,000 square feet (Section 19.28.040)	5,840 square foot parcels (1120, 1122 & 1150, 1152)
Minimum street frontage of 30 feet (Section 19.28.050).	13th Street frontage of 50 feet (1120, 1122 & 1150, 1152)
Maximum building height of two stories or 28 feet (Section 19.28.060)	28 feet; 30" parapet walls above the 28' are required per building code
Open space: 300 square feet per dwelling unit; 60% must be at grade level	A 10% administrative adjustment may be provided to reduce the required open space. 10% of 300 = 270 square feet open space required per dwelling unit. 272 square feet per dwelling unit is proposed. 60% of 540 = 324 square feet of open space required at grade level 324 square feet is proposed.

<p>Commercial landscaping: not less than 15% of total site shall be landscaped and maintained (Section 19.50.030).</p>	<p>5,840 square foot lots = 876 square feet of required landscaping per building. 893 square feet of landscaping proposed.</p>
<p>Required parking spaces for commercial, retail: one space for each two hundred fifty square feet of net floor area, plus one space per two employees (Section 19.48.050.I). Required parking spaces for residential dwelling units in the C-3 zone: 1.5 per dwelling unit (Section 19.48.030.C)</p>	<p>5 commercial spaces = one space for each two hundred fifty square feet of net floor area, plus one space per two employees (2 employee spaces). 3 residential spaces = 1.5 spaces per residential unit.</p>

Surrounding Zoning and Land Use

North: C-3 Commercial (1120, 1122 13th St.)/Mixed Use (1150, 1152 13th St.)
 South: C-3 Mixed Use (1120, 1122 13th St.)/Residential (1150, 1152 13th St.)
 East: C-3 Commercial
 West: R-3000 Residential



Design Review: The project sites front along 13th Street, a designated Design Corridor. The applicant’s architect has proposed varied rooflines and architectural detailing and relief through the incorporation of building recesses and balconies. The applicant will provide drought tolerant landscape, xeriscape, along with queen palms as recommended by the Design Review Board. The overall design of the building should contribute positively in making an architectural statement along 13th Street, and completing the mixed-use commercial center.

Parking for the commercial and residential units will be located in two on-site locations. The commercial retail unit of each development is required to have five (5) parking spaces. These spaces will be located in the front of each building, and will access off of the existing curb cuts for 1126 13th Street, and 1144, 1146 13th Street; the existing curb cuts for 1120, 1122 13th Street and 1150 13th Street will be removed. Typically a new commercial development would require handicap parking; however, the two existing handicap parking spaces at 1126 13th Street and 1144, 1146 13th Street will be shared with the two proposed buildings in accordance with a parking and access agreement required of all property owners in this master plan. Three residential parking spaces for each development will be located off of the alley.

The trash and recycling enclosure for both the commercial space and the residential units is located behind the rear stairwell off the alley.

The commercial spaces will be accessible from 13th Street on the first floor. Doors will be provided on the west elevations to access the trash/recycling enclosure. The access for the residential units will be via a stairway in the rear of the building (off of the alley) on the south elevation for 1120, 1122 13th Street and the north elevation at 1150, 1152 13th Street.

The City requires new development to conform to the new state water quality/urban runoff requirements (SDRWQCB Order 2001-01). Plans for new development must show drainage patterns to demonstrate how storm water will be directed to landscaped areas (bioswales) or to filters before it is discharged into the city's storm sewers or to the beach. Prior to building permit approval, the grading and drainage plans for this project will need to show such compliance.

The applicant has requested that all sign permits be processed at a later time. Per the Design Review Board, the signs shall be channel lettering set in complimentary colors to the buildings



ENVIRONMENTAL STATUS: This project may be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15303 as a Class 3(c) project (New Construction).

COASTAL JURISDICTION: The project is not located in the Coastal Zone; the City will not need to consider evaluating the project with respect to conformity with coastal permit findings.

FISCAL ANALYSIS:

The applicant has deposited approximately \$13,037.00 in Project Account Number 060398 to fund the processing of this application.

DESIGN REVIEW BOARD (DRB) RECOMMENDATION:

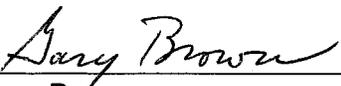
On April 17, 2008, the Design Review Board recommended approval of the project as proposed (vote of 3-0 to approve; one member absent; one seat vacant).

DEPARTMENT RECOMMENDATION:

1. Open the public hearing and entertain testimony.
2. Close the public hearing.
3. Adopt Resolution No. 2009-6772, approving Conditional Use Permit (CUP 060398), Design Review Case (DRC 060399), and Site Plan Review (SPR 060400), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown
City Manager

Attachments:

1. Resolution No. 2009-6772
 2. Plans
 3. MF 641 Staff Report, March 2, 2005 (1144/1146 13th Street)
 4. MF 641 PowerPoint Presentation, March 2, 2005 (1144/1146 13th Street)
 5. MF 641 Copy of signed Resolution 2005-6114 (1144/1146 13th Street)
 6. March 2, 2005 City Council meeting minutes for Item 6.1 (MF 641 - 1144/1146 13th Street)
 7. MF 641 Copy of signed Affidavit accepting conditions (MF 641 – 1144/1146 13th Street - Reso. 2005-6114)
 8. First American Title Affidavit, May 26, 2006
- c: file MF 863
Kamal Nona, 1126 13th Street, Imperial Beach, CA 91932
Greg Wade, Community Development Director
Jim Nakagawa, City Planner
Hank Levien, Public Works Director

RESOLUTION NO. 2009-6772

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP 060398), DESIGN REVIEW CASE (DRC 060399), AND SITE PLAN REVIEW (SPR 060400) FOR TWO MIXED-USE DEVELOPMENTS WITH TWO RETAIL COMMERCIAL SPACES AND TWO RESIDENTIAL UNITS IN EACH BUILDING (FOUR COMMERCIAL AND FOUR RESIDENTIAL UNITS TOTAL) LOCATED AT 1120, 1122 13TH STREET AND 1150, 1152 13TH STREET, IN THE C-3 (NEIGHBORHOOD COMMERCIAL) ZONE. MF 863

APPLICANT: KAMAL NONA (OWNER)

WHEREAS, on June 17, 2009, the City Council of the City of Imperial Beach held a duly noticed public meeting to consider the merits of approving or denying an application for a Conditional Use Permit (CUP 060398), Design Review Case (DRC 060399), and Site Plan Review (SPR 060400) for two mixed-use developments with two retail commercial spaces and two residential units in each building (four commercial and four residential units total) located at 1120, 1122 13th Street and 1150, 1152 13th Street (APN 633-022-20-00 and 633-022-16-00) in the C-3 (Neighborhood Commercial) Zone, legally described as follows:

1120, 1122 13th Street: Lots 43 and 44, inclusive in Block 2 of Imperial Beach Park, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 1994, filed in the Office of the County Recorder of San Diego County, February 1, 1927; excepting therefrom the Easterly 10 feet thereof.

1150, 1152 13th Street: Lots 33 and 34, inclusive in Block 2 of Imperial Beach Park, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 1994, filed in the Office of the County Recorder of San Diego County, February 1, 1927; excepting therefrom the Easterly 10 feet thereof.

WHEREAS, on April 17, 2008, the Design Review Board adopted DRB Resolution No. 2008-01 recommending conditional approval of the project design; and

WHEREAS, the project design of two mixed-use developments consisting of 4,008 total square feet retail commercial space on the first floor (2,004 square feet of commercial space per development) and four residential units totaling 3,792 square feet above the first floor (two residential units per development totaling 1,896 square feet each) at 1120, 1122 13th Street and 1150, 1152 13th Street, in the C-3 (Neighborhood Commercial) Zone, is compatible with other developments in the vicinity which consist of a mixed-use developments at 1126 13th Street and 1144, 1146 13th Street, commercial buildings to the east, and a residential neighborhood to the west, and, therefore, would be consistent with Policy D-8 (Project Design) of the Design Element of the General Plan; and,

WHEREAS, the City Council finds that the project is in substantial compliance with Policy L-4g of the Land Use Element of the General Plan, which promotes Thirteenth Street Commercial Areas (C-3) for pedestrian-oriented commercial uses that serve the neighborhood; and

WHEREAS, this project complies with the requirements of the California Environmental Quality (CEQA) as this project is categorically exempt pursuant to the CEQA Guidelines Section 15303 as a Class 3(c) project (New Construction); and

WHEREAS, the City Council considered the information contained in the staff reports on this case and public testimony received on this case; and

WHEREAS, at the close of said meeting on June 17, 2009, a motion was duly made and seconded to approve Conditional Use Permit (CUP 060398), Site Plan Review (SPR 060399), and Design Review (DRC 060400) for two mixed-use developments consisting of retail commercial space on the first floor and four residential units above the first floor total at 1120, 1122 13th Street and 1150, 1152 13th Street, in the C-3 (Neighborhood Commercial) Zone, based upon the following findings and subject to the conditions of approval contained herein.

WHEREAS, the City Council further offers the following findings in support of its decision to conditionally approve the project:

CONDITIONAL USE PERMIT FINDINGS:

- 1. The proposed use at the particular location is necessary or desirable to provide a service or facility, which will contribute to the general well being of the neighborhood or community.**

In the C-3 (Neighborhood Commercial) Zone, the intent of the zone is to promote the local neighborhood demand for commercial goods and services such as markets, professional offices, personal services, restaurants and hardware stores (BMC 19.28.010). This project will provide additional retail commercial space in this area of 13th Street to meet the demands for goods in the surrounding neighborhood. This project will also provide additional housing, four units total with off street parking, to meet the current housing demand. Also, the development of this project may encourage revitalization of the existing area, development of the nearby lots and increase patronage to the surrounding businesses.

- 2. The proposed use will not, under any circumstances, of the particular use, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

The proposed development, two mixed-use developments consisting of retail commercial space on the first floor and four residential units above the first floor total (two at each development) at 1120, 1122 13th Street and 1150, 1152 13th Street, in the C-3 (Neighborhood Commercial) Zone, will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. In the Conditions of Approval, specific conditions have been set forth by the Community Development Department, Public Works Department, and the Public Safety Department to mitigate the concerns such a development project may create.

- 3. The proposed use will comply with the regulations and conditions specified in the title for such use and for other permitted uses in the same zone.**

The proposed use will comply with the regulations and conditions specified in the title for such use and for other permitted uses in C-3 (Neighborhood Commercial) zone. The specific conditions that have been set forth by the Community Development Department will ensure that granting of the Conditional Use Permit will achieve compliance with zoning regulations.

- 4. The granting of such conditional use permit will be in harmony with the purpose and intent of this code, the adopted general plan and the adopted local coastal program.**

The granting of the conditional use permit for a mixed-use development consisting of retail commercial space on the first floor and four residential units total above the first floor (two residential units per development) at 1120, 1122 13th Street and 1150, 1152 13th Street, in the C-3 (Neighborhood Commercial) Zone, will be in harmony with the purpose and intent of the zoning code (IBMC 19.82.040.D), the adopted general plan. The site is not within the coastal zone. The following list of specific conditions of approval set forth by the Community Development Department, Public Works Department, and the Public Safety Department will ensure that the granting of the Conditional Use Permit will achieve compliance.

SITE PLAN REVIEW FINDINGS:

- 5. The proposed use does not have a detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the neighborhood, and is not detrimental or injurious to the value of property and improvements in the neighborhood.**

The applicant proposes a mixed-use development consisting of retail commercial space on the first floor and four residential units total above the first floor (two residential units per building) at 1120, 1122 13th Street and 1150, 1152 13th Street, in the C-3 (Neighborhood Commercial) Zone, that would not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. Each development proposes parking for the commercial and residential units in two on-site locations. The two mixed-use developments are required to have five commercial parking spaces and three residential parking spaces each; the commercial spaces are accessed off of 13th Street, and the residential spaces are accessed off the alley. In the Conditions of Approval, specific conditions have been set forth by the Community Development Department, Public Works Department, and the Public Safety Department to mitigate the concerns such a development project may create.

6. The proposed use will not adversely affect the General Plan/Local Coastal Plan.

The proposed mixed-use development consisting of retail commercial space on the first floor and four residential units total above the first floor (two residential units per building) at 1120, 1122 13th Street and 1150, 1152 13th Street is consistent with the C-3 (Neighborhood Commercial) zone, which promotes the local neighborhood demand for commercial goods and services.

7. The proposed use is compatible with other existing and proposed uses in the neighborhood.

The subject site is in the "Neighborhood Commercial" zone, which encompasses 13th Street from Ebony Avenue to the north and Fern Avenue to the south. "Neighborhood Commercial" also encompasses Imperial Beach Boulevard from Florence Street on the west to Georgia Street on the east. Within this area, commercial and residential uses vary in character, bulk, and scale. The proposed project is compatible with the established commercial and residential uses.

8. The location, site layout and design of the proposed use properly orient the proposed structures to streets, driveways, sunlight, wind and other adjacent structures and uses in a harmonious manner.

This site fronts along 13th Street. The adjacent property to the south of 1120, 1122 13th Street is a mixed-use development, and the property to the north of 1150, 1152 13th Street is a mixed-use development. There are commercial buildings to the east and a residential neighborhood to the west. The project has varied rooflines and architectural detailing and relief through the incorporation of building recesses. The applicant also proposes a variety of landscaping; including queen palms, Boxleaf Hebe, Lemon Bottlebrush, Evergreen shrub, Spreading Sunset and "Tall Fescue" lawn grass, in front of the commercial space. Landscaping will also be located in the residential open space off the alley and along the north and south side of the building. The overall design of the building should contribute positively in making an architectural statement along 13th Street. Many of the existing buildings in the area are older structures. The project shall properly orient the proposed structures to streets, driveways, sunlight, wind and other adjacent structures and uses in a harmonious manner.

9. **The combination and relationship of one proposed use to another on the site is properly integrated.**

The project includes two mixed-use developments with retail commercial space on the first floor and a total of four residential units total above the first floor (two residential units per building) at 1120, 1122 13th Street and 1150, 1152 13th Street, in the C-3 (Neighborhood Commercial) Zone. The combination and relationship of the commercial office space in relation to the residential units on the site is properly integrated.

10. **Access to and parking for the proposed use will not create any undue traffic problems.**

Parking access is from both 13th Street and the alley behind 13th Street. The commercial parking and employee parking will be located in the front of the building off of 13th Street. The parking provided for the residential units is also located off the alley and access to these parking spaces is from the alley. The parking design will not create any undue traffic problems.

11. **The project complies with all applicable provisions of Title 19.**

The project is subject to compliance with the zoning requirements per Chapter 19.28 of the City of Imperial Beach Municipal Code, titled "Neighborhood Commercial (C-3) Zone." A Conditional Use Permit is required for residential development above the first floor at a maximum density of one unit per every thousand square feet of lot area pursuant to Section 19.28.020.A.3. The parking for the project will be provided off 13th Street for the retail commercial units and employee parking and off the alley for the residential units. Site Plan approval by the City Council is required per Section 19.28.020.D. Design Review is required per Section 19.83.020.A.3.

DESIGN REVIEW FINDINGS:

12. **The project is consistent with the City's Design Review Guidelines.**

The design of the project is consistent with the City's Design Policy D-8 (Project Design) of the General Plan as per Design Review Compliance checklist attached hereto and findings contained herein.

NOW, THEREFORE, BE IT RESOLVED that Conditional Use Permit (CUP 060398), Design Review Case (DRC 060399), and Site Plan Review (SPR 060400), for two mixed-use developments with retail commercial space on the first floor and four residential units total above the first floor (two residential units per building) at 1120, 1122 13th Street and 1150, 1152 13th Street, in the C-3 (Neighborhood Commercial) Zone is hereby **approved** by the City Council of the City of Imperial Beach subject to the following:

CONDITIONS OF APPROVAL

PLANNING

1. Storm water, drainage, and grading plans shall be approved by the City prior to issuance of building permits. Drainage should be directed to landscaped areas (bioswales) or to filters before it is discharged into the city's storm sewers or to the beach.
2. All catch basin subdrains shall be deepened to reach the area of percolation as identified in the soils report.
3. Owner must enter into and provide proof of post-construction (BMPs) maintenance agreement for all catch basin filters and subdrains.
4. Owner shall record a mutual access and parking agreement in concert with the master plans for parcels 633-022-20-00 (1120, 1122 13th Street), 633-022-19-00 (1126 13th Street), 633-022-17-00 (1144 13th Street), 633-022-18-00 (1146 13th Street), and 633-022-16-00 (1150, 1152 13th Street), and subject to approval of the City. Applicant shall incur any improvement/development costs on all parcels associated with appropriate access, parking, and circulation related to, and initiated by, the proposed project. If access cannot be legally obtained by applicant, an alternative plan for access, parking, and circulation may be approved by the Community Development Director.
5. The project height shall not exceed 28' as measured from existing grade. Elevation on site plan shall be revised to show the 28' height (currently shows 28'-9").
6. The final plans for the development of the site shall be in substantial compliance with the conceptual plans dated March 26, 2009. Landscaping and parking shall match Sheet TS; front access path shall follow Sheet C-2 (path must always remain clear for access). A sign plan will be processed separately (signs shown on all plans are not part of the proposal, and shall not be approved). Per the Design Review Board, signs shall be channel lettering set in complimentary colors to the buildings.
7. Drought tolerant landscaping (xeriscape) is required and subject to staff approval.
8. Residential units (particularly those facing east) shall have soundproof windows such as double-pane windows.
9. Approval of this request shall not waive compliance with any portion of the International Building Code and Municipal Code in effect at the time a building permit is issued.
10. All negative balances in the project account (060398) shall be paid prior to building permit issuance and final inspection.
11. Approval of Conditional Use Permit (CUP 060398), Design Review Case (DRC 060399), and Site Plan Review (SPR 060400) for this project is valid for a one-year **vesting** period from the date of approval, to **expire on June 17, 2010**. Conditions of approval must be satisfied, building permits issued, and substantial construction must have commenced prior to this date, or a time extension is granted by the City prior to expiration. This expiration date is separate from the sunset expiration date of 10 years for the life of the conditional use permit.
12. The applicant or applicant's representative shall read, understand, and accept the conditions listed herein and shall, within 30 days, return a signed statement accepting said conditions.

PUBLIC SAFETY

13. Identify battery type, size and number to be utilized within facility. Include electrolyte capacity for lead acid, nickel cadmium or valve-regulated lead acid and/or weight of lithium-ion batteries.
14. Building to be clearly addressed. Address to be plainly legible and visible from the street. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inches and of contrasting color with their background.

PUBLIC WORKS

15. Ensure that the hot water tank P.T. discharge pipe is piped to discharge to the sanitary sewer system or the landscape area. A design that has the water discharge directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01.
16. Show the sewer lateral plans for both the existing two-story mixed-use buildings and the proposed new two-story mixed-use buildings on one of the plans provided to the City. The new buildings shall not be constructed over the existing sewer laterals.
17. No building roof or landscape water drains may be piped to the street or onto impervious surfaces that lead to the street. A design that has these water discharges directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01.
18. Install landscape-watering system to landscape strip in the right-of-way per I.B.M.C. 19.50.040.F.
19. Require the building foundation elevation be at least 1 foot above gutter line to minimize flooding during storm conditions.
20. Exposed water valves on 13th Street to be secured with CAL-AM approved enclosure.
21. Remove the two (2) existing driveway approaches on 13th Street, and replace with new curb, gutter, and ADA compliant sidewalk along entire frontage of property. When cutting the sidewalk, applicant must remove entire panel of sidewalk to the nearest expansion joint. Install new curb and gutter along entire frontage of the property per San Diego County Regional Standard drawing G-2. Install five (5) foot wide, ADA compliant, sidewalk within entire frontage of the property per San Diego County Regional Standard Drawings G-7 and G-9. The curb & gutter shall be poured separately from the sidewalk. Concrete shall be 560-C-2500. New curbs to be painted RED for "No Parking".
22. For alley, sidewalk or curb & gutter replacement ensure compliance with San Diego Regional Standard Drawing G-11 in that the "Area to be removed [must be] 5' or from joint to joint in panel, whichever is less." The distance between joints or score marks must be a minimum of 5 feet. Where the distance from "Area to be removed", to existing joint, edge or score mark is less than the minimum shown, "Area to be removed" shall be extended to that joint, edge or score mark.

23. If it is necessary to cut into the alley pavement as part of this project, all concrete cuts in the alley must be replaced with #4 rebar dowels positioned every 1 foot on center. Concrete specification must be 560-C-3250. Concrete cuts must also comply with item 8 above and cuts parallel to the alley drainage must be at least 1-foot from the alley drain line
24. For any work to be performed in the street or alley, submit a traffic control plan for approval by Public Works Director a minimum of 5 working days in advance of street work. Traffic control plan is to be per Regional Standard Drawings or Caltrans Traffic Control Manual.
25. All street work construction requires a Class A contractor to perform the work. Street repairs must achieve 95% sub soil compaction. Asphalt repair must be a minimum of four (4) inches thick asphalt placed in the street trench. Asphalt shall be AR4000 ½ mix (hot).
26. For any project that proposes work within the public right-of-way (i.e., driveway removal/construction, sidewalk removal/construction, street or alley demolition/reconstruction, landscaping and irrigation, fences, walls within the public right-of-way, etc.), a Temporary Encroachment Permit (TEP) shall be applied for and approved either prior to or concurrent with issuance of the building permit required for the project. Application for a Temporary Encroachment Permit shall be made on forms available at the Community Development Department Counter.
27. All street work construction requires a Class A contractor to perform the work. All pavement transitions shall be free of tripping hazards.
28. Construct trash or refuse enclosure and a recycling enclosure to comply with IBMC 19.74.090. Trash and recycling enclosures it to be enclosed by a six-foot high masonry wall and gate. The minimum size refuse enclosure shall be 6' by 9' and the minimum recycling enclosure shall be 4' by 8'. Gates shall not open directly into the alley and adequate pedestrian access from the east side of the property shall be provided. Note: Alternate trash/recycling enclosure may match proposed plan shown on Sheet TS.
29. Any disposal/transportation of solid waste/construction waste in roll-off containers must be contracted through the City's waste removal and recycling provider unless the hauling capability exists integral to the prime contractor performing the work.
30. Existing parcel impervious surfaces are required to not increase beyond the current impervious services as a post-conversion condition in order to maximize the water runoff infiltration area on the parcel in compliance with Municipal Storm Water Permit – Order 2001-01.
31. All landscape areas, including grass and mulch areas, must be improved to consist of at least 12-inches of loamy soil in order to maximize the water absorption during wet weather conditions and minimize irrigation runoff.
32. Preserve survey monuments on southeast and northeast property lines in or adjacent to the sidewalk. Install survey monuments on southwest and northwest property lines in alley. Record same with county office of records.

33. In accordance with I.B.M.C. 12.32.120, applicant must place and maintain warning lights and barriers at each end of the work, and at no more than 50 feet apart along the side thereof from sunset of each day until sunrise of the following day, until the work is entirely completed. Barriers shall be placed and maintained not less than three feet high.
34. Require applicant to provide verification of post construction Best Management Practice (BMP) maintenance provisions through a legal agreement, covenant, CEQA mitigation requirement, and/or Conditional Use Permit. Agreement is provided through the Community Development Department.
35. Property owner must institute "Best Management Practices" to prevent contamination of storm drains, ground water and receiving waters during both construction and post construction. The property owner or applicant BMP practices shall include but are not limited to:
 - Contain all construction water used in conjunction with the construction. Contained construction water is to be properly disposed in accordance with Federal, State, and City statutes, regulations and ordinances.
 - All recyclable construction waste must be properly recycled and not disposed in the landfill.
 - Water used on site must be prevented from entering the storm drain conveyance system (i.e., streets, gutters, alley, storm drain ditches, storm drain pipes).
 - All wastewater resulting from cleaning construction tools and equipment must be contained on site and properly disposed in accordance with Federal, State, and City statutes, regulations, and ordinances.
 - Erosion control - All sediment on the construction site must be contained on the construction site and not permitted to enter the storm drain conveyance system. Applicant is to cover disturbed and exposed soil areas of the project with plastic-like material (or equivalent product) to prevent sediment removal into the storm drain system.
36. Drawing must show treatment BMPs to be used to minimize the urban runoff from the largely impervious surface proposed for the two lots. Treatment BMP calculations must be provided with the plan submission for building permits.
37. Applicant must underground all utilities. This project area is in the existing 13th Street Utility Underground District.

APPEAL PROCESS UNDER THE CALIFORNIA CODE OF CIVIL PROCEDURE (CCP): The time within which judicial review of a City Council decision must be sought is governed by Section 1094.6 of the CCP. A right to appeal a City Council decision is governed by CCP Section 1094.5 and Chapter 1.18 of the Imperial Beach Municipal Code.

PROTEST PROVISION: The 90-day period in which any party may file a protest, pursuant to Government Code Section 66020, of the fees, dedications or exactions imposed on this development project begins on the date of the final decision.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 17th day of June 2009, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

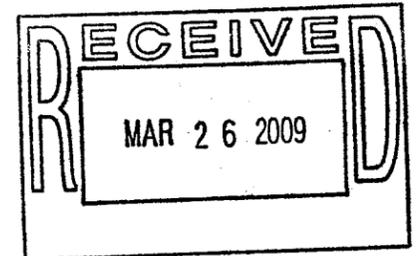
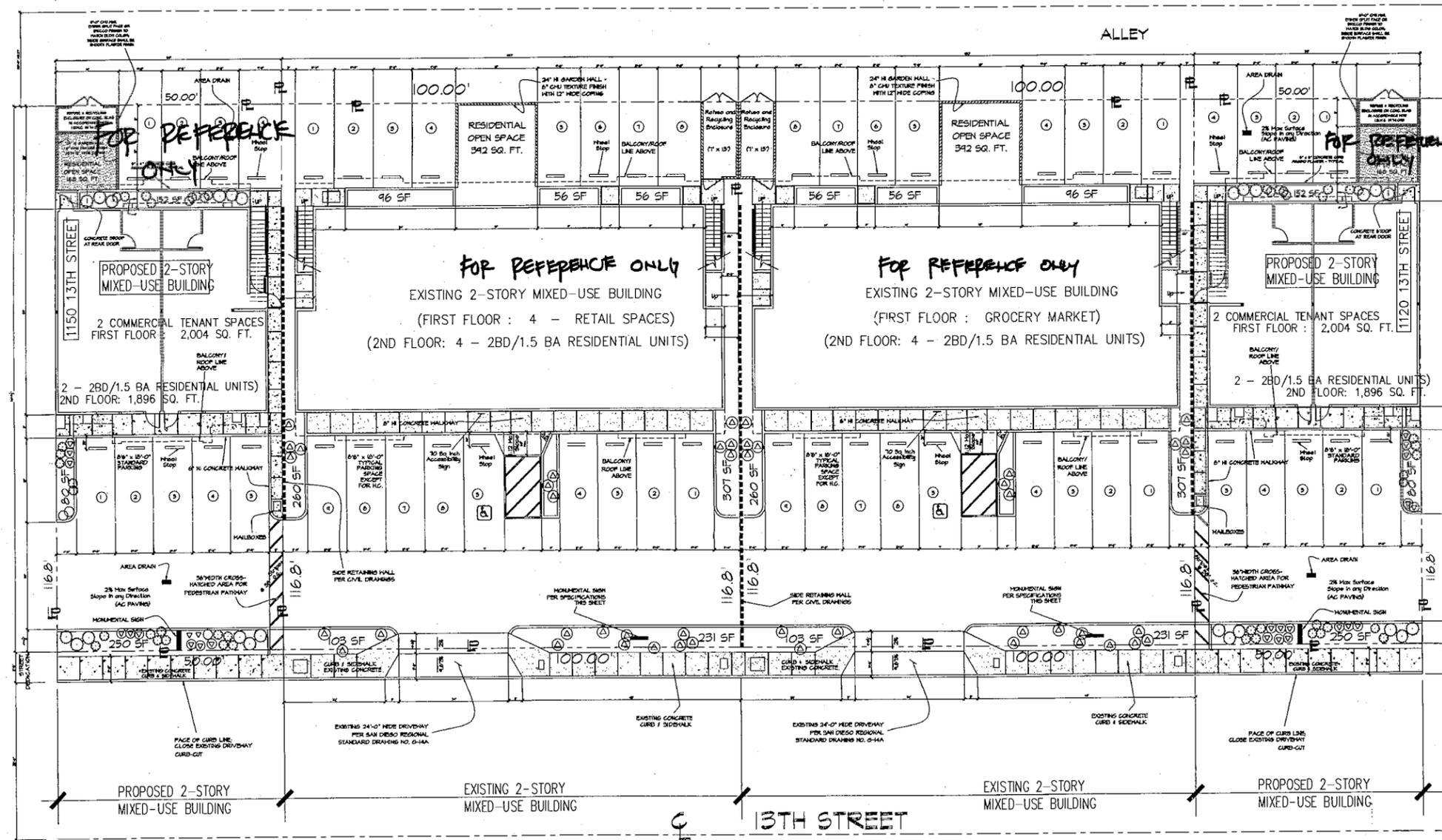
JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK



CONCEPTUAL LANDSCAPING & IRRIGATION LEGEND		
Symbol	BOTANICAL NAME	COMMON NAME
○	Hebe Euxifolia	Boxleaf Hebe
○	Callalomon Citrinus	Lemon Bottlebrush
○	Coccoloba Lavifolia	Evergreen Shrub
○	Lantana Montecarlois	Spreading Sunset
○	Tall Flower Bed Low Drain	
○ Half Circle Stream Shrub Spray Sprinkler Head		



SEE DETAILED PLANS PERTAINING TO EACH NEW PROPOSED PROJECT

NOTE: LOT DIMENSIONS AND PUBLIC RIGHT-OF-WAYS SHOWN HERE ARE FOR SITE PLANNING PURPOSES; DIMENSIONS SHOWN ON CIVIL SHEETS GOVERN.

SITE PLAN

SCALE: 1" = 10'-0"

ACAD FILE NAME: ELEV-STREET.DWG

13TH ST EXISTING & NEW MIXED-USE PROJECTS

EXTERIOR ELEVATIONS and SITE PLANS
1" = 10'-0"

PROJECT ADDRESS: 1120 1186, 1146, 1150, 1176 STREET, LAGUNA BEACH, CA 92653

ALJABI Architecture Interior Design
Nick Aljabi Registered Architect License No. C-19739
Residential - Commercial
Tel 818 955-7067

AD ALJABI
A0

PROJECT DATA

LEGAL DESCRIPTION

LOTS 45 & 44 (APN: 633 - 022 - 20, 1120 13TH STREET) INCLUSIVE IN BLOCK 2 OF IMPERIAL BEACH PARK, IN THE CITY OF IMPERIAL BEACH, COUNTY OF SAN DIEGO, STATE OF CALIF., ACCORDING TO MAP 1494, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEB 01, 1927.

OCCUPANCY GROUP R-3 MULTI-FAMILY DWELLING
M COMMERCIAL RETAIL

TYPE OF CONSTRUCTION V-N

REQUIRED OCCUPANCY SEPARATION 1-HOUR

SPRINKLERS REQUIREMENTS NO

HEIGHT LIMIT 20 FT MEASURED TO EXISTING GRADE LINE DIRECTLY BELOW; SEE SECTION A/A5

PROJECT ARCHITECT NICK ALJABI
REGISTERED ARCHITECT
CALIFORNIA LICENSE # C-19739

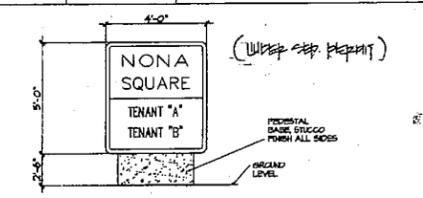
OWNERS

KAMAL NONA
B (619) 424-8255

MONUMENTAL SIGN SPECIFICATIONS

SIGN SIZE: 4' LONG x 3' HIGH x 12" DEEP
SIGN AREA: 20 SQ FT PER SIDE (40 SQ FT TOTAL FOR BOTH SIDES)
HEIGHT ABOVE GROUND LEVEL: 7'5"
SIGN TYPE: MONUMENTAL / CABINET TYPE
NUMBER OF FACES: 2
ILLUMINATION: FLUORESCENT (FROM INSIDE)
SIGN FRAME: 3" ANGLE IRON WELDED WITH 1/4" WELD ALL AROUND TO STEEL CONNECTION PLATE

FACE	MATERIAL	COLOR
FRONT	FLUORESCENT	LETTERS: RED COLOR, 18" HI HELVETICA BOLD STYLE BACKGROUND: WHITE COLOR
FRAME	ANGLE IRON	GLOSS ENAMEL PAINT, 20' DIST OFF WHITE COLOR: RONA, SHOE RING: 78A-2P
PEDESTAL BASE	PLASTER (STUCCO)	MA: 1000 EXTERIOR STUCCO COLOR: #202, CAFFE LATTE



SHEET INDEX

SHT NO.	SHEET DESCRIPTION
TS	TITLE, INDEX, PROJECT DATA, SITE PLAN, VICINITY MAP
G1	GRADING PLAN TITLE SHEET
G2	GRADING PLAN
G3	EROSION CONTROL PLAN
A1	FIRST FLOOR PLAN
A2	SECOND FLOOR PLAN
A3	EXTERIOR ELEVATIONS, COLOR LEGEND, WALL SHEET
A4	EXTERIOR ELEVATIONS
A5	BUILDING SECTIONS
A6	ROOF PLAN
A7	ROOF FRAMING PLAN
A8	SECOND FLOOR FRAMING PLAN
A9	FOUNDATION PLAN
S1	STRUCTURAL DETAILS
S2	STRUCTURAL DETAILS
D1	ARCHITECTURAL DETAILS
D2	ARCHITECTURAL DETAILS
D3	FOUNDATION, TIE-BACK, ROOF TRUSS DETAILS, ACCESSORY DETAILS
E-10 through E-50	see ELECTRICAL Sheets
M-1 through M-4	see MECHANICAL Sheets
P-1 through P-5	see PLUMBING Sheets
TOTAL NUMBER OF SHEETS = 52 SHEET	

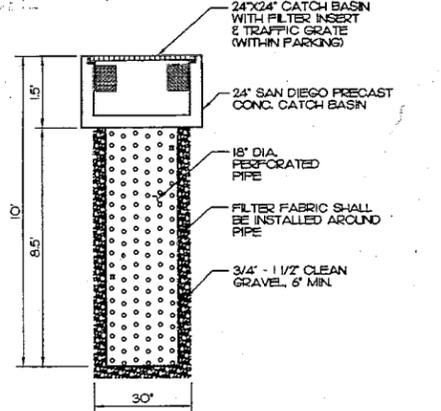
CONCEPTUAL LANDSCAPING & IRRIGATION LEGEND		
SYMBOL	BOTANICAL NAME	COMMON NAME
☼	Hebe Buxifolia	Boxleaf Hebe
⊙	Callistemon Citrinus	Lemon Bottlebrush
⊕	Coccoloba Laurifolia	Evergreen Shrub
⊗	Lantana Montevideensis	Spreading Sunset
⊖	Tall Flower Soil Low Grow	
⊘	Half Circle Stream Shrub Spray	Sprinkler Head

LANDSCAPE NOTES

- ALL LANDSCAPE AREAS, INC. GRASS & MULCH AREAS, MUST BE DEMARCADED TO INDICATE AT LEAST 1' OF LOAMY SOIL IN ORDER TO MAX. THE WATER ABSORPTION CAPACITY WITH NEARBY SOIL. 1" MIN. IRRIGATION RATE.
- NET IRRIGATION WATERING SYSTEM TO LANDSCAPE AT 1" IN PLACE OF 1/2" PER 1993, 1994, 1995.

GENERAL NOTES CONTINUED

- IF EXPOSED WATER VALVES OR 1/2" DIAMETER TO BE SECURED W/ CAL - AM APPROVED ENCLOSURE.
- NO ANY PROBE THAT PENETRATES WITHIN THE PUBLIC RIGHT-OF-WAY OR DRIVEWAY PER/CONC. SIDEWALKS, CONC. LANDSCAPING (PLANTING, FENCES, WALLS, ETC.) & TERRAZZO ENCROACHMENT PERMIT (STEP) SHALL BE APPLIED FOR AND APPROVED PRIOR TO CONSTRUCTION WITHIN THE PUBLIC RIGHT-OF-WAY.
- ALL EXISTING WORK SHALL BE PROTECTED BY A CONTRACTOR TO PROTECT THE WORK. ALL EXISTING TRANSITIONS SHALL BE PROTECTED BY TERRAZZO TRANSITIONS.
- EXISTING EXTERIOR WALLS ARE TO BE REPAIR TO NOT INCREASE BEYOND THE EXISTING IMPROVEMENTS AS A PART OF CONSTRUCTION. EXISTING EXTERIOR WALLS SHALL BE REPAIR TO NOT INCREASE BEYOND THE EXISTING IMPROVEMENTS AS A PART OF CONSTRUCTION. EXISTING EXTERIOR WALLS SHALL BE REPAIR TO NOT INCREASE BEYOND THE EXISTING IMPROVEMENTS AS A PART OF CONSTRUCTION.
- EXISTING EXTERIOR WALLS ARE TO BE REPAIR TO NOT INCREASE BEYOND THE EXISTING IMPROVEMENTS AS A PART OF CONSTRUCTION. EXISTING EXTERIOR WALLS SHALL BE REPAIR TO NOT INCREASE BEYOND THE EXISTING IMPROVEMENTS AS A PART OF CONSTRUCTION.



CATCH BASIN SUBDRAIN DETAIL

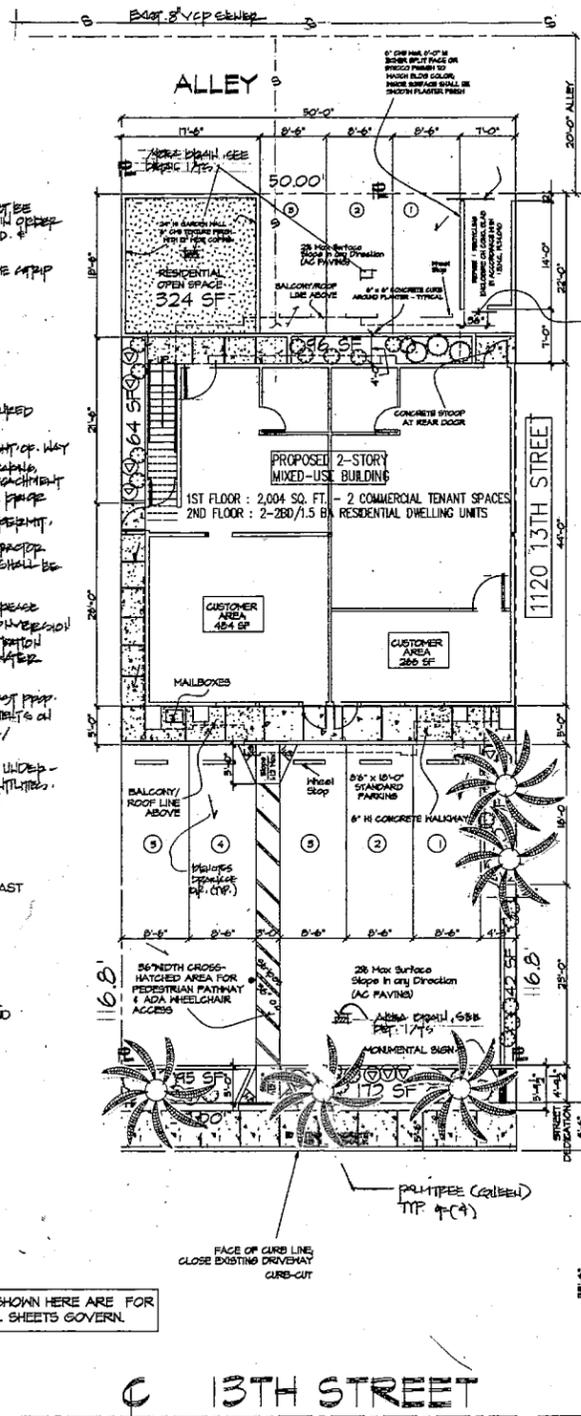
FOSSEL FILTER INSERT NOTE

FILTER INSERTS SHALL BE SINGLE TRACT CATCH BASIN INSERT MODEL SFT 2424 SFT144S & SFT48S OR APPROVED EQUAL. INSTALL PER MANUFACTURER'S SPECIFICATIONS.

RIGHT-OF-WAYS SHOWN HERE ARE FOR IS SHOWN ON CIVIL SHEETS GOVERN.

SITE PLAN

SCALE: 1" = 10'-0"



NONA SQUARE

1120 13TH STREET (APN: 633 - 022 - 20)
IMPERIAL BEACH, CA 91932

PROJECT DATA:

ZONING = C-3

GROSS LOT SIZE / AREA = 50 FT x 126.2 FT = 6,290 SQ FT (Including 10 Feet 13th Street Dedication)
NET LOT SIZE / AREA = 50 FT x 116.2 FT = 5,840 SQ FT

LANDSCAPING AREA CALCULATIONS:

MINIMUM REQUIRED LANDSCAPE AREA = 15% OF TOTAL NET SITE AREA = 15% x 5,840 = 876 SQ FT
MIN LANDSCAPED AREA OF 876 SF LESS 10% ALLOWED WITH ADMINISTRATIVE DISCRETION (88 SF)
MIN REQUIRED LANDSCAPED AREA = 876 SF - 88 SF = 788 SQ FT
PROPOSED LANDSCAPED AREA = (324 + 46 + 64 + 80 + 42 + 112 + 45 + 20 Planter Boxes at 2nd Flr)
PROPOSED LANDSCAPED AREA = 843 SQ FT (GREEN AREA) > 788 SQ FT. (REQUIRED)

COMMERCIAL PARKING CALCULATIONS:

COMMERCIAL PARKING REQUIREMENTS = 1 P.S./250 NET SQ FT + 1 P.S. PER 2 EMPLOYEES
PROPOSED COMMERCIAL PARKING SPACES = 5 STANDARD (2 EMPLOYEES + 3 CUSTOMERS)
THIS, MAX. NET COMMERCIAL (RETAIL) SPACE AREA = 3 x 250 = 750 SQ FT FOR BOTH TENANTS (484 SF + 266 SF)

RESIDENTIAL DENSITY / OPEN SPACE / PARKING CALCULATIONS:

RESIDENTIAL DENSITY = 1 D.U. PER 2,000 SQ FT OF LOT AREA; THIS, DENSITY = 2 D.U. FOR EACH LOT
PROPOSED RESIDENTIAL DEVELOPMENT = 2 DWELLING UNITS FOR A TOTAL OF 1,846 SQ FT

TOTAL REQUIRED OPEN SPACE = 300 SF/DU x 2 UNITS = 600 SF LESS 10% ADJUSTMENT = 540 SF

REQUIRED OPEN SPACE AT GRADE LEVEL = 60% OF 540 SF = 324 SF

REQUIRED OPEN SPACE AT GRADE LEVEL LESS 10% ADJUSTMENT = 54% OF 540 SF = 292 SF

PROPOSED OPEN SPACE AT GRADE LEVEL = 324 SF > 292 SF (REQUIRED)

PROPOSED OPEN SPACE ABOVE GRADE LEVEL (BALCONIES) = 200 SQ FT

PROPOSED OPEN SPACE ABOVE GRADE LEVEL (PLANTER BOXES) = 20 SQ FT

PROPOSED TOTAL OPEN SPACE ABOVE GRADE LEVEL (BALCONIES + PLANTER BOXES) = 200 + 20 = 220 SQ FT

PROPOSED TOTAL OPEN SPACE (ABOVE GRADE LEVEL + AT GRADE LEVEL) = 220 SF + 324 SF = 544 SF > 540 SF (REQUIRED)

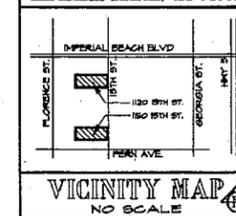
RESIDENTIAL PARKING REQUIREMENTS = 15 P.S./D.U. = 15 x 2 = 3 PARKING SPACES

RESIDENTIAL PARKING SPACES PROVIDED = 3 PARKING SPACES

GENERAL NOTES

- THIS PROJECT SHALL COMPLY WITH THE 2001 EDITION OF THE CALIFORNIA BUILDING CODE (TITLE 24), WHICH ADOPTS THE 1997 UBC, 2000 UBC, 2000 UPC AND THE 2002 NEC.
- STATE HEALTH & SAFETY CODE SEC. 19219 BANS THE USE OF CHLORINATED POLYVINYL CHLORIDE (CPVC) FOR INTERIOR WATER-SUPPLY PIPING.
- ALL ADDRESSES MUST BE CLEARLY VISIBLE WITH 6" HI NUMBERS & WITH 3/4" STROKE ON CONTRASTING BACKGROUND.
- NO PARKING IS ALLOWED IN THE ALLEY.
- PLANS SHALL BE FORWARDED TO MTDIS FOR REVIEW AND COMMENTS PRIOR TO PROJECT APPROVAL DUE TO EXISTENCE OF MTDIS BUS STOP ADJACENT TO THIS PROPOSED DEVELOPMENT.
- DRIVEWAY APPROACH RE-CONSTRUCTION ON 13TH STREET TO COMPLY WITH REGIONAL STANDARD DMS 6-11A. SIDEWALK CUTS MUST COINCIDE WITH EXISTING SIDEWALK 5-FT SECTIONS (WHICH CANNOT BE CUT INTO SMALLER SECTIONS). LIKEWISE, IF THE CURB & GUTTER ARE TO BE CUT, THE RE-CONSTRUCTION MUST NOT LEAVE AN EXISTING CURB & GUTTER SECTION LESS THAN 4 FT IN LENGTH. THE CONSTRUCTION OF AN ADA COMPLIANT DRIVEWAY APPROACH WILL REQUIRE A GRANT OF EASEMENT TO THE CITY FOR THIS CONSTRUCTION. (NOT APPLICABLE IF NO NEW DRIVEWAY IS PROPOSED OFF 13TH STREET)
- FOR SIDEWALK OR CURB & GUTTER REPLACEMENT AT ALLEY, ENSURE COMPLIANCE WITH SAN DIEGO REGIONAL STANDARD DMS 6-11 IN THAT THE AREA TO BE REMOVED MUST BE 5 FT OR FROM JOINT TO JOINT IN PANEL, WHICHEVER IS LESS.
- FOR WORK PERFORMED IN THE STREET OR ALLEY, A TRAFFIC CONTROL PLAN PER REGIONAL STD DMS 6 OF CALTRANS TRAFFIC CONTROL MANUAL MUST BE SUBMITTED FOR APPROVAL BY PUBLIC WORKS DIRECTOR A MIN OF 5 WORKING DAYS IN ADVANCE OF STREET WORK.
- STREET WORK CONSTRUCTION SHALL BE PERFORMED BY CLASS A CONTRACTOR. STREET REPAIRS MUST ACHIEVE 95% SUB SOIL COMPACTION. ASPHALT REPAIR MUST BE A MIN OF 4" THICK ASPHALT PLACED IN THE STREET TRENCH. ASPHALT SHALL BE AR4000 1/2" MIX (HOT).
- IF IT IS NECESSARY TO CUT INTO ALLEY PAVEMENT, ALL CONCRETE CUTS MUST BE REPLACED WITH #4 REBAR DONNELS @ 12" O.C.. CONCRETE SPECS MUST BE 560-C-3250. CONCRETE CUTS SHALL TERMINATE 18" BEFORE OR BEYOND THE ALLEY FLOW LINE.
- IAN 15.M.C. 12.32120, CONTRACTOR SHALL PLACE & MAINTAIN WARNING LIGHTS & BARRIERS AT EACH END OF THE WORK, & AT NO MORE THAN 50 FT APART ALONG THE SIDE THEREOF FROM SUNSET OF EACH DAY UNTIL SUNRISE OF FOLLOWING DAY, UNTIL THE WORK IS ENTIRELY COMPLETED. BARRIERS SHALL BE PLACED & MAINTAINED NOT LESS THAN THREE FEET HIGH.
- ALL BEST MANAGEMENT PRACTICES (BMP) DURING CONSTRUCTION & POST CONSTRUCTION SHALL BE PER DETAILED BMP PLAN TO BE SUBMITTED PRIOR TO ISSUANCE OF GRADING & BUILDING PERMITS.
- AS OF JANUARY 01, 2000, ANY DISPOSAL/TRANSPORTATION OF SOLID WASTE / CONSTRUCTION WASTE IN ROLL OFF CONTAINERS MUST BE CONTRACTED THROUGH EDCO DISPOSAL CORPORATION, UNLESS THE HAULING CAPABILITY EXISTS INTEGRAL TO THE PRIME CONTRACTOR PERFORMING THE WORK.
- NO BUILDING PARTS OR LANDSCAPE PARTS MAY BE RIPPED TO THE STREET OR TO ANY IMPROVEMENTS THAT LEAD TO STREET HOUP - 010000 2001-01

IMPERIAL BEACH, CA 91932



ACAD FILE NAME: SITE.DWG

1120 13TH ST NONA SQUARE

SIGNATURE: *Nick Aljabi*

SHEET TITLE: **SITE PLAN**
TITLE, INDEX, DATA,
VICINITY MAP

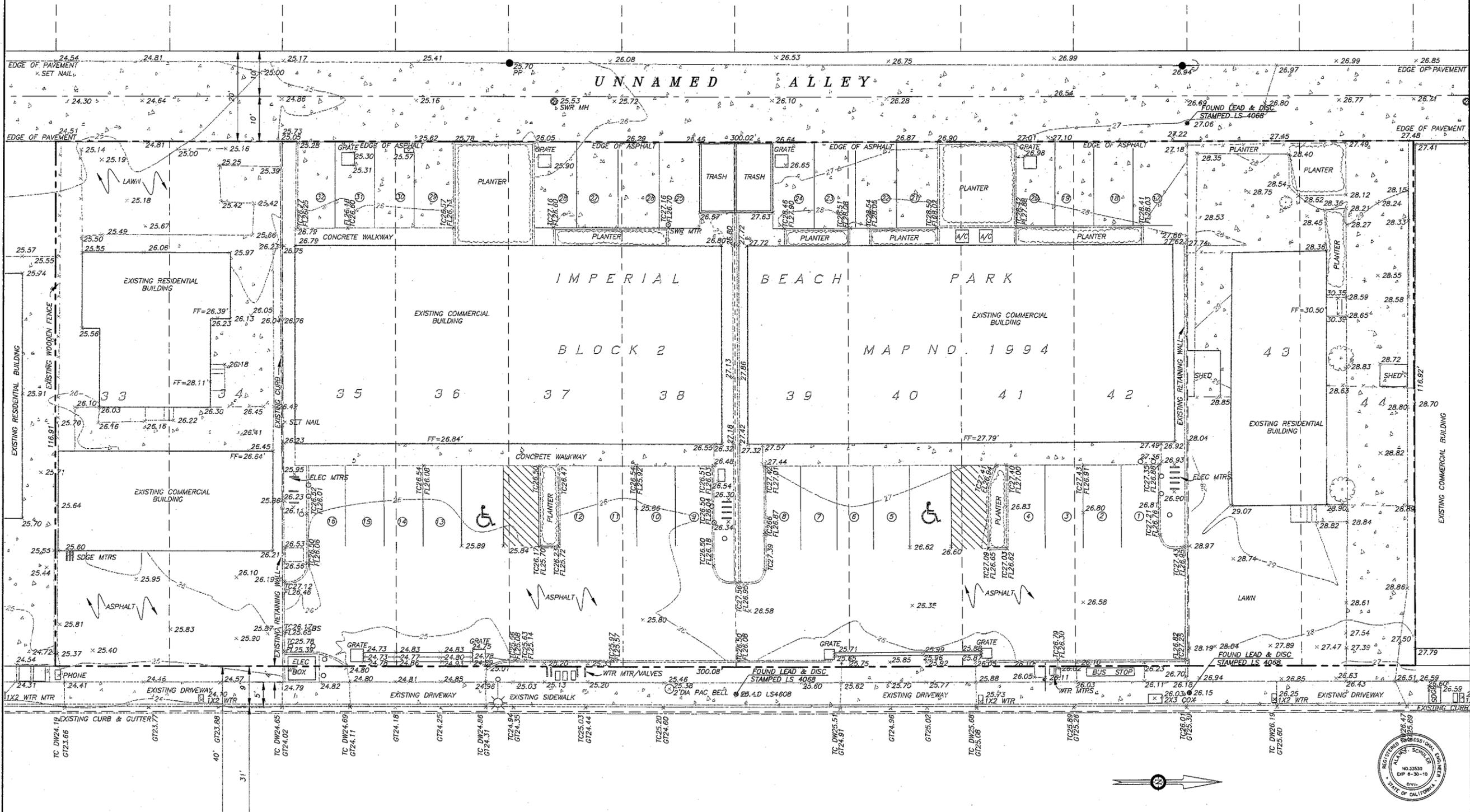
DRAWING SCALE:
PROJECT ADDRESS: 1120 13TH STREET
IMPERIAL BEACH, CA 91932

ALJABI
Architecture Interior Design
Residential ... Commercial
Tel 619 / 955-7087

Nick Aljabi
Registered Architect
License No. C-19739
9127 GROSSMONT BLVD
LA MESA, CA 91941

TS
SHEET NUMBER

TOPOGRAPHICAL SURVEY



DGB SURVEY & MAPPING INC.
 23 1/2 Naples Street, Chula Vista, CA 91911
 Tele. (619)422-7269 FAX (619)422-8647

NO.	BY	REVISION DESCRIPTION	DATE
1		ORIGINAL PLOT	03/27/08

LEGAL DESCRIPTION:
 /EXC ST MD/ LOTS 43 & 44 BLOCK 2
 MAP NO. 1349
 ASSESSOR'S PARCEL NO.: 633-022-20
 ADDRESS: 1120-1150 13TH STREET
 IMPERIAL BEACH, CA 91932

PREPARED FOR:
KAMAL NONA
 5' W OF NW COR ON GROVE OF
 13TH STREET & GROVE AVENUE.
 EL = 24.971' M.S.L.

SHEET 1
 OF
 1 SHEET

JOB NO.
C-1
 07-1265

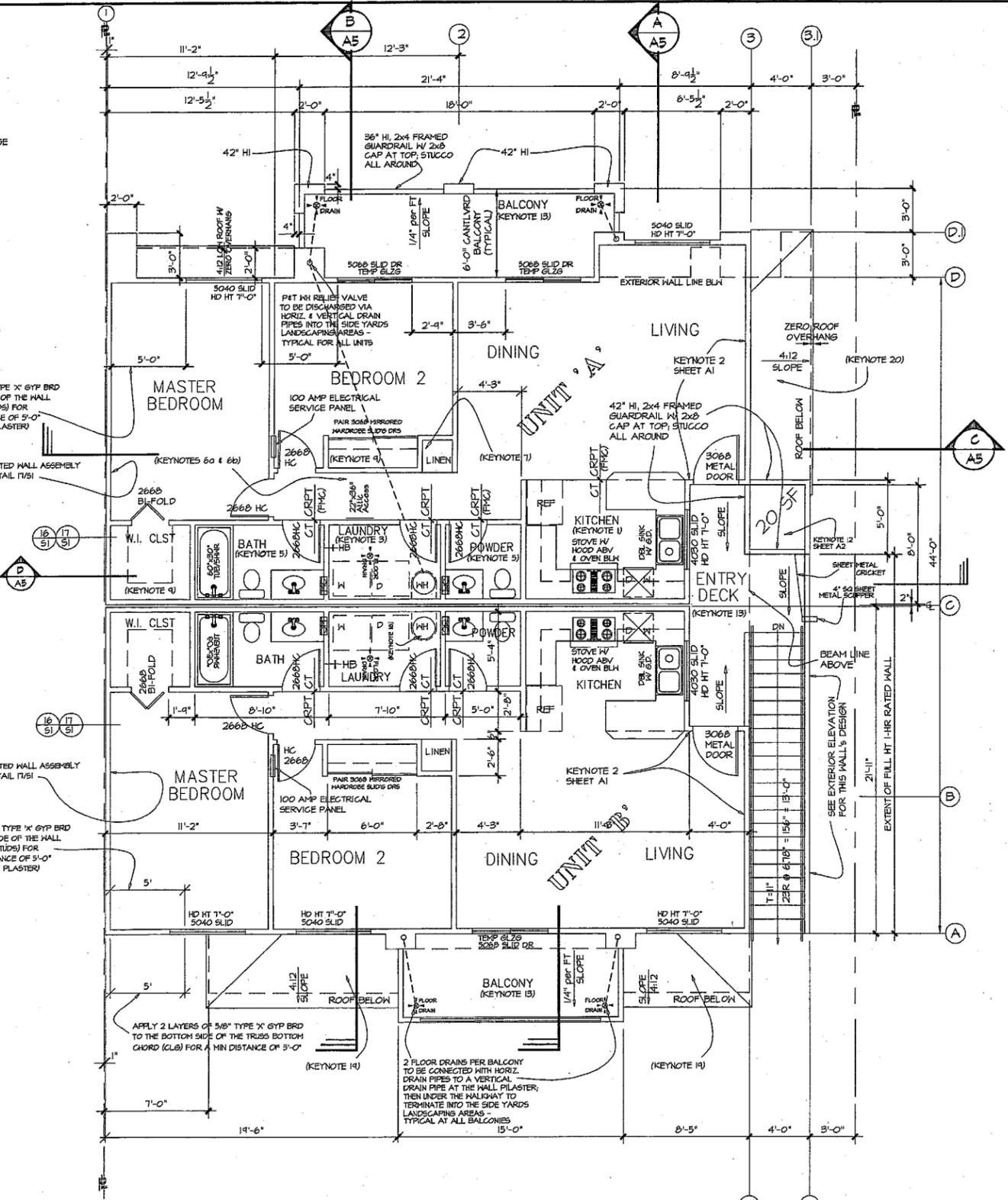
13TH STREET

SCALE: 1"=10'

ALAN F. SCHULER DATE



10. FRAMING CONTRACTOR SHALL VERIFY R.O. SIZE OF ALL DOORS & WINDOWS
11. DRYWALL SPECIFICATIONS:
 - a. KNOCK DOWN TEXTURE WALLS AND CEILINGS
 - b. DENS-SHIELD TILE BACKER BOARD AT SHOWER/TUB WALLS
 - c. ALL CORNER BEADS TO BE "BALLNOSE" INCLUDING WINDOW OPENINGS
 - d. ALL DRYWALL SHALL BE 1/2" THICK FOR BASE BID, 5/8" THICK FOR ALTERNATE BID
 - e. BASE BID TO INCLUDE HANGING, TAPING, TEXTURING, SCRAPING, AND CLEAN-UP
12. PLANTER BOX: 42" HI, HOT MOPPED WATERPROOFING ALL WALLS & FLOOR, SHEET METAL LINING ALL WALLS & FLOOR, FLOOR SHALL SLOPE TOWARDS A FLOOR DRAIN TO DISCHARGE OVERFLOW VIA HORIZ. & VERTICAL DRAIN LINES INTO SIDE YARD LANDSCAPING AREAS
13. DEK-O-TEX DECKING AS MANUF. BY "CROSSFIELD PRODUCTS CORP, ICBO REPORT NO. 1330" & FINISH COATS (TOP COAT, GROUT COAT & TRD COATS COLORSEAL) OVER 2-LAYERS OF 1/4" FELT SLIPSHEET OVER 3/4" CDX PLYND, PROVIDE 24 GA. SJ. FLASHING AT DOOR/WALL INTERSECTION WITH DECK/BALCONY PER DET 4/D1 & 11/D1 & 20/D2 & 24/D2
14. WROUGHT IRON HANDRAIL, 34"-38" HI ABOVE NOSING OF TREADS PER DETAIL 22/D2
15. WROUGHT IRON GUARDRAILS, AT 36" HEIGHT ABOVE DECK LEVEL, RAILS @ 4" o.c. MAX, PER DETAILS 23/D2 TO INCLUDE 6" FRAMED CURB ABOVE TREAD SURFACE
16. SOUND ATTENUATION AT PARTY WALLS BETWEEN RESIDENTIAL UNITS, AND AT FLOOR/CEILING SYSTEM RESIDENTIAL & RETAIL USE SHALL BE PER APPROVED COUNTY OF SAN DIEGO, DEPARTMENT OF PLANNING & LAND USE DETAILS SHOWN ON SHEET 'D3'
17. INSTALL 1/8" RATED 5/8" TYPE 'X' GYP. BRD (PAINTED) ON ENCLOSED USABLE SPACE UNDER STAIRS
18. 40 GAL. A.O. SMITH #FFSH-236-40 OR EQ. FOR EA. UNIT, ENERGY FACTOR OF 0.60 MIN. GAS-FIRED HOT W.H. ON 1/2" FRAMED PLATFORM, W/ CLASS 'B' VENT THRU ROOF & MIN OF 2 SEISMIC STRAPS OF 3/4" x 24 GA. W/ 1/4" x 3" LAG BOLTS ATTACHED DIRECTLY TO THE FRAMING; PROVIDE P/T RELIEF VALVE OVERFLOW LINE DISCHARGE TO EXTERIOR SEE SHEET 'D3' FOR TITLE-24 MINIMUM REQUIREMENTS, SIZE & MODEL NUMBER
19. ROOF OVERHANG PROJECTIONS WITHIN 10'-0" FROM PROPERTY LINE SHALL BE 1-HR FR. AS FOLLOWS:
 - CONCRETE TILE ROOFING AT TOP
 - 7/8" EXTERIOR CEMENT PLASTER (STUCCO) ON METAL LATH OVER WEATHER RESISTIVE BARRIER
20. FOR THE EXT. WALLS ALONG GRID LINES (B,U) BTWN LINES (D,U) & (C), DUE TO PROXIMITY TO PL. IN LIEU OF A PARAPET, THE ROOF-CLG FRAMING SHALL BE 1-HR FR. CONSTRUCTION AS FOLLOWS:
 - 2 LAYERS OF GYP BRD TYPE 'X' ON THE BTM OF CLG JSTS INCLUDING BEAMS SUPPORTING THESE CLG JSTS



ARCHITECTURAL FLOOR PLANS KEYNOTES

- SEE SHEETS D1 & D2 FOR ARCHITECTURAL DETAILS UNO. 1 UNLESS NOTED OTHERWISE
 CT-CERAMIC TILE CRPT-CARPET V-VINYL CONC-CONCRETE FVFC-FLOOR MATERIAL CHANGE
1. KITCHEN NOTES:
 - a. WALL & BASE CABINETS SHALL BE SELECTED BY OWNER / INSTALLED BY CONTRACTOR; FIELD MEASURE PRIOR TO FABRICATION; VERIFY THE DIMENSIONS OF ALL APPLIANCES THAT ARE TO BE BUILT INTO THE CABINETS TO INSURE THEIR FULL OPERATION
 - b. 36" HI COUNTERTOP (INO) AS SELECTED BY THE OWNER; INSTALLATION BY CONTRACTOR AS RECOMMENDED BY THE MANUFACTURER; SCRIBE COUNTER TOPS AND CABINETS TO WALL TO ACHIEVE PROPER FIT
 - c. KITCHEN APPLIANCES SHALL BE AS SELECTED BY THE OWNER AND INSTALLED BY CONTRACTOR
 2. OCCUPANCY SEPERATION BETWEEN M & R-3:
 - a. PROVIDE 5/8" TYPE 'X' GYPSUM BOARD ON THE CEILING OF FIRST FLOOR TO PROVIDE 1-HOUR OCCUPANCY SEPERATION BETWEEN RESIDENTIAL OCCUPANCY AND RETAIL OCCUPANCY. SEE DETAILS 1/D3
 3. LAUNDRY AREA NOTES:
 - a. 36" HI COUNTER TOP, CERAMIC TILE FINISH INCLUDING A 6" SPLASH; CABINETS GRADE AND FINISH TO BE DETERMINED BY OWNER
 - b. 24"x34" SINGLE-COMPARTMENT LAUNDRY SINK, PORCELAIN ENAMEL ON CAST IRON
 - c. WASHER - ELECTRIC - TO BE PROVIDED BY OWNER & INSTALLED BY CONTRACTOR
 - d. DRYER (WITH 4" VENT TO EXTERIOR, MAX. HORIZONTAL, & VERTICAL LENGTH 14 FT WITH 2 OFFSETS - DRYER TO BE PROVIDED BY OWNER & INSTALLED BY CONTRACTOR PROVIDE BOTH GAS OUTLET AND 220V ELECTRICAL OUTLET.
 - e. PROVIDE 4" FLOOR DRAIN LOCATED NEAR WASHER, W/ STAINLESS STEEL GRATE COVER LID
 - f. PROVIDE 5 AIR CHANGES PER HOUR FOR LAUNDRY VENTILATION
 4. INSTALL AIR CONDITIONING CONDENSER, 220 VOLTS FOR THE RESIDENTIAL UNITS AT GRADE LEVEL SIDE YARD AREA. (AVC SHALL BE ADDITIVE BID ITEM)
 5. ALL BATHROOMS & PLUMBING & VENTILATION NOTES:
 - a. TOILET & BATH FIXTURES/TRIMS/TEMPERED GLASS ENCLOSURES/HEADS & ACCESSORIES SHALL BE SELECTED BY OWNER / INSTALLED BY PLUMBING CONTRACTOR; PROVIDE ALL FRAMING BLOCKING NECESSARY FOR INSTALLATION
 - b. SHOWER HEADS & FAUCETS SHALL BE EQUIPPED W/ FLOW RESTRICTORS AS SPECIFIED IN THE APPLIANCE EFFICIENCY STANDARDS OF THE CEC & BE CERTIFIED BY SAME; SHOWER HEADS TO HAVE MAXIMUM 2.5 GPM FLOW. TUB/SHOWER ENCLOSURE SHALL BE ALUMINUM FRAMED TEMPERED GLAZING PANELS, PATTERN TO BE SELECTED BY OWNER
 - c. LINEN SHELVES W/ CABINETS DOORS (OPTIONAL), CONFIGURATION, MATERIAL & FINISH SHALL BE DETERMINED BY OWNER AND CONSTRUCTED BY CONTRACTOR
 - d. 1/4" FLATE GLASS MIRROR, SIZE TO FIT, BOTTOM HEIGHT 40" ABOVE FINISHED FLOOR
 - e. 6" HI SPLASH BOARD (SAME MATERIAL AS COUNTERTOP), SELECTED BY OWNER
 - f. MEDICINE CABINETS - 5/8" NAUTILUS ARCHED TEAR DROP MODEL #9520; ROUGH OPENING 14 1/4" x 25"
 - g. VANITY COUNTERTOP - FINISH MATERIAL & HEIGHT W/ CABINETS BELOW TO BE SELECTED BY OWNER AND CONSTRUCTED/INSTALLED BY CONTRACTOR (AS BASE BID ITEM)
 - h. PROVIDE MAX. 2.2 GPM FLOW ON FAUCETS
 - i. PROVIDE RUBBER INSULATION FOR COPPER WATER PIPES AT PLUMBING WALLS; COPPER WATER PIPES SHALL RUN OVERHEAD, NOT IN SLAB, TO AVOID ELECTROLYSIS; ALL WATER & GAS LINES SHALL BE SUPPORTED FROM CONTACT AT JOIST PENETRATIONS TO REDUCE NOISE TRANSMISSION
 - j. INSTALL BATT INSULATION AT ALL WALLS/FLOORS/CEILINGS ENCLOSED BATHROOMS, POWDER ROOM, LAUNDRY AREA, AS AN OPTION IN ADDITION TO TITLE-24 MIN REQUIREMENTS
 - k. WATER CLOSETS TO BE STATE OF CALIFORNIA, DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT APPROVED LOW WATER CONSUMPTION (LOW FLUSH) TYPE, MAX. 1.6 GALLONS PER FLUSH (COUNTY ORDINANCE #1810); PROVIDE MIN. CLEARANCE OF 15" FROM THE CENTERLINE OF WATER CLOSETS & 24" IN FRONT OF WATER CLOSETS; WATER CLOSETS SHALL MEET PERFORMANCE STANDARDS ESTABLISHED BY THE AMERICAN NATIONAL STANDARDS INSTITUTE STANDARD A112.14.2 H & S CODE, SECTION 1142.13CB
 - l. ALL WASTE LINES SHALL BE CAST IRON FOR SILENCE AS AN OPTION
 - m. PERMANENT VACUUM BREAKERS SHALL BE INCLUDED WITH ALL NEM HOSE BIBBS
 - n. PROVIDE 5 AIR CHANGES PER HOUR FOR BATHROOM/POWDER ROOM VENTILATION
 - o. THE DISCHARGE POINT FOR EXHAUST AIR SHALL BE AT LEAST 3 FT FROM ANY OPENING WHICH ALLOWS AIR INTO OCCUPIED PORTIONS OF THE BUILDING (SEC 1209.3)
 - p. GAS VENTS & NON-COMBUSTIBLE PIPING IN WALLS, PASSING THRU 3 FLOORS OR LESS, SHALL BE EFFECTIVELY DRAFT STOPPED AT EACH FLOOR OR CEILING (SEC SEC. 111.3)
 - q. IN SHOWERS AND TUB/SHOWER COMBINATIONS, CONTROL VALVES MUST BE PRESSURE BALANCED OR THERMOSTATIC MIXING VALVES (MFC SEC 410.1); SHOWER FLOORS SHALL BE WATERPROOFED WITH BUILT UP HOT TAR PROCESS TO PROTECT AGAINST DRY ROT
 - r. NO CPVC PIPING TO BE INSTALLED FOR POTABLE WATER
 - s. DRYWALL CONTRACTOR SHALL INSTALL DENSE SHIELD BOARD (NOT GREEN BOARD) UNDERNEATH ALL TILE AT SHOWER/TUB WALLS.
 - 6a. 22"x36" ATTIC ACCESS SCUTTLE W/ ATTIC LIGHT & SWITCH NEARBY & 30" MIN HEADRM ABOVE THE OPENING; PROVIDE 24" WIDE PATH TO THE FAU, MAX. 15 FT LONG
 - 6b. FAU IN ATTIC W/ 1" VENT THRU ROOF; PROVIDE ELECTRICAL & GAS OUTLETS FOR THE FAU; FAU TO BE RAISED SO INSULATION CAN BE FULL THICKNESS UNDERNEATH
 7. 5 LINEN SHELVING W/ CABINET DOORS; LAYOUT, CONFIGURATION, & FINISH AS DETERMINED BY OWNER
 8. THERMAL MASS AREA AS SUMMARIZED IN TITLE-24 COMPLIANCE REQUIREMENTS SUMMARY SHEET 'D3', AND PER FLOOR MATERIAL (FMC) INDICATION ON FLOOR PLANS
 9. ALL CLOSETS & WALK-IN CLOSETS SHALL BE FURNISHED WITH SHELVES, POLES, DRAWERS, AND ORGANIZERS AS DETERMINED BY OWNER, TO BE INSTALLED BY CONTRACTOR

4 012 4 8

ACAD FILE NAME: X-FRST.DWG

1120 13TH ST NONA SQUARE

SHEET TITLE: SECOND FLOOR PLAN

DRAWING SCALE: 1/4" = 1'-0"

PROJECT ADDRESS: 13TH STREET IMPERIAL BEACH, CA 91932

SIGNATURE: *Nick Aljabi*

AD ALJABI Nick Aljabi
 Registered Architect
 License No. C-19739
 Residential ... Commercial 9127 CROSSMONT BLVD
 LA MESA, CA 91941
 Tel 619 / 955-7087

A2

SHEET NUMBER

ALL GLASS DOORS & WINDOWS SHALL HAVE VINYL FRAME DUAL CLEAR LOE GLAZING. GLAZING SHALL BE INSTALLED WITH AN NFRC CERTIFYING LABEL ATTACHED SHOWING U-VALUE. SEE SHEET 'D3' FOR TITLE-24 COMPLIANCE REQTS SUMMARY

FOR ELECTRICAL, MECHANICAL, & PLUMBING SEE NEW SHEETS E-1.0 THROUGH E-5.0, M-1 THROUGH M-4, & P-1 THROUGH P-5

SECOND FLOOR PLAN

LIVING AREA - UNIT 'A' = 960 SF (PLUS 110 SF BALCONY)
 LIVING AREA - UNIT 'B' = 936 SF (PLUS 90 SF BALCONY)
 TOTAL NUMBER OF UNIT per BLDG = TWO
 TOTAL RESIDENTIAL LIVING AREA per BLDG = 1,896 SF



EAST ELEVATION

1120 13TH STREET

SCALE : 1/4" = 1'-0"

1150 13TH STREET -- NONA SQUARE

EXTERIOR MATERIAL / COLOR LEGEND

MATERIAL / LOCATION	COLOR
① EXTERIOR STUCCO (PLASTER) - WALLS	(A)
② EXTERIOR STUCCO (PLASTER) - CANOPY/POP-OUTS/TRIMS	(B)
③ CONCRETE ROOF TILE	(C)
④ STORE FRONT VINYL FRAME - DOORS & WINDOWS	(D)
⑤ WROUGHT IRON RAILINGS	(E)
⑥ 1x4 over 2x8 ROUGH SAWN FASCIA - PAINTED	(E)

(A)
s/e 'EXPO' EXTERIOR STUCCO
COLOR #283
BONE (Base 1)

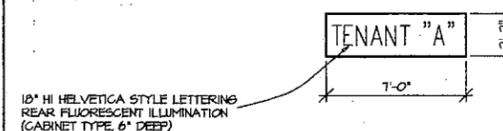
(B)
s/e 'EXPO' EXTERIOR STUCCO
COLOR #50
PEACH CREAM (Base 1)

(C)
s/e 'EAGLE ROOF TILE'
COLOR #2595
SAN RAMON

(D)
s/e 'PACIFIC WINDOW' CORP
VINYL FRAME
WHITE

(E)
s/e 'FRAZEE' EXTERIOR PAINT
COLOR # 337
MEDIUM BROWN

WALL SIGN SPECIFICATIONS



EACH TENANT NAME SIGN SIZE : 7'-0" LONG x 2'-2" HIGH x 6" DEEP = 15 SQ FT
TOTAL FRONTAL SIGN AREA : 2 x (15 SQ FT) = 30 SQ FT
(FRONT ELEVATION BUILDING LENGTH = 47'-0")

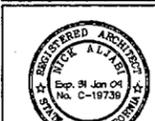
ITEM	MATERIAL	COLOR
LETTERS	PLEXIGLASS FACE	RED LETTERS WHITE BACKGROUND
CABINET	SHEET METAL	GLOSS ENAMEL PAINT s/e 'BEHR' OFF WHITE COLOR #04-6 SMOKE RING TBA-2P

EAST ELEVATION KEYNOTES:

1. PLACE ELECTRICAL OUTLETS ABOVE EAST FACING WINDOWS AND IN ANY LOCATION WHERE ELECTRICAL SIGNS AND DISPLAYS ARE ANTICIPATED. ABSOLUTELY NO EXTENSION CHORDS ARE PERMITTED AS A REPLACEMENT FOR PERMANENT WIRING.
2. INSTALL KNOX BOX NEAR THE FRONT ENTRANCE TO COMMERCIAL UNIT AND LOCATED MINIMUM OF 7 FEET ABOVE GROUND.

ACAD FILE NAME: ELEV-SEC.DWG

1120 13TH ST NONA SQUARE



SHEET TITLE:
EXTERIOR ELEVATIONS

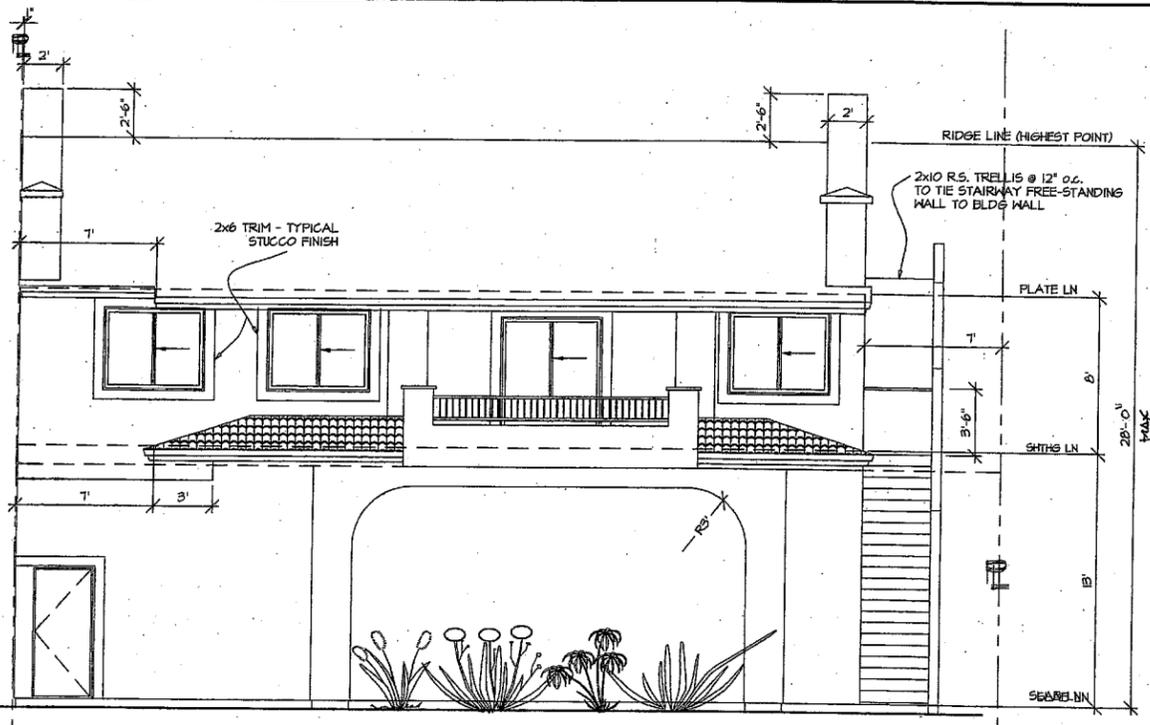
PROJECT ADDRESS: 13TH STREET
IMPERIAL BEACH, CA 91932

SIGNATURE: *Nick Aljabi*

AD ALJABI
Architecture Interior Design
Residential ... Commercial
Tel: 619 / 955-7087

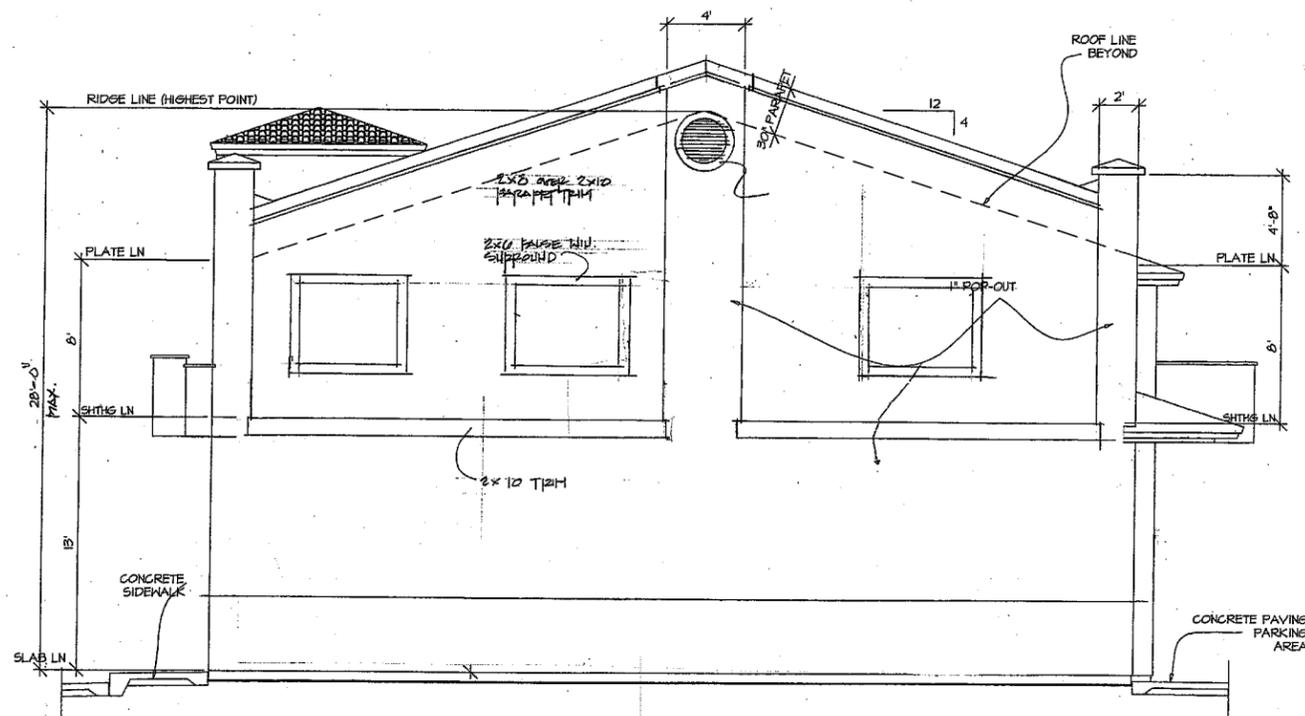
Nick Aljabi
Registered Architect
License No. C-19739
9127 GROSSMONT BLVD
LA MESA, CA 91941

SHEET NUMBER: **A3**



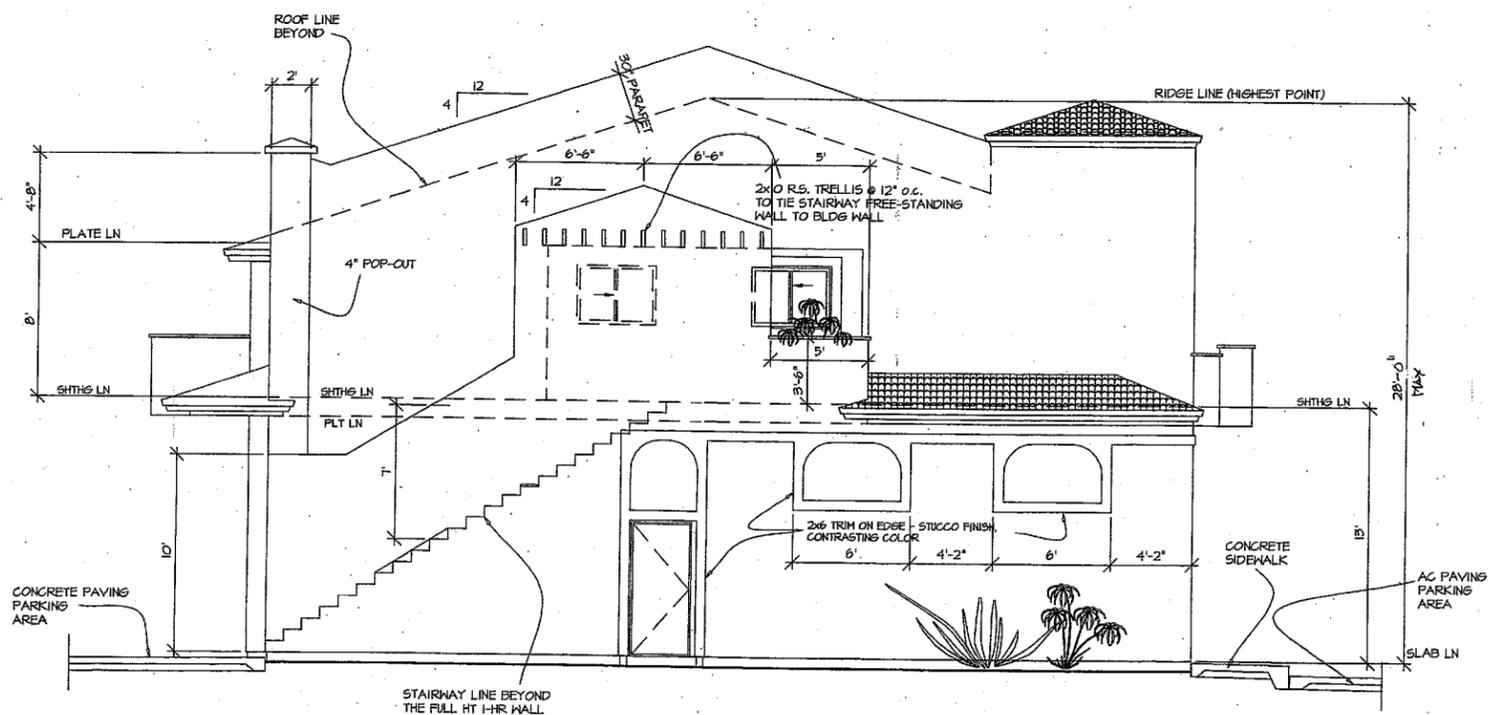
WEST ELEVATION - 1120 13TH STREET

SCALE : 1/4" = 1'-0"



NORTH ELEVATION - 1120 13TH STREET

SCALE : 1/4" = 1'-0"

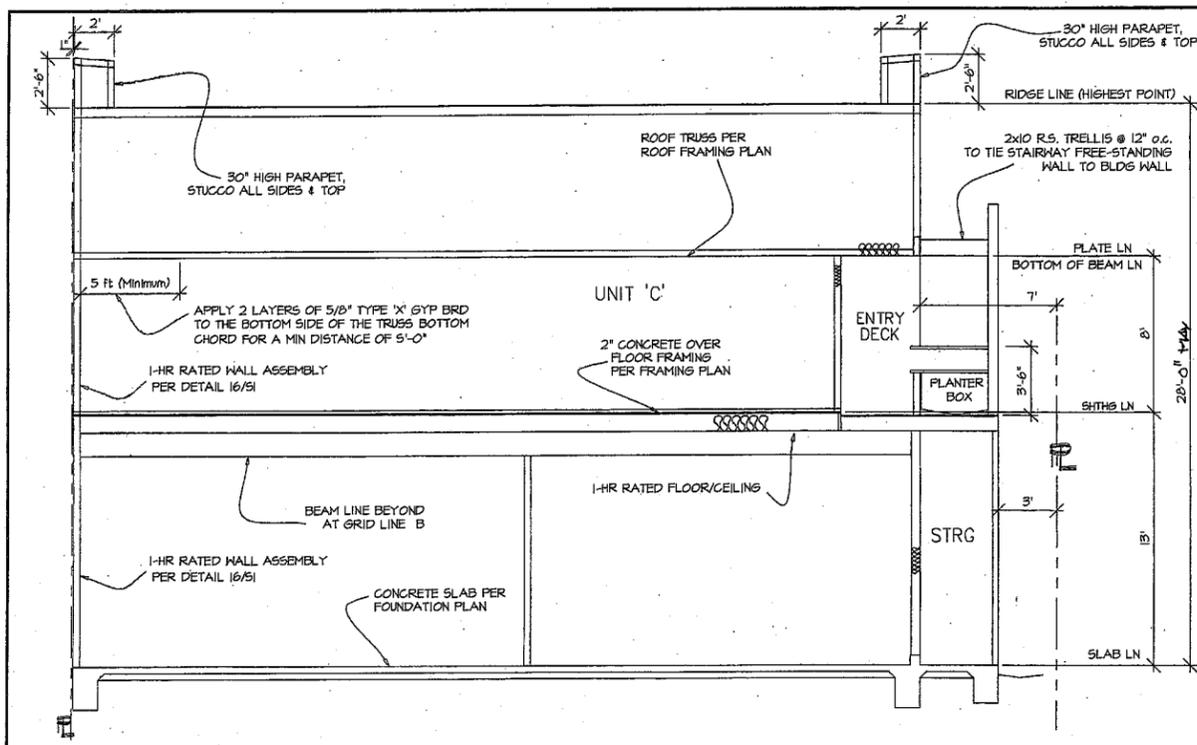


SOUTH ELEVATION - 1120 13TH STREET

SCALE : 1/4" = 1'-0"

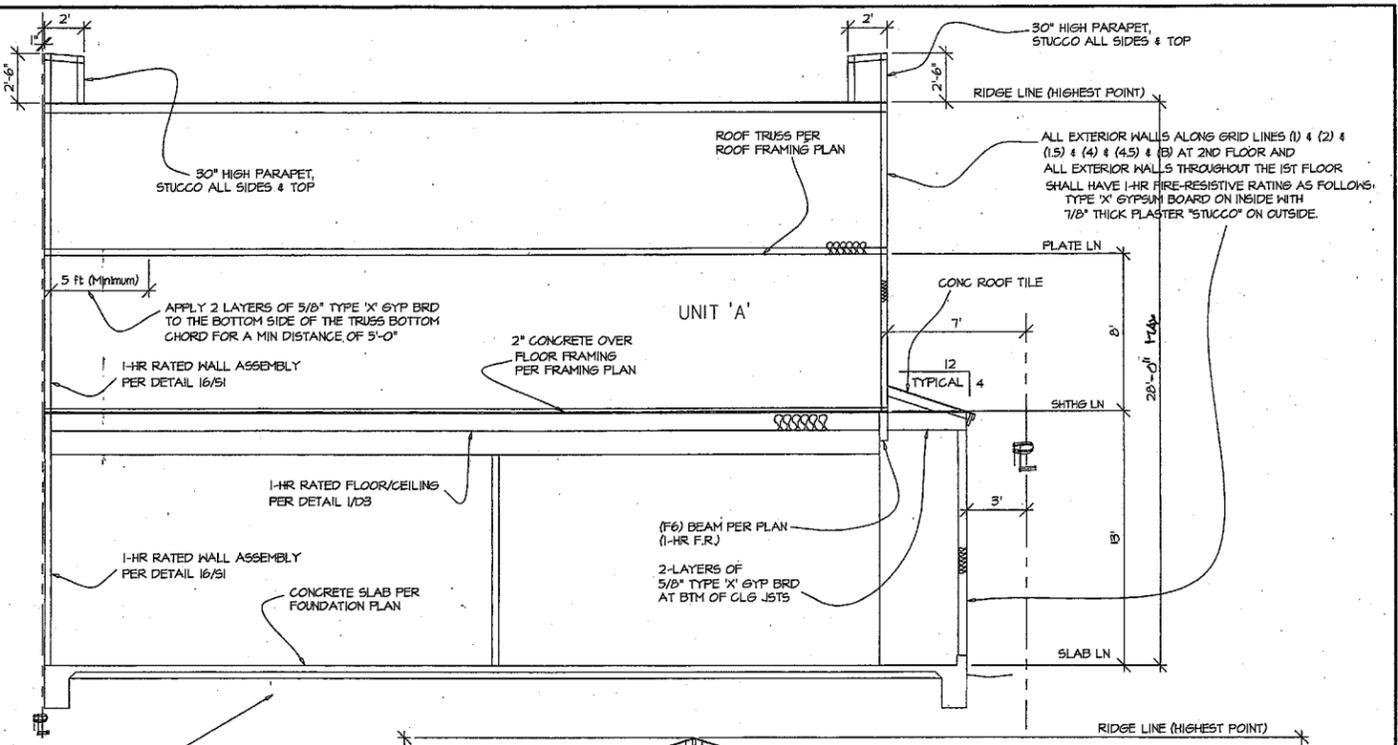
ACAD FILE NAME: ELEV-SEC.DWG

1120 13TH ST NONA SQUARE	
	SHEET TITLE: EXTERIOR ELEVATIONS
DRAWING SCALE:	
PROJECT ADDRESS: 13TH STREET IMPERIAL BEACH, CA 91932	
SIGNATURE: <i>Nick Aljabi</i>	Nick Aljabi Registered Architect License No. C-19739 9127 CROSSMONT BLVD LA MESA, CA 91941 Tel 619 / 955-7087
	A4 SHEET NUMBER



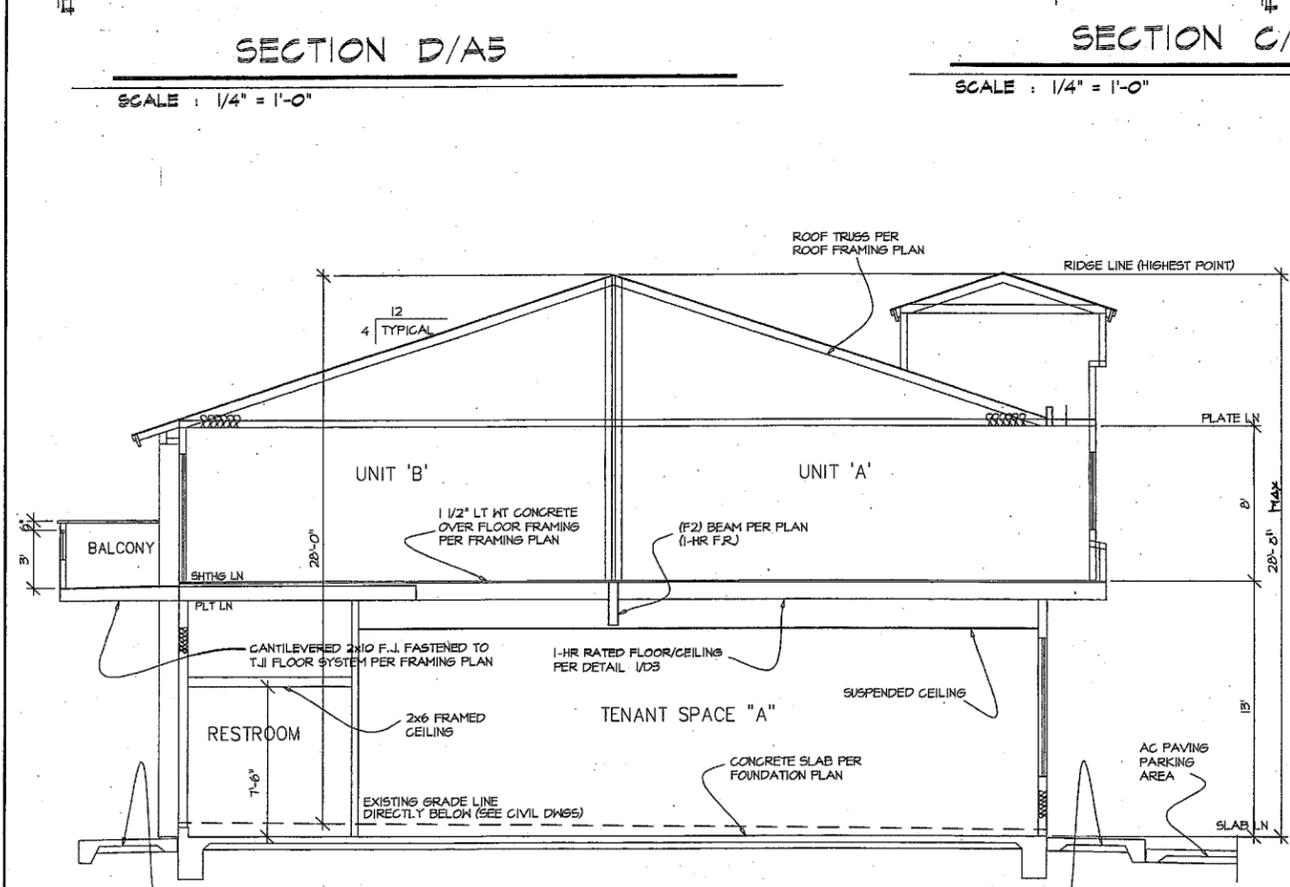
SECTION D/A5

SCALE : 1/4" = 1'-0"



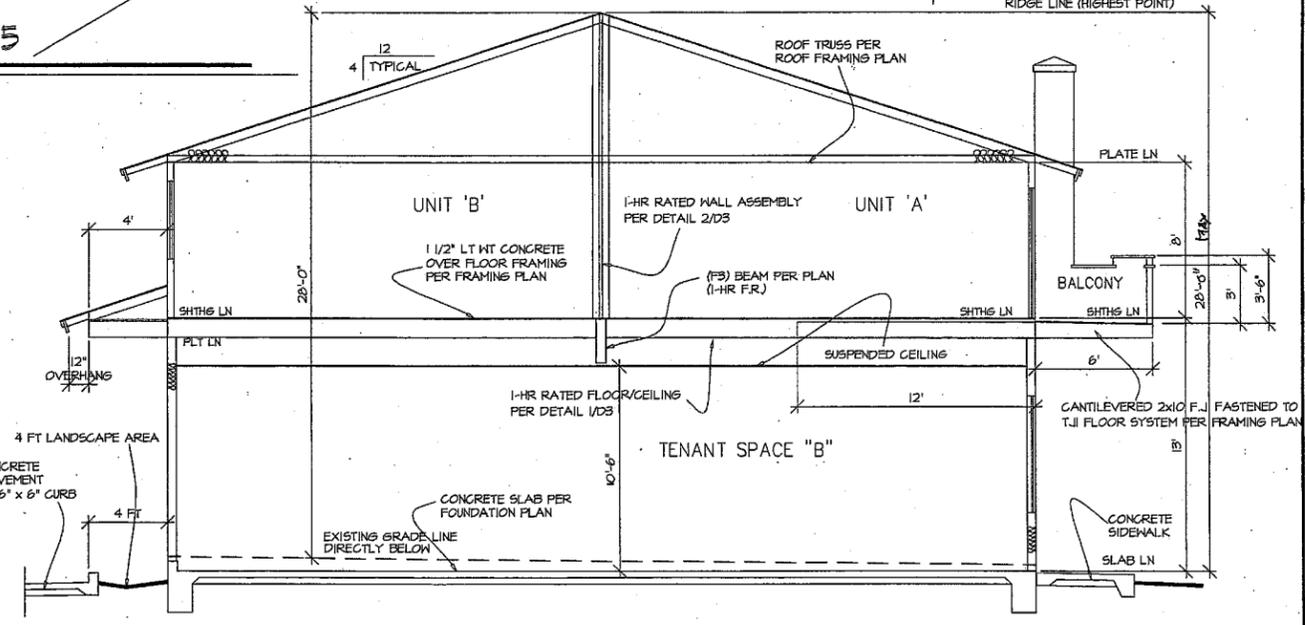
SECTION C/A5

SCALE : 1/4" = 1'-0"



SECTION A/A5

SCALE : 1/4" = 1'-0"



SECTION B/A5

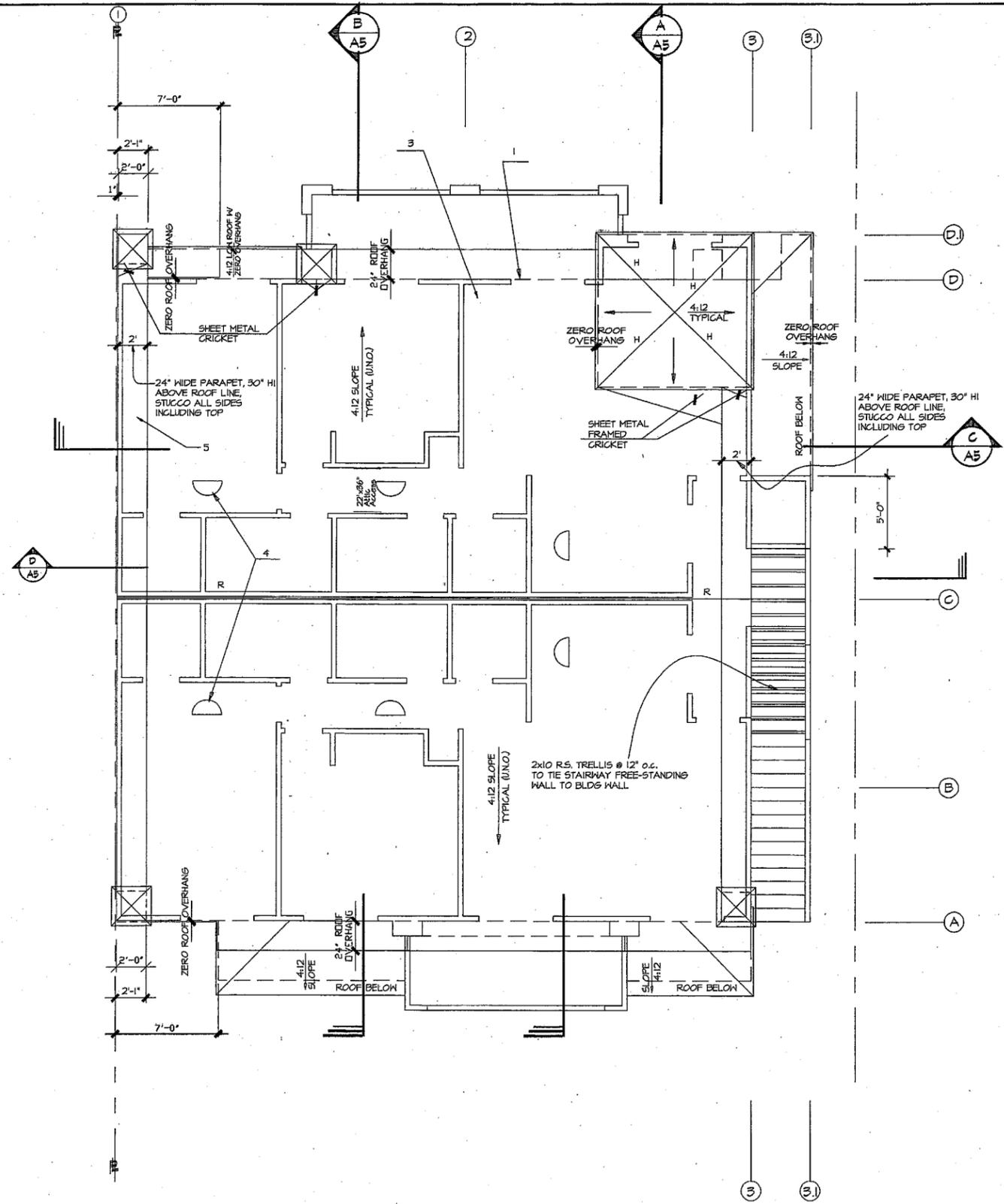
SCALE : 1/4" = 1'-0"

ACAD FILE NAME: ELEV-SEC.DWG

1120 13TH ST NONA SQUARE

	<p>SHEET TITLE: BUILDING SECTIONS</p> <p>DRAWING SCALE:</p> <p>PROJECT ADDRESS: 13TH STREET IMPERIAL BEACH, CA 91932</p>
<p>SIGNATURE: <i>Nick Aljabi</i></p>	<p>AD ALJABI Nick Aljabi Registered Architect License No. C-19739 Residential ... Commercial 9127 GROSSMONT BLVD LA MESA, CA 91941 Tel 619 / 955-7087</p>

A5
SHEET NUMBER

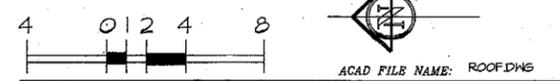


ROOF ATTIC SPACE VENTILATION	
ENTIRE ROOF	
1. AREA TO BE VENTILATED :	1,425 SQ FT
2. REQUIRED VENTILATION : at 1:500 (50% of the required ventilation, minimum, is to be provided at least 36" above eave vents)	6.42 SQ FT
3. NET FREE VENTILATION PROVIDED BY :	
a. EAVE VENTS 4"x8"x1" CONT. LOWERED VENT (0.50 NET SQ. FT. EACH)	NONE
b. DORMER VENTS (8"x22" PROFILE)	6 at .75 sq.ft. 4.50 SQ FT
c. EAVE VENTS (B) 2-1/4" diameter holes per eave block (.08 sq. ft. each)	30 at .08 sq.ft. 2.40 SQ FT
d. GABLE END VENTS	NONE
4. TOTAL NET FREE VENTILATION PROVIDED :	6.90 SQ FT

ROOF PLAN KEYNOTES

- R = Ridge Per DET 1/22
H = Hip Per DET 1/22
V = Valley Per DET 2/22
- BUILDING LINE / EXTERIOR WALL LINE
 - ROOF EDGE LINE - RAKE PER DET 16/22, EAVE PER DET 15/22
2x4 TRIM OVER 2x8 R.S. FASCIA - PAINTED
 - CONCRETE ROOFING TILE BY "MONIER ROOF TILE, INC, ORANGE, CA"
ICBO EVALUATION REPORT # 2043,
STYLE AS SELECTED BY THE OWNER.

UNDERLAYMENT SHALL BE ASPHALT-SATURATED ORGANIC FELT, LAPPED NOT LESS THAN 4" AT HORIZ. JOINTS AND NOT LESS THAN 6" AT VERT. JOINTS, NO. 30 UNDER CONCRETE TILE AND NO. 40 UNDER CLAY TILES
INSTALL WITH CORROSION-RESISTANT FASTENERS IN ACCORDANCE WITH MANUFACTURERS PRINTED INSTRUCTIONS.
INSTALL WOODEN BATTENS WHERE REQUIRED BY THE REFERENCED EVALUATION REPORT
 - SHEET METAL ROOF DORMER VENTS, 8"x22" LOW PROFILE AS MANUFACTURED BY "SPRING VALLEY SHEET METAL" - PRIME AND PAINT TO MATCH ROOFING TILE.
TYPICAL OF 12 @ .75 SQ FT EACH;
SEE ROOF SPACE VENTILATION TABLE THIS SHEET
 - PARAPET/HALL - STUCCO FINISH OVER METAL LATH OVER WEATHER RESISTIVE BARRIER (30# FELT) ALL SIDES; HORIZONTAL SURFACES SHALL SLOPE AT MIN 1/2" PER FT AWAY FROM VERTICAL SURFACES;
INSTALL SHEET METAL COPING WITH DRIP EDGE AT TOP HORIZ. SURFACE
 - SEE DETAIL 5/22 FOR VENT PIPE ROOF PENETRATION
 - SEE DETAILS 10, 11, 12, 13/22 FOR ROOF AT WALL CONNECTION
 - PROVIDE 24 GAUGE GALV. IRON GUTTERS & DOWNSPOUTS. FASTEN GUTTERS TO FRAMING W/ 1/8"x1" S.I. STRAPS @ 36" o.c. - COORDINATE W/ OWNER & ARCHITECT FOR COLOR & LOCATION - GUTTERS/DOWNSPOUTS SHALL DISCHARGE INTO VERTICAL DRAIN PIPE AT WALL FILASTERS AT EITHER SIDE OF EACH BALCONY, THEN TO DISCHARGE UNDER SIDEWALKS TO LANDSCAPING AREAS



1120 13TH ST NONA SQUARE

SHEET TITLE :
ROOF PLAN

DRAWING SCALE: 1/4" = 1'-0"

PROJECT ADDRESS : 13TH STREET
IMPERIAL BEACH, CA 91932

SIGNATURE: *Nick Aljabi*

ALJABI Nick Aljabi
Architecture Interior Design Registered Architect
License No. C-19739
Residential ... Commercial 9127 GROSSMONT BLVD
Tel 619 / 955-7087 14 NESA, CA 91944

A6
SUBSET NUMBER

EXTERIOR MATERIAL / COLOR LEGEND

MATERIAL / LOCATION	COLOR
① EXTERIOR STUCCO (PLASTER) - WALLS	Ⓐ
② EXTERIOR STUCCO (PLASTER) - CANOPY/POP-OUTS/TRIMS	Ⓑ
③ CONCRETE ROOF TILE	Ⓒ
④ STORE FRONT VINYL FRAME - DOORS & WINDOWS	Ⓓ
⑤ WROUGHT IRON RAILING	Ⓔ
⑥ 1x4 over 2x8 ROUGH SAWN FASCIA - PAINTED	Ⓕ



283 Bone (Base 1)

Ⓐ

s/e 'EXPO' EXTERIOR STUCCO
COLOR #283
BONE (Base 1)

Ⓑ

s/e 'EXPO' EXTERIOR STUCCO
COLOR #50
PEACH CREAM (Base 1)



50 Peach Cream (Base 1)

Ⓒ



s/e 'EAGLE ROOF TILE'
COLOR #2535
SAN RAMON

Ⓓ

s/e 'PACIFIC WINDOW' CORP
VINYL FRAME
WHITE

Ⓔ

s/e 'FRAZEE' EXTERIOR PAINT
COLOR # 357
MEDIUM BROWN

Return to Agenda

AGENDA ITEM NO. 6.1



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
GARY BROWN, CITY MANAGER

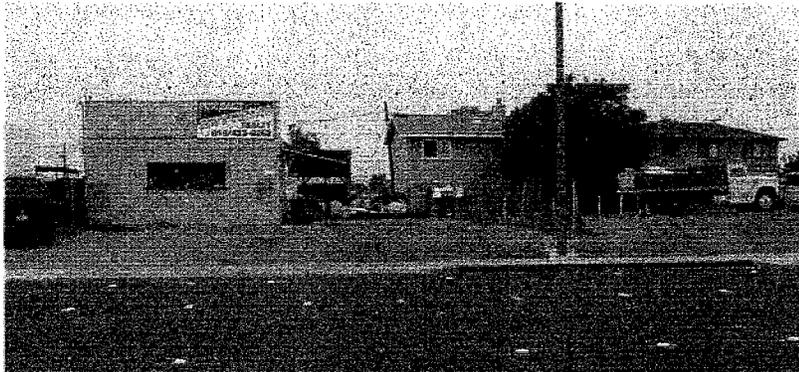
FROM: GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR
JIM NAKAGAWA, AICP, CITY PLANNER
ALIA KANANI, ASSISTANT PLANNER

MEETING DATE: MARCH 2, 2005
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: PUBLIC HEARING: FERAS "RUSTY" BARGHOUT
(APPLICANT/PROPERTY OWNER)/NICK ALJABI
(ARCHITECT); CONDITIONAL USE PERMIT (CUP 03-03),
DESIGN REVIEW (DRC 03-10), SITE PLAN REVIEW (SPR 03-09)
FOR A MIXED DEVELOPMENT WITH THREE RETAIL
COMMERCIAL SPACES AND FOUR RESIDENTIAL UNITS
LOCATED AT 1146 13TH STREET, IN THE C-3
(NEIGHBORHOOD COMMERCIAL) ZONE. MF 641.

PROJECT DESCRIPTION/BACKGROUND:

This project was originally scheduled for the January 19, 2005 meeting; however, the architect contacted city staff due to the legality of the plans being used by the current owner of the property. These issues have since been resolved. The architect and applicant are proceeding with the project.



On August 26, 2003, an application (MF 641) was submitted for a Conditional Use Permit (CUP 03-03), Design Review (DRC 03-10) and Site Plan Review (SPR 03-09) for a mixed-use development consisting of 3,962 square feet of retail commercial space on the first floor and four residential units totaling 3,632 square feet above the first floor on a developed 11,680 square foot parcel (APN 633-022-17-00 and 633-022-18-00) at 1146 13th Street in the C-3 (Neighborhood Commercial) Zone. In the C-3 (Neighborhood Commercial) Zone, a mixed-use development project is subject to approval of a Conditional Use Permit (I.B.M.C 19.28.020).

Since the project proposes commercial development and is located in one of the eight design corridors in the City, 13th Street, it is subject to design review by the Design Review Board (IBMC 19.83.020). On October 8, 2003 the Design Review Board reviewed and recommended approval of this project with several conditions.

PROJECT EVALUATION/DISCUSSION:

The project site is an 11,680 square foot lot in the shape of rectangle that fronts on the west side of 13th Street between Imperial Beach Boulevard and Fern Avenue. The property consists of a parking lot and a bar, Joe's Lariat, which is now vacant. The adjacent property to the north is a newly completed mixed-used project (MF 615), which was approved by the City Council on June 4, 2003. The adjacent property to the south is an upholstery shop. Directly across 13th Street from the site are a bar, liquor store and a resale business. Across from the alley is a residential neighborhood zoned R-3000 (Two-Family Residential).

General Plan/Zoning Consistency: The proposed development is subject to C-3 (Neighborhood Commercial) zoning requirements. The C-3 zone is intended to provide for businesses to meet the local neighborhood demand for commercial goods and services. It is intended that the dominant type of commercial activity in the zone will be neighborhood serving retail and office use such as markets, professional offices, personal services, restaurants and hardware stores (I.B.M.C. 19.28.010). The proposed project will provide three retail commercial spaces, which meets the intent of the land use designation.

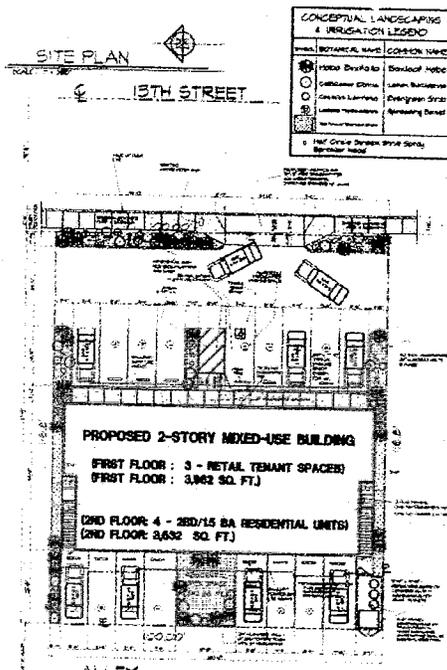
Standards	Provided/Proposed
One dwelling per 2,000 square feet of lot area above the first floor	One dwelling unit per 2,920 square feet
There are no front, side and rear yard setbacks in the C-3 zone (Section 19.28.030)	Front yard: 52 feet Side yard: 3 feet Rear yard: 22 feet
Minimum lot size of 3,000 square feet (Section 19.28.040)	11,680 square foot parcel.
Minimum street frontage of 30 feet (Section 19.28.050).	13th Street frontage of 100 feet.
Maximum building height of two stories or 28 feet (Section 19.28.060)	28 feet.
Open space: 300 square feet per dwelling unit	Public open space: 971square feet Private open space: 992 square feet
Commercial landscaping: not less than 15% of total site shall be landscaped and maintained (Section 19.50.030).	11,680 square feet total =1,752 square feet of landscaping (15%) A 10% administrative adjustment may be given to reduce the total landscaping (175 square feet)= 1,578 square First floor landscaping=1,363 square feet Second floor landscaping=240 square feet Total=1,603 square feet (13.7%) with 10% administrative adjustment

<p>Required parking spaces for commercial, retail: one space for each two hundred fifty square feet of net floor area, plus one space per two employees (Section 19.48.050.I). Required parking spaces for residential dwelling units in the C-3 zone: 1.5 per dwelling unit (Section 19.48.030.C)</p>	<p>11 spaces including one handicapped space= one space for each two hundred fifty square feet of net floor area, plus one space per two employees (3 employee spaces) Six required spaces = 1.5 spaces per residential unit.</p>
<p>Freestanding sign in the C-3 zone: maximum area of 40 square feet, maximum height of eight feet and one sign per lot frontage (Section 19.52.050.B) Building signs in the C-3 zone: one square foot per lineal foot of wall face (Section 19.52.050.B)</p>	<p>One 40 square feet (20 square feet per sign face) sign, height of 7.6 feet Three building signs "Tenant"= 45 square feet (15 square feet each) One building sign "Braudaway Square"= 28 square feet 94 lineal feet of wall space Total building signs: 73 square feet</p>

Surrounding Land Use and Zoning

North:	C-3	Mixed-use
South:	C-3	Commercial
East:	C-3	Commercial
West:	R-3000	Residential

Design Review: This site fronts along 13th Street, a designated Design Corridor. The applicant's architect has proposed varied rooflines and architectural detailing and relief through the incorporation of building recesses and balconies. The applicant also proposes a variety of landscaping; including Boxleaf Hebe, Lemon Bottlebrush, Evergreen shrub, Spreading Sunset and "Tall Fescue" lawn grass, in front of the commercial space. Landscaping will also be located in the residential open space off the alley and along the north and south side of the building as proposed by the architect in the revised landscaping plans submitted on July 8, 2004. The overall design of the building should contribute positively in making an architectural statement along 13th Street. This project will be similar in design and will complement the recently constructed mixed project, "13th Street Market," that was approved by the City Council on June 4, 2003.



Vacant lots pose an opportunity for the City and property owner to comprehensively plan and design these sites for commercial development. Staff has encouraged this property owner and the property owner to the north to leave the plan open to the option of providing for mutual access and parking. These will be conditions of the project.

Parking for the commercial and residential units will be located in two on-site locations. The commercial retail unit is required to have 11 parking spaces including one handicapped parking space. The required handicapped

space and eight spaces for the commercial space will be located in the front of the building off of 13th Street. Two parking spaces for employee parking will be located off the alley. The six parking spaces provided for the residential units are also located off the alley and access to these parking spaces is from the alley.

The trash and recycling enclosure for both the commercial space and the residential units is located behind the rear stairwell off the alley. The DRB has recommended that the garbage enclosure will be shifted to the north so that it is adjacent to the garbage enclosure of 1126 13th Street.

The commercial space will be accessible from 13th Street on the first floor. There are two doors, on the west elevation, that provide access to the trash enclosure from the middle commercial unit on the first floor. The exterior commercial units have access to the trash enclosure from doors on the north and south sides of the building respectively. The access for the residential units, via two sets of stairways on the north and south to the second floor, is from the rear of the building (alley).

The City is requiring new development to conform to the new state water quality/urban runoff requirements (SDRWQCB Order 2001-01). Plans for new development will now need to show drainage patterns to demonstrate how storm water will be directed to landscaped areas (bioswales) or to filters before it is discharged into the city's storm sewers or to the beach. Prior to City Council approval, the grading and drainage plans for this project will need to show such compliance. On August 16, 2004, the applicant's engineering company, Snipes-Dye Associates, submitted a Storm Water Management and Maintenance Plan to address the storm water requirements triggered by SUSMP. A Report for Geotechnical Investigation was submitted by C.W. La Monte Co., Inc., on behalf of the applicant, on November 8, 2004. Both documents were approved by the City Engineer for storm water compliance. After review by staff from Community Development, Public Works and Building, the Storm Water Management and Maintenance Plan submitted by the applicant has adequately addressed the requirements of SUSMP.

ENVIRONMENTAL IMPACT: This project may be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15303 as a Class 3(c) project (New Construction).

COASTAL JURISDICTION: The project is not located in the Coastal Zone, and, therefore, the City would not need to consider evaluating the project with respect to conformity with coastal permit findings.

FISCAL ANALYSIS:

The applicant has deposited \$3,500.00 in Project Account Number 261-641 to fund the processing of this application.

DESIGN REVIEW BOARD RECOMMENDATION:

On October 8, 2003, the DRB recommended approval of the project design provided that:

1. The building should be a darker tone with a lighter trim.
2. The lettering on the signs should have deeper tones such as dark blue, burgundy, and dark green and will be finalized by the applicant and staff at a later time.

3. The garbage enclosure will be shifted to the North so that it is adjacent to the garbage enclosure of 1126 13th Street.
4. Landscaping will be planted so that it provides sufficient protection to the monument sign.

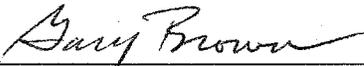
DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council receive this report and public testimony and take the following actions:

1. Declare the public hearing open
2. Receive public testimony
3. Close the public hearing
4. Adopt Resolution No. 2005-6114, granting conditional approval of Conditional Use Permit (CUP 03-03), Design Review (DRC 03-10) and Site Plan Review (SPR 03-09), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown

Attachments:

1. Resolution 2005-6114
 2. Plans
 3. DRB Agenda Packet: DRB Staff Report, Resolution No. 2003-07, DRB Checklist
 4. DRB Minutes
- c:
- file MF 641
 - Feras "Rusty" Barghout, 1851 Galveston Street, San Diego, CA 92110
 - George Braudaway, All Phase Drywall, P.O. Box 643, Imperial Beach, CA 91932
 - Hugh Wood (for Nick Aljabi), 1317 Woodhaven Drive, Oceanside, CA 92056
 - Nick Aljabi, Architect, Engineering Field Activity Mediterranean, Naval Facilities Engineering Command, PSC 817 Box 51, FPO AE 09622-0051
 - Robert Brukart, P.E., Snipes-Dye Associates, 8348 Center Drive, Suite G, La Mesa, CA 91942-2910
 - C.W. La Monte Co., Inc., 4350 Palm Ave, Suite 25, La Mesa, CA 91941
 - Sam Shaker, Building Official
 - Paul Smith, Public Safety

Return to Agenda

Return to Staff Report

RESOLUTION NO. 2005-6114

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 03-03), SITE PLAN REVIEW (SPR 03-09), AND DESIGN REVIEW (DRC 03-10) FOR A MIXED-USE DEVELOPMENT WITH THREE RETAIL COMMERCIAL SPACES AND FOUR RESIDENTIAL UNITS LOCATED AT 1146 13th STREET IN THE C-3 (NEIGHBORHOOD COMMERCIAL) ZONE. MF 641

WHEREAS, on March 2, 2005, the City Council of the City of Imperial Beach held a duly advertised public hearing to consider the merits of approving or denying an application for a Conditional Use Permit (CUP 03-03), Site Plan Review (SPR 03-09), and Design Review (DRC 03-10) for a mixed-use development consisting of retail three retail commercial spaces on the first floor and four residential units above the first floor at 1146 13th Street, in the C-3 (Neighborhood Commercial) Zone, on a site legally described as follows:

Lots 35, 36, 37 and 38, inclusive in Block 2 of Imperial Beach Park, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 1994, filed in the Office of the County Recorder of San Diego County, February 1, 1927; excepting therefrom the Easterly 10 feet thereof.

WHEREAS, on October 8, 2003, the Design Review Board adopted DRB Resolution No. 2003-02 recommending approval of the project design; and

WHEREAS, the project design of a mixed-use development consisting of 3,962 square feet retail commercial space on the first floor and four residential units totaling 3,632 square feet above the first floor at 1146 13th Street, in the C-3 (Neighborhood Commercial) Zone, is compatible with other developments in the vicinity which consist of a mixed-use development to the north, an upholstery shop to the south, commercial buildings to the east and a residential neighborhood to the west, and, therefore, would be consistent with Policy D-8 (Project Design) of the Design Element of the General Plan; and,

WHEREAS, the City Council finds that the project is in substantial compliance with Policy L-4g of the Land Use Element of the General Plan, which promotes Thirteenth Street Commercial Areas (C-3) for pedestrian-oriented commercial uses that serve the neighborhood; and

WHEREAS, the City Council finds that the project is consistent with the C-3 (Neighborhood Commercial) Zone of the Zoning Ordinance, which promotes the local neighborhood demand for commercial goods and services; and

WHEREAS, this project complies with the requirements of the California Environmental Quality (CEQA) as this project is categorically exempt pursuant to the CEQA Guidelines Section 15303 as a Class 3(c) project (New Construction); and

WHEREAS, the City Council considered the information contained in the staff reports on this case and public testimony received on this case; and

WHEREAS, at the close of said meeting on March 2, 2005, a motion was duly made and seconded to approve Conditional Use Permit (CUP 03-03), Site Plan Review (SPR 03-09), and Design Review (DRC 03-10) for a mixed-use development consisting of retail commercial space on the first floor and four residential units above the first floor at 1146 13th Street, in the C-3

(Neighborhood Commercial) Zone, based upon the following findings and subject to the conditions of approval contained herein.

CONDITIONAL USE FINDINGS:

- 1. The proposed use at the particular location is necessary or desirable to provide a service or facility, which will contribute to the general well being of the neighborhood or community.**

In the C-3 (Neighborhood Commercial) Zone, the intent of the zone is to promote the local neighborhood demand for commercial goods and services such as markets, professional offices, personal services, restaurants and hardware stores (IBMC 19.28.010). This project will provide additional retail commercial space in this area of 13th Street to meet the demands for goods in the surrounding neighborhood. This project will also provide additional housing, four units with off street parking, to meet the current housing demand. Also, the development of this project may encourage revitalization of the existing area, development of the nearby vacant lots and increase patronage to the surrounding businesses. Development of this project on a vacant lot may also decrease the amount of problems, such as vandalism and crime, associated with the vacant lots in the neighborhood.

- 2. The proposed use will not, under any circumstances, of the particular use, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

The proposed development, a mixed-use development consisting of retail commercial space on the first floor and four residential units above the first floor at 1146 13th Street, in the C-3 (Neighborhood Commercial) Zone, will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. In the Conditions of Approval, specific conditions have been set forth by the Community Development Department and the Public Works Department to mitigate the concerns such a development project may create.

- 3. The proposed use will comply with the regulations and conditions specified in the title for such use and for other permitted uses in the same zone.**

The proposed use will comply with the regulations and conditions specified in the title for such use and for other permitted uses in C-3 (Neighborhood Commercial) zone. The specific conditions that have been set forth by the Community Development Department will ensure that granting of the Conditional Use Permit will achieve compliance with zoning regulations.

- 4. The granting of such conditional use permit will be in harmony with the purpose and intent of this code, the adopted general plan and the adopted local coastal program.**

The granting of the conditional use permit for a mixed-use development consisting of retail commercial space on the first floor and four residential units above the first floor at 1146 13th Street, in the C-3 (Neighborhood Commercial) Zone, will be in harmony with the purpose and intent of the zoning code (IBMC 19.82.040.D), the adopted general plan. The site is not within the coastal zone. The following list of specific conditions of

approval set forth by the Community Development Department and the Public Works Department will ensure that the granting of the Conditional Use Permit will achieve compliance.

SITE PLAN REVIEW FINDINGS:

5. **The proposed use does not have a detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the neighborhood, and is not detrimental or injurious to the value of property and improvements in the neighborhood.**

The applicant proposes a mixed-use development consisting of retail commercial space on the first floor and four residential units above the first floor at 1146 13th Street, in the C-3 (Neighborhood Commercial) Zone, that would not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. The project proposes parking for the commercial and residential units will be located in two on-site locations. The commercial retail unit is required to have eleven parking spaces including one handicapped parking space. The required handicapped space and eight spaces for the commercial space will be located in the front of the building off of 13th Street. Two parking spaces for employee parking will be located off the alley. The six parking spaces provided for the residential units are also located off the alley and access to these parking spaces is from the alley. In the Conditions of Approval, specific conditions have been set forth by the Community Development Department and the Public Works Department to mitigate the concerns such a development project may create.

6. **The proposed use will not adversely affect the General Plan/Local Coastal Plan.**

The proposed mixed-use development consisting of retail commercial space on the first floor and four residential units above the first floor at 1146 13th Street is consistent with the C-3 (Neighborhood Commercial) zone, which promotes the local neighborhood demand for commercial goods and services.

7. **The proposed use is compatible with other existing and proposed uses in the neighborhood.**

The subject site is in the "Neighborhood Commercial" zone, which encompasses 13th Street from Ebony Avenue to the north and Fern Avenue to the south. "Neighborhood Commercial" also encompasses Imperial Beach Boulevard. from Florence Street on the west to Georgia Street on the east. Within this area, commercial and residential uses vary in character, bulk, and scale. The proposed project is compatible with the established commercial and residential uses.

8. **The location, site layout and design of the proposed use properly orient the proposed structures to streets, driveways, sunlight, wind and other adjacent structures and uses in a harmonious manner.**

This site fronts along 13th Street. The adjacent property to the north is a newly complete a mixed-use development, "13th Street Market," an upholstery shop to the south, commercial buildings to the east and a residential neighborhood to the west. Directly across 13th Street from the site are a liquor store, The Office Club bar and a resale

business. Across from the alley is a residential neighborhood zoned R-3000 (Two-Family Residential). The project has varied rooflines and architectural detailing and relief through the incorporation of building recesses. The applicant also proposes a variety of landscaping; including Boxleaf Hebe, Lemon Bottlebrush, Evergreen shrub, Spreading Sunset and "Tall Fescue" lawn grass, in front of the commercial space. Landscaping will also be located in the residential open space off the alley and along the north and south side of the building as proposed by the architect in the revised landscaping plans submitted on July 8, 2004. The overall design of the building should contribute positively in making an architectural statement along 13th Street. Many of the existing buildings in the area are older structures. The project shall properly orient the proposed structures to streets, driveways, sunlight, wind and other adjacent structures and uses in a harmonious manner.

9. The combination and relationship of one proposed use to another on the site is properly integrated.

The project is a mixed-use development with a retail commercial space on the first floor and four residential units above the first floor at 1146 13th Street, in the C-3 (Neighborhood Commercial) Zone. The combination and relationship of the commercial office space in relation to the residential units on the site is properly integrated.

10. Access to and parking for the proposed use will not create any undue traffic problems.

Parking access is from both 13th Street and the alley behind 13th Street. The commercial parking will be located in the front of the building off of 13th Street with employee parking off of the alley. The parking provided for the residential units is also located off the alley and access to these parking spaces is from the alley. The parking design will not create any undue traffic problems.

11. The project complies with all applicable provisions of Title 19.

The project is subject to compliance with the zoning requirements per Chapter 19.28 of the City of Imperial Beach Municipal Code, titled "Neighborhood Commercial (C-3) Zone." A Conditional Use Permit is required for residential development above the first floor at a maximum density of one unit per every thousand square feet of lot area and interim parking pursuant to Section 19.28.020.A.3. The parking for the project will be provided in two on-site locations, off 13th Street for the retail commercial unit and off the alley for the employee parking and residential units. Site Plan approval by the City Council is required per Section 19.28.020.D. Design Review is required per Section 19.83.020.A.3.

DESIGN REVIEW FINDINGS:

12. The project is consistent with the City's Design Review Guidelines.

The design of the project is consistent with the City's Design Policy D-8 (Project Design) of the General Plan as per Design Review Compliance checklist attached hereto and findings contained herein.

NOW, THEREFORE, BE IT RESOLVED that an application for Conditional Use Permit (CUP 03-03), Site Plan Review (SPR 03-09), and Design Review (DRC 03-10) for a mixed-use development consisting of retail commercial space on the first floor and four residential units above the first floor at 1146 13th Street, in the C-3 (Neighborhood Commercial) Zone, is hereby approved by the City Council of the City of Imperial Beach subject to the following:

CONDITIONS OF APPROVAL:

A. PLANNING:

1. The City is requiring new development to conform to the new state water quality/urban runoff requirements (SDRWQCB Order 2001-01). Plans for new development will now need to show drainage patterns to demonstrate how storm water will be directed to landscaped areas (bioswales) or to filters before it is discharged into the city's storm sewers or to the beach.
2. All catch basin subdrains shall be deepened to reach the area of percolation as identified in the soils report.
3. Filter fabric shall be applied around the 18" perforated pipe in the catch basin subdrain.
4. Owner must enter into and provide proof of post-construction (BMPs) maintenance agreement for all catch basin filters and subdrains.
5. Final drainage for the balconies shall comply with SUSMP requirements.
6. Owner shall record a mutual access and parking agreement in concert with the master plans of the adjacent parcels and subject to approval of the City.
7. The 30-inch retaining wall shall be made of a material coordinated in color with the building in either stucco or split face block.
8. The trash enclosure shall be made of the same/similar materials and designed in accordance with the trash enclosure for the mixed-use project at 1126 13th Street (MF 615).
9. Residential units (particularly those facing east) shall have soundproof windows such as double-pane windows.
10. Applicant must comply with building/structural changes identified and revised in plans for in the mixed-use project at 1126 13th Street (MF615), if applicable to this project. These changes must be reflected in the plans prior to submittal for building permits.
11. Ensure that the proposed monument sign is located out of the public right-of-way.
12. Replace the landscaping proposed in second story planter boxes to the rear yard (ground level) as shown in the revised plans submitted by the architect on July 08, 2004.
13. Approval of Conditional Use Permit (CUP 03-03), Site Plan Review (SPR 03-09), and Design Review (DRC 03-10) for a mixed-use development consisting of retail commercial space on the first floor and four residential units above the first floor at 1146

13th Street, in the C-3 (Neighborhood Commercial) Zone is valid for one year from the date of final action to expire on March 2, 2006. The applicant or applicant's representative shall read, understand, and accept the conditions listed herein and shall, within 30 days, return a signed statement accepting said conditions.

14. All negative balances in the project account (261-641) shall be paid prior to building permit issuance and final inspection.

B. BUILDING:

15. A soils report will be required at the time plans are submitted for building permit plan check (619-628-1357).

C. PUBLIC SAFETY:

16. Address must be clearly visible with 6" high numbers and with 3/4" stroke on contrasting background.
17. 1-2A10BC extinguisher located on each entry deck of residential units clearly marked 22" x 36" attic access in each unit. Also on or near a door and at the bottom of the stairs. Smoke detectors are required in each sleeping room and in corridor leading to sleeping room. All smoke detectors shall be wired to building wiring.
18. Commercial retail – all units need to be clearly marked and visible from street and alley. 1-2A10BC extinguishers required in each unit and Knox box required near exit.
19. Residential and Commercial – Require all utilities, gas, electric and water to be individually marked per unit number. All address need to be clearly visible from street and alley.

PUBLIC WORKS:

20. Ensure that the hot water tank P.T. discharge pipes are piped to discharge to the sanitary sewer system or the landscape area. A design that has the water discharge directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01
21. Ensure that no building roof or landscape water drains are piped to the street or onto impervious surfaces that lead to the street. A design that has these water discharges directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01.
22. Construct the driveway approach(es) on 13th Street to comply with Regional Standard Drawing G-14A. Sidewalk cuts must coincide with the existing sidewalk five-foot sections. A sidewalk section cannot be cut into smaller sections. Likewise if the curb and gutter is to be cut in order to comply with Regional Standard Drawing G-14A, the reconstruction must not leave an existing curb and gutter section less than 9 feet in length. Note: The construction of an ADA compliant driveway approach will require a grant of easement to the City for this construction.
23. Replace 80 feet of broken curb and gutter adjacent to the project site.

24. For alley, sidewalk or curb & gutter replacement ensure compliance with San Diego Regional Standard Drawing G-11 in that, the "Area to be removed [must be] 5 feet or from joint to joint in panel, whichever is less." The distance between joints or score marks must be a minimum of 5 feet. Where the distance from "Area to be removed" to existing joint, edge or score mark is less than the minimum shown, "Area to be removed" shall be extended to that joint, edge, or score mark.
25. Ensure constructed refuse storage enclosure is constructed in accordance with I.B.M.C. 19.74.090. Ensure trash enclosure is sized to include recycling containers as well as refuse containers.
26. Install survey monuments on northeast property line and southeast property line in or adjacent to the sidewalk. Record same with county office of records
27. For any work to be performed in the street or alley, submit a traffic control plan for approval by Public Works Director a minimum of 5 working days in advance of street work. Traffic control plan is to be per Regional Standard Drawings or Caltrans Traffic Control Manual.
28. All street work construction requires a Class A contractor to perform the work. Street repairs must achieve 95% sub soil compaction. Asphalt repair must be a minimum of four (4) inches thick asphalt placed in the street trench. Asphalt shall be AR4000 ½ mix (hot).
29. If it is necessary to cut into the alley pavement as part of this project, all concrete cuts in the alley must be replaced with #4 rebar dowels positioned every 1 foot on center. Concrete specification must be 560-C-3250. Concrete cuts must also comply with Item No. 4 above and terminate at least 18 inches before or beyond the alley flow line.
30. In accordance with I.B.M.C. 12.32.120, applicant must place and maintain warning lights and barriers at each end of the work, and at no more than 50 feet apart along the side thereof from sunset of each day until sunrise of the following day, until the work is entirely completed. Barriers shall be placed and maintained not less than three feet high.
31. Recommend applicant agree to underground all utilities in accordance with I.B.M.C. 13.08.060.
32. Advise the property owner that he/she must institute "Best Management Practices" to prevent contamination of storm drains, ground water and receiving waters during both construction and post construction. The property owner or applicant must provide the following documents to the City of Imperial Beach following before project may begin work:
 - A checklist of selected BMPs and location of the BMPs on project plans for review by the City (JURMP Form 7-B and Table 7-3).
 - Certification of intent to maintain selected BMPs (JURMP Form 7-B).
 - A Storm Water Management Plan JURMP (Form 7-B).
33. Additionally these BMP practices shall include but are not limited to: Contain all construction water used in conjunction with the construction. Contained construction

water is to be properly disposed in accordance with Federal, State, and City statutes, regulations and ordinances.

- All recyclable construction waste must be properly recycled and not disposed in the landfill.
- Water used on site must be prevented from entering the storm drain conveyance system (i.e., streets, gutters, alley, storm drain ditches, storm drain pipes).
- All wastewater resulting from cleaning construction tools and equipment must be contained on site and properly disposed in accordance with Federal, State, and City statutes, regulations, and ordinances.
- Erosion control – All sediment on the construction site must be contained on the construction site and not permitted to enter the storm drain conveyance system. Applicant is to cover disturbed and exposed soil areas of the project with plastic-like material (or equivalent product) to prevent sediment removal into the storm drain system

34. Advise the property owner that as of January 1, 2000, any disposal/transportation of solid waste/construction waste in roll-off containers must be contracted through EDCO Disposal Corporation unless the hauling capability exists integral to the prime contractor performing the work.

PROTEST PROVISION: The 90-day period in which any party may file a protest, pursuant to Government Code Section 66020, of the fees, dedications or exactions imposed on this development project begins on the date of the final decision.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 2nd day of March 2005, by the following roll call vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

DIANE ROSE, MAYOR

ATTEST:

JACQUELINE M. HALD
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2005-6114- A Resolution of the City Council of the City of Imperial Beach approving for a Conditional Use Permit (CUP 03-03), Site Plan Review (SPR 03-09), and Design Review (DRC 03-10) for a mixed-use development consisting of retail commercial space on the first floor and four residential units above the first floor at 1146 13th Street, in the C-3 (Neighborhood Commercial) Zone.

CITY CLERK

DATE

Return to Staff Report BRAUDAWAY SQUARE

1146 13TH STREET IMPERIAL BEACH, CA 91932

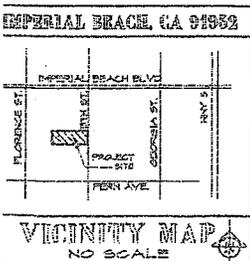
PROJECT DATA :

ZONING = C-3
 GROSS LOT SIZE / AREA = 100 FT x 126.8 FT = 12,680 SQ FT (including 10 Feet Street Dedication)
 LOT SIZE / AREA = 100 FT x 116.8 FT = 11,680 SQ FT
 MIN LANDSCAPE AREA = 15% OF TOTAL SITE AREA = 1,752 SQ FT
 LANDSCAPED AREA OF 1,752 SF less 10% ALLOWED WITH ADMINISTRATIVE DISCRETION (175 SF)
 REQUIRED LANDSCAPED AREA = 1,752 SF - 175 SF = 1,577 SQ FT
 PROPOSED LANDSCAPED AREA = (231+103+70+260+307+342+240 Planter Boxes at 2nd Flr)
 PROPOSED LANDSCAPED AREA = 1,603 SQ FT
 COMMERCIAL PARKING REQUIREMENTS = 1 P.S./250 NET SQ FT + 1 P.S PER 2 EMPLOYEES
 PROPOSED COMMERCIAL PARKING SPACES = 11 P.S. (9 FOR EMPLOYEES + 2 FOR PATRONS)
 MAXIMUM NET COMMERCIAL (RETAIL) SPACE NET AREA = 5 x 250 = 1,250 SQ FT
 PROPOSED NET COMMERCIAL (CUSTOMER) AREA = 1,812 SQ FT
 PROPOSED COMMERCIAL (NON-CUSTOMER) AREA = 2,150 SQ FT
 NET PROPOSED GROSS COMMERCIAL SPACE FOR ALL THREE TENANTS = 3,962 SQ FT

DENSITY DENSITY = 1 D.U. PER 2,000 SQ FT OF LOT AREA
 PROPOSED RESIDENTIAL DEVELOPMENT = 4 DWELLING UNITS @ 908 SQ FT EACH = 3,632 SQ FT
 PROPOSED OPEN SPACE AT GRADE LEVEL = 342 SQ FT
 PROPOSED OPEN SPACE ABOVE GRADE LEVEL (BALCONIES) = 4 x 90 SQ FT = 360 SQ FT
 PROPOSED OPEN SPACE ABOVE GRADE LEVEL (PLANTER BOXES) = 240 SQ FT
 PROPOSED TOTAL OPEN SPACE ABOVE GRADE LEVEL (BALCONIES + PLANTER BOXES) = 360 + 240 = 600 SQ FT
 DENSITY PARKING REQUIREMENTS = 15 P.S./D.U. = 6 PARKING SPACES
 DENSITY PARKING SPACES PROVIDED = 6 PARKING SPACES

GENERAL NOTES

- PROJECT SHALL COMPLY WITH TITLE 24 AND THE 1947 UMC, AND THE 1946 NEC (ALL AS AMENDED BY THE CITY OF SAN DIEGO).
1. HEALTH & SAFETY CODE SEC. 179219 BANS THE USE OF CHLORINATED POLYVINYL CHLORIDE (CPVC) IN INTERIOR WATER-SUPPLY PIPING.
 ADDRESSES MUST BE CLEARLY VISIBLE WITH 6" HI LETTERS WITH 3/4" STROKE ON CONTRASTING BACKGROUND.
 PARKING IS ALLOWED IN THE ALLEY.
 ALL SHALL BE FORWARDED TO MTDDB FOR REVIEW AND COMMENTS PRIOR TO PROJECT APPROVAL DUE TO EXISTENCE OF MTDDB BUS STOP ADJACENT TO THIS PROPOSED DEVELOPMENT.
 DRIVEWAY APPROACH RE-CONSTRUCTION ON 13TH STREET TO COMPLY WITH REGIONAL STANDARD DMS 6-4A. SIDEWALK CUTS MUST COINCIDE WITH EXISTING SIDEWALK 5-FT SECTIONS (WHICH CANNOT BE CUT INTO SHORTER SECTIONS). LIKEWISE, IF THE CURB & GUTTER ARE TO BE CUT, RE-CONSTRUCTION MUST NOT LEAVE AN EXISTING CURB & GUTTER SECTION LESS THAN 4 FT IN LENGTH. THE CONSTRUCTION OF AN ADJACENT DRIVEWAY APPROACH WILL REQUIRE A GRANT OF EASEMENT FROM THE CITY FOR RE-CONSTRUCTION.
 SIDEWALK OR CURB & GUTTER REPLACEMENT AT ALLEY, ENQUIRE WITH SAN DIEGO REGIONAL STANDARD DMS 6-4 IN THAT AREA TO BE REMOVED MUST BE 5 FT OR FROM JOINT TO JOINT MIN, WHICHEVER IS LESS.
- FOR WORK PERFORMED IN THE STREET OR ALLEY, A TRAFFIC CONTROL PLAN PER REGIONAL STD DMS OF CALTRANS TRAFFIC CONTROL MANUAL MUST BE SUBMITTED FOR APPROVAL BY PUBLIC WORKS DIRECTOR A MIN OF 5 WORKING DAYS IN ADVANCE OF STREET WORK.
 - STREET WORK CONSTRUCTION SHALL BE PERFORMED BY CLASS A CONTRACTOR. STREET REPAIRS MUST ACHIEVE 95% SUB SOIL COMPACTION. ASPHALT REPAIR MUST BE A MIN OF 4" THICK ASPHALT PLACED IN THE STREET TRENCH. ASPHALT SHALL BE AR4000 1/2" MIX (HOT).
 - IF IT IS NECESSARY TO CUT INTO ALLEY PAVEMENT, ALL CONCRETE CUTS MUST BE REPLACED WITH #4 REBAR DOMELS @ 12" O.C. CONCRETE SPECS MUST BE 500-C-3250. CONCRETE CUTS SHALL TERMINATE 10' BEFORE OR BEYOND THE ALLEY FLOW LINE.
 - IAH 18.M.C. 1232.120, CONTRACTOR SHALL PLACE & MAINTAIN WARNING LIGHTS & BARRIERS AT EACH END OF THE WORK, & AT NO MORE THAN 50 FT APART ALONG THE SIDE THEREOF FROM SUNSET OF EACH DAY UNTIL SUNRISE OF FOLLOWING DAY, UNTIL THE WORK IS ENTIRELY COMPLETED. BARRIERS SHALL BE PLACED & MAINTAINED NOT LESS THAN THREE FEET HIGH.
 - ALL BEST MANAGEMENT PRACTICES (BMPs) DURING CONSTRUCTION & POST CONSTRUCTION SHALL BE PER DETAILED BMP PLAN TO BE SUBMITTED PRIOR TO ISSUANCE OF GRADING & BUILDING PERMITS.
 - AS OF JANUARY 01, 2000, ANY DISPOSAL/TRANSPORTATION OF SOLID WASTE / CONSTRUCTION WASTE IN ROLL OFF CONTAINERS MUST BE CONTRACTED THROUGH EDGO DISPOSAL CORPORATION, UNLESS THE HAULING CAPABILITY EXISTS INTEGRAL TO THE PRIME CONTRACTOR PERFORMING THE WORK.



ACAD FILE NAME: SITE.DWG

BRAUDAWAY SQUARE

SHEET TITLE :
**SITE PLAN
TITLE, INDEX, DATA,
VICINITY MAP**

DRAWING SCALE:
PROJECT ADDRESS : 1146 13TH STREET
IMPERIAL BEACH, CA 91932

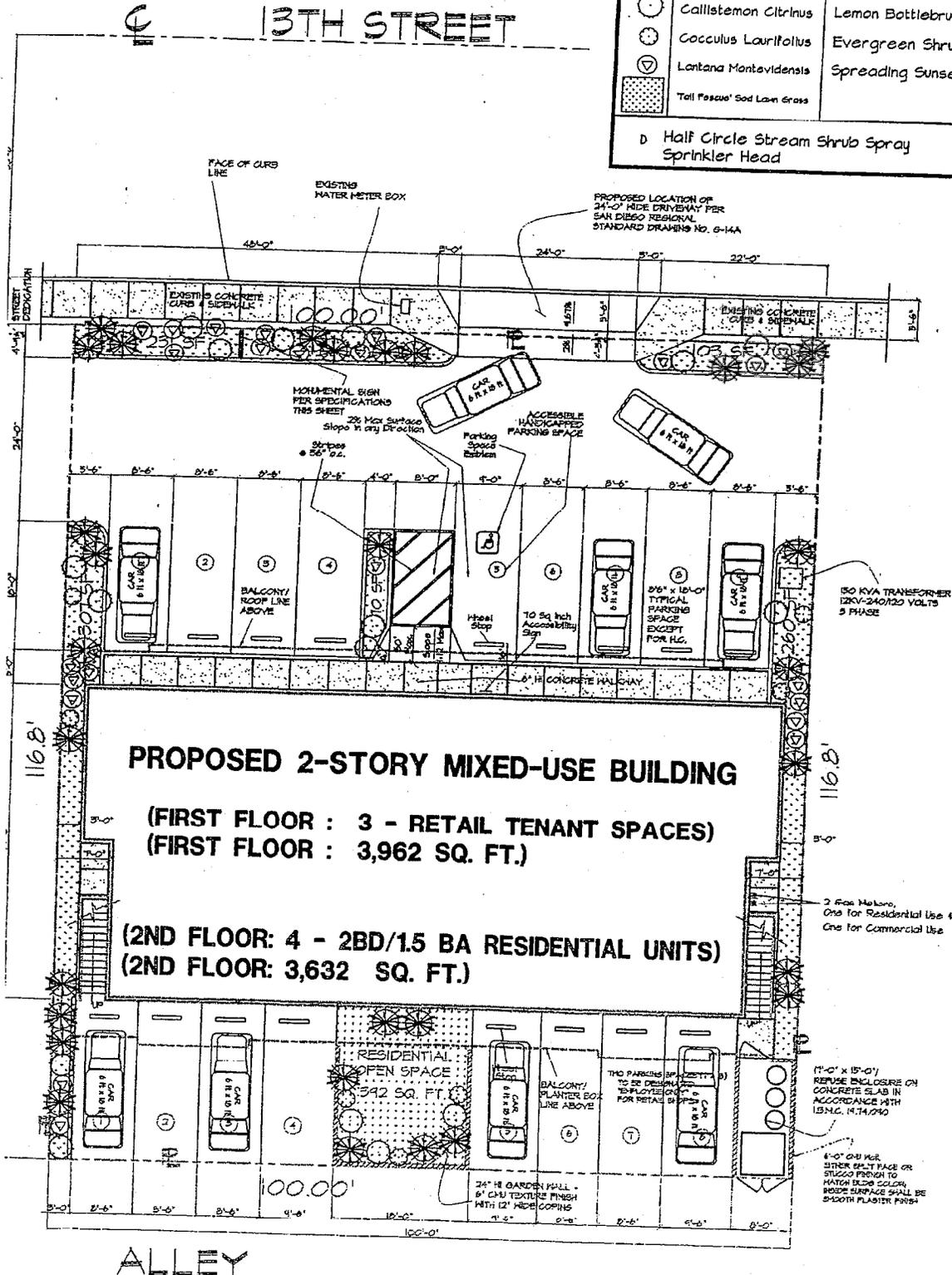
SIGNATURE

SITE PLAN

SCALE: 1" = 20'-0"



CONCEPTUAL LANDSCAPING & IRRIGATION LEGEND		
SYMBOL	BOTANICAL NAME	COMMON NAME
	Hebe Buxifolia	Boxleaf Hebe
	Callistemon Citrinus	Lemon Bottlebrush
	Coccolus Laurifolius	Evergreen Shrub
	Lantana Montevdensis	Spreading Sunset
	Tall Fescue Sod Lawn Grass	
D Half Circle Stream Shrub Spray Sprinkler Head		

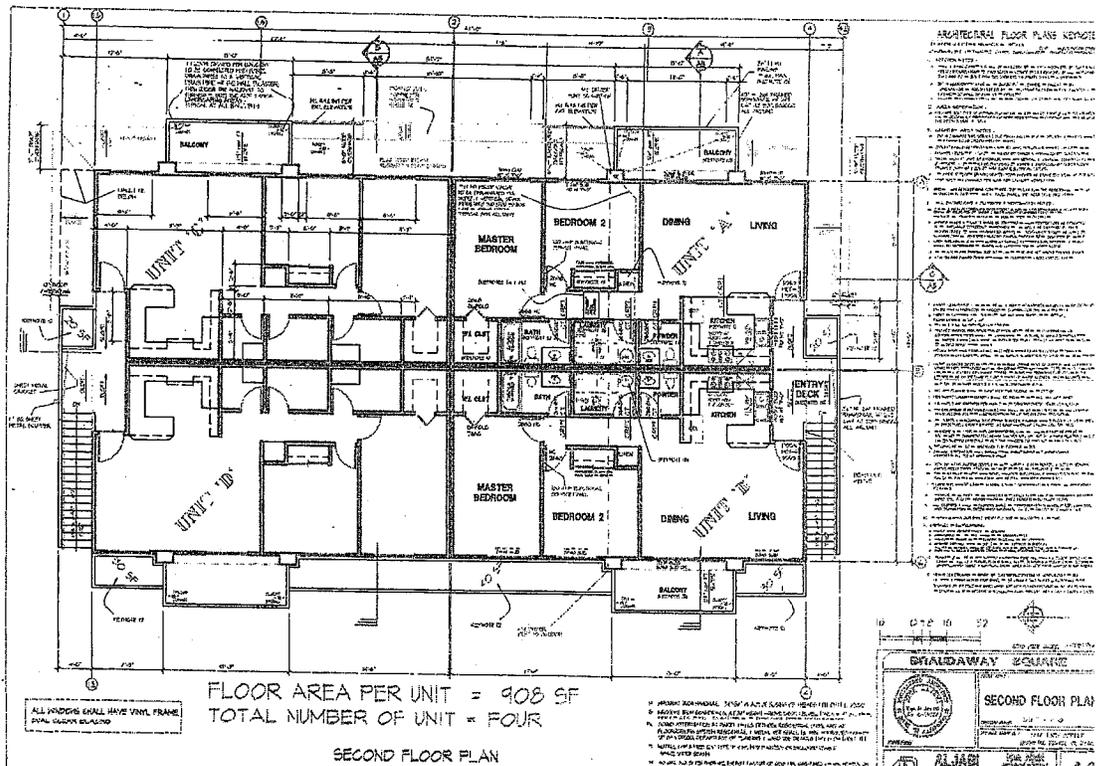


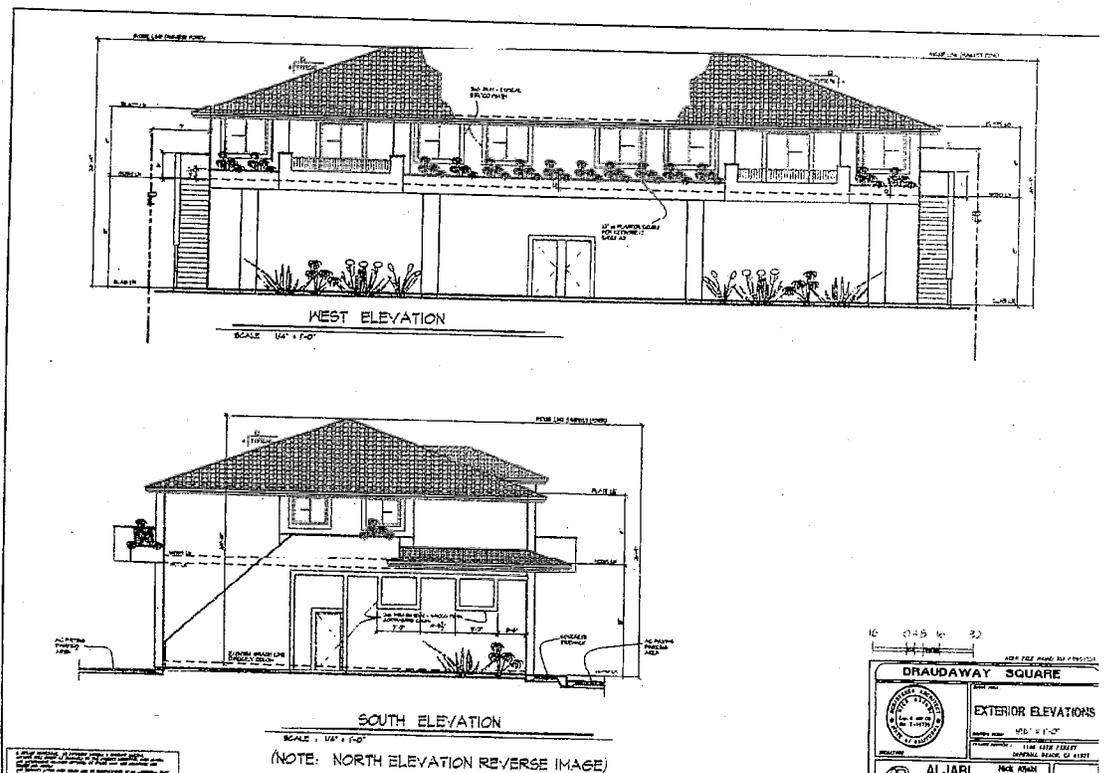
150 KVA TRANSFORMER
 12KV-240/120 VOLTS
 3 PHASE

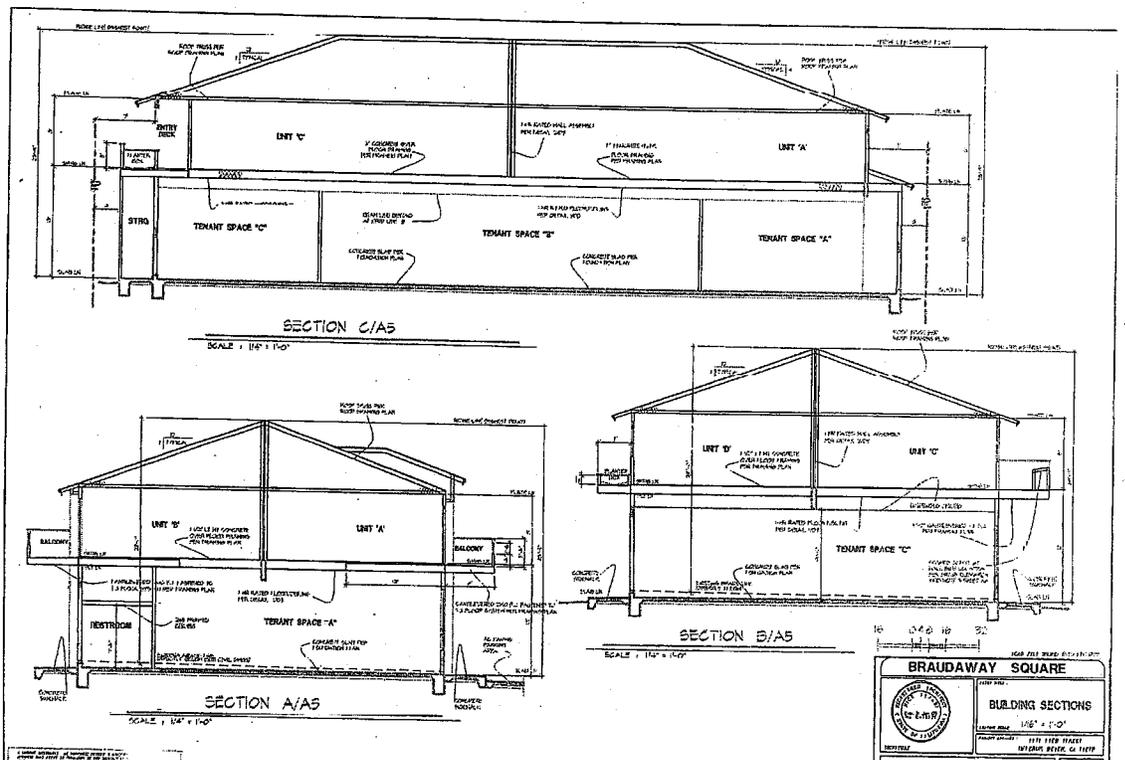
2 Fire Meters,
 One for Residential Use &
 One for Commercial Use

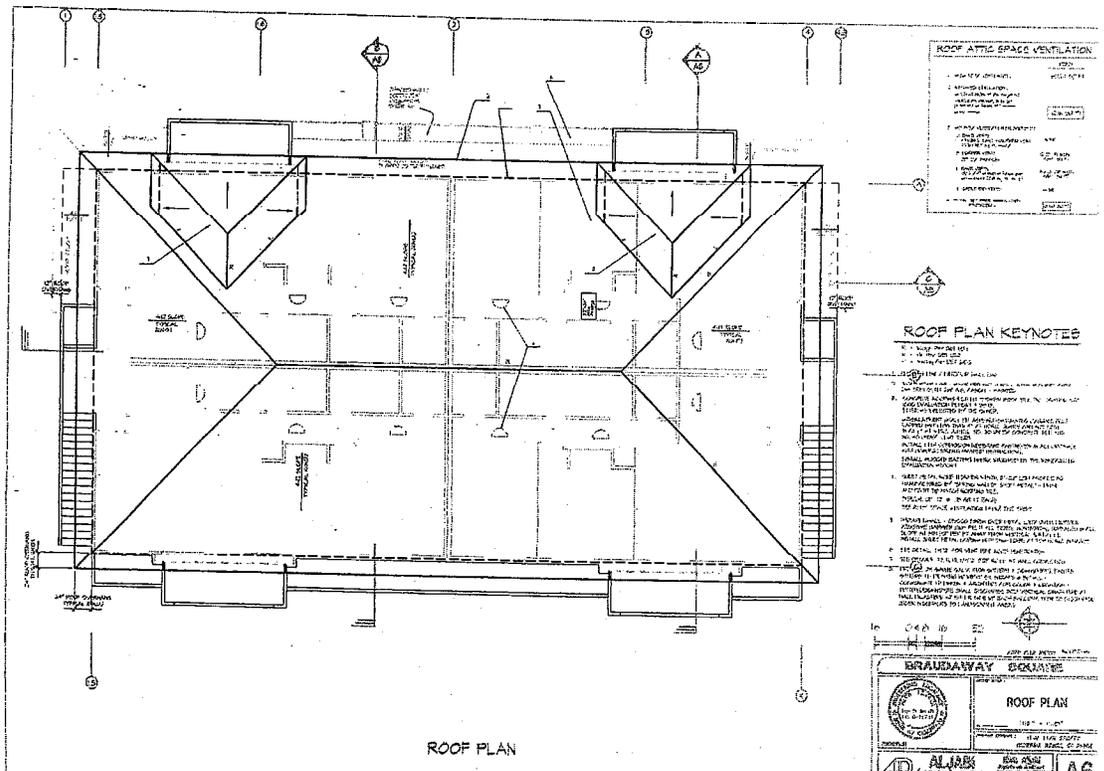
11'-0" x 15'-0"
 REFUSE ENCLOSURE ON
 CONCRETE SLAB IN
 ACCORDANCE WITH
 ISNLC, 14.74.090

6'-0" GRI WALL
 WITH 1/2" FACE OR
 STUCCO FINISH TO
 MATCH EXISTING
 INSIDE SURFACE SHALL BE
 SMOOTH PLASTER FINISH









ROOF ATTIC SPACE VENTILATION	
1. ROOF ATTIC SPACE VENTILATION	1.000
2. ROOF ATTIC SPACE VENTILATION	1.000
3. ROOF ATTIC SPACE VENTILATION	1.000
4. ROOF ATTIC SPACE VENTILATION	1.000
5. ROOF ATTIC SPACE VENTILATION	1.000
6. ROOF ATTIC SPACE VENTILATION	1.000
7. ROOF ATTIC SPACE VENTILATION	1.000
8. ROOF ATTIC SPACE VENTILATION	1.000
9. ROOF ATTIC SPACE VENTILATION	1.000
10. ROOF ATTIC SPACE VENTILATION	1.000

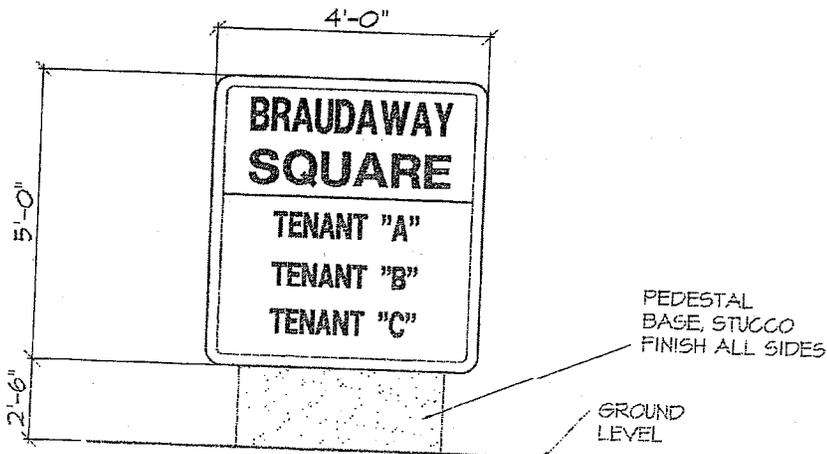
- ROOF PLAN KEYNOTES**
1. ROOF ATTIC SPACE VENTILATION
 2. ROOF ATTIC SPACE VENTILATION
 3. ROOF ATTIC SPACE VENTILATION
 4. ROOF ATTIC SPACE VENTILATION
 5. ROOF ATTIC SPACE VENTILATION
 6. ROOF ATTIC SPACE VENTILATION
 7. ROOF ATTIC SPACE VENTILATION
 8. ROOF ATTIC SPACE VENTILATION
 9. ROOF ATTIC SPACE VENTILATION
 10. ROOF ATTIC SPACE VENTILATION

BRAUMWAY BOOMERS	
ROOF PLAN	
1/8" = 1'-0"	
DATE: 10/1/00	
DRAWN BY: [Signature]	
CHECKED BY: [Signature]	
SCALE: 1/8" = 1'-0"	
PROJECT NO. 00-0000	
SHEET NO. 00-0000	

BRAUDAWAY SQUARE MONUMENTAL SIGN SPECIFICATIONS

SIGN SIZE : 4' LONG x 5' HIGH x 12" DEEP
 SIGN AREA : 20 SQ FT per side (40 SQ FT total for both sides)
 HEIGHT ABOVE GROUND LEVEL : 7'6"
 SIGN TYPE : MONUMENTAL / CABINET TYPE
 NUMBER OF FACES : 2
 ILLUMINATION : FLUORESCENT (FROM INSIDE)
 SIGN FRAME : 3" ANGLE IRON WELDED WITH
 1/4" WELD ALL AROUND TO
 STEEL CONNECTION PLATE

	MATERIAL	COLOR
FACE	PLEXIGLASS	LETTERS: RED COLOR, 18" HI HELVETICA BOLD STYLE BACKGROUND: WHITE COLOR
FRAME	ANGLE IRON	GLOSS ENAMEL PAINT, s/e 'BEHR' OFF WHITE COLOR #OW-6, SMOKE RING 73A-2P
PEDESTAL BASE	PLASTER (STUCCO)	s/e 'EXPO' EXTERIOR STUCCO COLOR #262, CAFFE LATTE



1146 13TH STREET -- BRAUDAWAY SQUARE

EXTERIOR MATERIAL / COLOR LEGEND

MATERIAL / LOCATION	COLOR
① EXTERIOR STUCCO (PLASTER) - WALLS	Ⓐ
② EXTERIOR STUCCO (PLASTER) - CANOPY/POP-OUTS/TRIMS	Ⓑ
③ CONCRETE ROOF TILE	Ⓒ
④ STORE FRONT VINYL FRAME - DOORS & WINDOWS	Ⓓ
⑤ WROUGHT IRON RAILING	Ⓔ
⑥ 1x4 over 2x8 ROUGH SAWN FASCIA - PAINTED	Ⓕ

Ⓐ

s/e 'EXPO' EXTERIOR STUCCO
 COLOR #283
 BONE (Base 1)

Ⓑ

s/e 'EXPO' EXTERIOR STUCCO
 COLOR #50
 PEACH CREAM (Base 1)

Ⓒ

s/e 'EAGLE ROOF TILE'
 COLOR #2535
 SAN RAMON

Ⓓ

s/e 'PACIFIC WINDOW' CORP
 VINYL FRAME
 WHITE

Ⓔ

s/e 'FRAZEE' EXTERIOR PAINT
 COLOR # 337
 MEDIUM BROWN

PROJECT DATA :

ZONING = C-3

GROSS LOT SIZE / AREA = 100 FT x 126.8 FT = 12,680 SQ FT (Including 10 Feet Street Dedication)

NET LOT SIZE / AREA = 100 FT x 116.8 FT = 11,680 SQ FT

MINIMUM LANDSCAPE AREA = 15% OF TOTAL SITE AREA = 1,752 SQ FT

MIN LANDSCAPED AREA OF 1,752 SF less 10% ALLOWED WITH ADMINISTRATIVE DISCRETION (175 SF)

MIN REQUIRED LANDSCAPED AREA = 1,752 SF - 175 SF = 1,578 SQ FT

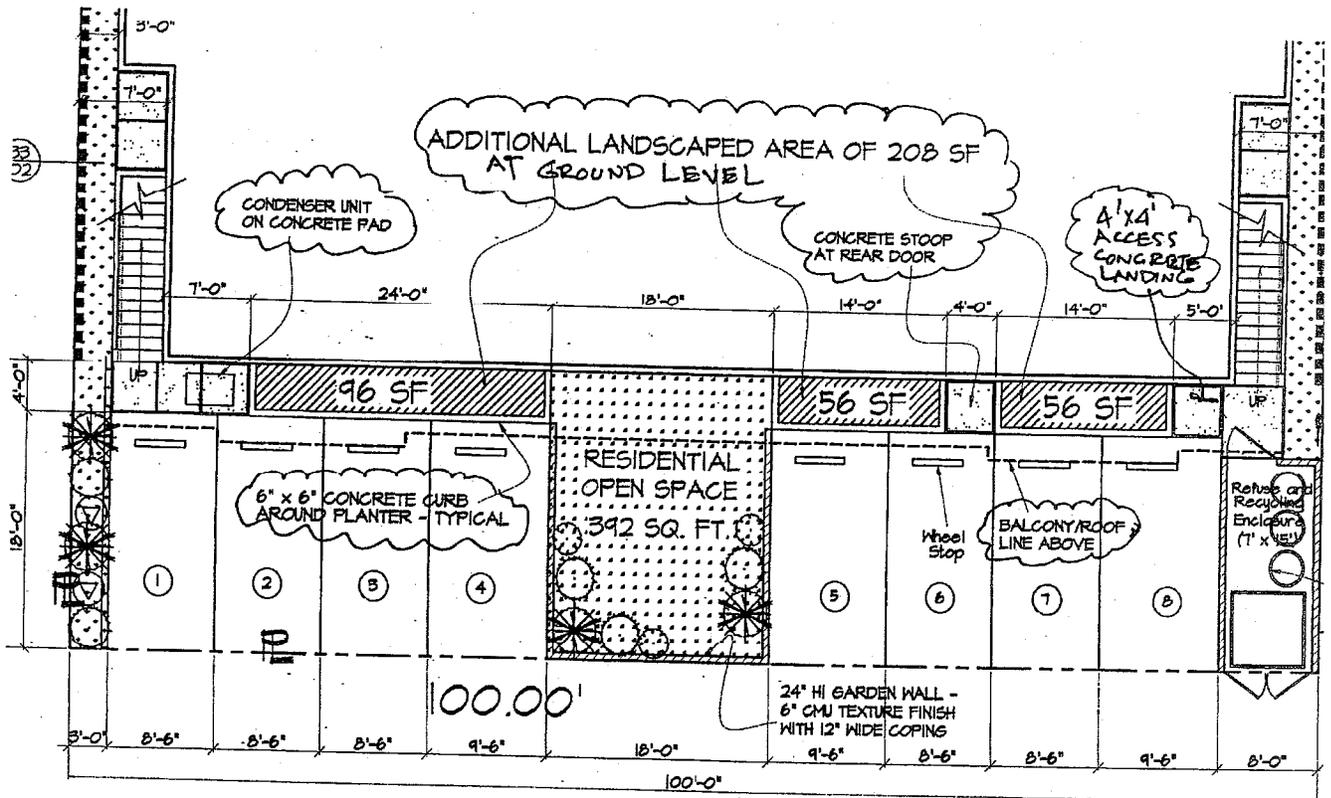
ORIGINALLY PROPOSED LANDSCAPED AREA = (231+103+70+260+307+392+240 Planter Boxes at 2nd Flr)

ORIGINALLY PROPOSED LANDSCAPED AREA = 1,603 SQ FT

Planter Boxes at 2nd Floor to be removed = 30 + 140 + 30 SQ FT = 200 SQ FT

REVISED LANDSCAPED AREA = (231+103+70+260+307+392+40 Planter Boxes at 2nd Flr) = 1,403 SQ FT

PROPOSED ADDITIONAL LANDSCAPED AREA AT REAR YARD = 96 + 56 + 56 = 208 SQ FT
(SEE REVISED PARTIAL SITE PLAN)TOTAL PROPOSED LANDSCAPED AREA = 1,403 + 208 = 1,611 SQ FT WHICH IS GREATER THAN
THE MIN REQTS OF 1,578 SQ FT.



ALLEY



REVISED (PARTIAL) SITE PLAN

SCALE: 1" = 10'-0"

Return to Staff Report

Return to Agenda

AGENDA ITEM NO. _____



**STAFF REPORT
CITY OF IMPERIAL BEACH**

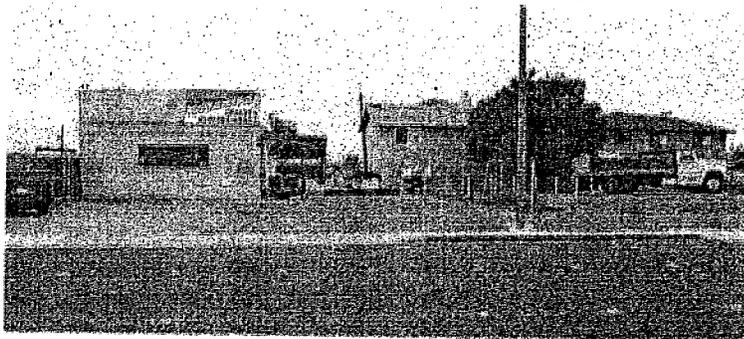
TO: DESIGN REVIEW BOARD
FROM: GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR
JIM NAKAGAWA, AICP, CITY PLANNER
ALIA KANANI, ASSISTANT PLANNER

MEETING DATE: OCTOBER 8, 2003
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: PUBLIC HEARING: George Braudaway/All Phase Drywall (applicant/property owner)/Nick Aljabi (architect); Conditional Use Permit (CUP 03-03), Design Review (DRC 03-10), Site Plan Review (SPR 03-09) for a mixed development with three retail commercial spaces and four residential units located at 1146 13th Street, in the C-3 (Neighborhood Commercial) Zone. MF 641.

PROJECT DESCRIPTION/BACKGROUND:

An application (MF 641) has been submitted for a Conditional Use Permit (CUP 03-03), Design Review (DRC 03-10) and Site Plan Review (SPR 03-09) for a mixed-use development consisting of 3,962 square feet of retail commercial space on the first floor and four residential units totaling 3,632 square feet above the first floor on a developed 11,680 square foot



parcel (APN 633-022-17-00 and 633-022-18-00) at 1146 13th Street in the C-3 (Neighborhood Commercial) Zone. In the C-3 (Neighborhood Commercial) Zone, a mixed-use development project is subject to approval of a Conditional Use Permit (I.B.M.C 19.28.020). Since the project proposes commercial development and is located in one of the eight design corridors in the City, 13th Street, it is subject to design review by the Design Review Board (IBMC 19.83.020).

PROJECT EVALUATION/DISCUSSION:

The project site is 11,680 square foot lot in the shape of rectangle that fronts on the west side of 13th Street between Imperial Beach Boulevard and Fern Avenue. The property consists of a parking lot and a bar, Joe's Lariat, which is now vacant. The adjacent property to the north is a vacant lot for which a new mixed-used project (MF 616), approved by the City Council on June 4, 2003, will be constructed. The adjacent property to the south is an upholstery shop. Directly

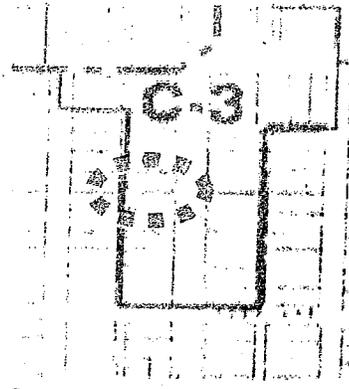
across 13th Street from the site is The Office Club bar, a liquor store and a vacant building. Across from the alley is a residential neighborhood zoned R-3000 (Two-Family Residential).

General Plan/Zoning Consistency: The proposed development is subject to C-3 (Neighborhood Commercial) zoning requirements. The C-3 zone is intended to provide for businesses to meet the local neighborhood demand for commercial goods and services. It is intended that the dominant type of commercial activity in the zone will be neighborhood serving retail and office use such as markets, professional offices, personal services, restaurants and hardware stores (I.B.M.C. 19.28.010). The proposed project will provide three retail commercial spaces, which meets the intent of the land use designation.

Standards	Provided/Proposed
One dwelling per 2,000 square feet of lot area above the first floor	One dwelling unit per 2,920 square feet
There are no front, side and rear yard setbacks in the C-3 zone (Section 19.28.030)	Front yard: 52 feet Side yard: 3 feet Rear yard: 0 feet
Minimum lot size of 3,000 square feet (Section 19.28.040)	11,680 square foot parcel.
Minimum street frontage of 30 feet (Section 19.28.050).	13th Street frontage of 100 feet.
Maximum building height of two stories or 28 feet (Section 19.28.060)	28 feet.
Open space: 300 square feet per dwelling unit	Public open space: 971 square feet Private open space: 992 square feet
Commercial landscaping: not less than 15% of total site shall be landscaped and maintained (Section 19.50.030).	11,680 square feet total = 1,752 square feet of landscaping (15%) A 10% administrative adjustment may be given to reduce the total landscaping (175 square feet) = 1,578 square feet First floor landscaping = 1,363 square feet Second floor landscaping = 240 square feet Total = 1,603 square feet (13.7%) with 10% administrative adjustment
Required parking spaces for commercial, retail: one space for each two hundred fifty square feet of net floor area, plus one space per two employees (Section 19.48.050.I). Required parking spaces for residential dwelling units in the C-3 zone: 1.5 per dwelling unit (Section 19.48.030.C)	11 spaces including one handicapped space = one space for each two hundred fifty square feet of net floor area, plus one space per two employees (3 employee spaces) Six required spaces = 1.5 spaces per residential unit.
Freestanding sign in the C-3 zone: maximum area of 40 square feet, maximum height of eight feet and one sign per lot frontage (Section 19.52.050.B) Building signs in the C-3 zone: one square foot per lineal foot of wall face (Section 19.52.050.B)	One 40 square feet (20 square feet per sign face) sign, height of 7.6 feet Three building signs "Tenant" = 45 square feet (15 square feet each) One building sign "Braudaway Square" = 28 square feet 94 lineal feet of wall space Total building signs: 73 square feet

Surrounding Land Use and Zoning

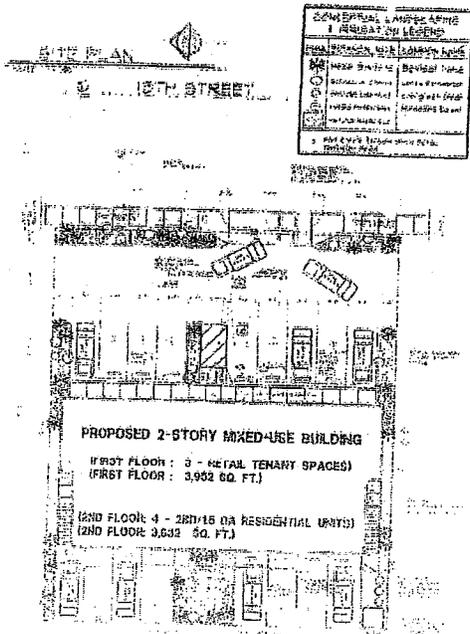
North:	C-3	Vacant
South:	C-3	Commercial
East:	C-3	Commercial
West:	R-3000	Residential



Design Review: This site fronts along 13th Street, a designated Design Corridor. The applicant's architect has proposed varied rooflines and architectural detailing and relief through the incorporation of building recesses and balconies. The applicant also proposes a variety of landscaping; including Boxleaf Hebe, Lemon Bottlebrush, Evergreen shrub, Spreading Sunset and "Tall Fescue" lawn grass, in front of the commercial space. Landscaping will also be located in the residential open space off the alley, along the north and south side of the building, and in planter boxes on the second floor. The overall design of the building should contribute positively in making an architectural statement along 13th Street. Many of the existing buildings in the area are older structures.

Parking for the commercial and residential units will be located in two on-site locations. The commercial retail unit is required to have 11 parking spaces including one handicapped parking space. The required handicapped space and eight spaces for the commercial space will be located in the front of the building off of 13th Street. Two parking spaces for employee parking will be located off the alley. The six parking spaces provided for the residential units are also located off the alley and access to these parking spaces is from the alley.

The trash and recycling enclosure for both the commercial space and the residential units is located behind the rear stairwell off the alley.



The commercial space will be accessible from 13th Street on the first floor. There are two doors, on the west elevation, that provide access to the trash enclosure from the middle commercial unit on the first floor. The exterior commercial units have access to the trash enclosure from doors on the north and south sides of the building respectively. The access for the residential units, via two sets of stairways on the north and south to the second floor, is from the rear of the building (alley).

The City is requiring new development to conform to the new state water quality/urban runoff requirements (SDRWQCB Order 2001-01). Plans for new development will now need to show drainage patterns to demonstrate how storm water will be directed to landscaped areas (bioswales) or to filters

MF 641 Braudaway-All Phase

- 4 -

October 8, 2003

before it is discharged into the city's storm sewers or to the beach. Prior to City Council approval, the grading and drainage plans for this project will need to show such compliance.

ENVIRONMENTAL IMPACT: This project may be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15303 as a Class 3(c) project (New Construction).

COASTAL JURISDICTION: The project is not located in the Coastal Zone, and, therefore, the City would not need to consider evaluating the project with respect to conformity with coastal permit findings.

FISCAL ANALYSIS:

The applicant has deposited \$3,500.00 in Project Account Number 261-641 to fund the processing of this application.

DEPARTMENT RECOMMENDATION:

Adopt DRB Resolution No. 2003-07, recommending conditional approval to the City Council of Design Review (DRC 03-10), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

Alia Kanani
Assistant Planner

Attachments:

1. DRB Resolution No. 2003-07
2. DRB Checklist
3. Plans

c: file MF 615
George Braudaway, P.O. Box 643, Imperial Beach, CA 91933
Nick Aljabi Nick Aljabi, Aljabi Architecture, 9127 Grossmont Blvd., La Mesa, CA 91941
Greg Wade, Community Development Director
Jim Nakagawa, City Planner
Hank Levien, Public Works Director
Bob Ghiloni, Deputy Building Official/Fire Marshall

Return to Agenda

Attachment 1

DRB RESOLUTION NO. 2003-07

**A RESOLUTION OF THE DESIGN REVIEW BOARD OF
THE CITY OF IMPERIAL BEACH, CALIFORNIA,
RECOMMENDING APPROVAL OF A DESIGN REVIEW (DRC 03-10) FOR A MIXED-USE
DEVELOPMENT WITH THREE RETAIL COMMERCIAL SPACES AND FOUR RESIDENTIAL
UNITS LOCATED AT 1146 13TH STREET IN THE C-3 ZONE. MF 641**

APPLICANT: GEORGE BRAUDAWAY (OWNER)/NICK ALJABI (ARCHITECT)

WHEREAS, on October 8, 2003, the Design Review Board of the City of Imperial Beach held a duly noticed public meeting to consider the merits of approving or denying an application for Design Review (DRC 03-10) for a mixed-use development consisting of three retail commercial spaces on the first floor and four residential units above the first floor, in the C-3 (Neighborhood Commercial) Zone, on a site legally described as follows:

Lots 35, 36, 37 and 38, inclusive in Block 2 of Imperial Beach Park, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 1994, filed in the Office of the County Recorder of San Diego County, February 1, 1927; excepting therefrom the Easterly 10 feet thereof.

WHEREAS, the appearance of open spaces, buildings and structures visible from public streets has a material and substantial relationship to property values and the taxable value of property; and,

WHEREAS, many neighborhoods in other urban communities have deteriorated in the past by reason of poor planning, neglect of property, design standards and the erection of buildings and structures unsuitable to, and incompatible with, the character of the neighborhood, resulting in poor design, possible reduction of property values and the impairment of the public health, safety and welfare therein; and,

WHEREAS, it is the policy of the City to avoid and prevent community deterioration pursuant to the provisions of Chapter 19.83 of the City of Imperial Beach Municipal Code; and,

WHEREAS, this project, as designed, is subject to Design Review pursuant to Section 19.83.020.A.1.b of the City of Imperial Beach Municipal Code; and,

WHEREAS, the project design of a mixed-use development consisting of three retail commercial spaces on the first floor and four residential units above the first floor is compatible with other developments in the vicinity which consist of approved mixed-use development (MF 615) to the north, an upholstery shop to the south, commercial buildings to the east and a residential neighborhood to the west, and, therefore, would be consistent with Policy D-8 of the Design Element of the General Plan; and,

WHEREAS, this project complies with the requirements of the California Environmental Quality (CEQA) as this project is categorically exempt pursuant to the CEQA Guidelines Section 15303 as a Class 3(c) project (New Construction); and

WHEREAS, the Design Review Board considered the consistency of the project with the Design Review Consistency Checklist, which is based upon the Design Review Manual and Design Review Guidelines adopted by the City Council on June 19, 1984, and public testimony.

NOW, THEREFORE, IT BE RESOLVED by the Design Review Board of the City of Imperial Beach that Design Review (DRC) 03-10 is hereby conditionally recommended for approval to the City Council, based upon the plans on file in the Community Development Department, based upon public testimony, and based upon findings and conditions of approval contained herein and the Design Review Consistency Checklist (Exhibit A).

CONDITIONS OF APPROVAL

A. PLANNING/BUILDING:

1. **Drainage:** The City is requiring new development to conform to the new state water quality/urban runoff requirements (SDRWQCB Order 2001-01). Plans for new development will now need to show drainage patterns to demonstrate how storm water will be directed to landscaped areas (bioswales) or to filters before it is discharged into the city's storm sewers or to the beach. Prior to a City Council hearing, the final grading and drainage plans for this project will need to show such compliance as identified in the September 25, 2003 letter. Applicant needs to complete a Form 7-B.

C. PUBLIC WORKS:

2. Ensure that the hot water tank P.T. discharge pipes are piped to discharge to the sanitary sewer system or the landscape area. A design that has the water discharge directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01
3. Ensure that no building roof or landscape water drains are piped to the street or onto impervious surfaces that lead to the street. A design that has these water discharges directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01.
4. Construct the driveway approach(es) on 13th Street to comply with Regional Standard Drawing G-14A. Sidewalk cuts must coincide with the existing sidewalk 5-foot sections. A sidewalk section cannot be cut into smaller sections. Likewise if the Curb & Gutter is to be cut in order to comply with Regional Standard Drawing G-14A, the reconstruction must not leave an existing curb and gutter section less than 9 feet in length. Note: The construction of an ADA compliant driveway approach will require a grant of easement to the City for this construction.
5. Replace 80-feet of broken curb & gutter adjacent to the project site.
6. For alley, sidewalk or curb & gutter replacement ensure compliance with San Diego Regional Standard Drawing G-11 in that, the "Area to be removed [must be] 5' or from joint to joint in panel, whichever is less." The distance between joints or score marks must be a minimum of 5-feet. Where the distance from "Area to be removed", to existing

joint, edge or score mark is less than the minimum shown, "Area to be removed" shall be extended to that joint, edge or score mark.

7. Ensure constructed refuse storage enclosure is constructed in accordance with I.B.M.C. 19.74.090. Ensure trash enclosure is sized to include recycling containers as well as refuse containers.
8. Install survey monuments on northeast property line and southeast property line in or adjacent to the sidewalk. Record same with county office of records
9. For any work to be performed in the street or alley, submit a traffic control plan for approval by Public Works Director a minimum of 5 working days in advance of street work. Traffic control plan is to be per Regional Standard Drawings or CALTRANS Traffic Control Manual.
10. All street work construction requires a Class A contractor to perform the work. Street repairs must achieve 95% sub soil compaction. Asphalt repair must be a minimum of four (4) inches thick asphalt placed in the street trench. Asphalt shall be AR4000 ½ mix (hot).
11. If it is necessary to cut into the alley pavement as part of this project, all concrete cuts in the alley must be replaced with #4 rebar dowels positioned every 1 foot on center. Concrete specification must be 560-C-3250. Concrete cuts must also comply with item 4 above and terminate at least 18-inches before or beyond the alley flow line.
12. In accordance with I.B.M.C. 12.32.120, applicant must place and maintain warning lights and barriers at each end of the work, and at no more than 50 feet apart along the side thereof from sunset of each day until sunrise of the following day, until the work is entirely completed. Barriers shall be placed and maintained not less than three feet high.
13. Recommend applicant agree to underground all utilities in accordance with I.B.M.C. 13.08.060.
14. Advise the property owner that he/she must institute "Best Management Practices" to prevent contamination of storm drains, ground water and receiving waters during both construction and post construction. The property owner or applicant must provide the following documents to the City of Imperial Beach following before project may begin work:
 - A checklist of selected BMPs and location of the BMPs on project plans for review by the City – JURMP Form 7-B and Table 7-3.
 - Certification of intent to maintain selected BMPs – JURMP Form 7-B.
 - A Storm Water Management Plan JURMP (Form 7-B).
15. Additionally these BMP practices shall include but are not limited to: Contain all construction water used in conjunction with the construction. Contained construction water is to be properly disposed in accordance with Federal, State, and City statutes, regulations and ordinances.

- All recyclable construction waste must be properly recycled and not disposed in the landfill.
 - Water used on site must be prevented from entering the storm drain conveyance system (i.e. streets, gutters, alley, storm drain ditches, storm drain pipes).
 - All wastewater resulting from cleaning construction tools and equipment must be contained on site and properly disposed in accordance with Federal, State, and City statutes, regulations, and ordinances.
 - Erosion control - All sediment on the construction site must be contained on the construction site and not permitted to enter the storm drain conveyance system. Applicant is to cover disturbed and exposed soil areas of the project with plastic-like material (or equivalent product) to prevent sediment removal into the storm drain system
23. Advise the property owner that as of January 1, 2000, any disposal/transportation of solid waste / construction waste in roll off containers must be contracted through EDCO Disposal Corporation unless the hauling capability exists integral to the prime contractor performing the work.
- D. Public Safety:**
24. 1-2A10BC extinguisher located on each entry deck of residential units clearly marked 22" X 36" attic access in each unit. Also on or near a door and at the bottom of the stairs. Smoke detectors are required in each sleeping room and in corridor leading to sleeping room. All smoke detectors shall be wired to building wiring.
25. Commercial retail—all units need to be clearly marked and visible from street and alley. 1-2A10BC extinguishers required in each unit and Knox box required near exit.
26. Residential and Commercial—Require all utilities, gas, electric and water to be individually marked per unit number. All address need to be clearly visible from street and alley.

PASSED AND ADOPTED, by the Design Review Board of the City of Imperial Beach at a regular meeting of the Design Review Board held this 8th day of October 2003, by the following vote to wit:

AYES:	BOARDMEMBER:
NOES:	BOARDMEMBER:
ABSTAIN:	BOARDMEMBER:
ABSENT:	BOARDMEMBER:

SHIRLEY NAKAWATASE, CHAIR

ATTEST:

ERIK KIM-HOLMGREN
COMMUNITY DEVELOPMENT SECRETARY

**Attachment 2
DESIGN REVIEW COMPLIANCE CHECKLIST**

Citywide Design Criteria

MF 641

Applicant: Braudaway-All Phase

Project Address: 1146 13th St.

C = Compliance N/C = Non Compliance N/A = Not Applicable

C	N/C	N/A
---	-----	-----

A. RELATIONSHIP OF BUILDINGS TO SITE AND SURROUNDING AREA			
1. The site should be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, pedestrian movement, and parking areas.	✓		
2. Site planning should provide landscaped setbacks in scale with buildings, an inviting streetscape, usable open space areas, and buffering between properties.	✓		
3. Parking areas should be treated with decorative elements, such as, building wall extensions, plantings, trellises, surface patterns, berms or other innovative means to largely screen parking areas from view from public ways.			✓
4. Whenever the natural or existing topography contributes to the amenity and utility of a proposed project, it should be preserved in a manner which enhances and accentuates the project. Modifications to the topography will be considered only when it can be determined that they will contribute to the amenity and utility of the project.	✓		
5. Architectural styles should be made compatible or integrated with adjacent buildings by such means as screens, site breaks, colors and materials.	✓		
6. Attractive landscape transition to surrounding properties should be provided.	✓		
7. Harmony in design elements, including texture, lines, and masses are required. Monotony shall be avoided: Contrasting design elements should be repeated where appropriate in a harmonious manner. For example, vertical elements contrast with general horizontal lines and should be used where appropriate to make a strong statement.	✓		
8. The height, bulk, mass and scale of each building should be compatible with its site and buildings expected to remain or be developed in the surrounding area. Monotony of architectural design is not encouraged.	✓		
9. A project proposed in an area deemed to be in a state of decline or blight infestation should be developed in a manner, which will establish and improve the aesthetic quality and character of the area.	✓		
B. BUILDING DESIGN, COLORS, AND MATERIALS			
1. Evaluation of appearance of a project shall be based on the quality of its design and relationship to existing or future surroundings. Inappropriate, incompatible designs shall be avoided.	✓		
2. Existing and proposed structures on the same project site should be architecturally and functionally integrated.			✓
3. Innovative and imaginative design and architecture should be encouraged, and inappropriate and monotonous design should be avoided.	✓		
4. Variations of building details, form, line, colors and materials, and setting	✓		

DRC 03-10

**Attachment 2
DESIGN REVIEW COMPLIANCE CHECKLIST**

Page 2 of 6

Citywide Design Criteria

MF 641

Applicant: Braudaway-All Phase

Project Address: 1146 13th St.

C = Compliance N/C = Non Compliance N/A = Not Applicable	C	NC	NA
---	----------	-----------	-----------

should be employed to create visual interest.			
5. Monotony of design in single or multiple building projects should be avoided. Variation of detail, form, and siting should be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance. Variation in wall plan, roof line and direction, materials and color may be used to prevent a monotonous appearance in buildings. Wall plan variation is recommended to reduce scale and bulk and may often be simple provided by building projections, bay windows, and balconies. Color and landscape materials may be used to accent the variation.	✓		
6. Window trim, pop-outs, dormers, bay windows, and other features are encouraged to provide exterior variation in wall plan and materials.	✓		
7. New building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationship to one another and with wall masses.	✓		
8. The architectural theme employed on a particular building should normally be executed on all exterior surfaces.	✓		
9. In any design in which the structural frame is exposed to view, materials and finishes should be selected for architectural harmony or enhancements of the theme, as well as aesthetic quality, durability, and ease of maintenance.	✓		
10. Exterior colors which are harmonious and contribute to the aesthetic quality of the project should be selected.	✓		
11. Colors shall be harmonious yet color contrast or contrasting tone is encouraged to emphasize architectural detail (see examples in Planning Department). Fluorescent paints and garish colors should be avoided.	✓		
12. Materials and colors should be varied where appropriate to provide architectural interest. However, material and color combinations should be repeated where necessary to provide contrast and harmony (visual order) to the building. The number of materials should not exceed what is required for contrast and accent or architectural features and may generally be limited to three.	✓		
13. Building materials should not stop abruptly at corners but continue from front to side elevations.	✓		
14. Parapet walls/mansard roofs should not stop at short distances on side elevations, but should continue to visually unify all building elevations, as appropriate.			✓
15. Blank walls should be avoided by the use of windows, variation of surface plan and materials, and use of shrubbery or trees as landscape screening.	✓		
16. Mechanical equipment, including solar collectors and panels, or other utility hardware on roof, ground, or buildings should be screened from public view with materials harmonious with the building, or they should be located so as not to be visible from any public ways.	✓		
17. Metal fixtures, trims, and devices, exposed to the ocean environment			✓

DRC 03-10

Attachment 2

Page 3 of 6

DESIGN REVIEW COMPLIANCE CHECKLIST

Citywide Design Criteria

MF 641

Applicant: Braudaway-All Phase

Project Address: 1146 13th St.

C = Compliance N/C = Non Compliance N/A = Not Applicable	C	NC	N/A
---	----------	-----------	------------

are subject to abnormally high corrosion and are discouraged.			
18. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, should be conducive to easy maintenance and upkeep.	✓		
19. Materials and finishes should be selected for their durability and wear as well as for their beauty. Property measures and devices should be incorporated for protection against the elements, neglect, damage and abuse.	✓		
C. LANDSCAPE IMPROVEMENTS AND EXTERIOR LIGHTING Landscape elements included in this criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.			
1. An inviting atmosphere should be created in pedestrian oriented areas through the use of landscaping, walls, fencing, seating, plazas, statues, fountains, and other design features.	✓		
2. Grades of walks, parking spaces, terraces, and other paved area should provide an inviting and stable appearance for walking and, if seating is provided, for sitting.	✓		
3. Landscape treatment should be provided to enhance architectural features, strengthen vistas and important axis, and provide shade, privacy and buffering, soften large surfaces and paved areas, and accent points of interest. Where practical, existing trees and drought tolerant plants should be preserved and included in the planning and design of the site.	✓		
4. Unity of design should be achieved by repetition of certain plant varieties and other materials, and by correlation with adjacent developments, where appropriate.	✓		
5. Plant material should be selected for interest in its structure, texture, and color and for its ultimate growth.	✓		
6. In locations where plants will be susceptible to injury by pedestrian or motor traffic, or other environmental hazards, they should be protected by appropriate curbs, tree guards, or other devices.	✓		
7. Service and storage yards, trash collection areas, exterior work areas, and other places which tend to be unsightly, should be screened by use of walls, fencing, planting, or by combinations of these.	✓		
8. In areas where general planting does not prosper, other materials such as fences, walls, trellises and pavings of wood, brick, stone, gravel, and cobbles, should be used. Carefully selected plants should be combined with such materials where possible. Materials should be harmonious with building materials.	✓		
9. All plant materials should be selected, arranged, and installed in accordance with sound horticultural and landscape architectural practices per landscape and irrigation plans.	✓		
10. Color and texture of landscape elements should be coordinated with color and texture of building materials. Coarse textures and darker or brighter colors	✓		

DRC 03-10

Attachment 2

Page 4 of 6

DESIGN REVIEW COMPLIANCE CHECKLIST

Citywide Design Criteria

MF 641

Applicant: Braudaway-All Phase

Project Address: 1146 13th St.

C = Compliance N/C = Non Compliance N/A = Not Applicable	C	NC	NA
---	----------	-----------	-----------

may be used where appropriate to reduce perceived distance and size. Fine textures and light or greyed colors may be used for the opposite effect where appropriate.			
11. Miscellaneous structures (i.e., structures other than buildings: sign posts, railings, etc.) and street furniture located on private property should be designed to be integrated with, or harmonious with, the architectural building and landscape design proposed for the site. Materials should be durable and compatible with buildings and surroundings in color and scale.			✓
12. Exterior lighting should be designed to enhance the architecture of the building and landscape and shall be restrained in color and brightness. Light standards and fixtures shall be architecturally compatible and scaled to the buildings with consideration for energy efficiency.		✓	
D. SIGN CRITERIA (The same criteria applicable to wall signs shall apply to monument signs.) Project, as conditioned			
1. Signs should be designed as supportive elements to land use. They should be used primarily to identify businesses, professional offices and public and quasi-public facilities.	✓		
2. Signs should be compatible with the nature, scale, character, and design of the locale and land uses they serve.	✓		
3. Signs should be part of the architectural concept. Size, color, lettering, locations, and arrangement shall be harmonious with the building design, and shall be compatible with approved signs on adjoining buildings. Signs shall have good proportion.	✓		
4. Colors should be used harmoniously and with restraint. Lighting should be harmonious with the design. If external spot or floodlighting is used, it shall be arranged so that light source is shielded from view.	✓		
5. Identification and directory signs should manifest a high degree of artistic order and taste, as well as legibility.	✓		
6. Signs should be characterized by restraint. Where practical and practicable, artistic graphics and fine art displays should be used in lieu of "commercial" signs.	✓		
7. Signs should place considerable emphasis upon color, harmony, size, shapes, letters, materials and character.	✓		
E. CIRCULATION AND PARKING			
1. It is recommended that parking areas be screened from view by the use of landscaping, walls, buildings, or other innovative and decorative concepts.	✓		
2. Parking areas and trafficways should be enhanced with landscaped spaces containing trees or tree groupings which shall be adequately irrigated and maintained. Shrubs should be used only where they will not obscure vision.	✓		
3. The placement of trees in parkways or paved areas is encouraged.	✓		

DRC 03-10

**Attachment 2
DESIGN REVIEW COMPLIANCE CHECKLIST
Citywide Design Criteria**

Page 5 of 6

MF 641

Applicant: Braudaway-All Phase

Project Address: 1146 13th St.

C = Compliance N/C = Non Compliance N/A = Not Applicable	C	NC	N/A
---	----------	-----------	------------

4. Vine covered trellises should be provided where appropriate to provide shading and buffering of open parking areas, particularly where tree planting is not provided.			✓
5. Parking bays located between the building and the street should be separated from buildings by landscaped areas or protected walkways.	✓		
6. The mass of large parking areas should be improved through the employment of landscaping, textural variation, or structural interruption (i.e., walls and trellises). Variation of paving material, texture and color is recommended where pedestrian and vehicular areas overlap. The use of stamped concrete, stone, brick or granite pavers, exposed aggregate, colored concrete or other methods to divide or improve the effect of large expanses of pavement is encouraged.			✓
7. Onsite circulation shall be designed to promote adequate security, police and fire protection; and, to facilitate postal delivery, moving, trash collection and trades services.	✓		
8. The layout of offstreet parking areas and onsite circulation systems should place emphasis on: A) Convenience and proximity to the units served.	✓		
B) Safety.	✓		
C) Screening and separation of buffering from common uses areas, residential units and recreation areas.	✓		
9. Directional signs and graphics should be used to promote public safety and convenience.		✓	
10. Loading, unloading, and delivery service operations should be preplanned. Parking layouts should clearly indicate that these operations would not adversely affect customer parking or access.	✓		
11. The plans of major commercial centers shall be responsive to the physical requirements of public transportation and should provide the requisite pedestrian ways, bus stops, benches, and shelter.	✓		
12. Secure bicycle parking facilities are encouraged.			✓
13. Public or commercial parking areas should be designed for convenience and, where feasible, should be directly accessible from two streets, or a street and an alley.	✓		
14. Pedestrian ways within commercial parking areas should be protected from vehicular movements by landscaped areas, curbs, or posts.	✓		
15. In multiple family developments, it shall be considered undesirable to located off street parking areas between the buildings and the street. In cases where this design solution is utilized by the Architectural Design Review Advisory Committee, the parking areas should be screened from view. Parking shall be considered between buildings and streets where it does not detract from otherwise exceptional design and neighborhood amenities.	✓		
16. It is recommended that all parking or maneuvering areas which are perpendicular to building walls be separated by landscaped areas.	✓		

DRC 03-10

Attachment 2

Page 6 of 6

DESIGN REVIEW COMPLIANCE CHECKLIST

Citywide Design Criteria

MF 641

Applicant: Braudaway-All Phase

Project Address: 1146 13th St.

C = Compliance N/C = Non Compliance N/A = Not Applicable	C	NC	NA
---	----------	-----------	-----------

F. MULTIPLE-FAMILY RESIDENTIAL ENVIRONMENT			
1. Multiple family dwelling developers should place cardinal emphasis on the protection of residential privacy. Privacy requires sensitive structural and landscaping design, and effective sound-proofing. It is also dependent upon the selection of proper building, screening, and landscaping materials.	✓		
2. The site development and design of multi-family development should be coordinated with that of existing or potential adjoining and adjacent development. The project design should be consistent with the standards of good site planning and spatial relationships.	✓		
3. The landscape of a multi-family dwelling should be oriented towards the establishment and maintenance of a high order of on and off site environmental and aesthetic quality.	✓		
4. The design of all multiple units should promote good circulation, adequate exterior lighting and noise protection. The said design should minimize hazards, and optimize energy conservation. Solar orientation should be considered to reduce heating requirements.	✓		
5. Each building site upon which a multi-family project is developed shall provide landscaping and usable open space. The space developed to landscaping may be improved with textured flooring, fountains, ponds, kiosks, and sculpture, as well as plant material.	✓		
6. Where practicable, large multi-family developments should provide a variety of building sizes and arrangements.			✓
7. Multiple-family dwelling development shall provide their residents private and/or common open space. Private open space may take the form of patios, balconies, courtyards (atria), or gardens. The establishment of game rooms, children's play areas, meeting rooms, and roof gardens should be encouraged where appropriate.	✓		
8. Usable open space required by the zoning ordinance should be distributed throughout the project site.	✓		
9. Noise effects on and from all common and private open space should be buffered by fences, walls, and/or barriers, which block the line-of-site of the noise source.	✓		
10. Indoor-outdoor integration can be promoted in projects by the use of large windows and sliding glass doors in conjunction with patios, balconies, and courtyards. The said windows and doors, however, should be effectively shuttered or draped in order to prevent substantial night-time energy losses.	✓		
11. Common open space should be provided in large areas if feasible. Large areas of open space can be imaginatively landscaped, well utilized, and economically maintained.	✓		

Return to Staff Report

DESIGN REVIEW BOARD COMMITTEE MINUTES
CITY OF IMPERIAL BEACH
WEDNESDAY, October 8, 2003
Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, California

ROLL TO ORDER. 4:15 PM, October 8, 2003

ROLL CALL.

PRESENT: Tom Schaaf, Emily Young, Brian Jones, Shirley Nakawatase, Troy Wilson
ABSENT: None

STAFF PRESENT: City Planner, Jim Nakagawa; Asst. City Planner, Alia Kanani; Admin. Sec., Erik Kim-Holmgren

ABSENT CALENDAR.

None

APPROVAL OF MINUTES.

Item #1

Minutes for meeting date: September 10, 2003

MOTION MADE BY SCHAAF, SECONDED BY YOUNG TO APPROVE MINUTES FOR SEPTEMBER 10, 2003

Minutes approved for 9/10/03 by the following:

AYES: JONES, SCHAAF, YOUNG
NOES: NONE
ABSENT: NONE
ABSTAIN: NAKAWATASE, WILSON

BUSINESS FROM THE PUBLIC.

None.

BUSINESS FROM THE COMMUNITY DEVELOPMENT DEPARTMENT.

Item #2

DRC 03-10: 1146 13th Street – Design Review for a mixed development with three retail commercial spaces and four residential units.

Alia Kanani, Assistant Planner for the Community Development Department, informed the Board that this project before the Board is very similar to the one at 1126 13th Street, because it was designed by the same architect and has the same floor plan.

It will be a mixed-use project featuring three commercial retail units on the first floor and four residential units on the second floor. The developer is George Braudaway and the architect is Nick Aljabi.

After the conclusion of the staff presentation, the Board members viewed and compared the elevations and site plans of both 1126 and 1146 13th Street.

Board Member Jones asked Staff whether there are any design guidelines in the General Plan regarding buildings of the same design being next to each other.

ITEM # _____

Jim Nakagawa, Planner for the Community Development Department, responded by stating that buildings should be given unique aspects to add visual interest but should also maintain a continuity to visually blend into the surrounding neighborhood.

Discussion ensued regarding the color scheme of the building.

The meeting is open to the public.

The Board asks the applicant, George Braudaway, about his choice of colors, his choice of roofing materials and where he will store the trash dumpster.

Mr. Braudaway stated that the roof will be tile, the dumpster will be next to the neighboring property's (1126 13th Street) dumpster and that the colors will be similar to the building at 1126 13th Street so that it visually fits-in, but different enough so that it will be visually distinct.

Chair Nakawatase closed the meeting to the public and opened the discussion among DRB members.

Discussion ensued regarding the building color.

Chair Nakawatase reopens the meeting to the public.

The Board asked Mr. Braudaway for clarification on the building's colors and asked whether the applicant would be willing to change the colors.

Mr. Braudaway responded that he would be willing to change the building color.

Chair Nakawatase closed the meeting to the public and re-opened the discussion among DRB members.

Further discussion ensued regarding the building color and the signage.

The Board Members came to an agreement that the presented building wall colors and trim colors should be reversed to increase the contrast of the building.

Further discussion ensued regarding the signage.

Jim Nakagawa offered advice to the Board on the use of contrasting colors on the signs: for example light lettering on a dark background.

Discussion continued regarding the sign lettering colors.

The Board discussed the location of the trash dumpster enclosure.

The Board gave the applicant and staff direction on the sign color to stick with darker colors such as dark blue, burgundy, and dark green.

The final decision of the Board was as follows:

1. The building should be a darker tone with a lighter trim
2. The lettering on the signs should have deeper tones such as dark blue, burgundy, and dark green and will be finalized by the applicant and staff at a later time
3. The garbage enclosure will be shifted to the North so that it is adjacent to the garbage enclosure of 1126 13th Street
4. Landscaping will be planted so that it provides sufficient protection to the monument sign

MOTION MADE BY SCHAAF, SECONDED BY YOUNG TO APPROVE PROJECT AS PRESENTED WITH STAFF'S INPUT AND REVIEW OF SIDEWALK.

AYES: NAKAWATASE, SCHAAF, WILSON, YOUNG, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

ADDITIONAL ITEMS DISCUSSED:

Mr. Nakawatase instructed staff to contact the owners of 1126 13th Street to let them know of the signage decision of letter colors made by the Board in regard to 1146 13th Street and that the letter should encourage the owners to adopt same standards for their project.

JOURNMENT. 5:45 PM

Approved

Shirley Nakawatase, DRB Chairperson

st

Kim-Holmgren, Secretary

MF 641-1146 13th Street



**City Council
March 2, 2005**

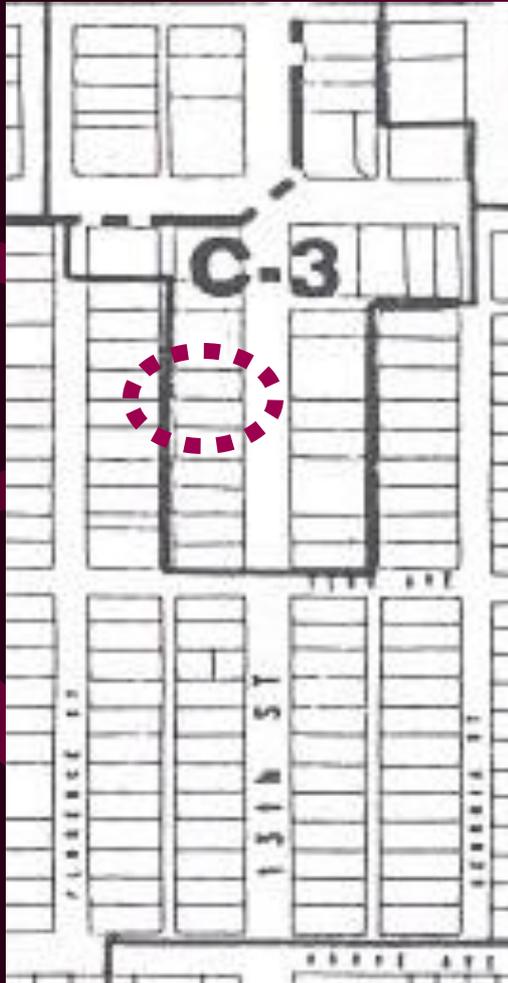
MF 641-1146 13th Street

Project Description:

- Conditional Use Permit (CUP 03-03), Design Review (DRC 03-10) and Site Plan Review (SPR 03-09) for a mixed-use development consisting of three retail commercial spaces on first floor and four residential units above the first floor
- Applicant/Owner: Feras “Rusty” Barghout
- Architect: Nick Aljabi



MF 641-1146 13th Street



- **C-3 Neighborhood Commercial Zone**
- **I.B.M.C. 19.28.020 requires residential units above the first floor in the C-3 (Neighborhood Commercial) zone are subject to approval of a Conditional Use Permit**



Project Statistics

- **Conditional Use Permit (CUP 03-03), Design Review (03-10) and Site Plan Review (SPR 03-09)**
- **Three retail commercial spaces on first floor**
- **Four residential units above first floor**
- **11, 680 square foot lot**
- **Similar to the Aljabi-Nona project (MF 615) at 1126 13th St. which was approved June 4, 2003 by the City Council**

1126 13th St. (MF 615)



**City Council approved “13th St. Market”
on June 4, 2003**

MF 641-1146 13th Street

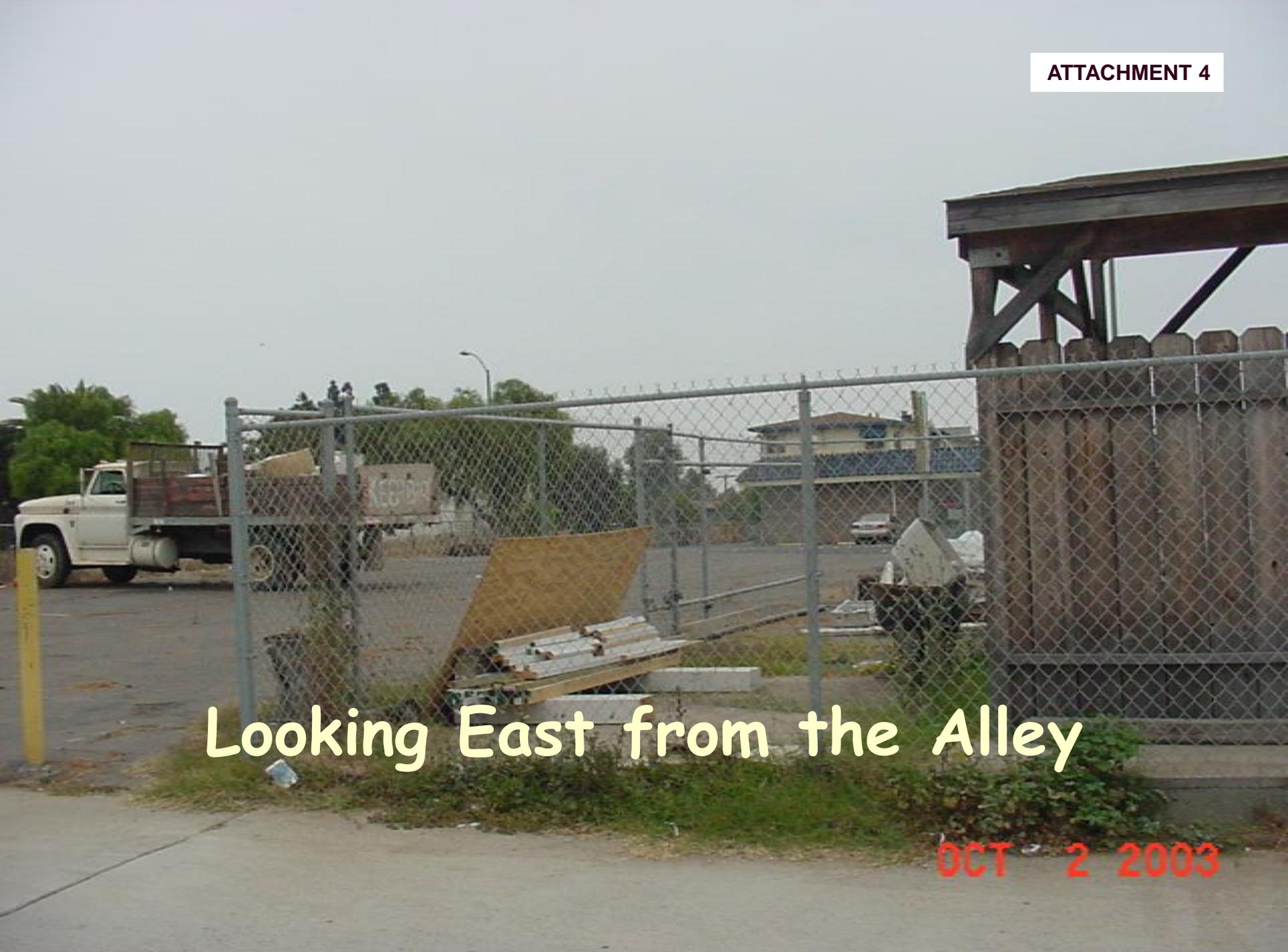


Site Location-Looking West

OCT 2 2003

Looking East from the Alley

OCT 2 2003



LARIAT
BAR - GRILL
BREAKFAST
LUNCH - DINNER
COCKTAILS



Looking South

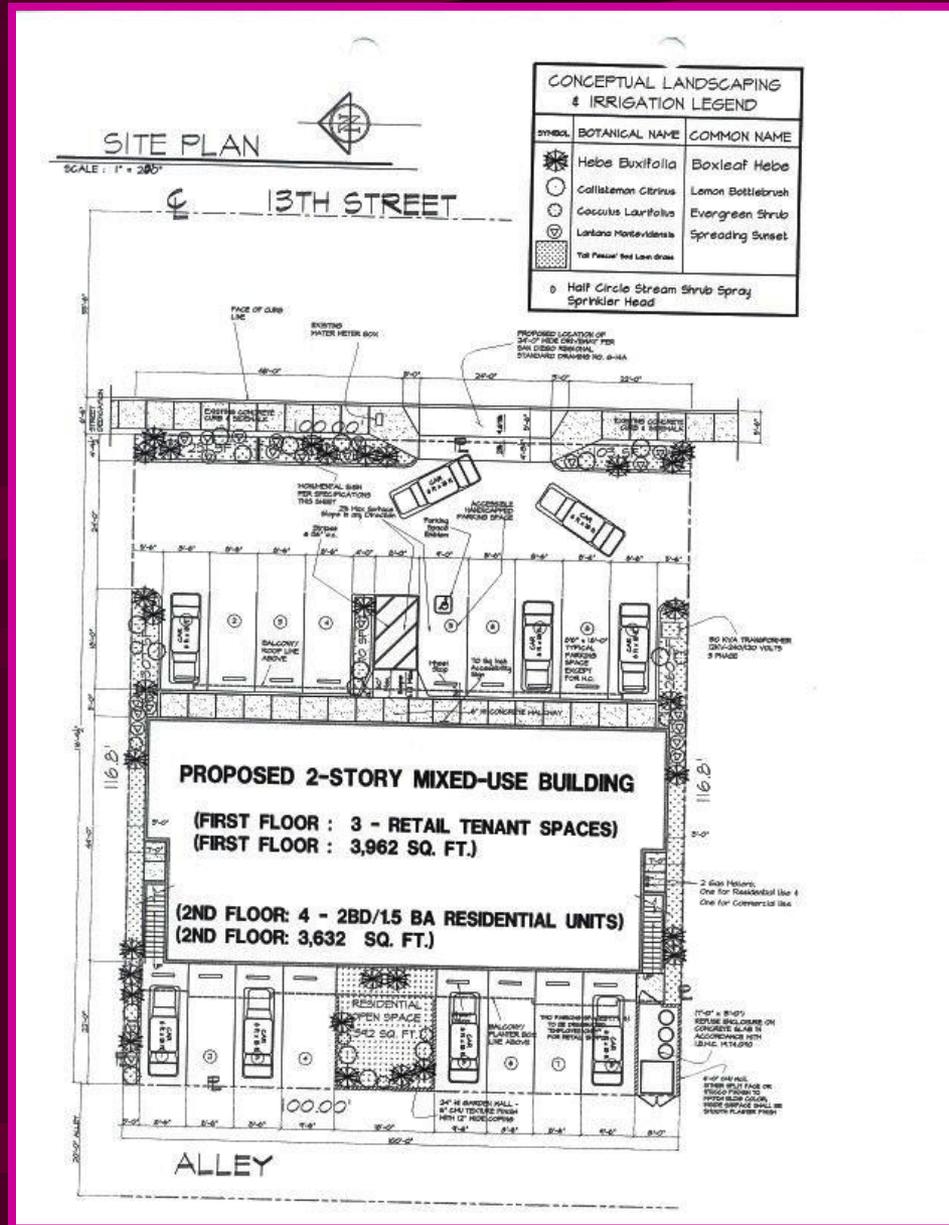
OCT 2 2003



Looking East Across 13th Street

MAR 27 2003

Site Plan



MF 641-1146 13th Street

Parking

Commercial:

- 3, 962 square feet retail commercial space
- 11 parking spaces including one handicapped space = one space per 250 square feet of net floor area plus one space per two employees (three employee spaces)

Residential:

- 3, 632 total square feet, four residential units
- Six residential parking spaces required = 1.5 spaces per residential units

East Elevation



EAST ELEVATION KEYNOTES

1. SHOWN DETAILS UNLESS NOTED WITH S.M. FINISHES AND ALL OTHERS SHALL BE S.M. FINISHES UNLESS NOTED OTHERWISE. (S.M. = SMOOTH FINISH)
2. MATERIALS FINISHES TO BE ORDERED BY LEADER/ARTIST AND TO BE APPROVED BY THE ARCHITECT.

3146 13TH STREET — BRAUDAWAY SQUARE

EXTERIOR MATERIAL / COLOR LEGEND

NUMBER / LOCATION	COLOR
① INTERIOR FLOOR FINISH — WHITE	—
② INTERIOR WALL FINISH — LIGHT PINK / OFF WHITE	—
③ INTERIOR CEILING — WHITE	—
④ BRICK PAINT (SEE MARK) — WHITE & REDDISH	—
⑤ INTERIOR WALLS	—
⑥ 1/2" x 1/2" x 1/2" BRICK SUB-FLOOR — WHITE	—

⑤ 1/2" BRICK EXTERIOR STUCCO
COLOR: PEACH
S.M. FINISH (1)

⑥ 1/2" BRICK EXTERIOR STUCCO
COLOR: PEACH
S.M. FINISH (1)

⑦ 1/2" BRICK ROOF TILE
COLOR: TERRA
S.M. FINISH

⑧ 1/2" THICK VINYLIDENE COPOLYMER
VINYL FRAME
WHITE

⑨ 1/2" BRICK EXTERIOR PAINT
COLOR: PEACH
S.M. FINISH

EAST ELEVATION

SCALE: 1/4" = 1'-0"

WALL SIGN SPECIFICATIONS

TENANT "A"

BRAUDAWAY SQUARE

RECOMMENDED SIGN SIZE: 18" x 24" (SEE 2-D VIEW) x 1/2" THICK
SIGN MOUNTING SYSTEM: 1/2" x 1/2" x 1/2" BRICK x 1/2" BRICK x 1/2" BRICK
SIGN MOUNTING SYSTEM: 1/2" x 1/2" x 1/2" BRICK x 1/2" BRICK x 1/2" BRICK
(SEE 2-D VIEW FOR SIGN SPECIFICATIONS)

ITEM	QUANTITY	UNITS
1. SIGN	1	EA
2. MOUNTING SYSTEM	1	EA
3. SIGN MOUNTING SYSTEM	1	EA

0 1 2 3 4 5 6 7 8 9 10

BRAUDAWAY SQUARE

EXTERIOR ELEVATIONS

SCALE: 1/4" = 1'-0"

DATE: 11/14/2023

PROJECT: 1146 13TH STREET

ARCHITECT: ALJABI ARCHITECTS

ALJABI ARCHITECTS

1146 13TH STREET, SUITE 100, DALLAS, TX 75244

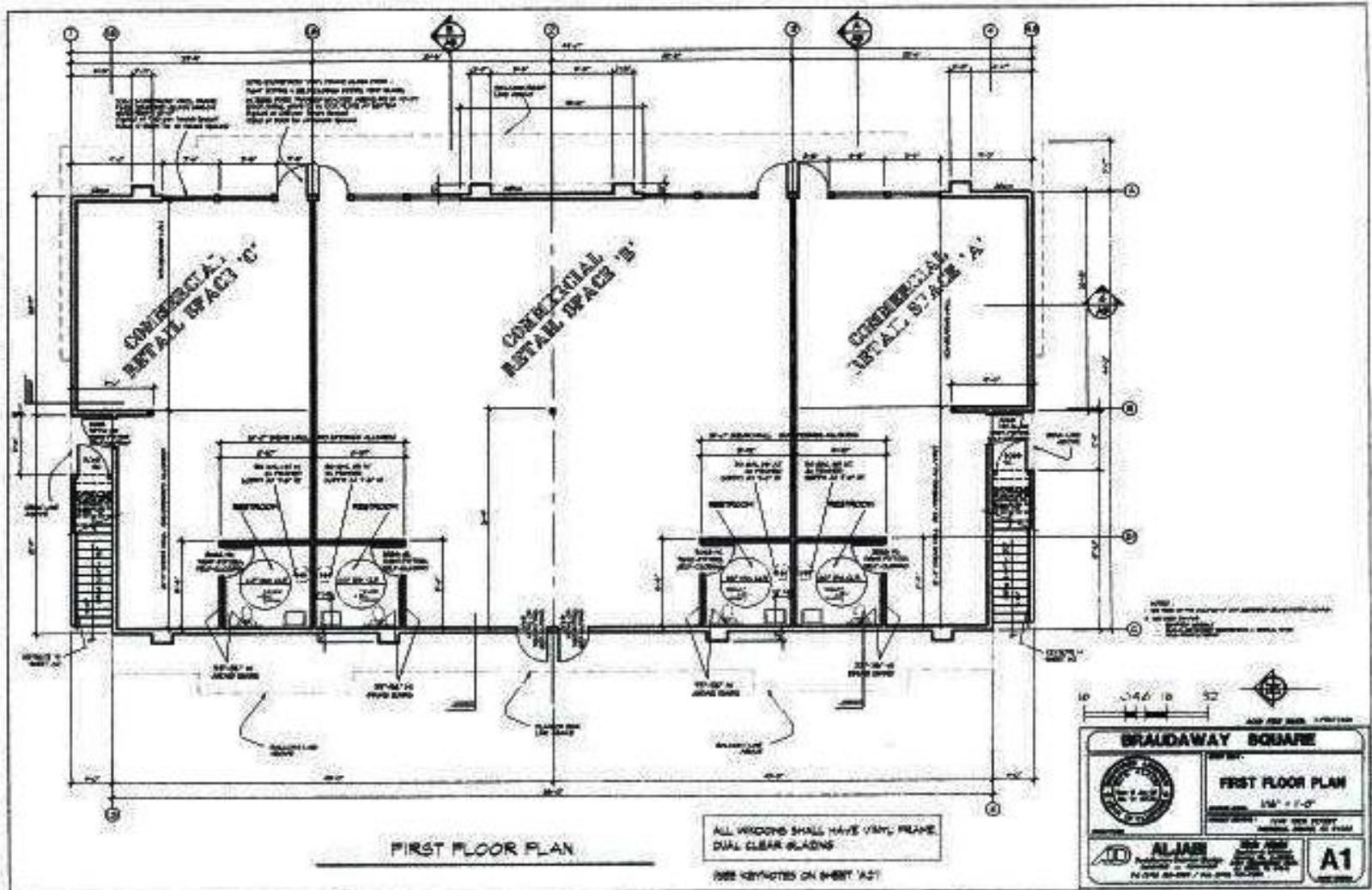
TEL: (214) 343-1146 / FAX: (214) 343-1147

A3

NOT TO SCALE
FOR INFORMATION ONLY
THIS DRAWING IS THE PROPERTY OF ALJABI ARCHITECTS
IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED
HEREON. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN
CONSENT OF ALJABI ARCHITECTS IS STRICTLY PROHIBITED.

First Floor Plan-Retail Commercial

ATTACHMENT 4



Design Review Board Recommendation:

On October 8, 2003, the DRB recommended approval of the project design provided that:

- 1. The building should be a darker tone with a lighter trim.**
- 2. The lettering on the signs should have deeper tones such as dark blue, burgundy, and dark green and will be finalized by the applicant and staff at a later time.**
- 3. The garbage enclosure will be shifted to the North so that it is adjacent to the garbage enclosure of 1126 13th Street.**
- 4. Landscaping will be planted so that it provides sufficient protection to the monument sign.**

MF 641-1146 13th Street

Staff Recommendation:

1. Declare the public hearing open
2. Receive public testimony
3. Close the public hearing
4. Adopt Resolution No. 2005-6114, granting conditional approval of Conditional Use Permit (CUP 03-03), Design Review (DRC 03-10) and Site Plan Review (SPR 03-09), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 03-03), SITE PLAN REVIEW (SPR 03-09), AND DESIGN REVIEW (DRC 03-10) FOR A MIXED-USE DEVELOPMENT WITH THREE RETAIL COMMERCIAL SPACES AND FOUR RESIDENTIAL UNITS LOCATED AT 1146 13th STREET IN THE C-3 (NEIGHBORHOOD COMMERCIAL) ZONE. MF 641

WHEREAS, on March 2, 2005, the City Council of the City of Imperial Beach held a duly advertised public hearing to consider the merits of approving or denying an application for a Conditional Use Permit (CUP 03-03), Site Plan Review (SPR 03-09), and Design Review (DRC 03-10) for a mixed-use development consisting of retail three retail commercial spaces on the first floor and four residential units above the first floor at 1146 13th Street, in the C-3 (Neighborhood Commercial) Zone, on a site legally described as follows:

Lots 35, 36, 37 and 38, inclusive in Block 2 of Imperial Beach Park, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 1994, filed in the Office of the County Recorder of San Diego County, February 1, 1927; excepting therefrom the Easterly 10 feet thereof.

WHEREAS, on October 8, 2003, the Design Review Board adopted DRB Resolution No. 2003-02 recommending approval of the project design; and

WHEREAS, the project design of a mixed-use development consisting of 3,962 square feet retail commercial space on the first floor and four residential units totaling 3,632 square feet above the first floor at 1146 13th Street, in the C-3 (Neighborhood Commercial) Zone, is compatible with other developments in the vicinity which consist of a mixed-use development to the north, an upholstery shop to the south, commercial buildings to the east and a residential neighborhood to the west, and, therefore, would be consistent with Policy D-8 (Project Design) of the Design Element of the General Plan; and,

WHEREAS, the City Council finds that the project is in substantial compliance with Policy L-4g of the Land Use Element of the General Plan, which promotes Thirteenth Street Commercial Areas (C-3) for pedestrian-oriented commercial uses that serve the neighborhood; and

WHEREAS, the City Council finds that the project is consistent with the C-3 (Neighborhood Commercial) Zone of the Zoning Ordinance, which promotes the local neighborhood demand for commercial goods and services; and

WHEREAS, this project complies with the requirements of the California Environmental Quality (CEQA) as this project is categorically exempt pursuant to the CEQA Guidelines Section 15303 as a Class 3(c) project (New Construction); and

WHEREAS, the City Council considered the information contained in the staff reports on this case and public testimony received on this case; and

WHEREAS, at the close of said meeting on March 2, 2005, a motion was duly made and seconded to approve Conditional Use Permit (CUP 03-03), Site Plan Review (SPR 03-09), and Design Review (DRC 03-10) for a mixed-use development consisting of retail commercial space on the first floor and four residential units above the first floor at 1146 13th Street, in the C-3 (Neighborhood Commercial) Zone, based upon the following findings and subject to the conditions of approval contained herein.

CONDITIONAL USE FINDINGS:

- 1. The proposed use at the particular location is necessary or desirable to provide a service or facility, which will contribute to the general well being of the neighborhood or community.**

In the C-3 (Neighborhood Commercial) Zone, the intent of the zone is to promote the local neighborhood demand for commercial goods and services such as markets, professional offices, personal services, restaurants and hardware stores (IBMC 19.28.010). This project will provide additional retail commercial space in this area of 13th Street to meet the demands for goods in the surrounding neighborhood. This project will also provide additional housing, four units with off street parking, to meet the current housing demand. Also, the development of this project may encourage revitalization of the existing area, development of the nearby vacant lots and increase patronage to the surrounding businesses. Development of this project on a vacant lot may also decrease the amount of problems, such as vandalism and crime, associated with the vacant lots in the neighborhood.

- 2. The proposed use will not, under any circumstances, of the particular use, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

The proposed development, a mixed-use development consisting of retail commercial space on the first floor and four residential units above the first floor at 1146 13th Street, in the C-3 (Neighborhood Commercial) Zone, will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. In the Conditions of Approval, specific conditions have been set forth by the Community Development Department and the Public Works Department to mitigate the concerns such a development project may create.

- 3. The proposed use will comply with the regulations and conditions specified in the title for such use and for other permitted uses in the same zone.**

The proposed use will comply with the regulations and conditions specified in the title for such use and for other permitted uses in C-3 (Neighborhood Commercial) zone. The specific conditions that have been set forth by the Community Development Department will ensure that granting of the Conditional Use Permit will achieve compliance with zoning regulations.

- 4. The granting of such conditional use permit will be in harmony with the purpose and intent of this code, the adopted general plan and the adopted local coastal program.**

The granting of the conditional use permit for a mixed-use development consisting of retail commercial space on the first floor and four residential units above the first floor at 1146 13th Street, in the C-3 (Neighborhood Commercial) Zone, will be in harmony with the purpose and intent of the zoning code (IBMC 19.82.040.D), the adopted general plan. The site is not within the coastal zone. The following list of specific conditions of approval set forth by the Community Development Department and the Public Works Department will ensure that the granting of the Conditional Use Permit will achieve compliance.

SITE PLAN REVIEW FINDINGS:

5. **The proposed use does not have a detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the neighborhood, and is not detrimental or injurious to the value of property and improvements in the neighborhood.**

The applicant proposes a mixed-use development consisting of retail commercial space on the first floor and four residential units above the first floor at 1146 13th Street, in the C-3 (Neighborhood Commercial) Zone, that would not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. The project proposes parking for the commercial and residential units will be located in two on-site locations. The commercial retail unit is required to have eleven parking spaces including one handicapped parking space. The required handicapped space and eight spaces for the commercial space will be located in the front of the building off of 13th Street. Two parking spaces for employee parking will be located off the alley. The six parking spaces provided for the residential units are also located off the alley and access to these parking spaces is from the alley. In the Conditions of Approval, specific conditions have been set forth by the Community Development Department and the Public Works Department to mitigate the concerns such a development project may create.

6. **The proposed use will not adversely affect the General Plan/Local Coastal Plan.**

The proposed mixed-use development consisting of retail commercial space on the first floor and four residential units above the first floor at 1146 13th Street is consistent with the C-3 (Neighborhood Commercial) zone, which promotes the local neighborhood demand for commercial goods and services.

7. **The proposed use is compatible with other existing and proposed uses in the neighborhood.**

The subject site is in the "Neighborhood Commercial" zone, which encompasses 13th Street from Ebony Avenue to the north and Fern Avenue to the south. "Neighborhood Commercial" also encompasses Imperial Beach Boulevard, from Florence Street on the west to Georgia Street on the east. Within this area, commercial and residential uses vary in character, bulk, and scale. The proposed project is compatible with the established commercial and residential uses.

8. **The location, site layout and design of the proposed use properly orient the proposed structures to streets, driveways, sunlight, wind and other adjacent structures and uses in a harmonious manner.**

This site fronts along 13th Street. The adjacent property to the north is a newly complete a mixed-use development, "13th Street Market," an upholstery shop to the south, commercial buildings to the east and a residential neighborhood to the west. Directly across 13th Street from the site are a liquor store, The Office Club bar and a resale business. Across from the alley is a residential neighborhood zoned R-3000 (Two-Family Residential). The project has varied rooflines and architectural detailing and relief through the incorporation of building recesses. The applicant also proposes a variety of landscaping; including Boxleaf Hebe, Lemon Bottlebrush, Evergreen shrub, Spreading Sunset and "Tall Fescue" lawn grass, in front of the commercial space. Landscaping will

also be located in the residential open space off the alley and along the north and south side of the building as proposed by the architect in the revised landscaping plans submitted on July 8, 2004. The overall design of the building should contribute positively in making an architectural statement along 13th Street. Many of the existing buildings in the area are older structures. The project shall properly orient the proposed structures to streets, driveways, sunlight, wind and other adjacent structures and uses in a harmonious manner.

9. The combination and relationship of one proposed use to another on the site is properly integrated.

The project is a mixed-use development with a retail commercial space on the first floor and four residential units above the first floor at 1146 13th Street, in the C-3 (Neighborhood Commercial) Zone. The combination and relationship of the commercial office space in relation to the residential units on the site is properly integrated.

10. Access to and parking for the proposed use will not create any undue traffic problems.

Parking access is from both 13th Street and the alley behind 13th Street. The commercial parking will be located in the front of the building off of 13th Street with employee parking off of the alley. The parking provided for the residential units is also located off the alley and access to these parking spaces is from the alley. The parking design will not create any undue traffic problems.

11. The project complies with all applicable provisions of Title 19.

The project is subject to compliance with the zoning requirements per Chapter 19.28 of the City of Imperial Beach Municipal Code, titled "Neighborhood Commercial (C-3) Zone." A Conditional Use Permit is required for residential development above the first floor at a maximum density of one unit per every thousand square feet of lot area and interim parking pursuant to Section 19.28.020.A.3. The parking for the project will be provided in two on-site locations, off 13th Street for the retail commercial unit and off the alley for the employee parking and residential units. Site Plan approval by the City Council is required per Section 19.28.020.D. Design Review is required per Section 19.83.020.A.3.

DESIGN REVIEW FINDINGS:

12. The project is consistent with the City's Design Review Guidelines.

The design of the project is consistent with the City's Design Policy D-8 (Project Design) of the General Plan as per Design Review Compliance checklist attached hereto and findings contained herein.

NOW, THEREFORE, BE IT RESOLVED that an application for Conditional Use Permit (CUP 03-03), Site Plan Review (SPR 03-09), and Design Review (DRC 03-10) for a mixed-use development consisting of retail commercial space on the first floor and four residential units above the first floor at 1146 13th Street, in the C-3 (Neighborhood Commercial) Zone, is hereby approved by the City Council of the City of Imperial Beach subject to the following:

CONDITIONS OF APPROVAL:

A. PLANNING:

1. The City is requiring new development to conform to the new state water quality/urban runoff requirements (SDRWQCB Order 2001-01). Plans for new development will now need to show drainage patterns to demonstrate how storm water will be directed to landscaped areas (bioswales) or to filters before it is discharged into the city's storm sewers or to the beach.
2. All catch basin subdrains shall be deepened to reach the area of percolation as identified in the soils report.
3. Filter fabric shall be applied around the 18" perforated pipe in the catch basin subdrain.
4. Owner must enter into and provide proof of post-construction (BMPs) maintenance agreement for all catch basin filters and subdrains.
5. Final drainage for the balconies shall comply with SUSMP requirements.
6. Owner shall record a mutual access and parking agreement in concert with the master plans of the adjacent parcels and subject to approval of the City.
7. The 30-inch retaining wall shall be made of a material coordinated in color with the building in either stucco or split face block.
8. The trash enclosure shall be made of the same/similar materials and designed in accordance with the trash enclosure for the mixed-use project at 1126 13th Street (MF 615).
9. Residential units (particularly those facing east) shall have soundproof windows such as double-pane windows.
10. Applicant must comply with building/structural changes identified and revised in plans for in the mixed-use project at 1126 13th Street (MF615), if applicable to this project. These changes must be reflected in the plans prior to submittal for building permits.
11. Ensure that the proposed monument sign is located out of the public right-of-way.
12. Replace the landscaping proposed in second story planter boxes to the rear yard (ground level) as shown in the revised plans submitted by the architect on July 08, 2004.
13. The building should be a darker tone with a lighter trim.
14. The lettering on the signs should have deeper tones such as dark blue, burgundy, and dark green and will be finalized by the applicant and staff at a later time.
15. The garbage enclosure will be shifted to the North so that it is adjacent to the garbage enclosure of 1126 13th Street.
16. Landscaping will be planted so that it provides sufficient protection to the monument sign.

17. Approval of Conditional Use Permit (CUP 03-03), Site Plan Review (SPR 03-09), and Design Review (DRC 03-10) for a mixed-use development consisting of retail commercial space on the first floor and four residential units above the first floor at 1146 13th Street, in the C-3 (Neighborhood Commercial) Zone is valid for one year from the date of final action to expire on March 2, 2006. The applicant or applicant's representative shall read, understand, and accept the conditions listed herein and shall, within 30 days, return a signed statement accepting said conditions.
18. All negative balances in the project account (261-641) shall be paid prior to building permit issuance and final inspection.

B. BUILDING:

19. A soils report will be required at the time plans are submitted for building permit plan check (619-628-1357).

C. PUBLIC SAFETY:

20. Address must be clearly visible with 6" high numbers and with 3/4" stroke on contrasting background.
21. 1-2A10BC extinguisher located on each entry deck of residential units clearly marked 22" x 36" attic access in each unit. Also on or near a door and at the bottom of the stairs. Smoke detectors are required in each sleeping room and in corridor leading to sleeping room. All smoke detectors shall be wired to building wiring.
22. Commercial retail – all units need to be clearly marked and visible from street and alley. 1-2A10BC extinguishers required in each unit and Knox box required near exit.
23. Residential and Commercial – Require all utilities, gas, electric and water to be individually marked per unit number. All address need to be clearly visible from street and alley.

PUBLIC WORKS:

24. Ensure that the hot water tank P.T. discharge pipes are piped to discharge to the sanitary sewer system or the landscape area. A design that has the water discharge directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01
25. Ensure that no building roof or landscape water drains are piped to the street or onto impervious surfaces that lead to the street. A design that has these water discharges directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01.
26. Construct the driveway approach(es) on 13th Street to comply with Regional Standard Drawing G-14A. Sidewalk cuts must coincide with the existing sidewalk five-foot sections. A sidewalk section cannot be cut into smaller sections. Likewise if the curb and gutter is to be cut in order to comply with Regional Standard Drawing G-14A, the reconstruction must not leave an existing curb and gutter section less than 9 feet in length. Note: The construction of an ADA compliant driveway approach will require a grant of easement to the City for this construction.

27. Replace 80 feet of broken curb and gutter adjacent to the project site.
28. For alley, sidewalk or curb and gutter replacement ensure compliance with San Diego Regional Standard Drawing G-11 in that, the "Area to be removed [must be] 5 feet or from joint to joint in panel, whichever is less." The distance between joints or score marks must be a minimum of 5 feet. Where the distance from "Area to be removed" to existing joint, edge or score mark is less than the minimum shown, "Area to be removed" shall be extended to that joint, edge, or score mark.
29. Ensure constructed refuse storage enclosure is constructed in accordance with I.B.M.C. 19.74.090. Ensure trash enclosure is sized to include recycling containers as well as refuse containers.
30. Install survey monuments on northeast property line and southeast property line in or adjacent to the sidewalk. Record same with county office of records.
31. For any work to be performed in the street or alley, submit a traffic control plan for approval by Public Works Director a minimum of 5 working days in advance of street work. Traffic control plan is to be per Regional Standard Drawings or Caltrans Traffic Control Manual.
32. All street work construction requires a Class A contractor to perform the work. Street repairs must achieve 95% sub soil compaction. Asphalt repair must be a minimum of four (4) inches thick asphalt placed in the street trench. Asphalt shall be AR4000 ½ mix (hot).
33. If it is necessary to cut into the alley pavement as part of this project, all concrete cuts in the alley must be replaced with #4 rebar dowels positioned every 1 foot on center. Concrete specification must be 560-C-3250. Concrete cuts must also comply with Item No. 4 above and terminate at least 18 inches before or beyond the alley flow line.
34. In accordance with I.B.M.C. 12.32.120, applicant must place and maintain warning lights and barriers at each end of the work, and at no more than 50 feet apart along the side thereof from sunset of each day until sunrise of the following day, until the work is entirely completed. Barriers shall be placed and maintained not less than three feet high.
35. Recommend applicant agree to underground all utilities in accordance with I.B.M.C. 13.08.060.
36. Advise the property owner that he/she must institute "Best Management Practices" to prevent contamination of storm drains, ground water and receiving waters during both construction and post construction. The property owner or applicant must provide the following documents to the City of Imperial Beach following before project may begin work:
 - A checklist of selected BMPs and location of the BMPs on project plans for review by the City (JURMP Form 7-B and Table 7-3).
 - Certification of intent to maintain selected BMPs (JURMP Form 7-B).
 - A Storm Water Management Plan JURMP (Form 7-B).

37. Additionally, these BMP practices shall include but are not limited to: Contain all construction water used in conjunction with the construction. Contained construction water is to be properly disposed in accordance with Federal, State, and City statutes, regulations and ordinances.
- All recyclable construction waste must be properly recycled and not disposed in the landfill.
 - Water used on site must be prevented from entering the storm drain conveyance system (i.e., streets, gutters, alley, storm drain ditches, storm drain pipes).
 - All wastewater resulting from cleaning construction tools and equipment must be contained on site and properly disposed in accordance with Federal, State, and City statutes, regulations, and ordinances.
 - Erosion control – All sediment on the construction site must be contained on the construction site and not permitted to enter the storm drain conveyance system. Applicant is to cover disturbed and exposed soil areas of the project with plastic-like material (or equivalent product) to prevent sediment removal into the storm drain system
38. Advise the property owner that as of January 1, 2000, any disposal/transportation of solid waste/construction waste in roll-off containers must be contracted through EDCO Disposal Corporation unless the hauling capability exists integral to the prime contractor performing the work.

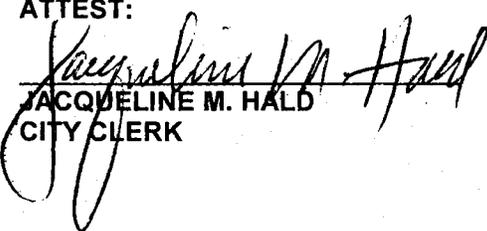
PROTEST PROVISION: The 90-day period in which any party may file a protest, pursuant to Government Code Section 66020, of the fees, dedications or exactions imposed on this development project begins on the date of the final decision.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 2nd day of March 2005, by the following roll call vote:

AYES:	COUNCILMEMBERS:	MCCOY, WINTER, MCLEAN, JANNEY, ROSE
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE


DIANE ROSE, MAYOR

ATTEST:


JACQUELINE M. HALD
CITY CLERK

PUBLIC HEARINGS (6.4)

6.4 FIVE-YEAR IMPLEMENTATION PLAN ADOPTION, ADOPTION OF REDEVELOPMENT AGENCY RESOLUTION NO. R-05-65. (0640-80)

MAYOR ROSE declared the public hearing open.

CITY MANAGER BROWN introduced the item.

WALTER FREEMAN, representing South Bay Union School District submitted a letter for the record a meeting between the City and Dr. Patrick Pettit, Superintendent.

MOTION BY ROSE, SECOND BY JANNEY, TO CONTINUE THE PUBLIC HEARING TO THE ADJOURNED REGULAR MEETING OF MARCH 14, 2005. MOTION CARRIED UNANIMOUSLY.

REPORTS (7.1)

7.1 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS BUDGET FOR FISCAL YEARS 2004/2005 THROUGH 2008/2009. (0330-35)

MOTION BY ROSE, SECOND BY JANNEY, TO CONTINUE THE REPORT TO THE ADJOURNED REGULAR MEETING OF MARCH 14, 2005. MOTION CARRIED UNANIMOUSLY.

ORDINANCES - SECOND READING & ADOPTION (4.1 - 4.2)

4.1 AN ORDINANCE AMENDING ORDINANCE NO. 92-865 RELATING TO BUSINESS FEE SCHEDULE. (0390-55)

Item was continued to the adjourned regular meeting of March 14, 2005 by prior Council action.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6.1 - 6.5)

6.1 FERAS "RUSTY" BARGHOUT (APPLICANT/PROPERTY OWNER)/NICK ALJABI (ARCHITECT); CONDITIONAL USE PERMIT (CUP 03-03), DESIGN REVIEW (DRC 03-10), SITE PLAN REVIEW (SPR 03-09) FOR A MIXED DEVELOPMENT WITH THREE RETAIL COMMERCIAL SPACES AND FOUR RESIDENTIAL UNITS LOCATED AT 1146 13th STREET, IN THE C-3 (NEIGHBORHOOD COMMERCIAL) ZONE. MF 641. (0600-20)

MAYOR ROSE declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY PLANNER KANANI gave a PowerPoint presentation on the item; she reported that City Planner Nakagawa had drafted an agreement that would allow for the removal of a wall and also allow for the sharing of the parking lot with the adjacent property.

MAYOR PRO TEM JANNEY encouraged staff to monitor the signage for the property.

RUSTY BARGHOUT, applicant, responded to concerns of Council regarding the commercial and residential spaces.

ASSISTANT CITY PLANNER KANANI reported that the Design Review Board's recommendations were not included in the resolution.

CITY CLERK HALD announced no speaker slips were submitted.

MOTION BY ROSE, SECOND BY WINTER, TO CLOSE THE PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.

MOTION BY ROSE, SECOND BY JANNEY, TO ADOPT RESOLUTION NO. 2005-6114, GRANTING CONDITIONAL APPROVAL OF CONDITIONAL USE PERMIT (CUP 03-03), DESIGN REVIEW (DRC 03-10) AND SITE PLAN REVIEW (SPR 03-09), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS, AND STATING THE REQUIREMENTS WITH THE ADDED CONDITIONS OF THE DESIGN REVIEW BOARD. MOTION CARRIED UNANIMOUSLY.

6.2 1365 SEACOAST CONDOMINIUMS; TENTATIVE MAP (TM 04-147) AND COASTAL PERMIT (ACP 04-146) FOR THE PROPOSED CONVERSION OF 14 RESIDENTIAL UNITS TO CONDOMINIUM OWNERSHIP AT 1365 SEACOAST DR., IN THE R-1500 (HIGH DENSITY RESIDENTIAL) ZONE. OWNER: TRACY MEHKI, SAND AND SEA CAPITAL, INC./APPLICANT MALCOLM DAVIES, SAND AND SEA CAPITAL, INC. MF 744. (0600-20)

COUNCILMEMBER MCLEAN stated he had a potential conflict of interest on the item as he owns property within 500 feet of the project, and he left Council Chambers at 9:50 p.m.

MAYOR ROSE declared the public open.

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY PLANNER KANANI gave a PowerPoint presentation on the item; she stated that the applicant has proposed one-hour firewalls between the laundry room and building.

TRACY MEHKI, applicant, stated she just learned about the firewalls requirement that will take effect with the new ordinance and she will install a hardwired smoke detector system.

MAYOR ROSE commended Ms. Mehki for installing the hardwired monitors although they are not required.

The City of
Imperial
Beach

(619) 628-1356
FAX: (619) 429-9770

COMMUNITY DEVELOPMENT DEPARTMENT
825 IMPERIAL BEACH BOULEVARD • IMPERIAL BEACH, CALIFORNIA 91832



CITY OF IMPERIAL BEACH
ACCEPTANCE OF CONDITIONS
AFFIDAVIT

The undersigned deposes and says:

I, ^{Sam} ~~Borghout~~, am the owner(s), or the authorized agent of the owner(s), of the property involved in Case Number/Project Address: M.F. 641 (CUP 03-03/DRC 03-10/SPR 03-09) at 1146 13TH STREET, Imperial Beach, California.

I further state that I have read, understand and accept, and will comply with all the conditions of approval as set forth in the Letter or Resolution of Approval, dated March 2, 2005.

I am also aware that if any of the provisions of this approval are violated or held to be invalid, or any law, statute or ordinance is violated, the approval shall be null and void and the privileges granted thereunder shall lapse.

Signed this 31ST day of MAY, 2005 at City/County SAN DIEGO CALIFORNIA State:

Signed:
Mailing Address:
1851 GALVESTON STREET
SAN DIEGO, CA 92110
Telephone: 619-417-5682 or 619-454-2504

State of California

SS.

County of San Diego

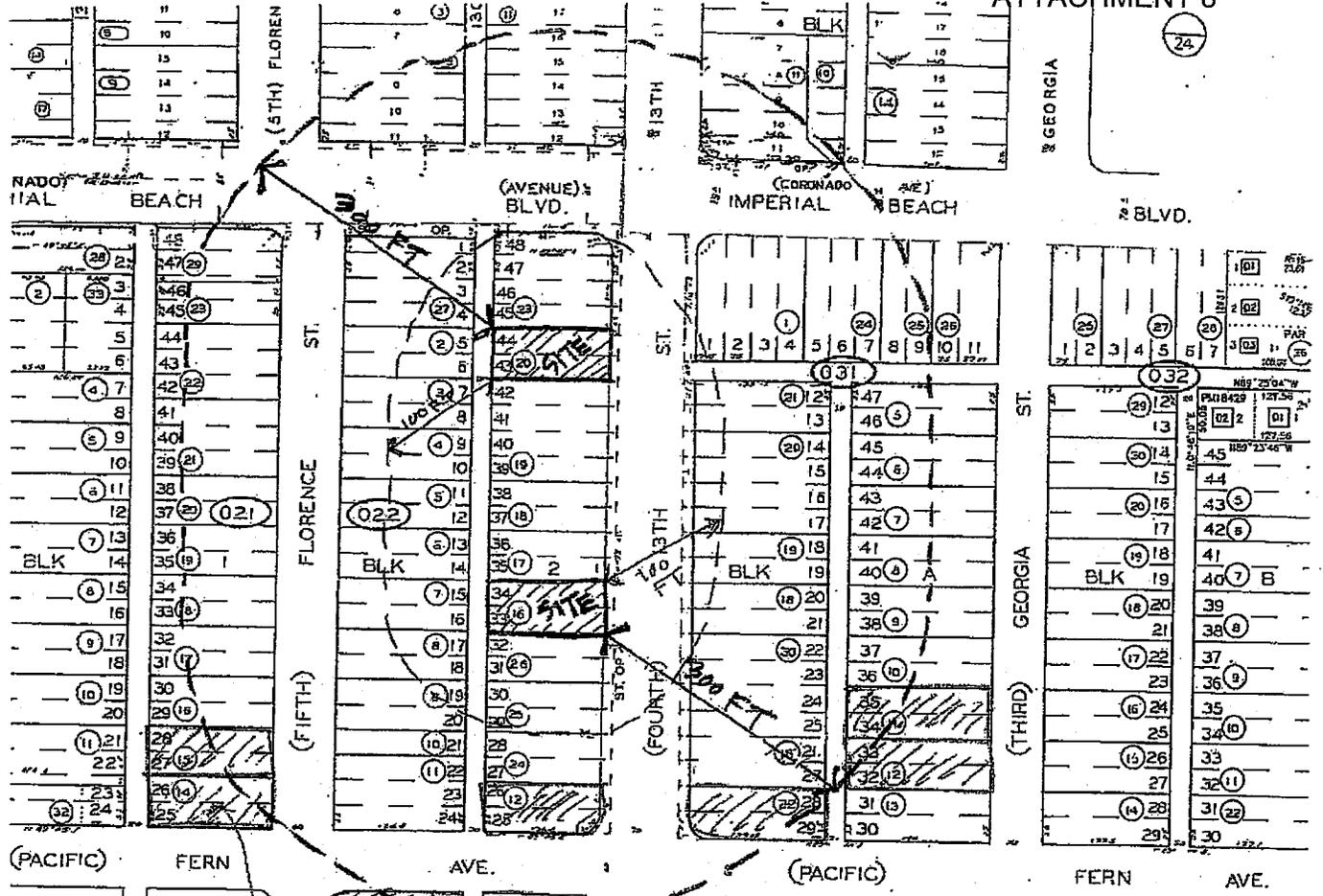
On this 31ST day of May, in the year 05, before me Sahar Borghout, the undersigned Notary Public, personally appeared Sam Borghout personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is (are) subscribed to this instrument, and acknowledged that he (she/they) executed it.

WITNESS my hand and official seal.

Notary Signature

L.S.





FOR PURPOSES ONLY. NO LIABILITY IS ASSIGNED TO THE ASSessor'S OFFICE FOR THE DATA SHOWN. ASSessor'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA SHOWN. SHOW OF BUILDING ORDINANCES.

MAP 1991 FOR PURPOSES ONLY. NO LIABILITY IS ASSIGNED TO THE ASSessor'S OFFICE FOR THE DATA SHOWN. ASSessor'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA SHOWN. SHOW OF BUILDING ORDINANCES.

MAP 19

ADDITIONALLY:
 Need These owners names
 EIGHT
 (ALL LISTED in Red)



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER

MEETING DATE: JUNE 17, 2009
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, DIRECTOR *GW*
DAVID GARCIAS, CODE COMPLIANCE OFFICER *DG*

SUBJECT: 1257 EAST LANE – NOTICE TO ELIMINATE
SUBSTANDARD AND PUBLIC NUISANCE CONDITIONS.

BACKGROUND/DISCUSSION:

Between 1997 and 2009, staff has received 10-citizen complaints reporting violations of the Imperial Beach Municipal Code at 1257 East Lane. On August 4, 1999, the Council adopted resolution 99-5112 assessing \$1,500 in civil penalties and administrative costs, and establishing 5-year probation with \$8,000 in accrued fines held in abeyance as long as the property remained in compliance. In August 2004, the probation expired.

The following is a chronology of code compliance actions at the property:

<u>Notice & Hearing Dates</u>	<u>Notices & Types of Hearings</u>
1. June 26, 1997	Notice of Violation
2. January 16, 1998	Notice of Violation
3. March 23, 1998	Second Notice
4. August 13, 1998	Courtesy Notice
5. June 30, 1999	Public Nuisance Notice
6. July 12, 1999	Administrative Hearing
7. August 4, 1999	City Council Public Hearing (Resolution #99-5112)
8. September 1, 1999	City Council Public Hearing
9. August 23, 2001	Request to Inspect Notice
10. March 15, 2002	Courtesy Notice
11. April 4, 2002	Second Notice
12. August 3, 2006	Notice of Violation
13. August 15, 2006	1 st Admin Citation
14. September 7, 2006	2 nd Admin Citation
15. December 1, 2006	3 rd Admin Citation
16. July 18, 2007	Stop Work Notice
17. June 12, 2008	Notice of Violation
18. July 1, 2008	1 st Admin Citation
19. December 15, 2008	2 nd Admin Citation
20. January 9, 2009	3 rd Admin Citation

In the most recent case, on June 9, 2008, staff received a citizen complaint regarding code violations at 1257 East Lane.

On June 11, 2008, staff conducted an inspection at 1257 East Lane and observed wrecked / inoperable vehicles parked on dirt beside the house, a utility trailer with vehicle parts and junk piled inside the trailer, and piles of lumber, wood, cans of paint, and vehicle tires piled up beside the garage.

On June 12, 2008, staff served a Notice of Violation notifying the property owner to abate the violations no later than June 26, 2008. The sections of the Imperial Beach Municipal Code violated were:

1. IBMC 1.16.010.R. Property constituting a public nuisance.
2. IBMC 1.16.010.U. "Visual Blight", Junk, trash, and debris littered on property.
3. IBMC 8.44.020 Inoperable, wrecked, dismantled vehicles on private property.
4. IBMC 8.50.050.K. Vehicles shall be parked on a paved surface.
5. IBMC 8.50.050.M. Maintenance of Premises.

Staff conducted follow-up inspections on June 26th, 27th, and 30th, and observed the violations were not being corrected.

On July 1, 2008, staff issued an Administrative Citation #1230 to the property owner of 1257 East Lane, for the unabated code violations located on the property with fines charged in the amount of \$500.00. The owner was notified to correct the violations no later than July 15, 2008.

On July 15, 2008, staff conducted a follow-up re-inspection and observed the violations were abated.

On December 12, 2008, staff conducted a routine drive-by inspection of the property and observed multiple wrecked/inoperable vehicles, piles of junk, trash, debris, car parts, tires, and discarded furniture on the property, vehicles parked on the unpaved areas of the property, and a newly constructed awning structure and stairway/ladder to the 2nd story patio deck. These constituted re-violation of the Municipal Code.

On December 15, 2008, staff issued an Administrative Citation #1265 to the property owner of 1257 East Lane, for the code violations located on the property with fines charged in the amount of \$1,000.00. The owner was notified to correct the violations no later than December 22, 2008.

On December 18, 2008, staff spoke to the owner, Joseph Ender-Palmer, who lives in Azusa, California. The owner told staff he is trying to evict or remove the tenant, his brother, "JP" (John Paul Ender-Palmer) from the property.

On December 22, 2008, staff conducted a follow-up re-inspection and observed the violations were unchanged, and had even increased with the addition of an inoperable vehicle parked on the front lawn.

On January 7, 2009, staff conducted a follow-up re-inspection and observed the violations were unchanged.

On January 9, 2009, staff issued an additional administrative #1271 to the property owner of 1257 East Lane, for the code violations located on the property with fines charged in the amount of \$2,500. The violations were to be corrected by January 15, 2009.

In February and March 2009, phone messages left for the owner, Joseph Ender-Palmer, were not returned. Staff spoke with the owner's mother (Shirl Steel), and she stated that the owner was considering letting the property go into foreclosure. Steel also told staff they were considering evicting the tenant.

On April 13, 2009, staff received a letter from Steel saying that they had not yet made the decision to allow the property to go into foreclosure, but they provided a copy of a "Notice to Terminate Tenancy" they said they served to her son "JP". The notice gave the tenant until April 30, 2009 to terminate the tenancy.

On May 6, 2009, staff received an additional citizen complaint regarding trash on the property, and vehicles parked on the grass in the yards at 1257 East Lane.

On May 7, 2009, the conditions determined to create a substandard and public nuisance were as follows. These were the violations identified at 1257 East Lane:

1. **IBMC 1.16.010.U. "Visual Blight".**
 - Remove all of the stored lumber, junk, trash, or debris; abandoned, discarded, or unused appliances, equipment, vehicles, cans, or containers; excavations; or any device, decoration, design, or unsightly fence, structure, clothesline, or unsightly vegetation from the property and in the front, rear, and side yards.
2. **IBMC 1.16.010.G. Overgrown Vegetation.**
 - Cut down and remove all of the overgrown weeds and unsightly vegetation on the property and from the front, side, and rear yards.
3. **IBMC 8.36.040. Solid Waste – Declared Public Nuisance.**
 - Remove all of the garbage, discarded equipment, appliances, clothing, and furniture on the property and from the front, rear, and side yards.
4. **IBMC 8.50.050.K. Vehicles must be parked on a paved roadway or driveway.**
 - Remove the Vehicles that are parked on the unpaved surfaces. Vehicles must be parked on a paved roadway or driveway.
5. **IBMC 8.44.020. Inoperable or abandon vehicles may not be stored on property.**
 - Remove all the inoperable, wrecked, and dismantled vehicles from the property and from the front, rear, and side yards.
6. **IBMC 15.06.010. Building Permits –Required**
 - Remove all of the illegally and non-permitted construction, including the patio awning to the 2nd story deck, remove the stairway/ladder to the 2nd story deck, and remove the toilet installed in the rear yard between the garage and the dwelling.

On May 11, 2009, staff posted and served the property owner a notice to eliminate substandard and public nuisance conditions on the property. The violations were to be corrected by May 20, 2009. The owner was notified in the notice of the public hearing scheduled for the same date.

On May 13, 2009, staff spoke with the Shirl Steel, and she said the tenant, "JP", is still living at the property.

On May 18, 2009, staff spoke with Craig Sherman, an attorney. Sherman stated he represented the owners.

On May 19, 2009, staff met at the property with the attorney, the owner's brother, Ted Ender-Palmer, and the tenant. Ted said he had the power of attorney from the owner to represent him and handle the issues at the property. Ted also said that the tenant was going to continue to live on the property. Staff pointed out the violations that needed to be abated, such as removing the unpermitted attached awning structures, removing the toilet from the yard, obtaining a permit for the water heater and water heater closet in the rear yard, and obtaining a final inspection for the front deck which faces Grove Avenue. In the yards, they still needed to remove or repair the fence, remove the junk trash and debris from the yards, cut down and remove the overgrown weeds and unsightly vegetation, remove or restore the inoperable vehicle, and to remove the

vehicles parked on unpaved areas. The owner's representatives assured me they would abate the violations.

On May 20, 2009, staff conducted a drive-by inspection and observed the overgrown vegetation was cut down and the vehicles parked on unpaved areas were removed. Those violations were abated. At the City Council meeting staff recommended continuance of the public hearing after seeing progress made toward the abatement of all the violations. The City Council voted to continue the public hearing to the June 17th council meeting.

On May 21, 2009, staff conducted a drive-by inspection and observed the fence was re-built, and the violation abated.

On May 26, 2009, staff conducted a drive-by inspection and observed the attached awning structure on the 2nd story deck was removed, and the discarded lumber placed atop the garage roof.

On May 27, 2009, staff conducted a drive-by inspection and observed vehicles had resumed parking on the unpaved areas in the yard. Staff spoke to the owners representative, and provided him with a specific list of violations to abate immediately:

- Remove the Awning cover attached to the rear of the house.
- Remove the lumber from the roof of the garage.
- Remove the plumbed toilet from the yard between the house and the garage.
- Remove or restore the Volvo wagon.
- Restore the guardrail around the entire 2nd story deck.
- Remove the bridge connecting the 2nd story deck with the garage roof.
- Obtain a final inspection for the patio deck facing Grove Ave.
- Obtain water heater permit for the water heater enclosure in the rear yard.
- Stop parking vehicles on the grass and dirt in the yards.

Between May 27th and June 8th, staff has conducted several drive-by inspections, and observed none of the violations remaining have been abated. Further, staff has observed re-accumulation of tires and junk being stored in the yards, and the vegetation is beginning to be overgrown again.

By the time of the June 17, 2009 City Council Meeting staff may have additional items to discuss.

FISCAL ANALYSIS:

Current assessment of \$500.00 in administrative costs for nuisance abatement proceedings pursuant to Imperial Beach Municipal Code Sections 1.16.240 and 1.12.120, civil penalties at \$50.00 per day per violation starting from May 11, 2009 to June 17, 2009, have accrued as follows:

1. May 11, 2009 to May 19, 2009 – 9 days (6-violation) @ \$50.00 per day per violation
= **\$2,700.00**
2. May 20, 2009 to May 26, 2009 – 7 days (4-violation) @ \$50.00 per day per violation
= **\$1,400.00**
3. May 27, 2009 to June 17, 2009 – 22 days (5-violation) @ \$50.00 per day per violation = **\$5,500.00**
4. Administrative Fee: **\$500.00**

CIVIL PENALTIES: \$ 9,600.00
ADMINISTRATIVE FEE: + 500.00
TOTAL COSTS: \$10,100.00

DEPARTMENT RECOMMENDATION:

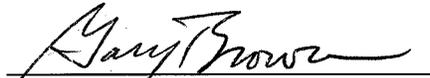
Staff recommends closing the public hearing, allowing staff time to seek legal action to compel the property owner to clean up the property, or obtain an abatement warrant to cause the abatement to be completed by City forces or private contract.

Staff Recommends the Mayor and City Council:

1. Open the public hearing.
2. Receive report and entertain public testimony.
3. Staff recommends the council consider:
 - a. If all the violations are abated, staff recommends the public hearing be closed, and the council consider adopting resolution #2009-6777 assessing \$9,600.00 in civil penalties and \$500.00 in administrative fees.
 - b. If violations are not abated, staff recommends the public hearing be closed, and the council consider adopting resolution #2009-6777 assessing \$9,600.00 in civil penalties and \$500.00 in administrative fees, in addition the council authorizes staff to seek legal action to either compel the property owner to clean up the property or to obtain an abatement warrant to cause the abatement to be completed by City forces or private contract.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

- 11
- Attachments:
1. Resolution #2009-6777
 2. Notice to Eliminate Public Nuisance, dated 5-11-2009
 3. Declaration of Service, dated May 11, 2009
 4. Notice of Violation, dated June 12, 2008
 5. 1st Admin Citation, dated July 1, 2008
 6. 2nd Admin Citation, dated December 15, 2008
 7. 3rd Admin Citation, dated January 9, 2009
 8. Resolution #1999-5112
 9. Letter from Shirl Steel, received April 13, 2009
 10. Notice to Terminate Tenancy, dated March 30, 2009

cc: Joseph L. Ender-Palmer
18019 E. Citrus Edge St
Azusa, CA 91702

John Paul Ender-Palmer
1257 East Lane
Imperial Beach, CA 91932

Theodore Ender-Palmer
8975 Haveteur Way
San Diego, CA 92123-2316

RESOLUTION NO. 2009-6777

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, FINDING AND DECLARING THAT THE NOTICE AND ORDER TO ELIMINATE SUBSTANDARD AND PUBLIC NUISANCE CONDITION(S), REGARDING THE PROPERTY AT 1257 EAST LANE IS APPROPRIATE AND ASSESSING COSTS OF ABATEMENT, AN ADMINISTRATIVE FEE AND CIVIL PENALTIES

The City Council of the City of Imperial Beach does hereby resolve as follows:

WHEREAS, Between 1997 and 2009, staff has received 10-citizen complaints reporting violations of the Imperial Beach Municipal Code at 1257 East Lane. On August 4, 1999, the Council adopted resolution 99-5112 assessing \$1,500 in civil penalties and administrative costs, and establishing 5-year probation with \$8,000 in accrued fines held in abeyance as long as the property remained in compliance. In August 2004, the probation expired; and

WHEREAS, The following is a chronology of code compliance actions at the property:

<u>Notice & Hearing Dates</u>	<u>Notices & Types of Hearings</u>
1. June 26, 1997	Notice of Violation
2. January 16, 1998	Notice of Violation
3. March 23, 1998	Second Notice
4. August 13, 1998	Courtesy Notice
5. June 30, 1999	Public Nuisance Notice
6. July 12, 1999	Administrative Hearing
7. August 4, 1999	City Council Public Hearing (Resolution #99-5112)
8. September 1, 1999	City Council Public Hearing
9. August 23, 2001	Request to Inspect Notice
10. March 15, 2002	Courtesy Notice
11. April 4, 2002	Second Notice
12. August 3, 2006	Notice of Violation
13. August 15, 2006	1 st Admin Citation
14. September 7, 2006	2 nd Admin Citation
15. December 1, 2006	3 rd Admin Citation
16. July 18, 2007	Stop Work Notice
17. June 12, 2008	Notice of Violation
18. July 1, 2008	1 st Admin Citation
19. December 15, 2008	2 nd Admin Citation
20. January 9, 2009	3 rd Admin Citation; and

WHEREAS, In the most recent case, on June 9, 2008, staff received a citizen complaint regarding code violations at 1257 East Lane; and

WHEREAS, On June 11, 2008, staff conducted an inspection at 1257 East Lane and observed wrecked / inoperable vehicles parked on dirt beside the house, a utility trailer with vehicle parts and junk piled inside the trailer, and piles of lumber, wood, cans of paint, and vehicle tires piled up beside the garage; and

WHEREAS, On June 12, 2008, staff served a Notice of Violation notifying the property owner to abate the violations no later than June 26, 2008. The sections of the Imperial Beach Municipal Code violated were:

1. IBMC 1.16.010.R. Property constituting a public nuisance.
2. IBMC 1.16.010.U. "Visual Blight", Junk, trash, and debris littered on property.
3. IBMC 8.44.020 Inoperable, wrecked, dismantled vehicles on private property.
4. IBMC 8.50.050.K. Vehicles shall be parked on a paved surface.
5. IBMC 8.50.050.M. Maintenance of Premises; and

WHEREAS, Staff conducted follow-up inspections on June 26th, 27th, and 30th, and observed the violations were not being corrected; and

WHEREAS, On July 1, 2008, staff issued an Administrative Citation #1230 to the property owner of 1257 East Lane, for the unabated code violations located on the property with fines charged in the amount of \$500.00. The owner was notified to correct the violations no later than July 15, 2008; and

WHEREAS, On July 15, 2008, staff conducted a follow-up re-inspection and observed the violations were abated; and

WHEREAS, On December 12, 2008, staff conducted a routine drive-by inspection of the property and observed multiple wrecked/inoperable vehicles, piles of junk, trash, debris, car parts, tires, and discarded furniture on the property, vehicles parked on the unpaved areas of the property, and a newly constructed awning structure and stairway/ladder to the 2nd story patio deck. These constituted re-violation of the Municipal Code; and

WHEREAS, On December 15, 2008, staff issued an Administrative Citation #1265 to the property owner of 1257 East Lane, for the code violations located on the property with fines charged in the amount of \$1,000.00. The owner was notified to correct the violations no later than December 22, 2008; and

WHEREAS, On December 18, 2008, staff spoke to the owner, Joseph Ender-Palmer, who lives in Azusa, California. The owner told staff he is trying to evict or remove the tenant, his brother, "JP" (John Paul Ender-Palmer) from the property; and

WHEREAS, On December 22, 2008, staff conducted a follow-up re-inspection and observed the violations were unchanged, and had even increased with the addition of an inoperable vehicle parked on the front lawn; and

WHEREAS, On January 7, 2009, staff conducted a follow-up re-inspection and observed the violations were unchanged; and

WHEREAS, On January 9, 2009, staff issued an additional administrative #1271 to the property owner of 1257 East Lane, for the code violations located on the property with fines charged in the amount of \$2,500. The violations were to be corrected by January 15, 2009; and

WHEREAS, In February and March 2009, phone messages left for the owner, Joseph Ender-Palmer, were not returned. Staff spoke with the owner's mother (Shirl Steel), and she stated that the owner was considering letting the property go into foreclosure. Steel also told staff they were considering evicting the tenant; and

WHEREAS, On April 13, 2009, staff received a letter from Steel saying that they had not yet made the decision to allow the property to go into foreclosure, but they provided a copy of a "Notice to Terminate Tenancy" they said they served to her son "JP". The notice gave the tenant until April 30, 2009 to terminate the tenancy; and

WHEREAS, On May 6, 2009, staff received an additional citizen complaint regarding trash on the property, and vehicles parked on the grass in the yards at 1257 East Lane; and

WHEREAS, On May 7, 2009, the conditions determined to create a substandard and public nuisance were as follows. These were the violations identified at 1257 East Lane:

1. **IBMC 1.16.010.U. "Visual Blight".**
 - Remove all of the stored lumber, junk, trash, or debris; abandoned, discarded, or unused appliances, equipment, vehicles, cans, or containers; excavations; or any device, decoration, design, or unsightly fence, structure, clothesline, or unsightly vegetation from the property and in the front, rear, and side yards.
2. **IBMC 1.16.010.G. Overgrown Vegetation.**
 - Cut down and remove all of the overgrown weeds and unsightly vegetation on the property and from the front, side, and rear yards.
3. **IBMC 8.36.040. Solid Waste – Declared Public Nuisance.**
 - Remove all of the garbage, discarded equipment, appliances, clothing, and furniture on the property and from the front, rear, and side yards.
4. **IBMC 8.50.050.K. Vehicles must be parked on a paved roadway or driveway.**
 - Remove the Vehicles that are parked on the unpaved surfaces. Vehicles must be parked on a paved roadway or driveway.
5. **IBMC 8.44.020. Inoperable or abandon vehicles may not be stored on property.**
 - Remove all the inoperable, wrecked, and dismantled vehicles from the property and from the front, rear, and side yards.
6. **IBMC 15.06.010. Building Permits –Required**
 - Remove all of the illegally and non-permitted construction, including the patio awning to the 2nd story deck, remove the stairway/ladder to the 2nd story deck, and remove the toilet installed in the rear yard between the garage and the dwelling; and

WHEREAS, On May 11, 2009, staff posted and served the property owner a notice to eliminate substandard and public nuisance conditions on the property. The violations were to be corrected by May 20, 2009. The owner was notified in the notice of the public hearing scheduled for the same date; and

WHEREAS, On May 13, 2009, staff spoke with the Shirl Steel, and she said the tenant, "JP", is still living at the property; and

WHEREAS, On May 18, 2009, staff spoke with Craig Sherman, an attorney. Sherman stated he represented the owners; and

WHEREAS, On May 19, 2009, staff met at the property with the attorney, the owner's brother, Ted Ender-Palmer, and the tenant. Ted said he had the power of attorney from the owner to represent him and handle the issues at the property. Ted also said that the tenant was going to continue to live on the property. Staff pointed out the violations that needed to be abated, such as removing the unpermitted attached awning structures, removing the toilet from the yard, obtaining a permit for the water heater and water heater closet in the rear yard, and obtaining a final inspection for the front deck which faces Grove Avenue. In the yards, they still needed to remove or repair the fence, remove the junk trash and debris from the yards, cut down and remove the overgrown weeds and unsightly vegetation, remove or restore the inoperable vehicle, and to remove the vehicles parked on unpaved areas. The owner's representatives assured me they would abate the violations; and

WHEREAS, On May 20, 2009, staff conducted a drive-by inspection and observed the overgrown vegetation was cut down and the vehicles parked on unpaved areas were removed. Those violations were abated. At the City Council meeting staff recommended continuance of the public hearing after seeing progress made toward the abatement of all the violations. The City Council voted to continue the public hearing to the June 17th council meeting; and

WHEREAS, On May 21, 2009, staff conducted a drive-by inspection and observed the fence was re-built, and the violation abated; and

WHEREAS, On May 26, 2009, staff conducted a drive-by inspection and observed the attached awning structure on the 2nd story deck was removed, and the discarded lumber placed atop the garage roof; and

WHEREAS, On May 27, 2009, staff conducted a drive-by inspection and observed vehicles had resumed parking on the unpaved areas in the yard. Staff spoke to the owners representative, and provided him with a specific list of violations to abate immediately:

- Remove the Awning cover attached to the rear of the house.
- Remove the lumber from the roof of the garage.
- Remove the plumbed toilet from the yard between the house and the garage.
- Remove or restore the Volvo wagon.
- Restore the guardrail around the entire 2nd story deck.
- Remove the bridge connecting the 2nd story deck with the garage roof.
- Obtain a final inspection for the patio deck facing Grove Ave.
- Obtain water heater permit for the water heater enclosure in the rear yard.
- Stop parking vehicles on the grass and dirt in the yards; and

WHEREAS, Between May 27th and June 8th, staff has conducted several drive-by inspections, and observed none of the violations remaining have been abated. Further, staff has observed re-accumulation of tires and junk being stored in the yards, and the vegetation is beginning to be overgrown again; and

WHEREAS, testimony was presented to the City Council at the public hearing on June 17, 2009 regarding conditions at 1257 East Lane; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

SECTION 1: The foregoing recitals are true and correct, and the City Council hereby concurs with the Finding and Declaring the Notice and Order to Eliminate Substandard and Public Nuisance Condition(s) is appropriate and assessing costs of abatement, an administrative fee and civil penalties.

SECTION 2: The cost of abatement is approved as follows:

Any work performed by City shall be done at the expense of the owner and the expense of such abatement shall constitute a lien against the property and a personal obligation of the person(s) causing and creating the substandard and nuisance conditions.

Current assessment of \$500.00 in administrative costs for nuisance abatement proceedings pursuant to Imperial Beach Municipal Code Sections 1.16.240 and 1.12.120, civil penalties at \$50.00 per day per violation starting from May 11, 2009 to June 17, 2009, have accrued as follows:

1. May 11, 2009 to May 19, 2009 – 9 days (6-violation) @ \$50.00 per day per violation = **\$2,700.00**
2. May 20, 2009 to May 26, 2009 – 7 days (4-violation) @ \$50.00 per day per violation = **\$1,400.00**
3. May 27, 2009 to June 17, 2009 – 22 days (5-violation) @ \$50.00 per day per violation = **\$5,500.00**

4. Administrative Fee: \$500.00

CIVIL PENALTIES: \$ 9,600.00
ADMINISTRATIVE FEE: + 500.00
TOTAL COSTS: \$10,100.00

SECTION 3: The Five Hundred dollars (\$500.00) in administrative costs and the Nine Thousand Six Hundred dollars (\$9,600.00) in civil penalties is hereby assessed and to be remitted to the City within 30 days of adoption of this Resolution. The total amount of \$10,100.00 constitutes a special assessment against the lot or parcel of land to which it relates. Upon recording a notice of lien in the office of the county recorder, the cost is a lien on the property for the amount of the assessment. The assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected and, in case of delinquency, is subject to the same penalties and procedures as provided for ordinary municipal taxes. All laws of the state applicable to the levy, collection, and enforcement of municipal assessments apply. The assessment is also a personal obligation of the property owner.

SECTION 4: The City Council authorizes staff to seek legal action to either compel the property owner to clean up the property or to obtain an abatement warrant to cause the abatement to be completed by City forces or private contract.

SECTION 5: The City Manager may cause a copy or copies of this Resolution to be conspicuously posted, as the City Manager may deem necessary.

SECTION 6: The City Clerk is hereby directed to:

1. Mail a copy or copies of this Resolution, by first class mail, to the owner(s) of the above-described property as shown in the last equalized assessment roll;
2. Inform the property owner, by copy of this Resolution, that the time within which judicial review of this decision must be sought is governed by §1094.6 of the California Code of Civil Procedure. The property owner's right to appeal this decision is governed by California Code of Civil Procedure §1094.5 and Chapter 1.18 of the Imperial Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 17th day of June 2009, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

JAMES C. JANNEY, MAYOR

ATTEST:

Jacqueline M. Hald

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2009-6777 – A Resolution of the City Council of the City of Imperial Beach, California, FINDING AND DECLARING THAT THE NOTICE AND ORDER TO ELIMINATE SUBSTANDARD AND PUBLIC NUISANCE CONDITION(S), REGARDING THE PROPERTY AT 1257 EAST LANE IS APPROPRIATE AND ASSESSING COSTS OF ABATEMENT, AN ADMINISTRATIVE FEE AND CIVIL PENALTIES.

CITY CLERK

DATE

NOTICE TO ELIMINATE SUBSTANDARD AND PUBLIC NUISANCE CONDITIONS

The City Manager has determined that a condition exist which constitutes substandard and public nuisance conditions, pursuant to Chapter 8.44 Nuisance Vehicles, Chapter 1.16 Property Maintenance, Chapter 8.36 Solid Waste, and Chapter 8.50 of the Imperial Beach Municipal Code.

PROPERTY OWNER(S): JOSEPH L. ENDER-PALMER, 18019 E. CITRUS EDGE ST, AZUSA, CA 91702-4628

ASSESSOR'S RECORD(S): Lot (s) 14 & 15, Block 10, as found on Map 1107 – Seaside Point or, Property located at 1257 East Lane, Imperial Beach, CA 91932, also known as Assessor's Parcel No. **632-152-14.**

**ON MAY 7, 2009, THE CONDITIONS DETERMINED TO CREATE A SUBSTANDARD AND PUBLIC NUISANCE ARE AS FOLLOWS.
THESE ARE THE VIOLATIONS IDENTIFIED AT 1257 East Lane:**

1. IBMC 1.16.010.U. "Visual Blight".

- Remove all of the stored lumber, junk, trash, or debris; abandoned, discarded, or unused appliances, equipment, vehicles, cans, or containers; excavations; or any device, decoration, design, or unsightly fence, structure, clothesline, or unsightly vegetation from the property and in the front, rear, and side yards.

2. **IBMC 1.16.010.G. Overgrown Vegetation.**

- Cut down and remove all of the overgrown weeds and unsightly vegetation on the property and from the front, side, and rear yards.

3. **IBMC 8.36.040. Solid Waste – Declared Public Nuisance.**

- Remove all of the garbage, discarded equipment, appliances, clothing, and furniture on the property and from the front, rear, and side yards.

4. **IBMC 8.50.050.K. Vehicles must be parked on a paved roadway or driveway.**

- Remove the Vehicles that are parked on the unpaved surfaces. Vehicles must be parked on a paved roadway or driveway.

5. **IBMC 8.44.020. Inoperable or abandon vehicles may not be stored on property.**

- Remove all the inoperable, wrecked, and dismantled vehicles from the property and from the front, rear, and side yards.

6. **IBMC 15.06.010. Building Permits –Required.**

- Remove all of the illegally and non-permitted construction, including the patio awning to the 2nd story deck, remove the stairway/ladder to the 2nd story deck, and remove the toilet installed in the rear yard between the garage and the dwelling.

Pursuant to Imperial Beach Municipal Code Chapters 1.12, 1.16, and 8.50, all buildings, structures, properties, or portions thereof which are determined by Authorized personnel to be substandard or unsafe are declared to be unsafe or substandard and are declared to be a public nuisance, and be abated by repair, rehabilitation, demolition, removal or cleaning.

The property located at the 1257 East Lane, Imperial Beach, CA 91932 must be cured of all violations on or before **May 20, 2009**. The City may also continue Public Nuisance Abatement proceedings against you and your property and will secure payment of such expense by assessment and lien, as provided by Imperial Beach Municipal Code Chapters 1.12, 1.16 and 8.50. Administrative fees of up to \$500.00 may be assessed. In addition to an administrative fee, beginning on the date of this notice, civil penalties of \$50.00 per day per violation will be imposed upon the nuisance property for each day the violations exist.

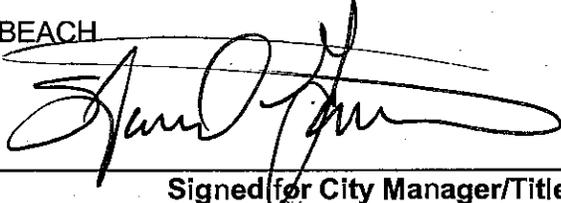
Pursuant to Imperial Beach Municipal Code Chapter 1.16 if a nuisance is not completely abated by the property owner within the designated abatement period, then the City Manager or the City Manager's designee must cause the abatement to be completed by City forces or private contract. The City Manager or the City Manager's designee is expressly authorized to enter the premises on which the nuisance exists for abatement purposes.

The cost for abating a nuisance, as confirmed by the City Council, is a special assessment against the lot or parcel of land to which it relates. Upon recording a notice of lien in the office of the county recorder, the cost is a lien on the property for the amount of the assessment. The assessment will be collected at the same time and in the same manner as ordinary municipal taxes are collected and, in case of delinquency, is subject to the same penalties and procedures as provided for ordinary municipal taxes. All laws of the state applicable to the levy, collection, and enforcement of municipal assessments apply. The assessment is also a personal obligation of the property owner.

The City of Imperial Beach City Council will consider this matter at its hearing on **May 20, 2009**, 6:00 PM at 825 Imperial Beach Boulevard, at which time the owner(s) of said property may appear and present reason why civil penalties and administrative costs may not be assessed, and why clearing or repair should not be required.

CITY OF IMPERIAL BEACH

Date Posted: MAY 11 2009

By:  _____
Signed for City Manager/Title

CITY OF IMPERIAL BEACH
CODE COMPLIANCE DIVISION

COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE DIVISION
825 IMPERIAL BEACH BOULEVARD • IMPERIAL BEACH, CALIFORNIA 91932



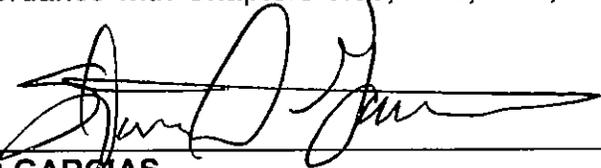
DECLARATION OF SERVICE

May 11, 2009

I, **DAVID GARCIAS**, hereby certify on penalty of perjury, that on May 11, 2009, at approximately 11:00 am, Pacific Daylight Time, I served a Notice to Eliminate Substandard and Public Nuisance Conditions to Joseph L. Ender-Palmer, the Property Owner for the Property located at 1257 East Lane (APN. # 632-152-14), Imperial Beach, CA, 91932 in the following manner:

- Personally Served Signed: _____ Refused: _____ Other: Not Home
Posted At Property
- Mailed Regular Mail
- Mailed Certified Mail, Return Receipt
- Posted at Property

In accordance with Chapters 8.50, 1.12, 1.16, and 1.22 of the Imperial Beach Municipal Code.



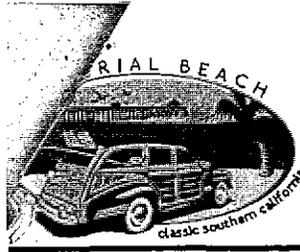
DAVID GARCIAS
CODE COMPLIANCE OFFICER
CITY OF IMPERIAL BEACH

State of California
County of San Diego ss:

On May 11, 2009 **DAVID GARCIAS**, personally appeared before me, **Jacqueline Hald**, City Clerk, known to me to be the person, whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signatures on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal:

Signature Jacqueline M. Hald (Seal)
JACQUELINE M. HALD, CITY CLERK



City of Imperial Beach
 Code Compliance Division
 825 Imperial Beach Blvd
 Imperial Beach, CA 91932
 Tel. (619) 628-1359 / 628-1358 / Fax. (619) 424-4093

Case No. 08-362

Case Type Code: NA

NOTICE OF VIOLATION

The City of Imperial Beach is very concerned about preserving and maintaining clean and well-kept residential neighborhoods and commercial areas. In order to carry out this objective, the City's Code Compliance Division has made an inspection of this property and the below violations of the Imperial Beach Municipal, Zoning, Building, and State Codes were found. If you have any questions regarding this matter, please contact the Code Compliance Division at Tel. (619) 628-1359 / 628-1358.

Correction of the violation(s) indicated below must be completed by: Correction Date: JUNE 26, 2008 Time: AM

IMPORTANT INFORMATION: This notice is a WARNING NOTICE. If you fail to correct the violations by the correction date, or re-violate anytime within 18-months, an Administrative Citation may be issued:

1st Administrative Citation - \$100 / 2nd Citation - \$200 / 3rd Citation - \$500 / 4th and Subsequent Citation(s) - \$1000

These civil fines are calculated per violation, per occurrence, and are cumulative. Payment does not excuse correction of the violation(s), nor shall it bar further enforcement action by the City as specified by the Imperial Beach Municipal Code.

Date Notice Issued: JAN. 12, 2008	Date Violation Observed: JUNE 11, 2008	Time of Violation (A.M./P.M.): 1130	Day of Week: WEDNESDAY	Origination Code: CZ
Location of Violation (Address): 1257 EAST LN., IMPERIAL BEACH, CA. 91932			Assessor's Parcel Number: 632-152-14	
Property Owner's Name: Last ENDER-PALMER,		First JOSEPH	Middle L.	Phone No.
Mailing Address: 1257 EAST LN.,		City/State: IMPERIAL BEACH, CA.	Zip: 91932	Property Mgmt. \ Business Name:
Occupant / Recipient Name (if different from owner):			Title/Relationship to the Violation (i.e. Property Owner, Tenant, Business Owner.): PROPERTY OWNER	

Code Section(s) Violated	Description of Violation(s) (See Reverse)
<input checked="" type="checkbox"/> 15.08.060	FAILURE TO PLACE HOUSE NUMBERS ON THE FRONT OF THE BUILDING WHERE THEY CAN BE EASILY SEEN FROM THE STREET.
<input type="checkbox"/>	
<input type="checkbox"/>	

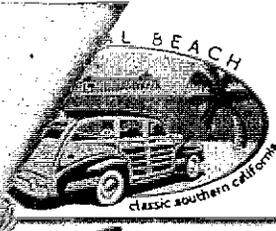
- | | |
|---|---|
| <input type="checkbox"/> IBMC 4.04.040. Business License - Required
<input type="checkbox"/> Commercial Business License <input type="checkbox"/> Rental Business License
<input type="checkbox"/> IBMC 1.16.010 (G). Overgrown vegetation
<input type="checkbox"/> IBMC 1.16.010 (H). Dead or hazardous vegetation.
<input checked="" type="checkbox"/> IBMC 1.16.010 (R). Property constituting a public nuisance.
<input checked="" type="checkbox"/> IBMC 1.16.010 (U). Junk, trash, and debris littered on property. | <input type="checkbox"/> IBMC 8.36.040. Garbage, discarded appliances, and trash on property.
<input checked="" type="checkbox"/> IBMC 8.44.020. Inoperable, wrecked, dismantled, or abandon vehicles on private property.
<input type="checkbox"/> IBMC 8.50.050 (I). Fence violation.
<input checked="" type="checkbox"/> IBMC 8.50.050 (K). Vehicles must be parked on a paved surface.
<input checked="" type="checkbox"/> IBMC 8.50.050 (M). Maintenance of Premises.
<input type="checkbox"/> IBMC 19.54.030. Temporary awnings, temporary structures designed to cover automobiles are prohibited in front yards. |
|---|---|

CORRECTIONS REQUIRED: THE WRECKED INOPERABLE BLACK VOLVO PARKED ON THE DIKT NEXT THE HOUSE ON THE ALLEY SIDE MUST BE REMOVED FROM THE PREMISES OR PLACED IN THE GARAGE. THE UTILITY TRAILER WITH THE FLAT TIRE MUST BE PARKED ON A PAVED SURFACE. ALL CONSTRUCTION DEBRIS & MATERIALS, VEHICLE TIRES & PARTS, CARPETING, HOUSEHOLD ITEMS, PAINTS, WOOD, AND LUMBER MUST BE REMOVED FROM THE YARD AREAS. FAILURE TO COMPLY BY JUNE 26, 2008 WILL RESULT IN FINES BEING ASSESSED.

ISSUING ENFORCEMENT OFFICER: _____ Telephone: 619-423-8285 Date: 6-12-08
 Officer's Name (Print): T. SIMMONS

✓ Recipient's Signature: _____ ✓ Date: _____

(Note: Signing this notice acknowledges receipt only, and is not an admission of guilt.)



City of Imperial Beach
 Code Compliance Division
 825 Imperial Beach Blvd
 Imperial Beach, CA 91932
 Tel. (619) 628-1359 / 628-1358 / Fax. (619) 424-4093

Citation No. 1230
 Case No. 08-362/08-371
 Case Type Code: NA/AVA

ADMINISTRATIVE CITATION

1st Citation - \$100 2nd Citation - \$200 3rd Citation - \$500 4th and Subsequent Citation (s) - \$1,000

These civil fines are calculated per violation, per occurrence, and are cumulative. Payment does not excuse correction of the violation(s), nor shall it bar further enforcement action by the City.
 Payments of \$ 500.00 is due no later than AUG. 14, 2008 (See reverse side for payment instructions).
 Correction of the violation(s) indicted below must be completed by: Correction Date: July 15, 2008 Time: Am
IMPORTANT INFORMATION: If you fail to correct the violations by the correction date, or re-violate anytime within 18-months, the next level Administrative Citation may be issued:
 The Building Official will suspend or refuse to issue any building permits until all violations are corrected pursuant to Chapters 15.06 and 8.30 of the Imperial Beach Municipal Code.

Date Citation Issued: <u>July 1, 2008</u>	Date Violation Observed: <u>JUNE 30, 2008</u>	Time of Violation (A.M./P.M.): <u>0945</u>	Day of Week: <u>MONDAY</u>	Origination Code: <u>CZ</u>
Location of Violation (Address): <u>1257 EAST LN., IMPERIAL BEACH, CA. 91932</u>			Assessor's Parcel Number: <u>632-152-14</u>	
Person Cited: Last <u>ENDER-PALMER</u>	First <u>JOSEPH</u>	Middle <u>L.</u>	Identification / Driver's License:	
Title/Relationship to the Violation (i.e. Property Owner, Tenant, Contractor...): <u>PROPERTY OWNER</u>		Business Name (if Applicable):		
Mailing Address: <u>1257 EAST LN.</u>	City/State: <u>IMPERIAL BEACH, CA.</u>	Zip: <u>91932</u>	Phone No.:	

Code Section(s) Violated	Date Observed	Description of Violation(s)
<input checked="" type="checkbox"/> 1.16.010(R)	6-30-08	PROPERTY CONSTITUTING A PUBLIC NUISANCE.
<input checked="" type="checkbox"/> 1.16.010(L)	6-30-08	JUNK, TRASH, AND DEBRIS LITTERED ON PROPERTY.
<input checked="" type="checkbox"/> 8.44.020	6-30-08	INOPERABLE, WRECKED VEHICLE ON PRIVATE PROPERTY.
<input checked="" type="checkbox"/> 8.50.050(K)	6-30-08	UTILITY TRAILER NOT PARKED ON PAVED SURFACE
<input checked="" type="checkbox"/> 8.50.050(M)	6-30-08	FAILURE TO MAINTAIN PREMISES.

CORRECTIONS REQUIRED: THE WRECKED INOPERABLE BLACK VOLVO PARKED ON THE DIRT NEXT TO THE HOUSE MUST BE REMOVED FROM THE PREMISES OR PLACED INSIDE THE GARAGE. THE UTILITY TRAILER WITH THE FLAT TIRE MUST BE PARKED ON A PAVED SURFACE. ALL CONSTRUCTION DEBRIS & MATERIALS, VEHICLE TIRES & PARTS, CARPETING, HOUSEHOLD ITEMS, PAINTS, WOOD, AND LUMBER MUST BE REMOVED FROM THE YARD AREAS. FAILURE TO COMPLY BY JULY 15, 2008 WILL RESULT IN THE NEXT LEVEL OF ADMINISTRATIVE CITATION (\$200.00 PER VIOLATION OR OCCURANCE) BEING ISSUED.

ISSUING ENFORCEMENT OFFICER: T. SIMMONS Telephone: 619-423-8285 Officer's Signature: [Signature] Date: 7-1-08

PERSON CITED:
 Violator's Signature: [Signature] Date: 7-1-08

(Note: Signing this citation acknowledges receipt only, and is not an admission of guilt.)
 Citation Served: In Person To: CHARLES MONALES LEYBA Posted on Property by Mail Other
SEE REVERSE SIDE FOR IMPORTANT INFORMATION AND PAYMENT INSTRUCTIONS
 (B-AC (2/2008). WHITE: CE FILE COPY YELLOW: FINANCE PINK: PERSON CITED TAGBOARD: MISC
609-26-3916 1020 AM



City of Imperial Beach
 Code Compliance Division
 825 Imperial Beach Blvd
 Imperial Beach, CA 91932
 Tel. (619) 628-1359 / 628-1358 / Fax. (619) 424-4093

ATTACHMENT 6

Reference 01-218
 1st Citation
 Citation No. 1265
 Case No. 08-671
 Case Type Code: NA

ADMINISTRATIVE CITATION

1st Citation - \$100 2nd Citation - \$200 3rd Citation - \$500 4th and Subsequent Citation (s) - \$1,000

These civil fines are calculated per violation, per occurrence, and are cumulative. Payment does not excuse correction of the violation(s), nor shall it bar further enforcement action by the City.

Payments of \$1,000.00 is due no later than JAN. 21, 2009 (See reverse side for payment instructions).

Correction of the violation(s) indicted below must be completed by: Correction Date: DEC. 22, 2008 Time: Am

IMPORTANT INFORMATION: If you fail to correct the violations by the correction date, or re-violate anytime within 18-months, the next level Administrative Citation may be Issued:

The Building Official will suspend or refuse to issue any building permits until all violations are corrected pursuant to Chapters 15.06 and 8.30 of the Imperial Beach Municipal Code.

Date Citation Issued: DEC. 15, 2008	Date Violation Observed: DEC. 12, 2008	Time of Violation (A.M./P.M.) 1045	Day of Week FRIDAY	Origination Code CZ
Location of Violation (Address) 1257 EAST LN., IMPERIAL BEACH, CA. 91932			Assessor's Parcel Number: 632-152-14	
Person Cited: Last ENDER-PALMER, JOSEPH		First L.	Identification / Driver's License:	
Title/Relationship to the Violation (i.e. Property Owner, Tenant, Contractor...): PROPERTY OWNER			Business Name (If Applicable)	
Mailing Address: 1257 EAST LN., IMPERIAL BEACH, CA. 91932		City/State:	Zip:	Phone No.

Code Section(s) Violated	Date Observed	Description of Violation(s)
<input checked="" type="checkbox"/> 1.16.010(R)	12-12-08	PROPERTY CONSTITUTING A PUBLIC NUISANCE.
<input checked="" type="checkbox"/> 1.16.010(U)	12-12-08	PROPERTY CONSTITUTING "VISUAL BLIGHT"
<input checked="" type="checkbox"/> 8.44.020	12-12-08	INOPERABLE, WRECKED, DISMANTLED, ABANDONED VEHICLES.
<input checked="" type="checkbox"/> 8.50.050(K)	12-12-08	VEHICLES NOT PARKED ON PAVED SURFACE.
<input checked="" type="checkbox"/> 15.06.010	12-12-08	FAILURE TO OBTAIN PERMITS FOR CONSTRUCTION

CORRECTIONS REQUIRED: REMOVE ALL ABANDONED, WRECKED, DISMANTLED, AND INOPERABLE VEHICLES FROM THE PREMISES. REMOVE ALL VEHICLE PARTS, HOUSEHOLD ITEMS, APPLIANCES, AND OTHER ITEMS OF DEBRIS AND LITTER FROM THE YARD AREAS. MOVE ALL OPERABLE VEHICLES TO PAVED STREET OR DRIVEWAY. OBTAIN BUILDING PERMIT FOR THE CONSTRUCTION OF THE ROOF AND STAIRWAY FOR THE SECOND FLOOR DECK. FAILURE TO COMPLY BY DECEMBER 22, 2008 WILL RESULT IN THE NEXT LEVEL (\$500.00 PER OCCURRENCE OR VIOLATION) OF ADMINISTRATIVE CITATION BEING ISSUED.

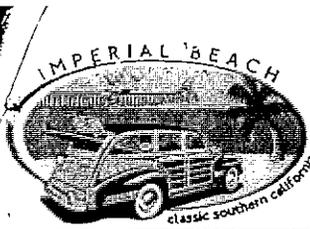
ISSUING ENFORCEMENT OFFICER: Telephone: Officer's Signature: Date:
 Officer's Name (Print): **T. SIMMONS** **619-423-8285** **T. Simmons** **12-15-08**

PERSON CITED:
 Violator's Signature: _____ Date: _____

(Note: Signing this citation acknowledges receipt only, and is not an admission of guilt.)

Citation Served: In Person To: _____ Posted on Property By Mail Other _____

SEE REVERSE SIDE FOR IMPORTANT INFORMATION AND PAYMENT INSTRUCTIONS



City of Imperial Beach
 Code Compliance Division
 825 Imperial Beach Blvd
 Imperial Beach, CA 91932
 Tel. (619) 628-1359 / 628-1358 / Fax. (619) 424-4093

ATTACHMENT 7

Reference 01-248
 1st Citation
 Citation No. 1271
 Case No. 08-671
 Case Type Code: NA

ADMINISTRATIVE CITATION

<input type="checkbox"/> 1st Citation - \$100	<input type="checkbox"/> 2nd Citation - \$200	<input checked="" type="checkbox"/> 3rd Citation - \$500	<input type="checkbox"/> 4th and Subsequent Citation (s) - \$1,000
---	---	--	--

These civil fines are calculated per violation, per occurrence, and are cumulative. Payment does not excuse correction of the violation(s), nor shall it bar further enforcement action by the City.

Payments of \$2,500.00 is due no later than FEB. 16, 2009 (See reverse side for payment instructions).

Correction of the violation(s) indicated below must be completed by: Correction Date: JAN. 15, 2009 Time: AM

IMPORTANT INFORMATION: If you fail to correct the violations by the correction date, or re-violate anytime within 18-months, the next level Administrative Citation may be issued:

The Building Official will suspend or refuse to issue any building permits until all violations are corrected pursuant to Chapters 15.06 and 8.30 of the Imperial Beach Municipal Code.

Date Citation Issued: JAN. 9, 2009	Date Violation Observed: JANUARY 7, 2009	Time of Violation: A.M. P.M. 1125	Day of Week WED.	Origination Code CZ
Location of Violation (Address) 1257 EAST LN., IMPERIAL BEACH, CA. 91932			Assessor's Parcel Number: 632-152-14	
Person Cited: Last First Middle ENDER-PALMER, JOSEPH L.			Identification / Driver's License:	
Title/Relationship to the Violation (I.e. Property Owner, Tenant, Contractor...): PROPERTY OWNER			Business Name (If Applicable):	
Mailing Address: 1257 EAST LN., IMPERIAL BEACH, CA. 91932			City/State: Zip: Phone No.	

Code Section(s) Violated	Date Observed	Description of Violation(s)
<input checked="" type="checkbox"/> 1.16.010 (R)	1-7-09	PROPERTY CONSTITUTING A PUBLIC NUISANCE.
<input checked="" type="checkbox"/> 1.16.010 (U)	1-7-09	PROPERTY CONSTITUTING "VISUAL BLIGHT"
<input checked="" type="checkbox"/> 8.44.020	1-7-09	INOPERABLE, WRECKED, DISMANTLED, ABANDONED VEHICLES.
<input checked="" type="checkbox"/> 8.50.050 (K)	1-7-09	VEHICLES NOT PARKED ON PAVED SURFACE.
<input checked="" type="checkbox"/> 15.06.010	1-7-09	FAILURE TO OBTAIN PERMITS FOR CONSTRUCTION.

CORRECTIONS REQUIRED: REMOVE ALL ABANDONED, WRECKED, DISMANTLED, AND INOPERABLE VEHICLES FROM THE PREMISES. REMOVE ALL VEHICLE PARTS, HOUSEHOLD ITEMS, APPLIANCES, CONSTRUCTION MATERIALS, AND OTHER ITEMS OF DEBRIS AND LITTER FROM THE YARD AREAS. RELOCATE OPERABLE VEHICLES TO A PAVED STREET OR DRIVEWAY. OBTAIN BUILDING PERMIT FOR THE CONSTRUCTION OF SECOND FLOOR DECK, ROOF, AND STAIRWAY OR REMOVE SAME. FAILURE TO COMPLY BY JANUARY 15, 2009 WILL RESULT IN THE NEXT LEVEL OF ADMINISTRATIVE CITATION BEING ISSUED. (\$1,000.00 PER VIOLATION OR OCCURRENCE)

ISSUING ENFORCEMENT OFFICER: Officer's Name (Print): T. SIMMONS	Telephone: 619-423-8285	Officer's Signature: T. Simmons	Date: 1-9-09
--	----------------------------	------------------------------------	-----------------

PERSON CITED: <input checked="" type="checkbox"/> Violator's Signature:	<input checked="" type="checkbox"/> Date:
--	---

(Note: Signing this citation acknowledges receipt only, and is not an admission of guilt.)

Citation Served: In Person To: Posted on Property By Mail Other

SEE REVERSE SIDE FOR IMPORTANT INFORMATION AND PAYMENT INSTRUCTIONS

RESOLUTION NO. 99-5112

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH
ASSESSING COSTS OF ABATEMENT OF SUBSTANDARD PROPERTY AND
NUISANCE CONDITIONS AT 1257 EAST LANE**

WHEREAS, the City's Code Compliance Division has been working on this abatement case since January 16, 1998; and

WHEREAS, the Code Compliance Division has contacted the property owner, Shirl Steel, twice concerning the subdivision of the single-family residence prior to the June 30, 1999, City staff posting the property; and

WHEREAS, during the last year and a half the property owner has converted and re-converted her single family dwelling unit into a multi family unit by sectioning off the house and installing separate kitchens; and

WHEREAS, during these meetings on in January of 1998 and in October 1998, City staff has informed the property owner that the house must remain a single family dwelling unit; and

WHEREAS, the property owner has taken action to convert the property each time, and then later the properties were converted back; and

WHEREAS, during the on site inspection on January 16, 1998, the property owner was the warned that the property could not be subdivided and rented as two units; and

WHEREAS, on February 9, 1998 the property owner proceeded with the eviction of one of the tenants to bring the property into compliance; and

WHEREAS, on March 23, 1998, City staff sent a follow up letter to the property owner requesting a walk through of the property to insure that the dwelling unit was in full compliance. The property owner did not contact staff to set up an onsite inspection; and

WHEREAS, on August 13, 1998 City staff sent a follow-up letter to the property owner again requesting an onsite inspection of the dwelling unit. The property owner did not contact staff to set up an onsite inspection; and

WHEREAS, in early October of 1998 City staff was contacted and informed by a complainant that the property owner had shut off all of the utilities and that the property had been turned into two units again; and

WHEREAS, upon inspection staff noted that the dwelling unit was re-converted into a multi-family unit. The property owner had sectioned off the dwelling unit and had installed a second kitchen in the other unit; and

WHEREAS, also during the inspection the Code Compliance Officer informed the property owner again that the property could not be subdivided and that the second kitchen had to be removed; and

WHEREAS, the property owner informed City staff that she would remove the stove and re-install a washer and dryer in the space; and

WHEREAS, during a follow up inspection City staff noted that the property owner had removed the stove and removed the dead bolt lock and the door separating the two units; and

WHEREAS, on June 24, 1999, the City's Code Compliance Division was contacted by a complainant that the property owner had again converted the property into a multi-family dwelling unit. Upon inspection the Code Compliance Division noted the following violations:

1. 1994 Uniform Building Code Section 302.3 "Occupancy Separation" The dwelling unit has been divided by an illegal partition and is being occupied as two units "**THE PROPERTY IS ZONED R-1 SINGLE FAMILY RESIDENTIAL**".
2. The storage of junked, wrecked, non-operational, and/or abandoned vehicles;
3. The storage of dead or dying vegetation which constitutes a fire hazard;
4. Illegal occupation of the garage;
5. The balcony needs to be rebuilt to meet the building code; and

WHEREAS, on June 30, 1999 City staff posted the property with a Notice to Eliminate Substandard and Public Nuisance Conditions for the above violations; and

WHEREAS, on July 12, 1999, City staff held an administrative hearing with the property owner to help her outline a work plan in order to bring her property into compliance. City staff informed the property owner that the garage need to vacated and that the nuisance vehicle must be removed. The tree trimmings and the garbage need to be removed. City staff also informed the property owner that she needed to obtain a contractor to rebuild the patio and that the dwelling unit must be re-converted into a single-family residence; and

WHEREAS, if the property owner fails to comply with the Notice to Eliminate Substandard and Public Nuisance Conditions that the Code Compliance Division is hereby ordered to send all necessary paperwork to the City Attorney's office to obtain a Private Property Warrant.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Imperial Beach as follows:

SECTION 1: The foregoing recitals are true and correct.

SECTION 2: The cost of abatement is approved as follows:

Assessment of \$500.00 in administrative costs for nuisance abatement proceedings per Municipal Code Section 2.50.280 and civil penalties at \$50.00 per day per violation starting from June 30, 1999, have accrued as follows:

1. June 30, 1999 to August 4, 1999, 36 days (5 violations) @ \$50.00 per day per violation = \$9,000.00

TOTAL CIVIL PENALTIES: \$9,000.00

SECTION 3: Payment shall be made to the City of \$1,000.00 in civil penalties plus \$500.00 in administrative costs, for a total of \$1,500.00 due to the City within 30 days of adoption of this Resolution. Failure to pay will result in a lien against the subject property and collected in the same manner as ordinary county taxes.

SECTION 4: The property owner has until September 1, 1999 to obtain a City building permit and complete the repairs to the balcony. If the property owner fails to complete the abatement of the property by September 1, 1999, the property owner fails the first year of the probation period as set forth in section five and \$500.00 in civil penalties will be assessed in addition to the \$1,500.00 assessed on August 4, 1999, creating a total assessment of \$2,000.00 in civil penalties and administrative costs.

SECTION 5: The City Council has continued this hearing until September 1, 1999. All of the civil penalties shall continue to accrue on all of the violations listed.

SECTION 6: In order to insure the property is maintained with all federal, state and local laws, a five-year probation period is hereby established. For each year the property is in compliance, upon determination by the City Council, the following amortization schedule:

- Year 1: civil penalties shall be reduced by \$500.00;
- Year 2: civil penalties shall be reduced by \$1,000;
- Year 3: civil penalties shall be reduced by \$2,000;
- Year 4: civil penalties shall be reduced by \$3,000; and
- Year 5: remainder of the original \$8,000. in civil penalties shall be excused.

If there are further code violation(s), as determined by formal City Council action, then payment of civil penalties in the full amount is hereby required.

SECTION 7: It is hereby order that if the property owner fails to comply with the Notice and Order that the Code Compliance Division shall forward all of the necessary document to the City Attorney's Office to obtain a private property warrant.

SECTION 8: The City Manager may cause a copy of this Resolution to be conspicuously posted as deemed necessary.

SECTION 9: The City Clerk is hereby directed to:

1. Mail a copy or copies of this Resolution, by first class mail, to all those with a recorded interest and to the owners of the subject property as shown on the latest equalized assessment roll.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held this 4th day of August, 1999 by the following roll call vote:

AYES: COUNCILMEMBERS: ROSE, WINTER, BENDA, McCOY, MALCOLM
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE


DEANE ROSE, MAYOR

ATTEST:


LINDA A TROYAN, CMC
CITY CLERK

Dear Mr. Garcia

Enclosed is a copy of Eviction notice served J. P. I haven't had the info from the Mortgage Co. yet to make the decision whether or not to go into foreclosure or even if it can be done. A lot will depend on liens against property.

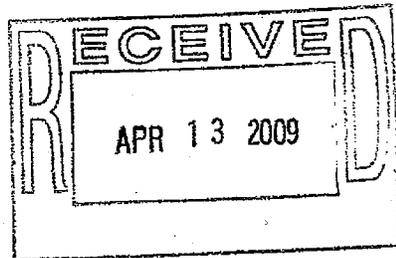
Thank you for your courtesy to me.

Shirley Hill

I can be reached at my son Ted's house here in S.D. please ☺

Sorry this is so late getting to you. I understand

SH



678
1359

copy

A285-10

NOTICE TO TERMINATE TENANCY

To: John Paul Palmer
 Tenant
1257 East Lane
 Address
Imperial Beach, Ca. 91932.

You and each of you are hereby notified that the tenancy of the premises occupied by you as tenant of the undersigned landlord, described as follows, to wit: 1257 East Lane, Imperial Beach, Ca.

in the County of San Diego, State of California, is hereby terminated on or before, and not later than midnight of, the last (30th) day of April, 19 2009 which is the last day of the rent period, and that on said day you be required by these presents to surrender the possession of said premises to said landlord or his agent named below. Upon your failure to do so, proceedings will be commenced to dispossess you and to gain possession of said premises together with such costs as may be allowed by law.

Dated at San Diego County, State of California,
 this 30th day of ~~April~~ March, 19 2009.

John P. Ender-Palmer
 LANDLORD
 BY S. D. Steel
 AGENT

#658 Lot, 5707 E 32nd St
 ADDRESS
Yuma, Az. 85365
 CITY, STATE, ZIP



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER

MEETING DATE: JUNE 17, 2009
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, DIRECTOR *GW*

**SUBJECT: BIKEWAY VILLAGE – PROPOSAL FOR POSSIBLE REZONE
AT 536 13TH STREET AND 535 FLORENCE STREET**

BACKGROUND:

Recently, Community Development Planning staff was approached by the owners of the warehouse properties located at the north end of 13 Street about the possibility of developing a "Bikeway Village." Staff has met with the owners and the owner representatives and advised them that, in order to facilitate their proposed project, a rezoning of the property would likely be required. To initiate that process, staff is presenting the concept to the City Council for discussion and direction on the processing of a project application and a possible rezone. The final determination on a rezone would be dependent upon the specific uses proposed for the project, an analysis of those uses and, more specifically, the traffic and land use impacts generated by those uses.

DISCUSSION:

The subject property is currently zoned R-3000-D, which allows for the development of one detached residential unit for each 3,000 square feet of site area. The 41,000 square foot site contains two 15,000 square foot warehouse buildings that have been occupied over the years by a variety of uses. The buildings and the uses within them are currently considered "legal, non-conforming" structures and uses and are allowed to remain as long as the buildings remain generally unaltered and the uses active.

The Bikeway Village plan proposes to adaptively reuse the warehouse structures for non-residential uses and to use environmentally-conscious and energy-efficient design in the project's construction. The concept is to build upon the Bayshore Bikeway and other ecotourism activities by creating a unique destination for bicyclists, joggers, bird watchers, and nearby residents to meet, gather and enjoy the Bayshore Bikeway and the South San Diego Bay and the San Diego Bay Wildlife Refuge. Potential uses being considered for the project include the following (listed alphabetically):

- Art Gallery
- Bicycle Shop
- Bookstore

- Boutiques
- Cafe (limited kitchen)
- Child Care
- Clothing Store
- Coffee Cart
- Day Spa/Beauty Salon
- Eating and Drinking Establishments
- Hostel/Bed & Breakfast
- Ice Cream/Yogurt Shop
- Observation Deck/Interpretative Center
- Personal Services
- Personal Training/Gym
- Professional Offices
- Retail Shops
- Yoga Studio/Pilates
- Other Comparable Uses

In addition, City staff was recently contacted by the San Diego County Regional Airport Authority (the "Airport Authority"), who owns the parcel north of the eastern-most warehouse. There is the potential that this property, which currently accommodates a portion of the Bayshore Bikeway, may be available for inclusion into the Bikeway Village concept. The Airport Authority is conducting an appraisal on this property to determine its value. Staff has also met with Supervisor Greg Cox, his staff, U.S. Fish & Wildlife Service staff and Coastal Conservancy staff about the Bikeway Village concept and the possible purchase of the Airport Authority property. It is also important to note that the subject property lies within the Original State Coastal Permit Jurisdiction. Therefore, the project permit application would be submitted directly to, and processed by the Coastal Commission. Should a rezone be required, that process would be handled by the City of Imperial Beach.

The purpose of this meeting is to introduce the Bikeway Village project and to receive input and direction from the City Council. In general, City staff is supportive both of the concept and of the possible zoning amendment that might be required to facilitate this project. The property owners and their representatives will be available to answer any questions the City Council may have. A project description, architectural rendering and proposed parking layout are attached to this staff report.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The review and direction is not a project as defined by CEQA. However, any rezoning of the property would be subject to a General Plan and Local Coastal Program Amendment and, consequently, environmental review.

FISCAL IMPACT:

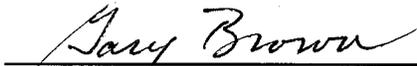
There is no direct fiscal impact with this review.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council receive the report and provide comments and/or direction as necessary. Staff further recommends that the City Council support, in concept, the possible rezoning of the subject property for the purposes described herein, subject to appropriate application and permit procedures.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Project Description and Rendering

DRAFT

Experience Bikeway Village

A unique and special place adjacent to the beauty of San Diego Bay

A spot for meeting friends for coffee, embarking on a bicycle ride, jogging, walking or bird watching



Bikeway Village

- A Place for Neighbors
- A Place for Visitors
- A Place Unlike Any Other



Bikeway Village

- Spend a Lazy Afternoon
- Re-Charge Your Mind, Body and Soul
- Become Fit
- Learn about the Natural Environment

Potential Uses

- Art Gallery
- Bicycle Shop
- Bookstore
- Boutiques
- Cafe (limited kitchen)
- Child Care
- Clothing Store
- Coffee Cart
- Day Spa/Beauty Salon
- Eating and Drinking Establishments
- Hostel/Bed & Breakfast
- Ice Cream/Yogurt Shop
- Observation Deck/Interpretative Center
- Personal Services
- Personal Training/Gym
- Professional Offices
- Retail Shops
- Yoga Studio/Pilates
- Other Comparable Uses



Go Green



Bike Rack
As
Public Art



Use Color



Outdoor Dining



Celebrate The Breeze

Introduce Whimsy



Integrate Public Art



Create A Destination



Use Simple,
Durable Materials



Attend To
Creature
Comforts

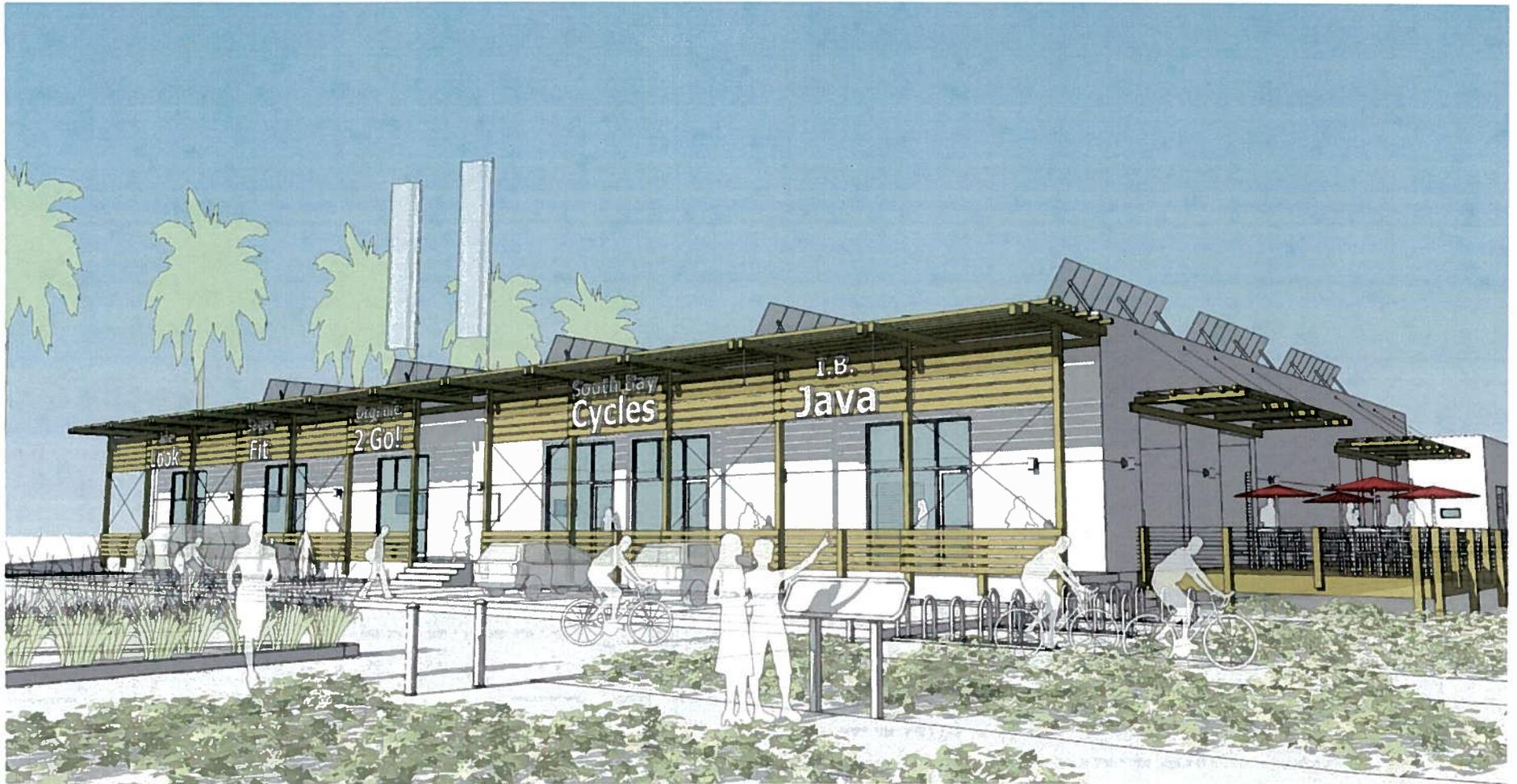


Precedents

Bikeway Village, L.L.C. • Imperial Beach, California

STUDIO E
ARCHITECTS

22 APRIL 2009

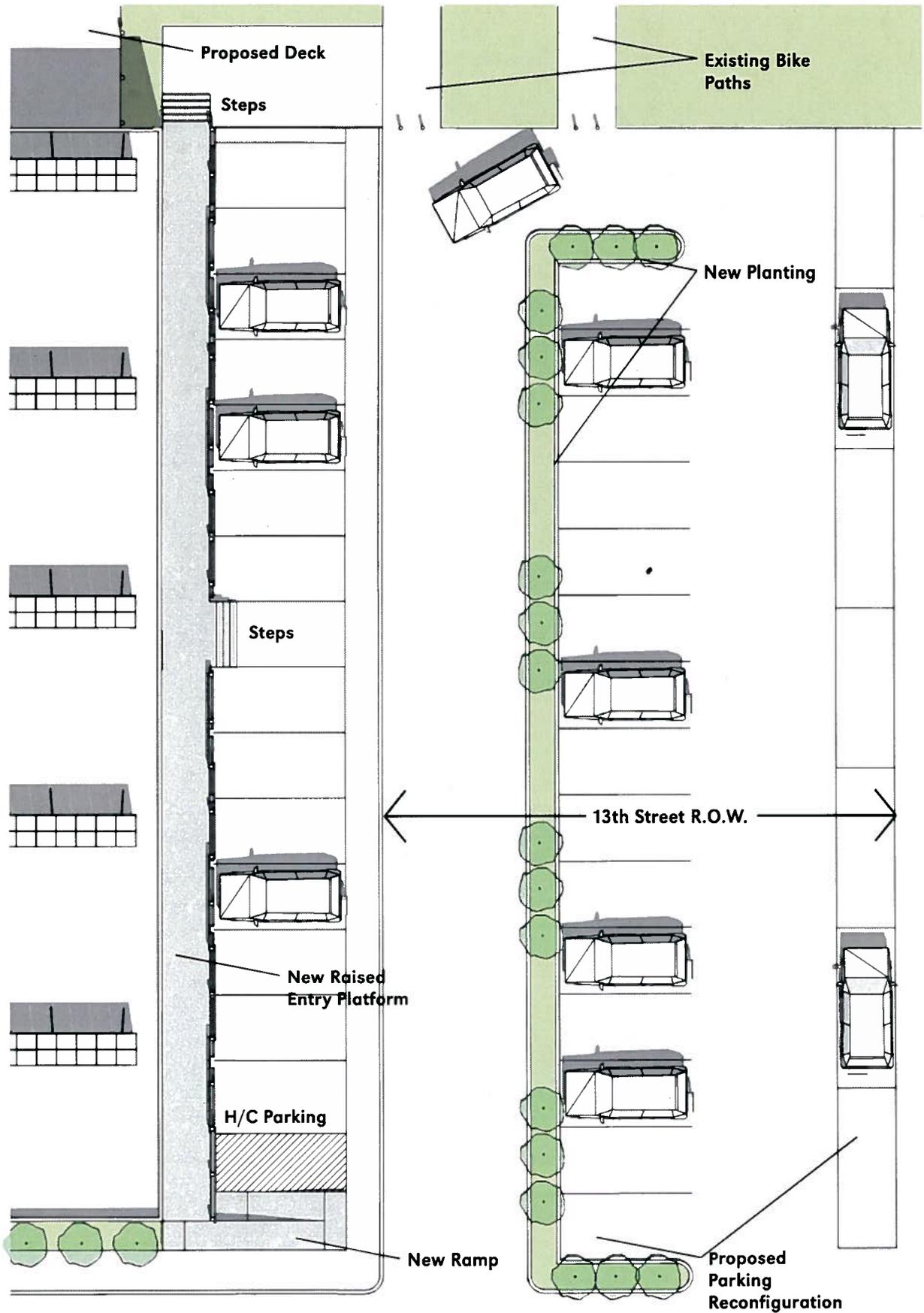


East Facade

Bikeway Village, L.L.C. • Imperial Beach, California

STUDIO E
ARCHITECTS

22 APRIL 2009



Parking Layout

Bikeway Village, L.L.C. • Imperial Beach, California

STUDIO E
ARCHITECTS



STAFF REPORT CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: JUNE 17, 2009

ORIGINATING DEPT.: FINANCE DEPARTMENT *MB*

SUBJECT: UPDATE ON THE FINANCIAL STATUS OF THE CITY'S
GENERAL FUND

BACKGROUND:

The City Council has requested that staff provide quarterly financial updates. This report is a summary of the status of the City's General Fund as of May 28, 2009 and recommends minor budget adjustments.

FISCAL ANALYSIS:

Attached are a series of financial reports that recap the financial condition of the City's General Fund. In summary, the General Fund is projected to be under budget in expenditures but the savings are offset by lower revenues.

Attachment 1 General Fund Expenditures: This report compares the current Fiscal Year 2008-2009 Budget with all expenditures posted into the accounting system as of May 28, 2009. The report shows the year to date General Fund labor costs are slightly under budget. Approximately 89% of the labor year has elapsed whereas actual labor costs represent only 87% of the budget. It is projected that the labor costs will end the fiscal year on budget.

All other non-labor costs are at 70% of the current budget as of May 28, 2009 (including General Fund CIP costs). Additional costs will be posted in June. The largest posting will be for law enforcement services (\$2.5 million, 6 months). It is projected that a savings in expenditures other than labor could total \$0.2 million.

Attachment 2 General Fund Revenues: This report compares the current Fiscal Year 2008-2009 Revenue Budget with actual booked revenue as of May 28, 2009. This report states that actual revenues total 95% of the revenue budget. However, this is due to a onetime extraordinary item related to restructuring of the funding of the 9th and Palm

purchase. Capitalized interest from our tax increment bonds has to be placed into the General Fund which will then be used to offset a portion of the purchase cost. When extraordinary items are excluded the General Fund revenues to date total \$14.4 million (82% of budget).

Additional revenue postings will be made in June. The largest of the postings will be for the final quarter of service billings to the Port of San Diego and the General Funds portion of the Property Tax pass-thru revenues. It is projected that the General Fund revenues will be under budget by approximately \$0.2 million (with tax and building related revenues down \$0.3 million).

Attachment 3 General Fund Expenditures by Department: This report compares operating department budgets with actual expenses through May 28, 2009. No General Fund department is currently over budget.

Attachment 4 General Fund 5 Year Forecast: This report provides an estimate of the financial status of the General Fund over the next five years. The purpose of this projection is to identify trends and an "order of magnitude" to fund existing levels of service. It is based on a set of assumptions, some of which will assuredly change in the future. Thus, the forecast should be used as a guide as to the financial direction the City is headed and not as an absolute prediction.

The five year forecast has been updated to reflect: the 2.5% increase in the Sheriff's contract and the recent improvement in the stock market. These updates together save the city approximately \$0.6 million. Correspondingly the potential worst case scenario improves from a \$1.9 million deficit to a \$1.3 million deficit in the fifth year. However, the State budget deficit could impact us in a number of areas such as: jail booking fees, police grants, property tax borrowing, loss of Gas Tax revenues, loss of Prop 42 street revenues, and the remaining portion of the original vehicle license fees. All together over \$1.2 million of funding is at risk.

There are four adjustments recommended to the budget. The first is related to the funding of the 9th and Palm project. To increase the potential of being partially reimbursed for the cost of acquiring the site, the General Fund was credited with \$2.3 million of capitalized interest earnings from unused tax increment bond proceeds. By switching tax exempt bond funds for this capitalized interest General Fund proceeds the City may be able to recoup a portion of the acquisition costs. The revenue budget needs to be adjusted for this transaction.

Two adjustments modify labor costs in the City Clerk's and City Manager's budgets. These budgets have to be adjusted due to incorrect labor budget estimates and a potential cost increase related to payment of vacation and sick leave balances. The adjustments total \$20,000 and will be taken from savings in the non-departmental budget.

The last change adjusts the revenue budget for an input error. Budgets were included for transfers from enterprise funds that are no longer collected. These changes total \$276,000.

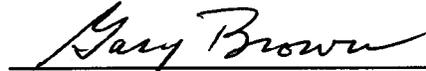
In summary the General Fund is projected to be in balance at the end of the fiscal year by the combination of lower revenues being offset by savings in expenditures.

DEPARTMENT RECOMMENDATION:

It is respectfully requested that the City Council receive and file this report.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

- Attachment 1: General Fund Expenditures
- Attachment 2: General Fund Revenues
- Attachment 3: General Fund Expenditures by Department
- Attachment 4: General Fund 5 Year Forecast
- Attachment 5: Resolution 2009-6775

City of Imperial Beach
General Fund Expenditures

ATTACHMENT 1

Transactions Entered Into H.T.E as of May 28, 2009, 89.0% Labor Year Elapsed

Fiscal YR	2009
Fund Description	GENERAL FUND

Balance Sheet	Expense Type	Object Description	Budget	Actual	Difference	% Used
Expense	Employee Costs	SALARIES FULL-TIME	3,042,105	2,642,595	399,510	87%
		SALARIES PART-TIME	793,849	694,010	99,839	87%
		OVERTIME	173,251	159,447	13,804	92%
		AUTO ALLOWANCE	25,300	21,039	4,261	83%
		CELL PHONE ALLOWANCE	3,540	1,821	1,719	51%
		COUNCIL/RDA BOARD PAY	14,700	14,183	517	96%
		FICA	326,400	269,982	56,418	83%
		FLSA WAGES	-	15,265	(15,265)	#DIV/0!
		LIFE INSURANCE	9,000	5,489	3,511	61%
		MGT MEDICAL REIMBURSEMENT	2,940	3,677	(737)	125%
		PERS-CITY PORTION	530,860	444,258	86,602	84%
		PERS-EMPLOYEE PORTION	130,911	122,828	8,083	94%
		SECTION 125 CAFETERIA	481,563	405,974	75,589	84%
		UNEMPLOYMENT INSURANCE	57,000	49,397	7,603	87%
		WORKER'S COMP INSURANCE	15,900	15,900	-	100%
	Employee Costs Total		5,607,319	4,865,864	741,455	87%
	Other Costs	ABC-ADMIN SVC CHARGE	938,328	938,332	(4)	100%
		ABC-FMP EQUIPMENT CHARGE	307,090	307,092	(2)	100%
		ABC-RISK MGMT SVC CHARGE	372,596	372,616	(20)	100%
		ABC-TECHNOLOGY SVC CHARGE	266,319	266,324	(5)	100%
		ADMINISTRATION CHARGES	2,824	1,084	1,740	38%
		ADVERTISING	23,200	9,232	13,968	40%
		ATTORNEY SERVICES	100,250	88,513	11,737	88%
		ATTORNEY SERVICES-OTHER	100,000	1,959	98,041	2%
		AUTO ALLOWANCE	-	-	-	#DIV/0!
		BOOKING FEES	-	-	-	#DIV/0!
		COMMUNITY PROGRAMS	5,100	5,000	100	98%
		CONTRACTS-ELECTIONS	8,000	6,438	1,562	80%
		CONTRACTS-POSTAGE MACHINE	7,000	-	7,000	0%
		COPIER LEASES	11,700	11,193	507	96%
		COROVAN STORAGE	1,500	-	1,500	0%
		DESIGN SERVICES	482	-	482	0%
		DOT-CALTRANS	-	76,306	(76,306)	#DIV/0!
		EMPLOYEE RECOGNITION AWRD	8,700	8,751	(51)	101%
		EQUIPMENT	157,840	16,252	141,588	10%
		FEES & LICENSES	1,680	-	1,680	0%
		FIRE EXTINGUISHER SERVICE	1,800	60	1,740	3%
		GAS & ELECTRIC (SDG&E)	191,620	151,928	39,692	79%
		INSURANCE PREMIUM/DEPOSIT	43,549	43,549	-	100%
		JURMP COSTS	(25)	-	(25)	0%
		MAINTENANCE & REPAIR	80,141	46,377	33,764	58%
		MEMBERSHIP DUES	37,861	39,054	(1,193)	103%
		MILEAGE REIMBURSEMENT	1,950	922	1,028	47%
		NUISANCE ABATEMENT CHARGE	1,500	-	1,500	0%
		OES/DOJ FEDERAL PROGRAM	15,450	-	15,450	0%
		OFFICE SUPPLIES	32,776	19,339	13,437	59%
		OLD PALM AVE PROJECT	-	617,930	(617,930)	#DIV/0!
		OPERATING SUPPLIES	245,630	156,634	88,996	64%
		OTHER SERVICES & CHARGES	99,918	61,246	38,672	61%
		PEST CONTROL SERVICE	4,650	2,658	1,992	57%
		PLAN CHECK SERVICES	8,000	-	8,000	0%
		POSTAGE & FREIGHT	8,735	10,790	(2,055)	124%
		PRINTING SERVICES	22,248	8,669	13,579	39%
		PROFESSIONAL SERVICES	7,014,655	2,907,964	4,106,691	41%
		PROP 50 COASTAL NON POINT	-	611,616	(611,616)	#DIV/0!
		PUBLIC WORKS ADMIN	163,132	163,136	(4)	100%
		RCS PROGRAM	122,122	76,160	45,962	62%
		REIMBURSE JURMP COSTS	-	-	-	#DIV/0!
		RENT-EQUIPMENT	5,200	1,236	3,964	24%
		RENT-UNIFORMS	49,999	41,688	8,311	83%
		SECURITY & ALARM	2,800	2,018	782	72%
		SMALL TOOLS/NON-CAPITAL	11,300	2,655	8,645	23%
		STREET SWEEPING SERVICE	2,100	-	2,100	0%
		SUBSCRIBE & PUBLICATIONS	9,083	2,275	6,808	25%
		TECHNICAL SERVICES	761,701	466,067	295,634	61%
		TEMPORARY STAFFING	155,630	27,995	127,635	18%
		TRAFFIC CONTROL	29,000	18,102	10,898	62%
		TRAINING & EDUCATION-MOU	20,500	4,860	15,640	24%
		TRANSFER OUT	597,000	-	597,000	0%
		TRAVEL, TRAINING, MEETING	71,503	41,687	29,816	58%
		UTILITIES-CELL PHONES	15,140	13,873	1,267	92%
		UTILITIES-SEWER	3,600	-	3,600	0%
		UTILITIES-TELEPHONE	46,526	22,994	23,532	49%
		UTILITIES-WATER	44,123	52,963	(8,840)	120%
		VEHICLE ABATEMENT CHARGES	1,500	-	1,500	0%
		VEHICLE OPERATE-FUEL/OIL	25,000	-	25,000	0%
	Other Costs Total		12,260,026	7,725,536	4,534,490	63%
	Expense Total		17,867,345	12,591,400	5,275,945	70%
Grand Total			17,867,345	12,591,400	5,275,945	70%

Grant Offset

\$2.5 million to be paid for Law Enforcement
 Grant Offset

Reflects lower turnover of permanent staff

Funding for Internal Service Funds

Fiscal YR	2009			Variance			Projected	Projected	Projected
Fund Descripti	GENERAL FUND			+ = Favorable	() = Unfavorable	% Used	Total	() = Unfavorable	+ = Favorable
Balance Sheet	Expense Typ	Account	Budget	Actual	Difference	% Used			
Revenue	Taxes	311.60-01 1% GENERAL PURPOSE TAX	(1,875,200)	(1,693,430)	(181,770)	90%	80,000		
		311.60-02 AB1290 RDA PASS-THRU	(363,024)	-	(363,024)	0%	440,000		
		311.60-03 TIJUANA SLOUGH	(7,000)	-	(7,000)	0%	6,300		
		311.60-04 VLF ADJ- R & T CODE 97.70	(2,163,000)	(2,248,520)	85,520	104%	-		
		311.60-05 SALES TAX ADJ-PROP 57	(185,100)	(212,127)	27,027	115%	106,000		
		313.40-01 7.75% SALES TAX (1% CITY)	(700,700)	(427,618)	(273,082)	61%	160,000		
		313.60-02 PROP 172: .5% SALES TAX	(130,500)	(99,052)	(31,448)	76%	16,000		
		315.60-03 DOCUMENTARY TRANSFER TX	(68,200)	(44,870)	(23,330)	66%	6,000		
		316.70-49 TRANSIENT OCCUPANCY TAX	(249,700)	(139,070)	(110,630)	56%	15,000		
		318.10-05 SOLID WASTE (EDCO)	(201,700)	(191,195)	(10,505)	95%	60,000		
		318.10-10 GAS & ELECTRIC (SDG&E)	(162,500)	(161,320)	(1,181)	99%	-		
		318.10-15 CABLE (COX CABLE)	(291,500)	(312,578)	21,078	107%	-		
		318.10-20 WATER (CAL AMERICAN)	(75,800)	(66,287)	(9,513)	87%	-		
		318.10-25 SEWER (I.B. ENTERPRISE)	(212,400)	-	(212,400)	0%	-		
		Taxes Total	(6,686,324)	(5,596,068)	(1,090,256)	84%	889,300	(6,485,368)	(200,956)
	Fees	341.74-01 BUILDING PLAN CHECK	(104,500)	(47,323)	(57,177)	45%	-		
		341.74-02 PLANNING PLAN CHECK FEE	(2,000)	-	(2,000)	0%	-		
		341.74-03 PLANNING & ZONING	(121,500)	(100,601)	(20,899)	83%	-		
		342.20-01 OTHER PORT REIMBURSE	(30,000)	(30,000)	-	100%	-		
		342.20-02 LAW ENFORCEMENT (21%)	(1,290,121)	(645,061)	(645,061)	50%	645,061		
		342.20-03 FIRE SERVICES (8%)	(172,352)	(86,176)	(86,176)	50%	86,176		
		342.20-04 OCEAN BEACH (100%)	(1,269,855)	(599,678)	(670,178)	47%	599,678		
		342.20-05 TIDELANDS (100%)	(807,000)	(641,853)	(165,147)	80%	126,000		
		342.20-06 ANIMAL CONTROL (12.7%)	(26,632)	(13,316)	(13,316)	50%	13,316		
		343.30-02 SWEETWATER (SUHSD)	(58,000)	(44,199)	(13,801)	76%	-		
		344.75-02 CITY CLERK MAPS/PUB.	(300)	(484)	184	161%	-		
		344.75-03 BUILDING MAPS/PUBLICATION	(1,000)	(860)	(140)	86%	-		
		344.75-04 COMM DEV MAPS/PUB.	(100)	-	(100)	0%	-		
		344.76-01 COMM DEV ADMIN FEES	(500)	-	(500)	0%	-		
		344.76-03 FINANCE ADMIN FEES	(12,500)	(12,300)	(200)	98%	-		
		344.76-04 BUILDING ADMIN FEES	(900)	(1,375)	475	153%	-		
		344.77-01 PICNIC SHELTER FEE	(900)	(1,330)	430	148%	-		
		344.77-02 BALL FIELD RENTAL FEES	-	(1,370)	1,370	#DIV/0!	-		
		344.77-03 AIR JUMP FEES	(1,700)	(1,378)	(322)	81%	-		
		344.77-04 AFTER-SCHOOL RECREATION	-	(30)	30	#DIV/0!	-		
		344.77-05 ADULT SPORTS PROGRAMS	(1,600)	(1,870)	270	117%	-		
		344.77-06 SPORTS PARK PROGRAM FEES	(1,400)	(1,087)	(313)	78%	-		
		344.77-07 BEVERAGE VENDOR SERVICES	(100)	(3,577)	3,477	3577%	-		
		345.77-01 SENIOR CENTER PROGRAMS	-	(1,308)	1,308	#DIV/0!	-		
		347.77-02 JR.LIFEGUARD PROGRAM FEES	(47,000)	(39,000)	(8,000)	83%	-		
		Fees Total	(3,949,960)	(2,274,176)	(1,675,784)	58%	1,470,231	(3,744,407)	(205,553)
	Intergovern	332.40-01 VLF REVENUE	(185,400)	(66,042)	(119,358)	36%	-		
		333.40-01 OFF-HIGHWAY VEHICLE LIC	(700)	-	(700)	0%	-		
		334.40-01 STATE OF CALIFORNIA GRANT	-	(456,896)	456,896	#DIV/0!	-		
		334.40-05 CLEAN BEACH GRANT/PROP 50	(1,045,050)	(766,582)	(278,468)	73%	-		
		334.40-06 CALTRANS	-	(76,306)	76,306	#DIV/0!	-		
		335.40-01 STATE MANDATED COST REIMB	(60,000)	(29,767)	(30,233)	50%	-		
		336.40-01 BOOKING FEES	-	-	-	#DIV/0!	9,000		
		338.60-01 COUNTY FUNDING/GRANTS	-	(50,000)	50,000	#DIV/0!	-		
		338.60-02 VEHICLE ABATEMENT (AVA)	(52,000)	(28,778)	(23,222)	55%	25,000		
		338.60-03 VEHICLE IMPOUND FEE	(25,000)	(13,072)	(11,928)	52%	12,000		
		Intergovernmental Total	(1,368,150)	(1,487,443)	119,293	109%	46,000	(1,533,443)	165,293
	Other	321.72-10 BUSINESS LICENSE	(275,800)	(318,718)	42,918	116%	-		
		322.73-01 BUILDING PERMITS	(194,100)	(98,034)	(96,066)	51%	-		
		322.73-02 PLUMBING PERMITS	(18,800)	(13,862)	(4,938)	74%	-		
		322.73-03 ELECTRICAL PERMITS	(23,000)	(19,714)	(3,286)	86%	-		
		322.73-04 MECHANICAL PERMITS	(6,800)	(6,326)	(474)	93%	-		
		323.71-01 INSPECTION FEE	(168,300)	(148,075)	(20,225)	88%	-		
		323.71-02 COM/FIRE INSPECTION FEES	-	(3,572)	3,572	#DIV/0!	-		
		323.71-03 RES/FIRE INSPECTION FEES	-	(89,394)	89,394	#DIV/0!	-		
		324.72-20 ANIMAL LICENSES	(13,000)	(13,745)	745	106%	-		
		324.72-30 BICYCLE LICENSES	-	(70)	70	#DIV/0!	-		
		324.73-01 MISCELLANEOUS PERMITS	-	(5,701)	5,701	#DIV/0!	-		
		324.73-05 BUILDING-GRADING PERMITS	(800)	-	(800)	0%	-		
		325.73-06 SPECIAL EVENT PERMIT FEES	(52,000)	(2,825)	(49,175)	5%	-		
		325.73-10 SPECIAL EVENT FILM SHOOTS	-	(1,500)	1,500	#DIV/0!	-		
		361.80-01 ALLOCATED INTEREST	(187,000)	(188,079)	1,079	101%	50,000		
		361.80-02 NON-ALLOCATED INTEREST	(448,572)	(2,692)	(445,880)	1%	448,572		
		362.82-01 RENT LAND	(245,300)	(143,186)	(102,114)	58%	27,000		
		362.82-02 RENT BUILDINGS	(32,600)	(49,381)	16,781	151%	9,000		
		371.83-01 CASH OVER/SHORT	-	(15)	15	#DIV/0!	-		
		371.83-02 CONTRIBUTIONS	(20,000)	(14,144)	(5,856)	71%	-		
		371.83-03 MISCELLANEOUS REVENUE	(14,000)	(180,399)	166,399	1289%	-		
		371.83-06 SKATEPARK ELEMENT CONTRIB	-	(16,769)	16,769	#DIV/0!	-		
		371.83-08 MERCHANDISE SALES 50 ANNI	-	(774)	774	#DIV/0!	-		
		374.85-01 OTHER COST REIMBURSEMENT	(35,000)	(189,410)	154,410	541%	-		
		374.85-02 DUI COST REIMBURSEMENT	(20,000)	(3,153)	(16,847)	16%	-		
		374.85-04 AMR PARAMEDIC BILLING	(140,000)	(148,256)	8,256	106%	10,000		
		375.88-01 SALES OF I.B. T-SHIRTS	-	(288)	288	#DIV/0!	-		
		376.88-02 PAYMENT IN LIEU OF TAX	(64,100)	-	(64,100)	0%	-		
		Other Total	(1,959,172)	(1,658,080)	(301,092)	85%	544,572	(2,202,652)	243,480
	Fines	351.78-01 PARKING CITATIONS	(151,000)	(228,847)	77,847	152%	(70,000)		
		351.78-02 ORDINANCE CIVIL PENALTY	(116,400)	(36,255)	(80,146)	31%	-		
		352.78-01 TRAFFIC FINES	(142,500)	(109,035)	(33,465)	77%	15,000		
		353.78-01 FALSE ALARMS	-	(1,365)	1,365	#DIV/0!	-		
		Fines Total	(409,900)	(375,501)	(34,399)	92%	(55,000)	(320,501)	(89,399)
	Transfers	381.90-01 ABC CHARGES	(1,988,077)	(1,988,080)	3	100%	-		
		381.91-01 JURMP CHARGES	(406,720)	(406,728)	8	100%	-		
		391.90-02 TRANSFER IN-GAS TAX FUND	(499,575)	(391,816)	(107,759)	78%	22,000		
		391.90-03 TRANSFER IN-PROP "A" FUND	(224,000)	(176,034)	(47,966)	79%	48,000		
		391.90-08 TRANSFER IN-OTHER FUNDS	-	(2,322,138)	2,322,138	#DIV/0!	(2,322,138)		
		Transfers Total	(3,118,372)	(5,284,796)	2,166,424	169%	(2,252,138)	(3,032,658)	(85,714)
		Revenue Total	(17,491,878)	(16,676,064)	(815,814)	95%	642,965	(17,319,029)	(172,849)
		Grand Total	(17,491,878)	(16,676,064)	(815,814)	95%	642,965	(17,319,029)	(172,849)

City of Imperial Beach
General Fund Expenditures by Department
As of May 28, 2009

ATTACHMENT 3

Accounting Yr	2009
Fund Description	GENERAL FUND

Row Labels	Budget	Actual	Difference	Percent Used
101-1010 MAYOR/CITY COUNCIL	\$108,837	\$80,735	\$28,102	74.2%
101-1020 CITY CLERK	\$252,984	\$225,396	\$27,588	89.1%
101-1110 CITY MANAGER	\$235,351	\$212,418	\$22,933	90.3%
101-1130 PERSONNEL	\$261,663	\$236,531	\$25,132	90.4%
101-1210 FINANCE	\$623,831	\$539,604	\$84,227	86.5%
101-1220 CITY ATTORNEY	\$275,000	\$149,609	\$125,391	54.4%
101-1230 COMMUNITY DEVELOPMENT	\$364,287	\$291,354	\$72,933	80.0%
101-1910 FACILITIES MAINTENANCE	\$261,224	\$192,342	\$68,882	73.6%
101-1920 NON DEPARTMENTAL	\$807,056	\$178,527	\$628,529	22.1%
101-3010 LAW ENFORCEMENT CONTRACT	\$6,077,875	\$3,121,760	\$2,956,115	51.4%
101-3020 FIRE PROTECTION	\$2,135,944	\$1,861,337	\$274,607	87.1%
101-3030 OCEAN/BEACH SAFETY	\$1,304,855	\$1,031,541	\$273,314	79.1%
101-3035 JR LIFEGUARD PROGRAM	\$47,000	\$33,963	\$13,037	72.3%
101-3040 BUILDING AND HOUSING INSP	\$336,241	\$257,433	\$78,808	76.6%
101-3050 ANIMAL CONTROL	\$209,700	\$113,458	\$96,242	54.1%
101-3060 DISASTER PREPAREDNESS	\$49,206	\$26,889	\$22,317	54.6%
101-3070 CODE ENFORCEMENT	\$48,158	\$40,911	\$7,247	85.0%
101-3080 AVA	\$39,061	\$28,867	\$10,194	73.9%
101-5010 STREET MAINTENANCE	\$819,546	\$654,491	\$165,055	79.9%
101-5020 PW ADMINISTRATION	\$513,044	\$388,426	\$124,618	75.7%
101-5030 GRAFFITI REMOVAL	\$0	\$665	(\$665)	#DIV/0!
101-5040 SOLID WASTE MANAGEMENT	\$104,538	\$69,584	\$34,954	66.6%
101-6010 RECREATION	\$243,329	\$216,454	\$26,875	89.0%
101-6020 PARK MAINTENANCE	\$410,228	\$299,601	\$110,627	73.0%
101-6030 SENIOR SERVICES	\$27,527	\$23,501	\$4,026	85.4%
101-6040 TIDELANDS MAINTENANCE	\$897,576	\$773,465	\$124,111	86.2%
Grand Total	\$16,454,061	\$11,048,863	\$5,405,198	67.1%

City of Imperial Beach
Five Year General Fund Projection

ATTACHMENT 4

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14
Revenues						
Property Tax	1,875,200	1,875,200	1,875,200	1,875,200	1,875,200	1,875,200
VLF in Lieu	2,163,000	2,215,000	2,215,000	2,215,000	2,215,000	2,215,000
Port Reimbursements	3,394,000	3,732,000	3,803,300	3,917,400	4,035,000	4,156,050
Sales Tax	885,800	815,000	815,000	815,000	815,000	815,000
Pass Thru	363,024	452,000	452,000	452,000	452,000	452,000
T.O. Tax	249,700	210,000	210,000	210,000	210,000	210,000
All Other Revenue	7,109,434	7,217,800	7,296,400	7,289,100	7,289,200	7,289,200
Subtotal Revenue	16,040,158	16,517,000	16,666,900	16,773,700	16,891,400	17,012,450
Expenses						
Employee Costs	5,559,368	5,564,000	5,577,000	5,577,000	5,577,000	5,577,000
Sheriff Contract	5,461,700	5,762,000	6,079,000	6,382,950	6,702,100	7,037,200
All Other Expense	5,019,090	5,043,000	5,009,000	4,942,160	4,942,200	4,942,200
Subtotal Expense	16,040,158	16,369,000	16,665,000	16,902,110	17,221,300	17,556,400
Proposed Budget BASE	-	148,000	1,900	(128,410)	(329,900)	(543,950)
Proposed Budget- w/Potential Impacts		28,000	(618,100)	(1,498,410)	(1,699,900)	(1,913,950)
Change in Market Conditions			275,000	523,000	523,000	523,000
Change in Sheriff Rate		158,000	158,000	158,000	158,000	158,000
Other Adjustments		38,000	21,000	(68,000)	(68,000)	(68,000)
Revised before State Hits	-	224,000	(164,100)	(885,410)	(1,086,900)	(1,300,950)
Potential Total State Impacts		(1,200,000)	(856,000)	(856,000)	(856,000)	(856,000)
Revise Including State Hits	-	(976,000)	(1,020,100)	(1,741,410)	(1,942,900)	(2,156,950)

RESOLUTION NO. 2009-6775

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING ADJUSTMENTS TO THE FISCAL YEAR 2008-09 BUDGET

The City Council of the City of Imperial Beach does hereby resolve as follows:

WHEREAS, the City Council has reviewed the status of the General Fund; and

WHEREAS, the City Council desires to make modifications to the Fiscal Year 2008-09 Budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

1. The General Fund Revenue Budget is hereby adjusted by \$2,322,138 reflecting a transfer in for capitalized interest.
2. The City Clerk and City Manager’s General Fund operating labor budgets are adjusted by \$20,000.
3. Adjust the General Fund revenue budget for enterprise transfers of \$276,400.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 17th day of June 2009, by the following roll call vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy of Resolution No. 2009-6775 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING ADJUSTMENTS TO THE FISCAL YEAR 2008-09 BUDGET**

CITY CLERK

DATE



STAFF REPORT CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY R. BROWN, CITY MANAGER

MEETING DATE: June 17, 2009

ORIGINATING DEPT.: Finance Department

SUBJECT: Report Back on the Annual Financial Report of the City of
Imperial Beach for the Year Ended June 30, 2008

BACKGROUND:

City Council requested that a report back on the Annual Financial Statements for Fiscal Year 2007-2008. This report responds to that request.

Each year the City has an audit performed by a certified public accounting firm to assure the City's financial status. The Independent Auditors' Report on the Annual Financial Statements for Fiscal Year 2007-08 states that "in our opinion, (the financial statements) are fairly stated in all material respects". This opinion means that our financial statements were audited and they are a fair representation of the financial condition of the City. In addition, the auditors also provide a report relative to control over financial reporting and compliance based on the audit. This report details any changes that the City made to correct prior years to improve our management reporting system and any omission in the audit year. The auditors state that no item on the list represents "a material weakness".

FISCAL ANALYSIS:

The financial statements include a number exhibits that provide information on the city both on a consolidated and individual fund basis. The following is a summary of the exhibits:

Statement of Net Assets, page 3: Citywide consolidated balance sheet. This exhibit highlights the overall financial strength of the City.

Statement of Activities, page 4-5: This exhibit shows how much the City spends in program areas (i.e. Public Safety) and how much of the program is fee based versus tax offset.

Balance Sheet Governmental Funds, page 6-7: This schedule is the balance sheet for Governmental Funds (as opposed to "Proprietary Funds" that operate similar to a business. For example, the Sewer Fund is a proprietary fund.). This schedule does

not include long term assets or liabilities in order to more clearly define what are the immediate resources of the funds.

Reconciliation of the Balance Sheet of Governmental Funds to the Statement of Net Assets, page 8: This schedule details the differences from the first consolidated schedule with long term assets and liabilities to the schedule on page 6 which excludes long term transactions.

Statement of Revenues, Expenditures, and Changes in Fund Balances, Governmental Funds, page 10-11: Similar to the Statement of Activities but includes all long term transactions.

Reconciliation of the State of Revenues, Expenses, and Changes in Fund Balances to the Statement of Activities, p 12: details the differences related to longer term expenses and revenues.

Budgetary Comparison Statement, page 13: Compares budget estimates to actual amounts spent.

Proprietary Fund Statements, page 14-17: These several statements are similar to the governmental fund statements except that these funds recognize long term assets and liabilities.

Statement of Fiduciary Net Assets, page 18: These statements are related to assessment districts funds.

Statements of Individual Funds, page 41-64: These pages provide financial information on individual funds.

The accompanying report lists five comments regarding entries made to improve accuracy or omissions during the audit year. Three of the entries were made to improved accuracy and management information specifically for the capital improvement budget and developer deposits. The Council adopted a \$72 million capital improvement budget. Given the sizable investment, it is imperative that management information systems be timely, user friendly, and accurate. Due to the poor original design of the management information system in prior fiscal years, reports from the accounting systems were unusable by CIP staff. The auditors' comments on fund balance adjustments and transfers are related to improving the accuracy of the capital improvement reports. Similarly, staff worked to improve the information systems relative to developer deposits. The prior reports required excessive analysis to interpret because of accounting changes three years ago.

The auditors commented on audit journal entries relative to revenue that the City receives after the close of the fiscal year. The City bills grant programs such as CDBG and Cal Trans for services provided. Normally, these billings are paid within 30 days. However, if the invoice is unpaid 60 days after June 30, the invoices are moved from accounts receivable to deferred revenue accounts. Given the State budget problems and clarifications to CDBG, the invoices were not received 60 days after the fiscal year end and

therefore entries should have been made to change the accounts. Ultimately both the CDBG and Cal Trans payments were received.

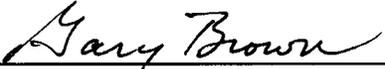
The auditors annually test compliance relative to the filing of the State Controllers housing report. They noticed that a component of this report had not been submitted. The City had never submitted this section and has never received comments by the auditors or the State Controller's Office. This year (Fiscal Year 2007-08), the Blight Report has been included. This report is one paragraph in length.

DEPARTMENT RECOMMENDATION:

It is respectfully requested that the City Council receive and file this report.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary R. Brown, City Manager

Attachments:

1. City of Imperial Beach Financial Statements for the year ended June 30, 2008.
2. Report on Internal Controls over Financial Reporting



CITY OF IMPERIAL BEACH, CALIFORNIA

FINANCIAL STATEMENTS

JUNE 30, 2008

Prepared By:
FINANCE DEPARTMENT

Lance Soll & Lunghard, LLP

203 North Brea Blvd
Suite 203
Brea, CA 92821

41185 Golden Gate Circle
Suite 103
Murrieta, CA 92562

CITY OF IMPERIAL BEACH, CALIFORNIA

FINANCIAL STATEMENTS

JUNE 30, 2008

CITY OF IMPERIAL BEACH
 FINANCIAL STATEMENTS
 FOR THE FISCAL YEAR ENDED JUNE 30, 2008

TABLE OF CONTENTS

	<u>Page Number</u>
INDEPENDENT AUDITORS' REPORT	1
BASIC FINANCIAL STATEMENTS	
Government-Wide Financial Statements	
Statement of Net Assets	3
Statement of Activities	4
Fund Financial Statements	
Balance Sheet - Governmental Funds	6
Reconciliation of the Balance Sheet of Governmental Funds to the Statement of Net Assets	8
Statement of Revenues, Expenditures and Changes in Fund Balances - Governmental Funds	10
Reconciliation of the Statement of Revenues, Expenditures and Changes in Fund Balances of Governmental Funds to the Statement of Activities	12
Budgetary Comparison Statement - General Fund	13
Statement of Net Assets - Proprietary Funds	14
Statement of Revenues, Expenses and Changes in Net Assets - Proprietary Funds	15
Statement of Cash Flows - Proprietary Funds.....	16
Statement of Fiduciary Net Assets - Fiduciary Funds	18
Notes to Financial Statements.....	19

CITY OF IMPERIAL BEACH
 FINANCIAL STATEMENTS
 FOR THE FISCAL YEAR ENDED JUNE 30, 2008

TABLE OF CONTENTS

	<u>Page Number</u>
COMBINING AND INDIVIDUAL FUND STATEMENTS AND SCHEDULES	
Combining Balance Sheet - Nonmajor Governmental Funds	42
Combining Statement of Revenues, Expenditures and Changes in Fund Balances - Nonmajor Governmental Funds.....	46
Budgetary Comparison Schedules - Special Revenue Funds	
Gas Tax	49
Prop A Tax.....	50
Residential Construction.....	51
CDBG Grant	52
Supplemental Law Enforcement.....	53
Local Law Enforcement Block Grant	54
Lighting District # 67	55
Combining Statement of Net Assets - Internal Service Funds	56
Combining Statement of Revenues, Expenses and Changes in Fund Net Assets - Internal Service Funds	58
Combining Statement of Cash Flows - Internal Service Funds.....	60
Combining Statement of Changes in Assets and Liabilities - Agency Fund	64

- Brandon W. Burrows, C.P.A.
- Donald L. Parker, C.P.A.
- Michael K. Chu, C.P.A.
- David E. Hale, C.P.A., C.F.P.
A Professional Corporation
- Donald G. Slater, C.P.A.
- Richard K. Kikuchi, C.P.A.
- Susan F. Matz, C.P.A.

INDEPENDENT AUDITORS' REPORT

To the Honorable Mayor and Members of the City Council
City of Imperial Beach, California

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the City of Imperial Beach, California, as of and for the year ended June 30, 2008, which collectively comprise the City's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the City of Imperial Beach's management. Our responsibility is to express opinions on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the City of Imperial Beach as of June 30, 2008, and the respective changes in financial position and cash flows where applicable, and the respective budgetary comparison for the General Fund thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

The City has not presented a management's discussion and analysis that accounting principles generally accepted in the United States of America has determined is necessary to supplement, although not required to be part of, the basic financial statements.

In accordance with *Government Auditing Standards*, we have also issued our report dated March 18, 2009 on our consideration of the City of Imperial Beach's internal control over financial reporting and our tests of its compliance with certain laws, regulations, contracts, grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.



To the Honorable Mayor and Members of the City Council
City of Imperial Beach, California

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The accompanying combining and individual fund statements and schedules are presented for the purposes of additional analysis and are not a required part of the basic financial statements. The accompanying combining and individual nonmajor fund financial statements and schedules have been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, are fairly stated in all material respects in relation to the basic financial statements taken as a whole.

Lance, Solt & Lughard, LLP

March 18, 2009

STATEMENT OF NET ASSETS
JUNE 30, 2008

	Primary Government		Total
	Governmental Activities	Business-Type Activities	
Assets:			
Cash and investments	\$ 46,676,181	\$ 2,172,345	\$ 48,848,526
Receivables:			
Accounts	240,588	133,044	373,632
Notes and loans	1,138,118	-	1,138,118
Accrued interest	253,770	-	253,770
Internal balances	33,611	(33,611)	-
Prepaid costs	418	-	418
Due from other governments	1,661,200	250,956	1,912,156
Inventories	6,642	-	6,642
Unamortized debt issuance costs	395,498	-	395,498
Land held for resale	331,005	-	331,005
Restricted assets:			
Cash with fiscal agent	1,761,872	-	1,761,872
Capital assets not being depreciated	16,593,760	98,677	16,692,437
Capital assets, net of depreciation	13,708,094	5,208,389	18,916,483
Total Assets	82,800,757	7,829,800	90,630,557
Liabilities:			
Accounts payable	4,773,684	184,080	4,957,764
Accrued liabilities	367,211	12,693	379,904
Accrued interest	89,772	-	89,772
Unearned revenue	1,049,058	-	1,049,058
Deposits payable	467,824	-	467,824
Noncurrent liabilities:			
Due within one year	677,494	12,964	690,458
Due in more than one year	20,317,223	31,114	20,348,337
Total Liabilities	27,742,266	240,851	27,983,117
Net Assets:			
Invested in capital assets, net of related debt	27,370,365	5,307,066	32,677,431
Restricted for:			
Public safety	24,897	-	24,897
Highways and streets	701,038	-	701,038
Capital projects	1,503,566	-	1,503,566
Debt service	9,212,937	-	9,212,937
Unrestricted	16,245,688	2,281,883	18,527,571
Total Net Assets	\$ 55,058,491	\$ 7,588,949	\$ 62,647,440

**STATEMENT OF ACTIVITIES
YEAR ENDED JUNE 30, 2008**

	<u>Expenses</u>	<u>Program Revenues</u>		
		<u>Charges for Services</u>	<u>Operating Contributions and Grants</u>	<u>Capital Contributions and Grants</u>
Functions/Programs				
Primary Government:				
Governmental Activities:				
General government	\$ 5,428,622	\$ 568,072	\$ 323,614	\$ -
Public safety	8,531,375	723,960	3,525,750	-
Parks, recreation and senior center	1,534,100	53,114	-	-
Public works	1,495,754	-	94,074	1,819,396
Interest on long-term debt	1,619,767	-	-	-
Total Governmental Activities	18,609,618	1,345,146	3,943,438	1,819,396
Business-Type Activities:				
Sewer	4,058,266	3,831,867	-	-
Total Business-Type Activities	4,058,266	3,831,867	-	-
Total Primary Government	\$ 22,667,884	\$ 5,177,013	\$ 3,943,438	\$ 1,819,396

General Revenues:

Taxes:

- Property taxes, levied for general purpose
- Transient occupancy taxes
- Sales taxes
- Franchise taxes
- Business licenses taxes
- ABC Charges

Intergovernmental, unrestricted:

- Motor vehicle in lieu

Investment Earnings

Other

Transfers

**Total General Revenues, Contributions,
Special Items and Transfers**

Change in Net Assets

Net Assets at Beginning of Year

Restatement of Net Assets

Net Assets at End of Year

Net (Expenses) Revenues and Changes in Net Assets		
Primary Government		
Governmental Activities	Business-Type Activities	Total
\$ (4,536,936)	\$ -	\$ (4,536,936)
(4,281,665)	-	(4,281,665)
(1,480,986)	-	(1,480,986)
417,716	-	417,716
(1,619,767)	-	(1,619,767)
(11,501,638)	-	(11,501,638)
-	(226,399)	(226,399)
-	(226,399)	(226,399)
(11,501,638)	(226,399)	(11,728,037)
11,154,984	-	11,154,984
209,022	-	209,022
926,338	-	926,338
752,544	-	752,544
289,305	-	289,305
1,854,290	-	1,854,290
123,222	-	123,222
2,955,690	109,796	3,065,486
159,460	-	159,460
2,999	(2,999)	-
18,427,854	106,797	18,534,651
6,926,216	(119,602)	6,806,614
48,008,971	7,832,921	55,841,892
123,304	(124,370)	(1,066)
\$ 55,058,491	\$ 7,588,949	\$ 62,647,440

**BALANCE SHEET
GOVERNMENTAL FUNDS
JUNE 30, 2008**

	General	Capital Projects Funds		Debt Service Fund
		Housing Redevelopment	Redevelopment Agency	Redevelopment Agency
Assets:				
Pooled cash and investments	\$ 11,311,402	\$ 7,553,014	\$ 11,870,262	\$ 8,453,741
Receivables:				
Accounts	235,902	-	-	-
Contract and notes	-	1,126,868	11,250	-
Accrued interest	253,770	-	-	-
Prepaid costs	418	-	-	-
Due from other governments	955,097	55,441	-	221,765
Due from other funds	44,313	-	-	-
Advances to other funds	3,738,100	-	-	-
Inventories	3,559	-	-	-
Land held for resale	-	331,005	-	-
Restricted assets:				
Cash and investments with fiscal agents	-	-	-	1,761,872
Total Assets	\$ 16,542,561	\$ 9,066,328	\$ 11,881,512	\$ 10,437,378
Liabilities and Fund Balances:				
Liabilities:				
Accounts payable	\$ 3,140,173	\$ 8,796	\$ 95,235	\$ 1,224,441
Accrued liabilities	320,234	3,868	30,688	-
Deferred revenues	242,656	57,912	-	-
Unearned revenues	1,037,618	-	-	-
Deposits payable	467,824	-	-	-
Due to other funds	-	-	-	-
Advances from other funds	-	-	3,738,100	-
Total Liabilities	5,208,505	70,576	3,864,023	1,224,441
Fund Balances:				
Reserved:				
Reserved for encumbrances	104,249	744	530,452	-
Reserved for prepaid costs	418	-	-	-
Reserved for land held for resale	-	331,005	-	-
Reserved for loans receivable	-	1,068,956	11,250	-
Reserved for advances to other funds	3,738,100	-	-	-
Reserved for inventories	3,559	-	-	-
Unreserved:				
Unreserved, reported in nonmajor:				
Special revenue funds	-	-	-	-
Capital projects funds	-	-	-	-
Designated for capital improvement projects	-	7,595,047	7,475,787	-
Designated for debt service	-	-	-	9,212,937
Undesignated	7,487,730	-	-	-
Total Fund Balances	11,334,056	8,995,752	8,017,489	9,212,937
Total Liabilities and Fund Balances	\$ 16,542,561	\$ 9,066,328	\$ 11,881,512	\$ 10,437,378

**BALANCE SHEET
GOVERNMENTAL FUNDS
JUNE 30, 2008**

	<u>Other Governmental Funds</u>	<u>Total Governmental Funds</u>
Assets:		
Pooled cash and investments	\$ 2,190,361	\$ 41,378,780
Receivables:		
Accounts	550	236,452
Contract and notes	-	1,138,118
Accrued interest	-	253,770
Prepaid costs	-	418
Due from other governments	387,809	1,620,112
Due from other funds	-	44,313
Advances to other funds	-	3,738,100
Inventories	-	3,559
Land held for resale	-	331,005
Restricted assets:		
Cash and investments with fiscal agents	-	1,761,872
Total Assets	<u>\$ 2,578,720</u>	<u>\$ 50,506,499</u>
Liabilities and Fund Balances:		
Liabilities:		
Accounts payable	\$ 260,130	\$ 4,728,775
Accrued liabilities	1,501	356,291
Deferred revenues	207,040	507,608
Unearned revenues	11,440	1,049,058
Deposits payable	-	467,824
Due to other funds	44,313	44,313
Advances from other funds	-	3,738,100
Total Liabilities	<u>524,424</u>	<u>10,891,969</u>
Fund Balances:		
Reserved:		
Reserved for encumbrances	235,936	871,381
Reserved for prepaid costs	-	418
Reserved for land held for resale	-	331,005
Reserved for loans receivable	-	1,080,206
Reserved for advances to other funds	-	3,738,100
Reserved for inventories	-	3,559
Unreserved:		
Unreserved, reported in nonmajor:		
Special revenue funds	1,787,944	1,787,944
Capital projects funds	30,416	30,416
Designated for capital improvement projects	-	15,070,834
Designated for debt service	-	9,212,937
Undesignated	-	7,487,730
Total Fund Balances	<u>2,054,296</u>	<u>39,614,530</u>
Total Liabilities and Fund Balances	<u>\$ 2,578,720</u>	<u>\$ 50,506,499</u>

**GOVERNMENTAL FUNDS
RECONCILIATION OF THE BALANCE SHEET OF GOVERNMENTAL FUNDS
TO THE STATEMENT OF NET ASSETS
JUNE 30, 2008**

Fund balances of governmental funds	\$ 39,614,530
Amounts reported for governmental activities in the statement of net assets are different because:	
Capital assets net of depreciation have not been included as financial resources in governmental fund activity.	29,268,433
Bond issuance cost is an expenditure in the governmental funds, but it is a deferred charge in the statement of net assets.	395,498
Long-term debt and compensated absences that have not been included in the governmental fund activity:	
Long-term liabilities	(19,944,730)
Compensated Absences	(617,052)
Accrued interest payable for the current portion of interest due on Bonds has not been reported in the governmental funds.	(89,772)
Revenues reported as deferred revenue in the governmental funds and recognized in the Statement of Activities. These are included in the intergovernmental revenues in the governmental fund activity.	507,608
Internal service funds are used by management to charge the costs of certain activities, such as equipment management and self-insurance, to individual funds. The assets and liabilities of the internal service funds must be added to the statement of net assets.	<u>5,923,976</u>
Net assets of governmental activities	<u>\$ 55,058,491</u>

THIS PAGE INTENTIONALLY LEFT BLANK

**STATEMENT OF REVENUES,
EXPENDITURES AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
YEAR ENDED JUNE 30, 2008**

	Capital Projects Funds			Debt Service Fund
	General	Housing Redevelopment	Redevelopment Agency	Redevelopment Agency
Revenues:				
Taxes	\$ 6,389,323	\$ 1,668,772	\$ -	\$ 5,006,318
Assessments	442	-	-	-
Licenses and permits	490,659	-	-	-
Intergovernmental	426,547	-	-	-
Charges for services	4,210,320	-	-	-
Use of money and property	1,136,648	397,289	629,640	413,018
Fines and forfeitures	294,487	-	-	-
Services provided	1,861,790	-	-	-
Miscellaneous	158,260	-	1,200	-
Total Revenues	14,968,476	2,066,061	630,840	5,419,336
Expenditures:				
Current:				
General government	2,398,661	194,939	2,484,912	47,120
Public safety	8,856,819	-	-	-
Parks, recreation and senior center	1,393,840	-	-	-
Public works	1,195,009	-	-	-
Capital outlay	83,896	-	272,148	-
Debt service:				
Principal retirement	-	81,000	-	324,000
Interest and fiscal charges	-	234,322	-	1,360,184
Total Expenditures	13,928,225	510,261	2,757,060	1,731,304
Excess (Deficiency) of Revenues Over (Under) Expenditures	1,040,251	1,555,800	(2,126,220)	3,688,032
Other Financing Sources (Uses):				
Transfers in	655,270	-	2,121,995	-
Transfers out	(596,431)	-	-	(2,076,469)
Total Other Financing Sources (Uses)	58,839	-	2,121,995	(2,076,469)
Net Change in Fund Balances	1,099,090	1,555,800	(4,225)	1,611,563
Fund Balances, Beginning of Year, as previously reported	10,113,120	7,439,952	7,967,266	7,601,374
Restatements	121,846	-	54,448	-
Fund Balances, Beginning of Year, as restated	10,234,966	7,439,952	8,021,714	7,601,374
Fund Balances, End of Year	\$ 11,334,056	\$ 8,995,752	\$ 8,017,489	\$ 9,212,937

**STATEMENT OF REVENUES,
EXPENDITURES AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
YEAR ENDED JUNE 30, 2008**

	Other Governmental Funds	Total Governmental Funds
Revenues:		
Taxes	\$ -	\$ 13,064,413
Assessments	11,648	12,090
Licenses and permits	26,734	517,393
Intergovernmental	1,786,616	2,213,163
Charges for services	-	4,210,320
Use of money and property	115,125	2,691,720
Fines and forfeitures	-	294,487
Services provided	-	1,861,790
Miscellaneous	-	159,460
Total Revenues	1,940,123	25,024,836
Expenditures:		
Current:		
General government	220,849	5,346,481
Public safety	151,846	9,008,665
Parks, recreation and senior center	25,378	1,419,218
Public works	229,535	1,424,544
Capital outlay	8,078	364,122
Debt service:		
Principal retirement	-	405,000
Interest and fiscal charges	-	1,594,506
Total Expenditures	635,686	19,562,536
Excess (Deficiency) of Revenues Over (Under) Expenditures	1,304,437	5,462,300
Other Financing Sources (Uses):		
Transfers in	18,000	2,795,265
Transfers out	(702,892)	(3,375,792)
Total Other Financing Sources (Uses)	(684,892)	(580,527)
Net Change in Fund Balances	619,545	4,881,773
Fund Balances, Beginning of Year, as previously reported	1,500,271	34,621,983
Restatements	(65,520)	110,774
Fund Balances, Beginning of Year, as restated	1,434,751	34,732,757
Fund Balances, End of Year	\$ 2,054,296	\$ 39,614,530

**RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS
TO THE STATEMENT OF ACTIVITIES
JUNE 30, 2008**

Net change in fund balances - total governmental funds \$ 4,881,773

Amounts reported for governmental activities in the statement of activities are different because:

Governmental funds report capital outlays as expenditures. However, in the statement of activities, the costs of those assets is allocated over their estimated useful lives as depreciation expense. This is the amount by which capital outlays exceeded depreciation in the current period.	750,778
Repayment of bond principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the statement of net assets.	223,186
Debt issuance costs are expenditures in governmental funds, but these costs are capitalized on the statement of net assets.	155,510
Accrued interest for long-term liabilities. This is the net change in accrued interest for the current period.	1,043
Compensated absences expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.	(68,517)
Revenues reported as deferred revenue in the governmental funds and recognized in the Statement of Activities. These are included in the intergovernmental revenues in the governmental fund activity.	274,841
Internal service funds are used by management to charge the costs of certain activities, such as equipment management and self-insurance, to individual funds. The net revenues (expenses) of the internal service funds is reported with governmental activities.	<u>707,602</u>
Change in net assets of governmental activities	<u>\$ 6,926,216</u>

**BUDGETARY COMPARISON STATEMENT
GENERAL FUND
YEAR ENDED JUNE 30, 2008**

	Budget Amounts		Actual Amounts	Variance with Final Budget Positive (Negative)
	Original	Final		
Budgetary Fund Balance, July 1	\$ 10,234,966	\$ 10,234,966	\$ 10,234,966	\$ -
Resources (Inflows):				
Taxes	6,549,114	6,549,114	6,389,323	(159,791)
Assessments	-	442	442	-
Licenses and permits	530,900	530,900	490,659	(40,241)
Intergovernmental	451,930	477,120	426,547	(50,573)
Charges for services	4,173,558	4,174,453	4,210,320	35,867
Use of money and property	908,672	908,672	1,136,648	227,976
Fines and forfeitures	329,766	329,766	294,487	(35,279)
Contributions	2,072,238	2,072,238	1,861,790	(210,448)
Miscellaneous	218,100	218,100	158,260	(59,840)
Transfers from other funds	1,275,892	1,275,892	655,270	(620,622)
Amounts Available for Appropriation	26,745,136	26,771,663	25,858,712	(912,951)
Charges to Appropriation (Outflow):				
Mayor/City Council	81,600	93,600	88,926	4,674
City Clerk's Office	235,377	231,777	233,221	(1,444)
City Manager	266,900	266,900	244,594	22,306
Personnel	226,970	228,108	218,120	9,988
Administrative Services	570,850	635,600	641,929	(6,329)
City Attorney	268,125	268,125	125,184	142,941
Community Development	267,772	317,772	358,399	(40,627)
Facilities Maintenance	248,049	135,320	227,585	(92,265)
Non Departmental	253,527	334,218	260,703	73,515
Law Enforcement Contract	5,914,453	5,930,751	5,407,416	523,335
Fire Protection Rescue	1,850,073	1,850,073	1,791,617	58,456
Ocean Beach Safety	1,142,243	1,142,243	1,134,527	7,716
Building Inspection	298,863	310,776	261,890	48,886
Animal Control	201,700	201,700	146,168	55,532
Disaster Preparedness	36,722	36,722	35,799	923
Code Enforcement	45,890	45,890	45,542	348
AVA Program	36,761	36,761	33,860	2,901
Recreation Srvcs. & Skatepark	231,679	296,679	238,032	58,647
Park Maintenance	356,294	362,794	346,440	16,354
Senior Services	26,094	27,431	25,620	1,811
Tidelands Maintenance	842,384	842,384	783,748	58,636
Street Maintenance	684,913	694,244	658,721	35,523
Public Works Administration	421,864	421,864	366,880	54,984
Solid Waste Management	100,499	108,153	169,325	(61,172)
Facilities - Sewer/Stormwater	-	150,000	83	149,917
Capital outlay	78,025	115,851	83,896	31,955
Transfers to other funds	-	-	596,431	(596,431)
Total Charges to Appropriations	14,687,627	15,085,736	14,524,656	561,080
Budgetary Fund Balance, June 30	\$ 12,057,509	\$ 11,685,927	\$ 11,334,056	\$ (1,474,031)

**STATEMENT OF NET ASSETS
PROPRIETARY FUNDS
JUNE 30, 2008**

	<u>Enterprise Fund</u>	<u>Governmental Activities- Internal Service Funds</u>
	<u>Sewer</u>	
Assets:		
Current Assets:		
Cash and investments	\$ 2,172,345	\$ 5,297,401
Receivables:		
Accounts	133,044	4,136
Due from other governments	250,956	41,088
Inventories	-	3,083
Total Current Assets	<u>2,556,345</u>	<u>5,345,708</u>
Noncurrent Assets:		
Capital assets - net of accumulated depreciation	5,307,066	1,033,421
Total Noncurrent Assets	<u>5,307,066</u>	<u>1,033,421</u>
Total Assets	<u>\$ 7,863,411</u>	<u>\$ 6,379,129</u>
Liabilities and Net Assets:		
Liabilities:		
Current Liabilities:		
Accounts payable	\$ 184,080	\$ 44,909
Accrued liabilities	12,693	10,920
Total Current Liabilities	<u>196,773</u>	<u>55,829</u>
Noncurrent Liabilities:		
Compensated absences	44,078	50,501
Claims payable	-	382,434
Total Noncurrent Liabilities	<u>44,078</u>	<u>432,935</u>
Total Liabilities	<u>240,851</u>	<u>488,764</u>
Net Assets:		
Invested in capital assets, net of related debt	5,307,066	1,033,421
Unrestricted	2,315,494	4,856,944
Total Net Assets	<u>7,622,560</u>	<u>5,890,365</u>
Total Liabilities and Net Assets	<u>\$ 7,863,411</u>	<u>\$ 6,379,129</u>
Reconciliation of Net Assets to the Statement of Net Assets		
Net Assets per Statement of Net Assets - Proprietary Funds	\$ 7,622,560	
Prior years' accumulated adjustment to reflect the consolidation of internal service funds activities related to the enterprise funds	(75,525)	
Current years' adjustments to reflect the consolidation of internal service activities related to enterprise funds	41,914	
Net Assets per Statement of Net Assets	<u>\$ 7,588,949</u>	

**STATEMENT OF REVENUES, EXPENSES
AND CHANGES IN FUND NET ASSETS
PROPRIETARY FUNDS
JUNE 30, 2008**

	<u>Enterprise Fund</u>	<u>Governmental Activities- Internal Service Funds</u>
	<u>Sewer</u>	
Operating Revenues:		
Sales and service charges	\$ 3,831,867	\$ 1,269,915
Miscellaneous	-	122,034
Total Operating Revenues	<u>3,831,867</u>	<u>1,391,949</u>
Operating Expenses:		
Services and supplies	3,395,242	48,069
Claims expenses	-	305,483
Depreciation	155,423	201,626
Personnel and administrative	549,515	903,939
Total Operating Expenses	<u>4,100,180</u>	<u>1,459,117</u>
Operating Income (Loss)	<u>(268,313)</u>	<u>(67,168)</u>
Nonoperating Revenues (Expenses):		
Interest revenue	109,796	233,158
Total Nonoperating Revenues (Expenses)	<u>109,796</u>	<u>233,158</u>
Income (Loss) Before Transfers	(158,517)	165,990
Transfers in	-	583,526
Transfers out	(2,999)	-
Changes in Net Assets	<u>(161,516)</u>	<u>749,516</u>
Net Assets:		
Beginning of Year, as previously reported	7,908,446	5,128,319
Restatements	(124,370)	12,530
Beginning of Fiscal Year, as restated	<u>7,784,076</u>	<u>5,140,849</u>
End of Fiscal Year	<u>\$ 7,622,560</u>	<u>\$ 5,890,365</u>
Reconciliation of Changes in Net Assets to the Statement of Activities:		
Changes in Net Assets, per the Statement of Revenues, Expenses and Changes in Fund Net Assets - Proprietary Funds	\$ (161,516)	
Adjustment to reflect the consolidation of current fiscal year internal service funds activities related to enterprise funds	<u>41,914</u>	
Changes in Net Assets of Business-Type Activities per Statement of Activities	<u>\$ (119,602)</u>	

**STATEMENT OF CASH FLOWS
PROPRIETARY FUNDS
YEAR ENDED JUNE 30, 2008**

	<u>Enterprise Fund</u>	<u>Governmental Activities- Internal Service Funds</u>
	<u>Sewer</u>	
Cash Flows from Operating Activities:		
Cash received from customers and users	\$ 3,722,225	\$ -
Cash received from/(paid to) interfund service provided	-	1,371,374
Cash paid to suppliers for goods and services	(3,334,659)	(673,480)
Cash paid to employees for services	(540,190)	(891,288)
Net Cash Provided (Used) by Operating Activities	<u>(152,624)</u>	<u>(193,394)</u>
Cash Flows from Non-Capital Financing Activities:		
Cash transfers in	(2,999)	583,526
Net Cash Provided (Used) by Non-Capital Financing Activities	<u>(2,999)</u>	<u>583,526</u>
Cash Flows from Capital and Related Financing Activities:		
Acquisition and construction of capital assets	(579,649)	(376,553)
Net Cash Provided (Used) by Capital and Related Financing Activities	<u>(579,649)</u>	<u>(376,553)</u>
Cash Flows from Investing Activities:		
Interest received	109,796	233,158
Net Cash Provided (Used) by Investing Activities	<u>109,796</u>	<u>233,158</u>
Net Increase (Decrease) in Cash and Cash Equivalents	(625,476)	246,737
Cash and Cash Equivalents at Beginning of Year	2,797,821	5,050,664
Cash and Cash Equivalents at End of Year	<u><u>\$ 2,172,345</u></u>	<u><u>\$ 5,297,401</u></u>

**STATEMENT OF CASH FLOWS
 PROPRIETARY FUNDS
 YEAR ENDED JUNE 30, 2008**

	<u>Enterprise Fund</u>	<u>Governmental Activities- Internal Service Funds</u>
	<u>Sewer</u>	
Reconciliation of Operating Income to Net Cash Provided (Used) by Operating Activities:		
Operating income (loss)	\$ (268,313)	\$ (67,168)
Adjustments to reconcile operating income (loss) net cash provided (used) by operating activities:		
Depreciation	155,423	201,626
(Increase) decrease in accounts receivable	(1,646)	(3,630)
(Increase) decrease in due from other governments	(107,996)	(16,945)
Increase (decrease) in accounts payable	60,583	(168,636)
Increase (decrease) in accrued liabilities	3,069	5,240
Increase (decrease) in claims and judgments	-	(151,292)
Increase (decrease) in compensated absences	6,256	7,411
	<u>115,689</u>	<u>(126,226)</u>
Total Adjustments	115,689	(126,226)
Net Cash Provided (Used) by Operating Activities	\$ (152,624)	\$ (193,394)

**STATEMENT OF FIDUCIARY NET ASSETS
FIDUCIARY FUNDS
JUNE 30, 2008**

	<u>Agency Funds</u>
Assets:	
Cash and investments	<u>\$ 573,632</u>
Total Assets	<u><u>\$ 573,632</u></u>
Liabilities:	
Due to bondholders	<u>\$ 573,632</u>
Total Liabilities	<u><u>\$ 573,632</u></u>

CITY OF IMPERIAL BEACH
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2008

I. SIGNIFICANT ACCOUNTING POLICIES

Note 1: Summary of Significant Accounting Policies

a. Description of the Reporting Entity

The City of Imperial Beach, California (the City), was incorporated July 18, 1956, and operates as a General Law City. The City operates under a Council-Manager form of government and provides the following services: general government, fire, highways and streets, planning and zoning, and public improvements. Police services are contracted through the San Diego Sheriff's Department. The City is not subject to federal or state income taxes.

As required by generally accepted accounting principles, these financial statements present the City of Imperial Beach (the primary government) and its component units. The component units discussed below are included in the City's reporting entity because of the significance of their operational or financial relationship with the City. These entities are legally separate from each other. However, the City of Imperial Beach's elected officials have a continuing full or partial accountability for fiscal matters of the other entities. The financial reporting entity consists of: 1) the City, 2) organizations for which the City is financially accountable, and 3) organizations for which the nature and significance of their relationship with the City are such that exclusions would cause the City's financial statements to be misleading or incomplete.

An organization is fiscally dependent on the primary government if it is unable to adopt its budget, levy taxes or set rates or charges, or issue bonded debt without approval by the primary government. In a blended presentation, component units' balances and transactions are reported in a manner similar to the balances and transactions of the City. Component units are presented on a blended basis when the component unit's governing body is substantially the same as the City's or the component unit provides services almost entirely to the City. The following component units of the City have been included in the financial reporting entity as blended component units.

A description of these component units and the method of incorporating their financial information in the accompanying financial statements are summarized as follows:

Blended Component Units

Imperial Beach Redevelopment Agency

The Imperial Beach Redevelopment Agency (RDA) was activated in October 1995 pursuant to Section 33101 of the California Health and Safety Code. The purpose of the RDA is to eliminate deteriorating conditions and conserve, rehabilitate and revitalize project areas in accordance with the redevelopment plan. The RDA is designed to encourage cooperation and participation of residents, businesspersons, community organizations and public agencies in the revitalization area. The RDA has established an Amended Project Area that encompasses nearly the entire city. Separate financial statements for the Imperial Beach Redevelopment Agency of the City of Imperial Beach can be obtained at the City of Imperial Beach's City Hall.

Note 1: Summary of Significant Accounting Policies (Continued)

Imperial Beach Public Financing Authority

The Imperial Beach Public Financing Authority was established on November 20, 2003, by a joint exercise of powers agreement between the City of Imperial Beach and the Imperial Beach Redevelopment Agency pursuant to the Community Redevelopment Law (commencing with Section 33000) of the Health and Safety Code of the State of California. Separate financial statements are not prepared for the Authority.

b. Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net assets and the statement of activities) report information on all of the nonfiduciary activities of the primary government and its component units. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include: 1) charges to customers or applicants who purchase, use or directly benefit from goods, services or privileges provided by a given function or segment, and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Separate financial statements are provided for governmental funds, proprietary funds and fiduciary funds, even though the latter are excluded from the government-wide financial statements. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

c. Measurement Focus, Basis of Accounting and Financial Statement Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund and fiduciary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period, with the exception of gas tax which is 90 days. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due. Agency funds are purely custodial (assets equal liabilities) and thus do not involve measurement of results of operations. Fiduciary Funds are accounted for on a full accrual basis.

Note 1: Summary of Significant Accounting Policies (Continued)

Property taxes, franchise taxes, licenses and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Only the portion of special assessments receivable due within the current fiscal period is considered to be susceptible to accrual as revenue of the current period. All other revenue items are considered to be measurable and available only when cash is received by the government.

All proprietary funds are accounted for using the flow of economic resources measurement focus and the accrual basis of accounting. Their revenues are recognized when they are earned and become measurable; expenses are recognized when they are incurred. Unbilled service receivables are recorded as accounts receivable and as revenue when earned.

Private-sector standards of accounting and financial reporting issued prior to December 1989, generally are followed in both the government-wide and proprietary fund financial statements to the extent that those standards do not conflict with or contradict guidance of the Governmental Accounting Standards Board. Governments also have the option of following subsequent private-sector guidance for their business-type activities and enterprise funds, subject to this same limitation. The government has elected not to follow subsequent private-sector guidance.

The City reports the following major governmental funds:

- The General Fund is the City's primary operating fund. It accounts for all financial resources of the general government except those required to be accounted for in another fund.
- The Housing Redevelopment Capital Projects Fund accounts for the general activity of the Redevelopment Agency.
- The Redevelopment Agency Capital Projects Fund accounts for the general activity of the Redevelopment Agency.
- The Redevelopment Agency Debt Service Fund accounts for the general activity of the Redevelopment Agency.

The City reports the following major proprietary fund:

- The Sewer Fund is an Enterprise Fund that accounts for the revenues and expenses associated with providing wastewater treatment services to residents of the City.

Additionally, the City reports the following fund types:

- Internal Service Funds account for the financing of goods or services related to repair, replacement and maintenance of City-owned equipment, the City's self-insurance programs, the City's general information systems and telecommunications hardware, software and the repair, replacement and maintenance of City-owned facilities. These services are provided to other departments or agencies of the City on a cost reimbursement basis.

Note 1: Summary of Significant Accounting Policies (Continued)

- Agency Funds are used to report resources held by the City in a purely custodial capacity, which involves only the receipt, temporary investment and remittance of fiduciary resources to individuals, private organizations or other governments. They do not involve measurement of results of operations. The City's agency funds account for its special assessment districts.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are charges between the government's proprietary funds function and various other functions of the government. Elimination of these charges would distort the direct costs and program revenues reported for the various functions concerned.

Amounts reported as program revenues include: 1) charges to customers or applicants for goods, services or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions, including special assessments. Internally dedicated resources are reported as general revenues rather than as program revenues. Likewise, general revenues include all taxes.

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the Enterprise Funds and of the Internal Service Funds are charges to customers for sales and services. Operating expenses for Enterprise Funds and Internal Service Funds include the cost of sales and services, administrative expenses and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

When both restricted and unrestricted resources are available for use, it is the government's policy to use restricted resources first, and then unrestricted resources as they are needed.

d. Assets, Liabilities and Net Assets or Equity

Cash and Investments

For purposes of the statement of cash flows, the City considers cash and cash equivalents to be cash on hand, demand deposits and short-term investments with original maturities of three months or less from the date of acquisition. For financial statement presentation purposes, cash and cash equivalents are shown as both restricted and unrestricted cash and investments in the Proprietary Funds.

Investments for the City, as well as for its component units, are reported at fair value. The City's policy is generally to hold investments until maturity or until market values equal or exceed cost. The State Treasurer's Investment Pool operates in accordance with appropriate state laws and regulations. The reported value of the pool is the same as the fair value of the pool shares.

Receivables and Payables

Activity between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either "due to/due from other funds" (i.e., the current portion of interfund loans) or "advances to/from other funds" (i.e., the non-current portion of interfund loans). All other outstanding balances between funds are reported as "due to/from other funds." Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as "internal balances."

Note 1: Summary of Significant Accounting Policies (Continued)

Advances between funds, as reported in the fund financial statements, are offset by a fund balance reserve account in applicable governmental funds to indicate that they are not available for appropriation and are not expendable available financial resources.

All trade and property tax receivables are shown net of an allowance for uncollectibles.

Functional Classifications

Expenditures of the Governmental Funds are classified by function. Functional classifications are defined as follows:

- General Government includes legislative activities that have a primary objective of providing legal and policy guidelines for the City. Also included in this classification are those activities that provide management or support services across more than one functional area.
- Public Safety includes those activities that involve the protection of people and property.
- Parks, Recreation and Senior Center include those activities that involve community park maintenance and recreational activities within the community.
- Public Works includes those activities that involve the maintenance and improvement of City streets, roads and park department development and maintenance.
- Debt Service includes those activities that account for the payment of long-term debt principal, interest and fiscal charges.

Inventories and Prepaid Items

All inventories are valued at cost using the first-in/first-out (FIFO) method. The General Fund inventory is accounted for on the consumption method and is equally offset by a reservation of fund balance in the fund-level statements, which indicates that it does not constitute "available spendable resources."

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements. The fund balances in the governmental fund types have been reserved for amounts equal to the prepaid items in the fund-level statements, since these amounts are not available for appropriation.

Capital Assets

Capital assets, which include property, plant, equipment and infrastructure assets (e.g., roads, bridges, sidewalks and similar items), are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the City as assets with an initial, individual cost of more than \$1,000 (amount not rounded). Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

Note 1: Summary of Significant Accounting Policies (Continued)

In accordance with GASB Statement No. 34, the City has reported general infrastructure assets acquired in prior and current years.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized.

Major outlays for capital assets and improvements are capitalized as projects are constructed. Interest incurred during the construction phase of capital assets of business-type activities is included as part of the capitalized value of the assets constructed.

Property, plant and equipment of the primary government, as well as the component units, are depreciated using the straight-line method over the following estimated useful lives:

<u>Assets</u>	<u>Years</u>
Buildings & Improvements	25 - 50
Improvements Other than Buildings	10 - 50
Sewer lines and Pump Stations	35 - 50
Equipment	3 - 20
Vehicles	5 - 10
<u>Infrastructure</u>	<u>Years</u>
Pavement	33
Curb and Gutter	50
Sidewalk	50

Compensated Absences

All permanent employees of the City are permitted to accumulate a maximum of two times their annual accrual rate (annual leave). Maximum sick leave accrual for miscellaneous employees is 1,000 hours and for safety employees is 1,400 hours. Upon termination of employment, an employee is paid for accumulated annual leave but forfeits accumulated sick leave unless the employee has over five years of service. After five years of service, upon termination, the employee is paid for half the accumulated sick leave. Compensated absences are paid out of the General Fund and are reported there as a liability when they have matured.

Accumulated vested sick pay and vacation pay at June 30, 2008, for employees of the Proprietary Funds have been accrued. All accumulated compensated absences are accrued when incurred in the government-wide, proprietary and fiduciary fund financial statements.

Note 1: Summary of Significant Accounting Policies (Continued)

Long-Term Obligations

In the government-wide financial statements and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities or proprietary fund type statement of net assets. Bond premiums and discounts, as well as issuance costs, are deferred and amortized over the life of the bonds using the effective interest method. Bonds payable are reported net of the applicable bond premium or discount. Bond issuance costs are reported as deferred charges and amortized over the term of the related debt.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

Fund Equity

In the fund financial statements, governmental funds report reservations of fund balance for amounts that are not available for appropriation or are legally restricted by outside parties for use for a specific purpose. Designations of fund balance represent tentative management plans that are subject to change.

Encumbrances

Encumbrance accounting, under which purchase orders, contracts and other commitments for the expenditure of monies are recorded in order to reserve that portion of the applicable appropriation, is employed as an extension of formal budgetary integration. The City uses a modified encumbrance system in which only significant, select encumbrances are carried over at year-end. All other encumbrances lapse at year-end and are re-encumbered in the following fiscal year.

e. Reconciliation of Government-Wide and Fund Financial Statements

Explanation of certain differences between the governmental fund balance sheet and the government-wide statement of net assets:

The governmental fund balance sheet includes a reconciliation between fund balance-governmental funds and net assets of governmental activities as reported in the government-wide statement of net assets. One element of that reconciliation explains that "long-term liabilities and compensated absences have not been included in the governmental fund activity." The detail of the (\$19,944,730) long-term debt difference is as follows:

Tax Allocation Bonds	\$ (20,220,000)
Unamortized Bond Discount	<u>275,270</u>
Net adjustment to reduce fund balance of total governmental funds to arrive at net assets of governmental activities	<u><u>\$ (19,944,730)</u></u>

Note 1: Summary of Significant Accounting Policies (Continued)

Explanation of certain differences between the governmental fund statement of revenues, expenditures and changes in fund balances and the government-wide statement of activities:

The governmental fund statement of revenues, expenditures and changes in fund balances includes reconciliation between net changes in fund balances of total governmental funds and changes in net assets of governmental activities as reported in the government-wide statement of activities. One element of that reconciliation explains, "Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense."

The details of this \$750,778 difference are as follows:

Capital Outlay	\$ 1,506,933
Depreciation Expense	<u>(756,155)</u>
Net adjustment to increase net changes in fund balances of total governmental funds to arrive at changes in net assets of governmental activities	<u>\$ 750,778</u>

II. STEWARDSHIP

Note 2: Stewardship, Compliance and Accountability

a. General Budget Policies

The two-year operating budget adopted by the City Council provides for the general operations of the City. It includes proposed expenditures and the means of financing them on a departmental basis. Budgets are legally adopted in the General Fund, Special Revenue Funds, except for the Traffic Safety, Parks Grant and Prop 1B Funds, Enterprise Funds and the Internal Service Funds.

The City Council approves total budgeted appropriations and any amendments to appropriations throughout the year. All amendments made during the year are included in the budgetary amounts reported herein. The "appropriated budget" covers all City expenditures, with the exception of debt service on bond issues and capital improvement projects carried forward from prior years, which expenditures constitute the legally authorized "non-appropriated budget." Actual expenditures may not exceed budgeted appropriations at the fund level, which is the legal level of control for the Capital Projects Funds. All other funds use the departmental level as the legal level of control.

Formal budgetary integration is employed as a management control device during the year. Commitments for materials and services, such as purchase orders and contracts, are recorded as encumbrances to assist in controlling expenditures. Appropriations that are encumbered lapse at year-end and then are added to the following years' budgeted appropriations.

Budgets for the General and Special Revenue Funds are adopted on a basis substantially consistent with generally accepted accounting principles (GAAP). Accordingly, actual revenues and expenditures can be compared with related budgeted amounts without any significant reconciling items.

Note 2: Stewardship, Compliance and Accountability (Continued)

Appropriations for capital projects authorized but not constructed or completed during the year are carried forward as continuing appropriations into the following year's budget.

Under Article XIII-B of the California Constitution (the Gann Spending Limitation Initiative), the City is restricted as to the amount of annual appropriations from the proceeds of taxes, and if proceeds of taxes exceed allowed appropriations, the excess must either be refunded to the State Controller or returned to the taxpayers through revised tax rates or revised fee schedules, or an excess in one year may be offset by a deficit in the following year. For the fiscal year ended June 30, 2008, based on calculations by City staff, proceeds of taxes did not exceed appropriations. Further, Section 5 of Article XIII-B allows the City to designate a portion of fund balance for general contingencies to be used for any purpose.

Appropriations lapse at the end of the fiscal year except for the Capital Projects Funds, which may be carried over to the next fiscal year if not completed at year-end. Expenditures may not exceed budget appropriations at the department level for the General Fund and at the function level for the Special Revenue Funds.

A project-length budget is adopted for the capital projects funds. The debt service fund is governed by bond covenants, therefore a formal budget is not adopted. Thus, the City does not show a budget comparison for these funds.

b. Excess of Expenditures Over Appropriations are as Follows:

	<u>Expenditures</u>	<u>Appropriations</u>	<u>Excess</u>
General Fund:			
City Clerk's Office	\$ 233,221	\$ 231,777	\$ 1,444
Administrative Services	641,929	635,600	6,329
Community Development	358,399	317,772	40,627
Facilities Maintenance	227,585	135,320	92,265
Solid Waste Management	169,325	108,153	61,172

III. DETAILED NOTES ON ALL FUNDS

Note 3: Cash and Investments

As of June 30, 2008, cash and investments were reported in the accompanying financial statements as follows:

Governmental activities	\$ 48,438,053
Business-Type activities	2,172,345
Fiduciary funds	<u>573,632</u>
Total Cash and Investments	<u>\$ 51,184,030</u>

The City follows the practice of pooling cash and investments of all funds except for funds required to be held by fiscal agents under provisions of bond indentures. Interest income earned on pooled cash and investments is allocated monthly to the various funds based on monthly cash and investment balances. Interest Income from cash and investments with fiscal agents is credited directly to the related fund.

Note 3: Cash and Investments (Continued)

Deposits

At June 30, 2008, the carrying amount of the City's deposits was \$647,438 and the bank balance was \$779,862. The \$132,424 difference represents outstanding checks and other reconciling items.

The California Government Code requires California banks and savings and loan associations to secure a city's deposits by pledging government securities with a value of 110% of a city's deposits. California law also allows financial institutions to secure city deposits by pledging first trust deed mortgage notes having a value of 150% of a city's total deposits. The City Treasurer may waive the collateral requirement for deposits that are fully insured up to \$100,000 by the FDIC. The collateral for deposits in federal and state chartered banks is held in safekeeping by an authorized Agent of Depository recognized by the State of California Department of Banking. The collateral for deposits with savings and loan associations is generally held in safekeeping by the Federal Home Loan Bank in San Francisco, California as an Agent of Depository.

These securities are physically held in an undivided pool for all California public agency depositors. Under Government Code Section 53655, the placement of securities by a bank or savings and loan association with an "Agent of Depository" has the effect of perfecting the security interest in the name of the local government agency. Accordingly, all collateral held by California Agents of Depository are considered to be held for, and in the name of, the local governmental agency.

Investments

Under provisions of the City's investment policy, and in accordance with the California Government Code, the following investments are authorized:

- U.S. Treasury Obligations (bills, notes and bonds)
- Bonds, notes or other evidence of indebtedness issued or guaranteed by agency of the United States government
- Certificates of Deposit or Time Deposits placed with commercial banks and savings and loans
- Medium-term Corporate Notes with an "A" or comparable ratings
- Instruments of other California Government Entities with an "A" or comparable rating
- Banker's Acceptances
- Repurchase Agreements
- Local Agency Investment Fund Demand Deposits (State Pool)
- County of San Diego Treasury (County Pool)
- California Arbitrage Management Program (Bond Pool)
- Passbook Savings Account Demand Deposits
- Money Market funds, which invest solely in securities issued by the U.S. Treasury and agencies of the Federal government, and repurchase agreements collateralized with U.S. Treasury and Federal agency obligations
- Overnight Sweep accounts as managed by the depository bank as part of the checking account packaged contracted by the City, provided the sweep account is collateralized in accordance with state law

Note 3: Cash and Investments (Continued)

Investments Authorized by Debt Agreements

The above investments do not address investment of debt proceeds held by a bond trustee. Investments of debt proceeds held by a bond trustee are governed by provisions of the debt agreements, rather than the general provisions of the California Government Code or the City's investment policy.

Investments in State Investment Pool

The City is a voluntary participant in the Local Agency Investment Fund (LAIF) that is regulated by California Government Code Section 16429 under the oversight of the Treasurer of the State of California. LAIF is overseen by the Local Agency Investment Advisory Board, which consists of five members, in accordance with State statute. The State Treasurer's Office audits the fund annually. The fair value of the position in the investment pool is the same as the value of the pool shares.

GASB Statement No. 31

The City adopted GASB Statement of No. 31, *Accounting and Financial Reporting for Certain Investments and for External Investment Pools*, as of July 1, 1997. GASB Statement No. 31 establishes fair value standards for investments in participating interest earning investment contracts, external investment pools, equity securities, option contracts, stock warrants and stock rights that have readily determinable fair values. Accordingly, the City reports its investments at fair value in the balance sheet. All investment income, including changes in the fair value of investments, is recognized as revenue in the operating statement.

Credit Risk

The City's investment policy limits investments in medium-term notes (MTN's) to those rated "AA" or higher by Standard and Poor's (S&P) or by Moody's. As of June 30, 2008, the City had no investments in medium-term notes. In addition, the City's investments in Federal Home Loan Bank, Federal Farm Credit Bank and Federal Home Loan Mortgage Corporation were rated "AAA" by Moody's and by S&P. All securities were investment grade and were legal under State law. Investments in U.S. Treasuries are not considered to have credit risk; therefore, their credit quality is not disclosed. As of June 30, 2008, the City's investments in external investment pools, money market mutual funds and investment agreements are unrated.

Custodial Credit Risk

The custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover deposits or will not be able to recover collateral securities that are in the possession of an outside party. The custodial credit risk for investments is the risk that, in the event of the failure of the counterparty to a transaction, a government will not be able to recover the value of investment or collateral securities that are in the possession of an outside party. The City does not have a specific policy addressing custodial credit risk.

As of June 30, 2008, none of the City's deposits or investments was exposed to custodial credit risk.

Note 3: Cash and Investments (Continued)

Concentration of Credit Risk

The City's investment policy imposes restrictions for certain types of investments with any one issuer to 33% of the total investment pool. With respect to concentration risk, as of June 30, 2008, the City has not invested more than 33% of its total investments in any one issuer.

In addition, GASB 40 requires a separate disclosure if any single issuer comprises more than 5% of the total investment value. As of June 30, 2008, the City has investments with the following issuers, which exceed 5% of the total investment value:

Federal Home Loan Bank	\$ 5,909,360	12%
Federal National Mortgage Association	5,045,035	10%

Investments guaranteed by the U.S. government and investments in mutual funds and external investment pools are excluded from this requirement.

Interest Rate Risk

The City's investment policy limits investment maturities as a means of managing its exposure to fair value losses arising from increasing interest rates. The City's investment policy states that the City's investment portfolio will not directly invest in securities maturing in more than five years. The City has elected to use the segmented time distribution method of disclosure for its interest rate risk.

As of June 30, 2008, the City had the following investments and original maturities:

Investment Type:	Investment Maturities (in Years)				Fair Value
	6 months or less	6 months to 1 year	1 to 3 years	3 to 5 years	
California Local Agency Investment Fund	\$ 33,710,643	\$ -	\$ -	\$ -	\$ 33,710,643
Federal Home Loan Mortgage Group	-	-	-	2,115,921	2,115,921
Federal Farm Credit Bank	-	-	-	1,993,760	1,993,760
Federal Home Loan Bank	-	-	2,514,850	3,394,510	5,909,360
Federal National Meeting Association	-	-	-	5,045,035	5,045,035
Money Market Mutual Funds - held by fiscal agent	1,761,873	-	-	-	1,761,873
	<u>\$ 35,472,516</u>	<u>\$ -</u>	<u>\$ 2,514,850</u>	<u>\$ 12,549,226</u>	<u>\$ 50,536,592</u>

Note 4: Capital Assets

Capital asset activity for the year ended June 30, 2008, was as follows:

	Beginning Balance	Adjustments*	Adjusted Beginning Balance	Transfers	Increases	Decreases	Ending Balance
Governmental Activities:							
Capital assets, not being depreciated:							
Land	\$ 1,638,532	\$ -	\$ 1,638,532	\$ -	\$ -	\$ -	\$ 1,638,532
Infrastructure right-of-way	12,406,327	-	12,406,327	-	-	-	12,406,327
Construction-in-progress	1,397,395	-	1,397,395	-	1,151,506	-	2,548,901
Total Capital Assets, Not Being Depreciated	15,442,254	-	15,442,254	-	1,151,506	-	16,593,760
Capital assets, being depreciated:							
Structures and improvements	4,921,201	12,373	4,933,574	-	21,023	-	4,954,597
Equipment and vehicles	3,554,420	(148,235)	3,406,185	-	422,314	166,534	3,661,965
Infrastructure	12,977,792	-	12,977,792	-	752	-	12,978,544
Total Capital Assets, Being Depreciated	21,453,413	(135,862)	21,317,551	-	444,089	166,534	21,595,106
Less accumulated depreciation:							
Structures and improvements	2,512,589	(130,138)	2,382,451	-	147,844	-	2,530,295
Equipment and vehicles	2,566,658	(91,989)	2,474,669	-	235,109	166,534	2,543,244
Infrastructure	2,440,271	-	2,440,271	-	373,202	-	2,813,473
Total Accumulated Depreciation	7,519,518	(222,127)	7,297,391	-	756,155	166,534	7,887,012
Total Capital Assets, Being Depreciated, Net	13,933,895	86,265	14,020,160	-	(312,066)	-	13,708,094
Governmental Activities Capital Assets, Net	\$ 29,376,149	\$ 86,265	\$ 29,462,414	\$ -	\$ 839,440	\$ -	\$ 30,301,854
Business-Type Activities:							
Capital assets, not being depreciated:							
Construction-in-progress	\$ 14,387	\$ -	\$ 14,387	\$ (14,387)	\$ 98,677	\$ -	\$ 98,677
Total Capital Assets, Not Being Depreciated	14,387	-	14,387	(14,387)	98,677	-	98,677
Capital assets, being depreciated:							
Sewer Lines and Pump Stations	7,793,245	-	7,793,245	14,387	356,602	-	8,164,234
Total Capital Assets, Being Depreciated	7,793,245	-	7,793,245	14,387	356,602	-	8,164,234
Less accumulated depreciation:							
Sewer Lines and Pump Stations	2,800,422	-	2,800,422	-	155,423	-	2,955,845
Total Accumulated Depreciation	2,800,422	-	2,800,422	-	155,423	-	2,955,845
Total Capital Assets, Being Depreciated, Net	4,992,823	-	4,992,823	14,387	201,179	-	5,208,389
Business-Type Activities Capital Assets, Net	\$ 5,007,210	\$ -	\$ 5,007,210	\$ -	\$ 299,856	\$ -	\$ 5,307,066

* Adjustments were to properly state capital asset balances.

Note 4: Capital Assets (Continued)

Depreciation expense was charged to functions/programs of the primary government as follows:

Governmental Activities:	
General Government	\$ 37,653
Public Safety	405,104
Public Works	15,594
Parks, Recreation and Senior Center	96,177
Internal Service Funds	<u>201,627</u>
Total Governmental Activities	<u>\$ 756,155</u>
Business-Type Activities:	
Sewer	<u>\$ 155,423</u>

Note 5: Deferred Revenue and Unearned Revenue

General Fund deferred revenue of \$242,656 relates to sales tax revenue and grant revenue accrued but not yet received within the recognition periods.

General Fund unearned revenue consists of \$910,000 relating to a lease with the Unified Port District of San Diego and \$127,618 of other miscellaneous grant revenues received but not earned. The City entered into an agreement with the Port District in 1993 whereby the Port District leases the Pier Plaza and a parking lot from the city. The District paid the City \$1,800,000 at the beginning of the lease. Each year of the 30-year contract, the City recognizes \$60,000 of income and reduces the unearned revenue. As of June 30, 2008, \$910,000 remains of this unearned lease revenue.

Note 6: Interfund Receivable, Payable and Transfers

The composition of interfund balances as of June 30, 2008 is as follows:

Due To/Due From Other Funds

Funds	Due to Other Funds	
	Non-major Governmental Funds	Total
Due From Other Funds:		
General Fund	\$ 44,313	\$ 44,313
Total	\$ 44,313	\$ 44,313

At the end of Fiscal Year 2007/2008, \$44,313 was due for deficit cash balances in the non-major funds.

Note 6: Interfund Receivable, Payable and Transfers (Continued)

Advances To/From Other Funds

<u>Funds</u>	<u>Advances from Other Funds Capital Projects Redevelopment</u>	<u>Total</u>
Advances to Other Funds:		
General Fund	\$ 3,738,100	\$ 3,738,100
Total	<u>\$ 3,738,100</u>	<u>\$ 3,738,100</u>

During the current and previous fiscal years, the City of Imperial Beach has made loans to the Agency. These loans bear interest at rates up to 12% per annum depending upon when the loan was initiated. The City may demand payment of all or a portion of the principal balance at any time as funds become available; however, such demands are not anticipated with the next fiscal year. As of June 30, 2008, loans made from the General Fund to the Redevelopment Agency Capital Projects Fund, including accrued unpaid interest owed on those loans, were \$3,738,100.

Interfund Transfers

	<u>Transfers In</u>				<u>Total</u>
	<u>General Fund</u>	<u>Capital Projects Redevelopment</u>	<u>Internal Service Funds</u>	<u>Nonmajor Funds</u>	
Transfers Out:					
General Fund	\$ -	\$ (2,096)	\$ 580,527	\$ 18,000	\$ 596,431
Debt Service Redevelopment	-	2,076,469	-	-	2,076,469
Sewer	-	-	2,999	-	2,999
Nonmajor Funds	655,270	47,622	-	-	702,892
Total	<u>\$ 655,270</u>	<u>\$ 2,121,995</u>	<u>\$ 583,526</u>	<u>\$ 18,000</u>	<u>\$ 3,378,791</u>

Transfers were made to fund capital projects in the Non-major funds and to reimburse the General Fund and the Non-major Funds for expenditures incurred for grants and special revenue fund programs.

Note 7: Long-Term Debt

a. Changes in Long-Term Debt

The following is a summary of changes in long-term debt of the City for the year ended June 30, 2008:

	Balance June 30, 2007	Additions	Deletions	Balance June 30, 2008	Due Within One Year
Compensated Absences	\$ 591,625	\$ 377,751	\$ 301,825	\$ 667,551	\$ 153,126
Tax Allocation Bonds	20,625,000	-	405,000	20,220,000	415,000
Claims & Judgments	546,256	-	163,820	382,436	109,368
	<u>\$ 21,762,881</u>	<u>\$ 377,751</u>	<u>\$ 870,645</u>	21,269,987	<u>\$ 677,494</u>
			Less: Unamortized discount	<u>275,270</u>	
			Net Long-Term Debt	<u>\$ 20,994,717</u>	

Tax Allocation Bonds

In December 2003, the Imperial Beach Public Financing Authority issued \$22,765,000 Tax Allocation Revenue Bonds, 2003 Series A. The proceeds of the bonds were loaned to the Imperial Beach Redevelopment Agency to fund redevelopment activities, to provide for a reserve fund and to provide for the costs of issuance of the bonds. Although the bonds were issued by the Authority and loaned to the Redevelopment Agency, the loan transaction has been eliminated from these financial statements, as the Public Financing Authority does not have its own financial statements or fund, and certain revenues of the Redevelopment Agency are pledged for repayment of the debt. Interest on the bonds is payable semiannually and principal payments are due annually. Debt service payments occur from June 1, 2004 through June 1, 2033. Interest rates on the bonds range from 1.75% to 6.10% per annum.

Debt Service Repayment Schedule

Debt service payments on the tax allocation bonds are as follows:

	<u>2003 Tax Allocation Bonds, Series A</u>	
	<u>Principal</u>	<u>Interest</u>
2008 - 2009	\$ 415,000	\$ 1,132,771
2009 - 2010	430,000	1,118,454
2010 - 2011	450,000	1,102,329
2011 - 2012	470,000	1,083,204
2012 - 2013	490,000	1,061,584
2013 - 2018	2,840,000	4,914,921
2018 - 2023	3,705,000	4,052,513
2023 - 2028	4,900,000	2,848,418
2028 - 2033	<u>6,520,000</u>	<u>1,219,200</u>
Totals	<u>\$ 20,220,000</u>	<u>\$ 18,533,394</u>

Note 7: Long-Term Debt (Continued)

GASB Statement No. 48 – Pledges of Future Revenues

The Agency has pledged, as security for bonds it has issued, either directly or through the City's Financing Authority, a portion of the tax increment revenue, including Low and Moderate Income Housing set-aside, that it receives. These bonds were to provide financing for various capital projects and to accomplish Low and Moderate Income Housing projects. The Agency has committed to appropriate each year, from these resources amounts sufficient to cover the principal and interest requirements on the debt. Total principal and interest remaining on the debt is \$38,753,394 as indicated in the table above. For the current year, the total tax increment revenue and the required 20% Low and Moderate Income Housing set-aside revenue recognized by the Agency was \$5,006,318 and \$1,668,772, respectively.

b. Proprietary Fund Long-Term Debt

The following is a summary of changes in Proprietary Fund long-term debt for the year ended June 30, 2008:

	Balance <u>July 1, 2007</u>	<u>Additions</u>	<u>Deletions</u>	Balance <u>June 30, 2008</u>	Due Within <u>One Year</u>
Enterprise Fund:					
Compensated absences	<u>\$ 37,822</u>	<u>\$ 18,743</u>	<u>\$ 12,487</u>	<u>\$ 44,078</u>	<u>\$ 12,964</u>

c. Special Assessment Bonds

The City has four assessment districts that issued bonds from 1981 through 2004 that are outstanding with no City obligation. The bonds were issued to finance alley paving within the City. The bonds are secured by the unpaid assessments levied against the private property within the assessment districts. The bonds are not general obligations of the City, and neither the faith and credit, nor the taxing power of the City, is pledged to the payment of the bonds.

The liability of property owners for unpaid principal assessments at June 30, 2008, was \$277,929. This bond liability has not been recorded in the accompanying financial statements in compliance with GASB Statement No. 6.

d. Limited Obligation Improvement Bonds

On March 21, 2005 the City of Imperial Beach Assessment District No. 71 issued \$70,000 in limited obligation improvement bonds with interest rates varying from 5.00% to 5.50% pursuant to the provisions of the Improvement Bond Act of 1915. The bonds were issued to finance certain public improvements to benefit property within the City's Assessment District No. 71. The issues described above are not reflected in the liabilities on the statement of net assets because they are special obligations payable solely from and secured by specific revenue sources described in the resolutions and official statement of the issues. Neither faith and credit nor the taxing power of the City, the Redevelopment Agency, the State of California or any political subdivision thereof is pledged for the payment of these bonds.

IV. OTHER INFORMATION

Note 8: City Employees Retirement Plan (Defined Benefit Pension Plan)

Plan Description

The City of Imperial Beach contributes to the California Public Employees Retirement System (CalPERS), a cost-sharing multiple-employer defined benefit pension plan. CalPERS provides retirement and disability benefits, annual cost of living adjustments, and death benefits to plan members and beneficiaries. CalPERS acts as a common investment and administrative agent for participating public entities within the State of California. Benefit provisions and all other requirements are established by state statute and city ordinance. Copies of CalPERS' annual financial report may be obtained from their executive office: 400 P Street, Sacramento, CA 95814.

Funding Policy

Participants are required to contribute 8% (9% for safety employees) of their annual covered salary. The City makes the contributions required of City employees on their behalf and for their account. The City is required to contribute at an actuarially determined rate; the current rate is 12.31% for miscellaneous employees, 16.46% for fire employees and 23.58% for ocean lifeguards, of annual covered payroll. The contribution requirements of plan members and the City are established and may be amended by PERS.

Annual Pension Cost

For 2008, the City's annual pension cost of \$756,893 for PERS was equal to the City's required and actual contributions. The required contribution was determined as part of the June 30, 2008, actuarial valuation using the entry age normal actuarial cost method. The actuarial assumptions included (a) 7.75% investment rate of return (net of administrative expenses), (b) projected annual salary increases that vary by duration of service and (c) 3% per year cost-of-living adjustments. Both (a) and (b) included an inflation component of 3.0%. The actuarial value of PERS assets was determined using techniques that smooth the effect of short-term volatility in the market value of investments over a three-year period (smoothed market value). PERS unfunded actuarial accrued liability is being amortized as a level percentage of projected payroll on a closed basis. The remaining amortization period at June 30, 2008, was 16 years for miscellaneous and 17 years for safety.

For 2008, the City's annual pension cost of \$770,665 for PERS was equal to the City's required and actual contributions. The required contribution was determined as part of the June 30, 2005, actuarial valuation using the entry age normal actuarial cost method.

Note 8: City Employees Retirement Plan (Defined Benefit Pension Plan) (Continued)

Three-Year Trend Information for PERS			
<u>Fiscal Year</u>	<u>Annual Pension Cost (APC)</u>	<u>Percentage of APC Contributed</u>	<u>Net Pension Obligation</u>
<u>Miscellaneous Members</u>			
6/30/2006	\$ 181,008	100%	\$ -
6/30/2007	387,164	100%	-
6/30/2008	450,619	100%	-
<u>Safety Members</u>			
6/30/2006	226,720	100%	-
6/30/2007	311,479	100%	-
6/30/2008	320,046	100%	-

Note 9: Self-Insurance Program

General Liability

On August 8, 1990, the City became one of twelve (12) members of the San Diego Pooled Insurance Program Authority (SANDPIPA) and San Diego County Cities Risk Management Authority (SDCCRMA). These organizations were created by a joint powers authority (JPA) to provide liability, property and casualty coverage to its members. Under the joint powers agreement SANDPIPA provides liability insurance coverage for the City for the difference between \$2,000,000 and the individual self-insured retention of \$125,000 each occurrence, \$15,000,000 annual aggregate for the pool. Commercial excess liability insurance is provided from the \$2,000,000 up to \$35,000,000 per occurrence. The premiums billed by the JPA to member cities are planned to match the expenses of the self-insurance as well as the cost of providing the excess layer coverage and the cost of administering the plan.

In addition to its coverage through the JPA, effective July 1, 1993, the San Diego Unified Port District agreed to fund an Escrow Reserve Account of \$300,000 for the purpose of reimbursing the City for any claim costs not covered by the JPA insurance, provided they are directly related to services provided to the District and arising from incidents actually occurring on tidelands and/or lands leased by the City to the District.

Workers Compensation

The City is a member of CSAC Excess Insurance Authority. The City is self-insured for the first \$125,000 of workers' compensation claims. Claims between \$125,000 and \$5,000,000 are covered through the City's risk sharing membership in CSAC. Claims between \$5,000,000 and \$300,000,000 are covered by excess purchased insurance.

The City established a Self-Insurance Fund (an internal service fund) to account for and finance its uninsured risk of loss when it became a member of SANDPIPA, SDCCRMA and CSAC for liability, property casualty and workers compensation coverage. All funds of the City participate in the program and make payments to the Self-Insurance Fund based on estimates of the amounts needed to pay prior and current year claims and to establish a reserve for catastrophe losses. The estimated claims liability of \$382,434 reported at June 30, 2008, is based on the requirements of Governmental Accounting Standards Board Statement 10, which requires that a liability for claims be reported if information prior to the issuance of the financial statements indicates that it is probable that a liability has been incurred at the date of the financial statements and the amount of the loss can be reasonably estimated. The above amount includes an estimate for incurred but not reported claims.

Note 9: Self-Insurance Program (Continued)

During the last three fiscal years none of the above programs of protection have had settlements or judgments that exceeded pooled or insured coverage. There have been no significant reductions in pooled or insured liability coverage from coverage in the prior year.

Changes in the reported liability for the last two fiscal years are as follows:

	<u>2006-2007</u>	<u>2007-2008</u>
Claims outstanding at beginning of year	\$ 495,232	\$ 546,256
Claims and changes in estimates	165,155	(73,559)
Claim payments	<u>(114,131)</u>	<u>(90,261)</u>
Claims outstanding at end of year	<u>\$ 546,256</u>	<u>\$ 382,436</u>

Note 10: Contingencies

Litigation

The City is involved in various lawsuits of which the outcome was undetermined as of June 30, 2008. No amount has been accrued for these contingent amounts.

Major Service Contracts

The San Diego Unified Port District owns the beachfront and bayfront in the City of Imperial Beach. Starting in fiscal year 1989-1990, the City entered into a contractual agreement with the San Diego Unified Port District, whereby the Port District provides reimbursement to the City for costs incurred in the maintenance and public safety services for the over two million visitors to the Port's beach area. In fiscal year 2007-2008 the City received \$3,411,775 or 22% of its general fund revenue from the Port District. In October 2006, the City entered into a new contract with the San Diego Unified Port District whereby the Port District will provide reimbursement to the City for costs incurred relative to the beachfront from July 1, 2006 through June 30, 2009. This is a renewal of the previous contract which ended June 30, 2006. The new contract provides for cost reimbursement to the City of an amount not to exceed \$7,846,525 through June 30, 2009. A failure to renew the agreement either through the Port District's unwillingness or inability to do so would result in the City adjusting expenditures and service levels to meet the Port's level of reimbursement. There is no indication of any proposed substantial change to this contractual relationship.

Note 11: Fund Equity

a. Fund Equity and Net Assets Restatements

Beginning fund balance has been restated as follows:

Governmental Funds:	
General Fund	
To restate prior year accounts payable and deposits payable	\$ 121,846
Capital Projects Redevelopment Agency	
To close out capital projects from prior years	54,448
Non-major Governmental Funds:	
To restate prior year accounts payable	<u>(65,520)</u>
	<u>\$ 110,774</u>
Proprietary Funds:	
Sewer Fund	
To record prior year construction in progress	<u>\$ (124,370)</u>
Internal Service Funds:	
Self-Insurance	
To properly record claims and judgments	<u>\$ 12,530</u>
	<u>\$ 12,530</u>
Net assets have been restated as follows:	
Governmental Activities	
Restatements from above	\$ 110,774
Internal services restatements from above	<u>12,530</u>
	<u>\$ 123,304</u>

Note 12: Property Tax

Property tax revenue is recognized on the basis of NCGA Interpretation No. 3; (adopted by GASB) that is, in the fiscal year for which the taxes have been levied providing they become available. Available means then due, or past due and receivable within the current period and collected within the current period or expected to be collected soon enough thereafter (not to exceed 60 days) to be used to pay liabilities of the current period. The County of San Diego collects property taxes for the City. Tax liens attach annually as of 12:01 A.M. on the first day in January preceding the fiscal year for which the taxes are levied. The tax levy covers the fiscal period July 1 to June 30. All secured personal property taxes and one-half of the taxes on real property are due November 1; the second installment is due February 1. All taxes are delinquent, if unpaid, on December 10 and April 10, respectively. Unsecured personal property taxes become due on the first of March each year and are delinquent, if unpaid, on August 31.

Note 13: Subsequent Events

a. Educational Revenue Augmentation Fund (ERAF)

On September 30, 2008, the California Legislature passed AB 1389, requiring a shift in tax increment revenues during fiscal year 2008-2009 to the state Educational Revenue Augmentation Fund (ERAF). It is estimated that the Agency's share of the ERAF shift for fiscal year 2008-2009 will amount to approximately \$551,316.

b. Financial Concerns Relating to the California Economy

As indicated in the State of California's 2008-2009 Proposed Budget Summary – Economic Outlook:

“The California and national economies faced considerable headwinds - a deepening housing slump, a breakdown in mortgage markets, tighter credit, more volatile financial markets, and rising energy prices. Upward resets of subprime mortgage rates made payments unaffordable for many borrowers and helped push mortgage defaults and foreclosures to record levels. Several large financial institutions reported huge losses on subprime mortgages and securities backed by these mortgages. Uncertainty about how far the problems with these mortgages would spread increased financial market volatility and prompted lenders to tighten credit standards. The Federal Reserve injected liquidity into the financial markets and eased monetary policy on a number of occasions in the second half of the year, but as year-end neared, financial markets were still not functioning normally.”

While the values shown in the attached financial statements reflect those present at June 30, 2008, substantial changes have occurred in the economy in which the City and its component units operate. Therefore, the projection of the financial data for the City and its component units into future periods must recognize these factors and consider the effect of these on its operations and costs.

THIS PAGE INTENTIONALLY LEFT BLANK

**COMBINING BALANCE SHEET
NONMAJOR GOVERNMENTAL FUNDS
JUNE 30, 2008**

	<u>Special Revenue Funds</u>			
	<u>Gas Tax</u>	<u>Prop A Tax</u>	<u>Residential Construction</u>	<u>CDBG Grant</u>
Assets:				
Pooled cash and investments	\$ 532,273	\$ 852,883	\$ 188,775	\$ -
Receivables:				
Accounts	-	-	-	-
Due from other governments	168,833	-	-	218,976
Total Assets	<u>\$ 701,106</u>	<u>\$ 852,883</u>	<u>\$ 188,775</u>	<u>\$ 218,976</u>
Liabilities and Fund Balances:				
Liabilities:				
Accounts payable	\$ -	\$ 16,096	\$ 500	\$ 175,469
Accrued liabilities	120	500	226	655
Deferred revenues	-	-	-	207,040
Unearned revenues	-	-	-	-
Due to other funds	-	-	-	44,313
Total Liabilities	<u>120</u>	<u>16,596</u>	<u>726</u>	<u>427,477</u>
Fund Balances:				
Reserved:				
Reserved for encumbrances	-	55,880	-	177,176
Undesignated	700,986	780,407	188,049	(385,677)
Total Fund Balances	<u>700,986</u>	<u>836,287</u>	<u>188,049</u>	<u>(208,501)</u>
Total Liabilities and Fund Balances	<u>\$ 701,106</u>	<u>\$ 852,883</u>	<u>\$ 188,775</u>	<u>\$ 218,976</u>

COMBINING BALANCE SHEET
NONMAJOR GOVERNMENTAL FUNDS
JUNE 30, 2008

Continued

	Special Revenue Funds			
	Supplemental Law Enforcement	Local Law Enforcement Block Grant	Lighting District #67	Traffic Safety Fund
Assets:				
Pooled cash and investments	\$ 857	\$ 37,708	\$ 28,561	\$ 52
Receivables:				
Accounts	-	-	-	-
Due from other governments	-	-	-	-
Total Assets	\$ 857	\$ 37,708	\$ 28,561	\$ 52
Liabilities and Fund Balances:				
Liabilities:				
Accounts payable	\$ -	\$ 2,228	\$ 3,931	\$ -
Accrued liabilities	-	-	-	-
Deferred revenues	-	-	-	-
Unearned revenues	-	11,440	-	-
Due to other funds	-	-	-	-
Total Liabilities	-	13,668	3,931	-
Fund Balances:				
Reserved:				
Reserved for encumbrances	-	-	-	-
Undesignated	857	24,040	24,630	52
Total Fund Balances	857	24,040	24,630	52
Total Liabilities and Fund Balances	\$ 857	\$ 37,708	\$ 28,561	\$ 52

COMBINING BALANCE SHEET
NONMAJOR GOVERNMENTAL FUNDS
JUNE 30, 2008

	Special Revenue Funds		Capital Projects Fund	Total Governmental Funds
	Parks Grant Fund	Prop 1B	Capital Projects	
Assets:				
Pooled cash and investments	\$ 87	\$ 454,513	\$ 94,652	\$ 2,190,361
Receivables:				
Accounts	-	-	550	550
Due from other governments	-	-	-	387,809
Total Assets	\$ 87	\$ 454,513	\$ 95,202	\$ 2,578,720
Liabilities and Fund Balances:				
Liabilities:				
Accounts payable	\$ -	\$ -	\$ 61,906	\$ 260,130
Accrued liabilities	-	-	-	1,501
Deferred revenues	-	-	-	207,040
Unearned revenues	-	-	-	11,440
Due to other funds	-	-	-	44,313
Total Liabilities	-	-	61,906	524,424
Fund Balances:				
Reserved:				
Reserved for encumbrances	-	-	2,880	235,936
Undesignated	87	454,513	30,416	1,818,360
Total Fund Balances	87	454,513	33,296	2,054,296
Total Liabilities and Fund Balances	\$ 87	\$ 454,513	\$ 95,202	\$ 2,578,720

THIS PAGE INTENTIONALLY LEFT BLANK

**COMBINING STATEMENT OF REVENUES,
EXPENDITURES AND CHANGES IN FUND BALANCES
NONMAJOR GOVERNMENTAL FUNDS
YEAR ENDED JUNE 30, 2008**

	Special Revenue Funds			
	Gas Tax	Prop A Tax	Residential Construction	CDBG Grant
Revenues:				
Assessments	\$ -	\$ -	\$ -	\$ -
Licenses and permits	-	-	26,734	-
Intergovernmental	501,412	721,113	-	11,936
Use of money and property	39,585	45,956	9,167	-
Total Revenues	540,997	767,069	35,901	11,936
Expenditures:				
Current:				
General government	-	-	-	220,443
Public safety	-	-	3,371	-
Parks, recreation and senior center	-	-	-	-
Public works	713	228,822	-	-
Capital outlay	-	-	-	-
Total Expenditures	713	228,822	3,371	220,443
Excess (Deficiency) of Revenues Over (Under) Expenditures	540,284	538,247	32,530	(208,507)
Other Financing Sources (Uses):				
Transfers in	-	-	-	-
Transfers out	(214,270)	(441,000)	-	-
Total Other Financing Sources (Uses)	(214,270)	(441,000)	-	-
Net Change in Fund Balances	326,014	97,247	32,530	(208,507)
Fund Balances, Beginning of Year	374,972	739,040	155,519	6
Restatements	-	-	-	-
Fund Balances, Beginning of Year, as Restated	374,972	739,040	155,519	6
Fund Balances, End of Year	\$ 700,986	\$ 836,287	\$ 188,049	\$ (208,501)

**COMBINING STATEMENT OF REVENUES,
EXPENDITURES AND CHANGES IN FUND BALANCES
NONMAJOR GOVERNMENTAL FUNDS
YEAR ENDED JUNE 30, 2008**

Continued

	Special Revenue Funds			
	Supplemental Law Enforcement	Local Law Enforcement Block Grant	Lighting District #67	Traffic Safety Fund
Revenues:				
Assessments	\$ -	\$ -	\$ 11,648	\$ -
Licenses and permits	-	-	-	-
Intergovernmental	100,000	6,475	-	-
Use of money and property	2,620	2,078	713	31
Total Revenues	102,620	8,553	12,361	31
Expenditures:				
Current:				
General government	-	-	-	-
Public safety	142,000	6,475	-	-
Parks, recreation and senior center	-	-	25,378	-
Public works	-	-	-	-
Capital outlay	-	-	-	-
Total Expenditures	142,000	6,475	25,378	-
Excess (Deficiency) of Revenues Over (Under) Expenditures	(39,380)	2,078	(13,017)	31
Other Financing Sources (Uses):				
Transfers in	-	-	18,000	-
Transfers out	-	-	-	-
Total Other Financing Sources (Uses)	-	-	18,000	-
Net Change in Fund Balances	(39,380)	2,078	4,983	31
Fund Balances, Beginning of Year	40,237	21,962	19,647	21
Restatements	-	-	-	-
Fund Balances, Beginning of Year, as Restated	40,237	21,962	19,647	21
Fund Balances, End of Year	\$ 857	\$ 24,040	\$ 24,630	\$ 52

**COMBINING STATEMENT OF REVENUES,
EXPENDITURES AND CHANGES IN FUND BALANCES
NONMAJOR GOVERNMENTAL FUNDS
YEAR ENDED JUNE 30, 2008**

	<u>Special Revenue Fund</u>		<u>Capital Projects Fund</u>	<u>Total Governmental Funds</u>
	<u>Parks Grant Fund</u>	<u>Prop 1B</u>	<u>Capital Projects</u>	
Revenues:				
Assessments	\$ -	\$ -	\$ -	\$ 11,648
Licenses and permits	-	-	-	26,734
Intergovernmental	-	445,680	-	1,786,616
Use of money and property	44	8,833	6,098	115,125
Total Revenues	44	454,513	6,098	1,940,123
Expenditures:				
Current:				
General government	-	-	406	220,849
Public safety	-	-	-	151,846
Parks, recreation and senior center	-	-	-	25,378
Public works	-	-	-	229,535
Capital outlay	-	-	8,078	8,078
Total Expenditures	-	-	8,484	635,686
Excess (Deficiency) of Revenues Over (Under) Expenditures	44	454,513	(2,386)	1,304,437
Other Financing Sources (Uses):				
Transfers in	-	-	-	18,000
Transfers out	-	-	(47,622)	(702,892)
Total Other Financing Sources (Uses)	-	-	(47,622)	(684,892)
Net Change in Fund Balances	44	454,513	(50,008)	619,545
Fund Balances, Beginning of Year	43	-	148,824	1,500,271
Restatements	-	-	(65,520)	(65,520)
Fund Balances, Beginning of Year, as Restated	43	-	83,304	1,434,751
Fund Balances, End of Year	\$ 87	\$ 454,513	\$ 33,296	\$ 2,054,296

**BUDGETARY COMPARISON SCHEDULE
GAS TAX
YEAR ENDED JUNE 30, 2008**

	Budget Amounts		Actual Amounts	Variance with Final Budget Positive (Negative)
	Original	Final		
Budgetary Fund Balance, July 1	\$ 374,972	\$ 374,972	\$ 374,972	\$ -
Resources (Inflows):				
Intergovernmental	547,800	547,800	501,412	(46,388)
Amounts Available for Appropriation	936,772	936,772	915,969	(20,803)
Charges to Appropriation (Outflow):				
Public works	-	95,000	713	94,287
Transfers to other funds	561,800	631,800	214,270	417,530
Total Charges to Appropriations	561,800	726,800	214,983	511,817
Budgetary Fund Balance, June 30	\$ 374,972	\$ 209,972	\$ 700,986	\$ 491,014

**BUDGETARY COMPARISON SCHEDULE
PROP A TAX
YEAR ENDED JUNE 30, 2008**

	Budget Amounts		Actual Amounts	Variance with Final Budget Positive (Negative)
	Original	Final		
Budgetary Fund Balance, July 1	\$ 739,040	\$ 739,040	\$ 739,040	\$ -
Resources (Inflows):				
Intergovernmental	822,000	822,000	721,113	(100,887)
Amounts Available for Appropriation	1,578,040	1,578,040	1,506,109	(71,931)
Charges to Appropriation (Outflow):				
Public works	381,000	777,313	228,822	548,491
Transfers to other funds	714,092	714,092	441,000	273,092
Total Charges to Appropriations	1,095,092	1,491,405	669,822	821,583
Budgetary Fund Balance, June 30	\$ 482,948	\$ 86,635	\$ 836,287	\$ 749,652

**BUDGETARY COMPARISON SCHEDULE
RESIDENTIAL CONSTRUCTION
YEAR ENDED JUNE 30, 2008**

	Budget Amounts		Actual Amounts	Variance with Final Budget Positive (Negative)
	Original	Final		
Budgetary Fund Balance, July 1	\$ 155,519	\$ 155,519	\$ 155,519	\$ -
Resources (Inflows):				
Licenses and permits	46,000	46,000	26,734	(19,266)
Amounts Available for Appropriation	211,319	211,319	191,420	(19,899)
Charges to Appropriation (Outflow):				
Public safety	-	30,000	3,371	26,629
Total Charges to Appropriations	-	30,000	3,371	26,629
Budgetary Fund Balance, June 30	\$ 211,319	\$ 181,319	\$ 188,049	\$ 6,730

**BUDGETARY COMPARISON SCHEDULE
CDBG GRANT
YEAR ENDED JUNE 30, 2008**

	Budget Amounts		Actual Amounts	Variance with Final Budget Positive (Negative)
	Original	Final		
Budgetary Fund Balance, July 1	\$ 6	\$ 6	\$ 6	\$ -
Resources (Inflows):				
Intergovernmental	432,498	432,498	11,936	(420,562)
Amounts Available for Appropriation	432,504	432,504	11,942	(420,562)
Charges to Appropriation (Outflow):				
General government	432,498	868,498	220,443	648,055
Total Charges to Appropriations	432,498	868,498	220,443	648,055
Budgetary Fund Balance, June 30	\$ 6	\$ (435,994)	\$ (208,501)	\$ 227,493

**BUDGETARY COMPARISON SCHEDULE
SUPPLEMENTAL LAW ENFORCEMENT
YEAR ENDED JUNE 30, 2008**

	Budget Amounts		Actual Amounts	Variance with Final Budget Positive (Negative)
	Original	Final		
Budgetary Fund Balance, July 1	\$ 40,237	\$ 40,237	\$ 40,237	\$ -
Resources (Inflows):				
Intergovernmental	100,000	100,000	100,000	-
Amounts Available for Appropriation	141,164	141,164	142,857	1,693
Charges to Appropriation (Outflow):				
Public safety	100,000	100,000	142,000	(42,000)
Total Charges to Appropriations	100,000	100,000	142,000	(42,000)
Budgetary Fund Balance, June 30	\$ 41,164	\$ 41,164	\$ 857	\$ (40,307)

**BUDGETARY COMPARISON SCHEDULE
LOCAL LAW ENFORCEMENT BLOCK GRANT
YEAR ENDED JUNE 30, 2008**

	Budget Amounts		Actual Amounts	Variance with Final Budget Positive (Negative)
	Original	Final		
Budgetary Fund Balance, July 1	\$ 21,962	\$ 21,962	\$ 21,962	\$ -
Resources (Inflows):				
Intergovernmental	48,900	48,900	6,475	(42,425)
Amounts Available for Appropriation	71,362	71,362	30,515	(40,847)
Charges to Appropriation (Outflow):				
Public safety	25,000	25,000	6,475	18,525
Total Charges to Appropriations	25,000	25,000	6,475	18,525
Budgetary Fund Balance, June 30	\$ 46,362	\$ 46,362	\$ 24,040	\$ (22,322)

**BUDGETARY COMPARISON SCHEDULE
LIGHTING DISTRICT #67
YEAR ENDED JUNE 30, 2008**

	Budget Amounts		Actual Amounts	Variance with Final Budget Positive (Negative)
	Original	Final		
Budgetary Fund Balance, July 1	\$ 19,647	\$ 19,647	\$ 19,647	\$ -
Resources (Inflows):				
Assessments	12,000	12,000	11,648	(352)
Transfers from other funds	18,000	18,000	18,000	-
Amounts Available for Appropriation	49,647	49,647	50,008	361
Charges to Appropriation (Outflow):				
Parks and recreation	30,000	30,000	25,378	4,622
Total Charges to Appropriations	30,000	30,000	25,378	4,622
Budgetary Fund Balance, June 30	\$ 19,647	\$ 19,647	\$ 24,630	\$ 4,983

**COMBINING STATEMENT OF NET ASSETS
INTERNAL SERVICE FUNDS
JUNE 30, 2008**

	Governmental Activities - Internal Service Funds		
	Vehicle Replacement & Maintenance	Self-Insurance	Technology & Communication
Assets:			
Current:			
Cash and investments	\$ 1,408,844	\$ 2,987,196	\$ 685,782
Receivables (net of allowance for uncollectibles):			
Accounts	4,136	-	-
Due from other agencies	37,831	3,257	-
Inventories	3,083	-	-
Total Current Assets	1,453,894	2,990,453	685,782
Noncurrent:			
Capital assets - net of accumulated depreciation	949,734	-	83,687
Total Noncurrent Assets	949,734	-	83,687
Total Assets	\$ 2,403,628	\$ 2,990,453	\$ 769,469
Liabilities and Net Assets:			
Liabilities:			
Current:			
Accounts payable	\$ 18,644	\$ 5,081	\$ 11,259
Accrued liabilities	4,893	2,653	3,187
Total Current Liabilities	23,537	7,734	14,446
Noncurrent:			
Accrued compensated absences	36,300	10,378	3,823
Accrued claims and judgments	-	382,434	-
Total Noncurrent Liabilities	36,300	392,812	3,823
Total Liabilities	59,837	400,546	18,269
Net Assets:			
Invested in capital assets, net of related debt	949,734	-	83,687
Unrestricted	1,394,057	2,589,907	667,513
Total Net Assets	2,343,791	2,589,907	751,200
Total Liabilities and Net Assets	\$ 2,403,628	\$ 2,990,453	\$ 769,469

**COMBINING STATEMENT OF NET ASSETS
INTERNAL SERVICE FUNDS
JUNE 30, 2008**

**Governmental Activities -
Internal Service Funds**

	Facilities Repair & Maintenance	Totals
Assets:		
Current:		
Cash and investments	\$ 215,579	\$ 5,297,401
Receivables (net of allowance for uncollectibles):		
Accounts	-	4,136
Due from other agencies	-	41,088
Inventories	-	3,083
Total Current Assets	215,579	5,345,708
Noncurrent:		
Capital assets - net of accumulated depreciation	-	1,033,421
Total Noncurrent Assets	-	1,033,421
Total Assets	\$ 215,579	\$ 6,379,129
Liabilities and Net Assets:		
Liabilities:		
Current:		
Accounts payable	\$ 9,925	\$ 44,909
Accrued liabilities	187	10,920
Total Current Liabilities	10,112	55,829
Noncurrent:		
Accrued compensated absences	-	50,501
Accrued claims and judgments	-	382,434
Total Noncurrent Liabilities	-	432,935
Total Liabilities	10,112	488,764
Net Assets:		
Invested in capital assets, net of related debt	-	1,033,421
Unrestricted	205,467	4,856,944
Total Net Assets	205,467	5,890,365
Total Liabilities and Net Assets	\$ 215,579	\$ 6,379,129

**COMBINING STATEMENT OF REVENUES, EXPENSES
AND CHANGES IN FUND NET ASSETS
INTERNAL SERVICE FUNDS
JUNE 30, 2008**

	Governmental Activities - Internal Service Funds		
	Vehicle Replacement & Maintenance	Self-Insurance	Technology & Communication
Operating Revenues:			
Sales and service charges	352,817	\$ 592,448	\$ 324,650
Miscellaneous	115,855	3,294	2,885
Total Operating Revenues	468,672	595,742	327,535
Operating Expenses:			
Services and supplies	-	35,901	-
Claims expense	-	305,483	-
Depreciation expense	123,678	-	77,948
Personnel and administrative	456,532	125,571	301,483
Total Operating Expenses	580,210	466,955	379,431
Operating Income (Loss)	(111,538)	128,787	(51,896)
Nonoperating Revenues (Expenses):			
Interest revenue	74,381	128,142	29,116
Total Nonoperating Revenues (Expenses)	74,381	128,142	29,116
Income (Loss) Before Transfers	(37,157)	256,929	(22,780)
Transfers in	5,527	300,000	77,999
Changes in Net Assets	(31,630)	556,929	55,219
Net Assets:			
Beginning of Year, as originally reported	2,375,421	2,020,448	695,981
Restatements	-	12,530	-
Beginning of Fiscal Year, as restated	2,375,421	2,032,978	695,981
End of Fiscal Year	\$ 2,343,791	\$ 2,589,907	\$ 751,200

**COMBINING STATEMENT OF REVENUES, EXPENSES
AND CHANGES IN FUND NET ASSETS
INTERNAL SERVICE FUNDS
JUNE 30, 2008**

**Governmental Activities -
Internal Service Funds**

	Facilities Repair & Maintenance	Totals
Operating Revenues:		
Sales and service charges	\$ -	\$ 1,269,915
Miscellaneous	-	122,034
Total Operating Revenues	-	1,391,949
Operating Expenses:		
Services and supplies	12,168	48,069
Claims expense	-	305,483
Depreciation expense	-	201,626
Personnel and administrative	20,353	903,939
Total Operating Expenses	32,521	1,459,117
Operating Income (Loss)	(32,521)	(67,168)
Nonoperating Revenues (Expenses):		
Interest revenue	1,519	233,158
Total Nonoperating Revenues (Expenses)	1,519	233,158
Income (Loss) Before Transfers	(31,002)	165,990
Transfers in	200,000	583,526
Changes in Net Assets	168,998	749,516
Net Assets:		
Beginning of Year, as originally reported	36,469	5,128,319
Restatements	-	12,530
Beginning of Fiscal Year, as restated	36,469	5,140,849
End of Fiscal Year	\$ 205,467	\$ 5,890,365

**COMBINING STATEMENT OF CASH FLOWS
INTERNAL SERVICE FUNDS
YEAR ENDED JUNE 30, 2008**

	Governmental Activities - Internal Service Funds			
	Vehicle Replacement & Maintenance	Self-Insurance	Technology & Communication	Facilities Repair & Maintenance
Cash Flows from Operating Activities:				
Cash received from interfund service provided	\$ 449,289	\$ 594,550	\$ 327,535	\$ -
Cash paid to suppliers for goods and services	4,003	(500,004)	(20,661)	(156,818)
Cash paid to employees for services	(453,825)	(121,423)	(295,777)	(20,263)
Net Cash Provided (Used) by Operating Activities	(533)	(26,877)	11,097	(177,081)
Cash Flows from Non-Capital Financing Activities:				
Cash transfers in	5,527	300,000	77,999	200,000
Net Cash Provided (Used) by Non-Capital Financing Activities	5,527	300,000	77,999	200,000
Cash Flows from Capital and Related Financing Activities:				
Acquisition and construction of capital assets	(318,807)	-	(57,746)	-
Net Cash Provided (Used) by Capital and Related Financing Activities	(318,807)	-	(57,746)	-
Cash Flows from Investing Activities:				
Interest received	74,381	128,142	29,116	1,519
Net Cash Provided (Used) by Investing Activities	74,381	128,142	29,116	1,519
Net Increase (Decrease) in Cash and Cash Equivalents	(239,432)	401,265	60,466	24,438
Cash and Cash Equivalents at Beginning of Year	1,648,276	2,585,931	625,316	191,141
Cash and Cash Equivalents at End of Year	\$ 1,408,844	\$ 2,987,196	\$ 685,782	\$ 215,579

**COMBINING STATEMENT OF CASH FLOWS
INTERNAL SERVICE FUNDS
YEAR ENDED JUNE 30, 2008**

	Governmental Activities - Internal Service Funds
	Totals
Cash Flows from Operating Activities:	
Cash received from interfund service provided	\$ 1,371,374
Cash paid to suppliers for goods and services	(673,480)
Cash paid to employees for services	(891,288)
	<u>(193,394)</u>
Net Cash Provided (Used) by Operating Activities	(193,394)
Cash Flows from Non-Capital Financing Activities:	
Cash transfers in	583,526
	<u>583,526</u>
Net Cash Provided (Used) by Non-Capital Financing Activities	583,526
Cash Flows from Capital and Related Financing Activities:	
Acquisition and construction of capital assets	(376,553)
	<u>(376,553)</u>
Net Cash Provided (Used) by Capital and Related Financing Activities	(376,553)
Cash Flows from Investing Activities:	
Interest received	233,158
	<u>233,158</u>
Net Cash Provided (Used) by Investing Activities	233,158
Net Increase (Decrease) in Cash and Cash Equivalents	246,737
Cash and Cash Equivalents at Beginning of Year	5,050,664
	<u>5,050,664</u>
Cash and Cash Equivalents at End of Year	\$ 5,297,401

**COMBINING STATEMENT OF CASH FLOWS
INTERNAL SERVICE FUNDS
YEAR ENDED JUNE 30, 2008**

	Governmental Activities - Internal Service Funds			
	Vehicle Replacement & Maintenance	Self-Insurance	Technology & Communication	Facilities Repair & Maintenance
Reconciliation of Operating Income to Net Cash Provided (Used) by Operating Activities:				
Operating income (loss)	\$ (111,538)	\$ 128,787	\$ (51,896)	\$ (32,521)
Adjustments to reconcile operating income (loss) net cash provided (used) by operating activities:				
Depreciation	123,678	-	77,948	-
(Increase) decrease in accounts receivable	(3,630)	-	-	-
(Increase) decrease in due from other agencies	(15,753)	(1,192)	-	-
Increase (decrease) in accounts payable	4,003	(7,328)	(20,661)	(144,650)
Increase (decrease) in accrued liabilities	1,269	597	3,187	187
Increase (decrease) in claims and judgments	-	(151,292)	-	-
Increase (decrease) in compensated absences	1,438	3,551	2,519	(97)
Total Adjustments	111,005	(155,664)	62,993	(144,560)
Net Cash Provided (Used) by Operating Activities	\$ (533)	\$ (26,877)	\$ 11,097	\$ (177,081)

**COMBINING STATEMENT OF CASH FLOWS
INTERNAL SERVICE FUNDS
YEAR ENDED JUNE 30, 2008**

	<u>Governmental Activities - Internal Service Funds</u>
	<u>Totals</u>
Reconciliation of Operating Income to Net Cash Provided (Used) by Operating Activities:	
Operating income (loss)	\$ (67,168)
Adjustments to reconcile operating income (loss) net cash provided (used) by operating activities:	
Depreciation	201,626
(Increase) decrease in accounts receivable	(3,630)
(Increase) decrease in due from other agencies	(16,945)
Increase (decrease) in accounts payable	(168,636)
Increase (decrease) in accrued liabilities	5,240
Increase (decrease) in claims and judgments	(151,292)
Increase (decrease) in compensated absences	7,411
	<u> </u>
Total Adjustments	(126,226)
Net Cash Provided (Used) by Operating Activities	\$ (193,394)

**COMBINING STATEMENT OF CHANGES IN ASSETS AND LIABILITIES
 AGENCY FUND
 YEAR ENDED JUNE 30, 2008**

	<u>Balance July 1, 2007</u>	<u>Additions</u>	<u>Deductions</u>	<u>Balance June 30, 2008</u>
<u>Special Assessment Districts</u>				
Assets:				
Cash and investments	\$ 562,867	\$ 140,877	\$ 130,112	\$ 573,632
Total Assets	<u>\$ 562,867</u>	<u>\$ 140,877</u>	<u>\$ 130,112</u>	<u>\$ 573,632</u>
Liabilities:				
Due to bondholders	\$ 562,867	\$ 271,161	\$ 260,396	\$ 573,632
Total Liabilities	<u>\$ 562,867</u>	<u>\$ 271,161</u>	<u>\$ 260,396</u>	<u>\$ 573,632</u>

- Brandon W. Burrows, C.P.A.
- Donald L. Parker, C.P.A.
- Michael K. Chu, C.P.A.
- David E. Hale, C.P.A., C.F.P.
A Professional Corporation
- Donald G. Slater, C.P.A.
- Richard K. Kikuchi, C.P.A.
- Susan F. Matz, C.P.A.

March 18, 2009

To the Honorable Mayor and Members of the City Council
City of Imperial Beach, California

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Imperial Beach (the "City") for the year ended June 30, 2008, and have issued our report thereon dated March 18, 2009. Professional standards require that we provide you with the following information related to our audit.

Our Responsibilities under U.S. Generally Accepted Auditing Standards and Government Auditing Standards

Our responsibility, as described by professional standards, is to express opinions about whether the financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

As part of our audit, we considered the City's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinions on the financial statements and not to provide assurance on the internal control over financial reporting. Significant deficiencies in such controls, if any, have been communicated to you by a separate letter.

As part of obtaining reasonable assurance about whether the City's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit. While our audit provides a reasonable basis for our opinion, it does not provide a legal determination on the City's compliance with those requirements. Again, instances of non-compliance with provisions of laws, regulations, contracts and grants noted by us, if any, have been communicated to you by a separate letter.

Planned Scope and Timing of the Audit

We conducted our audit in accordance with generally accepted auditing standards. Those standards require that we obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether caused by error or fraud. Accordingly, a material misstatement may remain undetected. Also, an audit is not designed to detect error or fraud that is immaterial to the financial statements.



Honorable Mayor and Members of City Council
City of Imperial Beach
Page 2

During the audit, we obtained an understanding of the entity and its environment, including its internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify significant deficiencies. Significant deficiencies in such controls, if any, have been communicated to you by a separate letter.

Our audit has been performed in phases which consisted of interim contact(s) during the fiscal year and a year-end contact which occurred after the fiscal year-end.

Had we noted any significant matters related to the financial statement audit that were, in our professional judgment, relevant to the responsibilities of those charged with governance in overseeing the financial reporting process, we would have communicated those in a separate letter. We did not note any such matters. Generally accepted auditing standards do not require us to design procedures for the purpose of identifying other matters to communicate with those charged with governance.

Significant Accounting Policies

Management is responsible for the selection and use of appropriate accounting policies. In accordance with the terms of our engagement, we will advise management about the appropriateness of accounting policies and their application. The significant accounting policies used by the City are described in the notes to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the year ended June 30, 2008. We noted no transactions entered into by the City during the year that were both significant and unusual, and of which, under professional standards, we are required to inform you, or transactions for which there is a lack of authoritative guidance or consensus.

Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. Where applicable, the City utilized accounting estimates for depreciation on City assets, amortization of bond related issuance costs, premiums/discounts and gains/losses on bond defeasance and for reporting incurred but not reported amounts relating to the liability for claims and judgments. The methodology used during this audit is consistent with that of prior years. We evaluated the key factors and assumptions used to develop these estimates in determining that they are reasonable in relation to the financial statements taken as a whole.

Financial Statements Disclosure

The disclosures in the financial statements are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.



Honorable Mayor and Members of City Council
City of Imperial Beach
Page 3

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated March 18, 2009.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Communications

The City implemented the following new Governmental Accounting Standards Board (GASB) pronouncements, which were effective for fiscal year 2007-2008 audits:

GASB Statement No. 48, Sales and Pledges of Receivables and Future Revenues and Intra-Entity Transfers of Assets and Future Revenues

GASB Statement No. 50, Pension Disclosures – an amendment to GASB Statements No. 25 and No. 27.



Honorable Mayor and Members of City Council
City of Imperial Beach
Page 4

This information is intended solely for the use of the members of the City Council or individual(s) charged with governance and management of the City, and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,

Laura, Soll & Loughard, LLP



Imperial Beach
Redevelopment Agency

AGENDA ITEM NO. 6.4

**STAFF REPORT
IMPERIAL BEACH REDEVELOPMENT AGENCY**

TO: CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY
FROM: GARY BROWN, EXECUTIVE DIRECTOR
MEETING DATE: JUNE 17, 2009
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, DIRECTOR *GW*
GERARD SELBY, REDEVELOPMENT COORDINATOR *GS*
SUBJECT: APPROVAL OF THE 9TH & PALM RELOCATION PLAN FOR
DISPLACED BUSINESSES

BACKGROUND

In July 2001, the Imperial Beach Redevelopment Agency ("Agency") approved "the Rules and Regulations for Implementation of the California Relocation Assistance Law" ("Relocation Plan") for the Palm Avenue/Commercial Redevelopment Project. The Relocation Plan developed by GRC Redevelopment Consultants, Inc. describes the general methods and procedures for relocating displaced businesses. The Agency is required by California Redevelopment Law to prepare a relocation plan as a part of the establishment of redevelopment project area, regardless of whether or not the Agency ever intends to relocate any person, household, business or institutions. The California Relocation Assistance Act also requires that a supplemental Relocation Plan specific to a proposed redevelopment project be developed by the Agency and adopted by the City Council for any project requiring the relocation of a significant number of tenants.

In December 2008, the Imperial Beach Redevelopment Agency ("Agency") authorized staff to negotiate Purchase and Sale Agreements for the North Island Credit Union and Miracle Shopping Center properties. ("Development Site") In February 2009, the Agency acquired the Development Site. The intention of the Agency is to redevelop the Development Site. The redevelopment will cause the displacement of businesses located in the Miracle Shopping Center.

In February 2009, the Agency entered into an agreement with Epic Land Solutions ("Epic") for Relocation Assistance Services. Included in the agreement's scope of work is the preparation of a supplemental relocation plan.

DISCUSSION

The general purpose of the 9th & Palm Relocation Plan is to describe the circumstances of affected potential displaced businesses, the availability of replacement commercial space, and programs to provide required technical and financial assistance. To develop the plan, each business is personally interviewed to gather information appropriate to the determination of needs and preferences regarding replacement of existing accommodations and facilities. Prior to any displacement, displacees are provided with referrals for comparable commercial space and relocation benefits in accordance with the rules and regulations of the California Relocation Assistance Law and Real Property Acquisitions. Every reasonable effort is made to ensure that the relocation process occurs with a minimum of delay and hardship.

The primary purpose of the 9th & Palm Relocation Plan is to outline the requirements for moving and re-establishing the displaced businesses, and to demonstrate the level of advisory and financial assistance that will be provided. While there is no specific requirement under California Relocation Law or Guidelines mandating that alternate relocation sites be made available to commercial businesses at the time of displacement, the Agency is committed to making an effort to satisfactorily relocate the businesses.

The relocation process includes business relocation interviews, needs analysis, a search for appropriate replacement accommodations, preparation and service of Notices-to-Vacate, documentation, claim review, filing of claims for payment of eligible expenses, moving coordination, and relocation assistance. The attached Relocation Plan provides:

- A map of the general location and specific Project site;
- An assessment of the relocation needs of businesses which may be relocated as a result of the implementation of the project;
- An assessment as to the availability of comparable replacement resources within the City of Imperial Beach and neighboring communities; and
- The steps and procedures that the Agency will follow to ensure a satisfactory and thorough relocation program.

If a business owner decides not to relocate and prefers to cease operation, they may be eligible to receive an In Lieu of payment. This is a lump sum paid out to the business owner and excludes them from receiving the moving, reestablishment and search benefits. The amount of the In Lieu of payment cannot be less than \$1,000 but not more than \$20,000. The payment amount is based on the net income based on the previous two years' tax returns. The owner would also receive a payment for fixtures, furniture, and equipment.

An advertisement was published in San Diego Union-Tribune on May 8, 2009 notifying the general public of a 30-day period of review of the attached Relocation Plan. All of the tenants were provided a copy of the Relocation Plan. The Agency and Epic have not received any comments on the Relocation Plan.

Staff has reviewed the proposed Plan and found that it meets the requirements of the Uniform Relocation and Real Property Acquisition Policies and Title 25 of the Housing and Community Development Code (California Code of Regulations).

ENVIRONMENTAL IMPACT

The review and approval of a relocation plan is not a "project" as defined by the California Environmental Quality Act (CEQA).

FISCAL IMPACT

Relocation costs for the 16 businesses/organizations currently doing business out of the tenant space on the project site are estimated to be \$1,462,402. The cost estimates for payments for fixed furniture, fixtures and equipment are included in this figure. The funds will be used for legally required costs (including relocation benefits, moving expenses and fixtures & equipment) associated with the relocation of tenants.

DEPARTMENT RECOMMENDATION

Staff recommends that the Agency approve the 9th & Palm Redevelopment Project Relocation Plan.

EXECUTIVE DIRECTOR'S RECOMMENDATION

Approve Department recommendation.



Gary Brown, Executive Director

Attachments:

1. Resolution R-09-182
2. Draft Relocation Plan

R-09-182

**A RESOLUTION OF THE IMPERIAL BEACH
REDEVELOPMENT AGENCY APPROVING THE RELOCATION
PLAN FOR THE 9TH & PALM REDEVELOPMENT PROJECT**

WHEREAS, the Imperial Beach Redevelopment Agency ("Agency") is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project Area [the "Project"] and

WHEREAS, in order to carry out and implement the Redevelopment Plan, the Agency acquired certain properties located at 741 thru 849 Palm Avenue and 735 Palm Avenue, Imperial Beach (the "(9th & Palm Redevelopment Project)") for redevelopment; and

WHEREAS, the Acquisition of the Property by the Agency will result in the displacement of businesses at the 9th & Palm Redevelopment Project site; and

WHEREAS, Section 33411 of the California Health and Safety Code requires an agency to prepare a feasible method or plan for relocating businesses to be displaced within a Project Area ("Relocation Plan"); and

WHEREAS, Section 33411 of the California Health and Safety Code also requires the Agency to prepare a supplemental relocation plan (Relocation Plan) for businesses to be displaced by redevelopment projects; and

WHEREAS, the Agency has prepared the Relocation Plan for the 9th & Palm Redevelopment Project; and

WHEREAS, an advertisement was published in San Diego Union-Tribune on May 8, 2009 notifying the general public of a 30-day period of review of the attached Relocation Plan; and

WHEREAS, all of the tenants were provided a copy of the Relocation Plan; and

WHEREAS, the Agency has not received any comments on the Relocation Plan; and

WHEREAS, the Relocation Plan was prepared in accordance with the California Relocation Assistance Law, California Government Code Section 7260 et seq and the California Relocation Assistance and Real Property Acquisition Guidelines, Title 25, California Code of Regulations, Chapter 6, Section 6000 et seq. for displacements; and

WHEREAS, the information in the Relocation Plan has been reviewed and considered by the Agency; and

WHEREAS, the relocation costs associated with the Relocation Plan are fully funded.

NOW, THEREFORE, BE IT RESOLVED by the Imperial Beach Redevelopment Agency approving the Relocation Plan.

PASSED, APPROVED, AND ADOPTED by the Imperial Beach Redevelopment Agency at its meeting held on the 17th of June, 2009, by the following roll call vote:

AYES: COUNCILMEMBERS: NONE
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

James C. Janney

JAMES C. JANNEY, MAYOR

ATTEST:

Jacqueline M. Hald

**JACQUELINE M. HALD, CMC
CITY CLERK**

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of No. R-09-182 – **A RESOLUTION TO APPROVE THE RELOCATION PLAN FOR THE 9TH & PALM REDEVELOPMENT PROJECT**

CITY CLERK

DATE

DRAFT RELOCATION PLAN

For

**Imperial Beach Redevelopment Agency
(Miracle Shopping Center Redevelopment Project)**

City of Imperial Beach



Submitted May 1, 2009

By

Epic Land Solutions, Inc. 

www.epicland.com
2815 Camino del Rio South, Suite 245
San Diego, CA 92108
Phone: 619-822-2763
Fax: 619-574-2667

EPIC: *adj.* ¹Surpassing the usual or ordinary, particularly in scope or size; ²Heroic and impressive in quality
(*The American Heritage Dictionary of the English Language*, 3rd Edition: Houghton Mifflin Co., 1996)

TABLE OF CONTENTS

INTRODUCTION	1
PROJECT AREA DESCRIPTION	
PROJECT AREA LOCATION	1
PROPERTY DESCRIPTION	2
PROJECT SITE PHOTOGRAPHS	2
COMMERCIAL RELOCATION IMPACT AND REPLACEMENT RESOURCES	
ASSESSMENT OF NEEDS	3
RELOCATION RESOURCES	3
CONCURRENT COMMERCIAL DISPLACEMENT	4
RELOCATION PROGRAM	
PROGRAM ASSURANCES AND STANDARDS	4
CITIZEN PARTICIPATION/PLAN REVIEW	4
COMMERCIAL RELOCATION ASSISTANCE PROGRAM	4
COMMERCIAL RELOCATION BENEFIT CATEGORIES	5
PAYMENT OF RELOCATION BENEFITS	5
EVICTION POLICY	6
APPEALS POLICY	7
PROJECTED DATES OF DISPLACEMENT	7
ESTIMATED RELOCATION PROGRAM COSTS	7
APPENDICES	
APPENDIX A	GENERAL INFORMATION NOTICE
APPENDIX B	RELOCATION BROCHURE- DISPLACED BUSINESSES

INTRODUCTION

The Imperial Beach Redevelopment Agency (“RDA”) has purchased property within the City of Imperial Beach, in the County of San Diego, for its Miracle Shopping Center Redevelopment project. As a result, 16 commercial properties will be affected. These businesses will have to be permanently displaced for this project to go forward.

The RDA has retained Epic Land Solutions, Inc. to provide relocation assistance and to prepare a Relocation Plan (the “Plan”). Epic’s Relocation Specialists can be reached at: (619) 822-2763; 2815 Camino del Rio South, Suite 245, San Diego, CA 92108. The purpose of the Plan is to provide the RDA with information on the potential impact of the businesses in the project area. This Plan provides:

- ❖ Preliminary Needs Assessment of the business tenants
- ❖ A Study of the available commercial properties
- ❖ An overview of the RDA’s commercial relocation program.

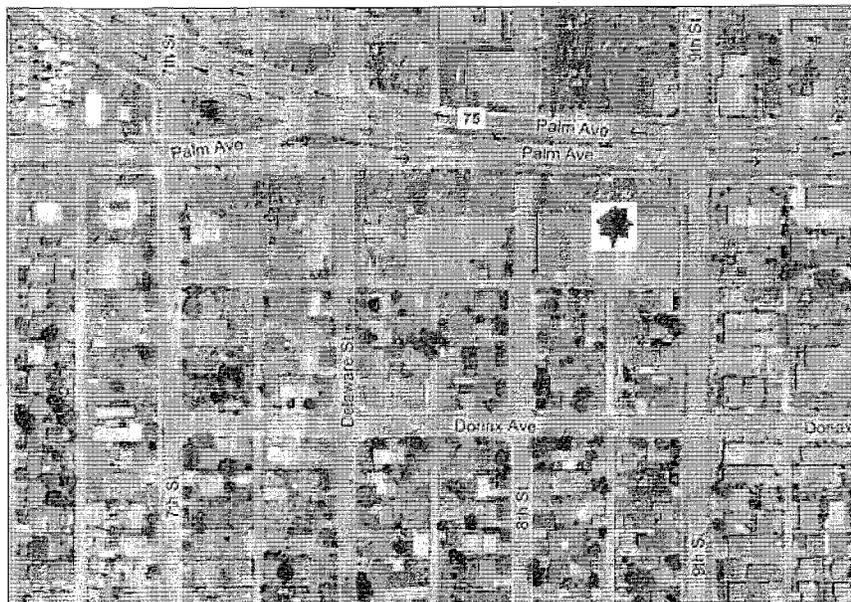
The Plan also sets forth policies and procedures necessary to conform with the statutes and regulations established by the State of California (CCR Title 25) and the Imperial Beach Redevelopment Agency Rules and Regulations for Implementation of the California Relocation Assistance Law (dated May 22, 2001).

PROJECT AREA DESCRIPTION

Project Area Location

The affected properties are located on the south side of Palm Avenue, between 7th and 9th Streets. The total gross lot size is approximately 3.11 acres. Figure 1 below is an area map showing the regional location of the project.

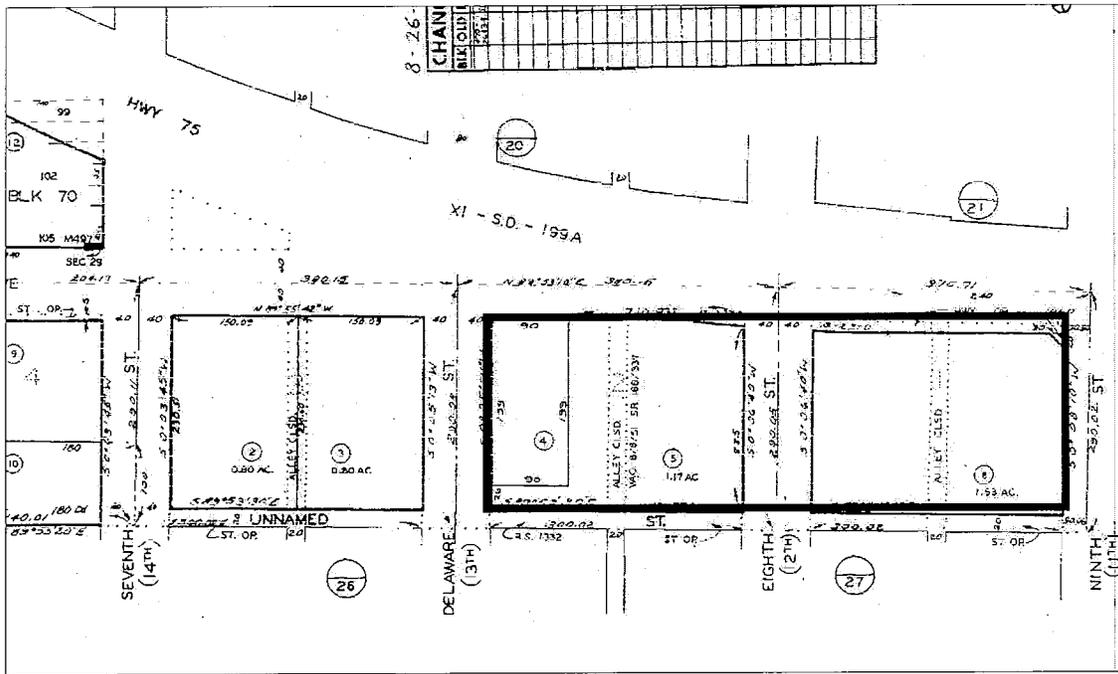
Figure 1: Project Area Regional Map



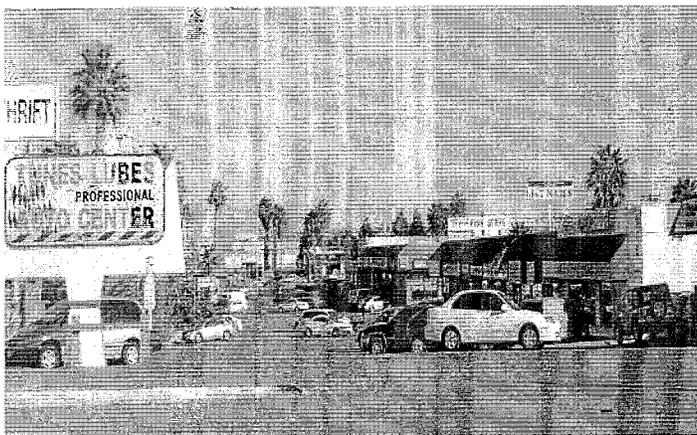
Property Description

The affected property is generally bordered by Palm Avenue to the north, Donax Ave. to the south, 9th Street to the east and Delaware Street to the west. Figure 2 is an Assessor's area map showing the project site outlined in blue.

Figure 2: Tax Assessor's Parcel Map Depicting the Proposed Project Site



Site Photographs



COMMERCIAL RELOCATION IMPACT AND REPLACEMENT RESOURCES

Assessment of Needs

There are 16 commercial businesses which will be impacted by the project. The commercial tenants include:

<u>Business/Type</u>	<u>Facility Area (sq. ft.)</u>	<u>Number of Employees</u>
Goodwill Industries / Thrift retail store	12,071 sf	36
Bill's Happy Hair/ Barber shop	300 sf	1
New Song Church / Church	4,446 sf	2
Jenah Enterprises (Best 99 Cent)/ Dollar retail store	3,000 sf	3
Furniture 2000 / Furniture store	4,055 sf	1
Sav-A-Lot / Grocery store	6,181 sf	30
Trippel Ent., Inc dba Inner Visions/ Tobacco & book shop	1,500 sf	2
Banana Place / Ice cream, snack shop	1,823 sf	1
Ollie Angel / Skate shop	1,200 sf	3
Southbay Drug Store / Pharmacy, beer & wine store	4,198 sf	4
Priced Rite Pets / Pet store	2,852 sf	1
My Tran dba J&T Nail salon / Nail & beauty salon	1,426 sf	4
Wylde Sydes Boutique / Body piercing and boutique	1,500 sf	1
Victoria's Beauty Parlor / Beauty salon	1,200 sf	1
Vic's Barber (station rental) / Barber shop	n/a	1
Tunes Lubes / Car repair and supplies	2,500 sf	5

Relocation Resources

The following table represents a sample of the commercial/office space available and respective price range in Imperial Beach and surrounding areas:

Price Per Square Foot for Properties for Lease – Imperial Beach:

Size	No. of Units Identified	Range (per sq. ft.)	Average (per sq. ft.)
0 - 4,999 s.f.	11	\$0.25 -\$1.75	\$0.86
5,000 -14,999 s.f.	2	\$0.22 -\$1.00	\$0.41

15,000 -plus		\$0.11 -\$0.35	\$0.24
--------------	--	----------------	--------

Price Per Square Foot for Properties for Lease – Chula Vista:

Size	No. of Units Identified	Range (per sq. ft.)	Average (per sq. ft.)
0 - 4,999 s.f.	17	\$0.25 -\$1.75	\$0.86
5,000 -14,999 s.f.	2	\$0.22 -\$1.00	\$0.41
15,000 -plus	1	\$0.11 -\$0.35	\$0.24

Price Per Square Foot for Properties for Lease – National City:

Size	No. of Units Identified	Range (per sq. ft.)	Average (per sq. ft.)
0 - 4,999 s.f.	11	\$0.25 -\$1.75	\$0.86
5,000 -14,999 s.f.	3	\$0.22 -\$1.00	\$0.41
15,000 -plus	2	\$0.11 -\$0.35	\$0.24

Concurrent Commercial Displacement

The consultant preparing this plan contacted the Imperial Beach Redevelopment Agency of the County of San Diego to determine if there is any additional concurrent displacement in the immediate area. There are no upcoming projects through the RDA which would cause concurrent displacements.

RELOCATION PROGRAM

Program Assurances and Standards

There are adequate available resources and adequate funds to relocate all of the businesses. Services will be provided to ensure that displacement does not result in different or separate treatment of displacees based on race, nationality, color, religion, national origin, sex, marital status, familial status, disability or any other basis protected by the Federal Fair housing Amendments Act, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the California Fair Employment & Housing Act, and the Uniform Act, as well as any other arbitrary or unlawful discrimination.

No business will be displaced without 90 days notice and unless “comparable” replacement properties can be located and is available. The relocation program to be implemented by the displacing entity conforms with the standards and provisions set forth in Government Code section 7260 et seq., the Guidelines, California Health and Safety Code section 33410 et seq., if applicable, and all other applicable regulations and requirements.

Citizen Participation/Plan Review

Occupants will be provided notice of the Plan and public review will be available upon request for a period of thirty (30) days.

Commercial Relocation Assistance Program

Each business will be personally interviewed to gather appropriate information to determine needs and preferences with regard to new business locations. Specific activities include:

- A. Inquiries made of business operators by relocation personnel with focus on building size, cost, location preferences and zoning related issues.
- B. Printed "Commercial Relocation Brochures" (See Appendix B) will be personally delivered to all displaced persons. Signed acknowledgements will be obtained to verify receipt of this material.
- C. Transportation will be provided, if necessary, for any displaced occupant to inspect replacement sites within the local area.
- D. Eligible business owners will receive referrals to replacement sites that match, as closely as possible, the requirements and preferences of each business with regard to size, cost, and location.
- E. Relocation staff will assist businesses in preparing a scope of services for physical moves and help to select contractors, sub-contractors and trades people. Staff will also coordinate the physical move of businesses and act as a liaison with appropriate agencies.
- F. Assistance will be offered to all displacees in connection with arrangements for the lease or purchase of real property, the filing of claim forms to request relocation benefits from the RDA, and to obtain services from other public agencies.

Commercial Relocation Benefit Categories

Relocation benefits will be provided in accordance with the California Relocation Assistance Law, California Government Code section 7260 et seq. (CRAL), the Guidelines, the Uniform Relocation Act, and all other applicable regulations and requirements. Benefits will be paid upon submission of required claim forms and documentation in accordance with approved procedures. The displacing entity will provide appropriate benefits for each displaced business as required by the above laws and requirements.

- A. Search Expenses
Each business will be entitled to reimbursement for actual expenses, not to exceed \$1,000, which are incurred in searching for a replacement location.
- B. Reestablishment
Eligible businesses will receive up to \$10,000 for reestablishment expenses actually incurred in relocating and reestablishing at a replacement site.
- C. Moving Expenses
 - 1. Commercial Move, based on the lower of two bids or estimates prepared by a commercial mover.
 - 2. Self-Move based on the lower of two bids or estimates prepared by a commercial mover, or based on receipted bills for labor and equipment.
- D. Fixed Payment

If a business does not relocate and closes down its business, the business may be eligible to receive a lump sum payment of \$1,000-\$20,000 (based on the average net income from the previous two years' tax returns). This payment is in lieu of the other relocation benefits (Search, Reestablishment and Move).

Payment of Relocation Benefits

Relocation benefit payments will be made expeditiously. Claims and supporting documentation for relocation benefits must be filed with the displacing entity within eighteen (18) months from: (i) the date the claimant moves from the acquired property; - or - (ii) the date on which final payment for the acquisition of real property is made, whichever is later. Procedures for preparing and filing claims and processing and delivering of payments will be as follows:

1. Claimant to provide all necessary documentation to substantiate eligibility for assistance.
2. Assistance amounts will be determined and required claim forms prepared by relocation staff in consultation with claimant.
3. Original signed claims supported by documentation and relocation staff recommendation will be submitted to the designated RDA staff member or his/her designee.
4. Payments will be prepared and delivered to relocation staff for distribution. Payments will be delivered personally by relocation staff unless circumstances dictate otherwise. When payments can not be personally delivered, they will be sent by certified mail.
5. Payment receipts and other signed acknowledgments will be obtained by relocation staff and kept in the case file.
6. Unless otherwise instructed by the RDA, relocation staff will not deliver final payments until the project site's premises of the claimant has been completely vacated. Before issuance of final payments, actual occupancy at the replacement site must be verified.
7. The public entity will provide an advance payment, when necessary, in order to assist with the securing of replacement property.

No business will be displaced until a "comparable" replacement site is located as defined above and in section 6008, subdivisions (c) and (d) of the Guidelines.

Eviction Policy

The RDA recognizes that eviction is permissible only as a last resort and that relocation records must be documented to reflect the specific circumstances surrounding any eviction. Eviction will only take place in cases of nonpayment of rent, serious violation of the rental agreement, a dangerous or illegal act in the business or dwelling, or if the household or business refuses all reasonable offers to move. Eviction will not affect the eligibility of a person legally entitled to relocation benefits.

Appeals Policy

The appeals policy will follow the standards described in section 6150 et seq. of the Guidelines. Briefly stated, the displacee will have the right to ask for review when there is a complaint regarding any of its rights to relocation and relocation assistance, such as a determination as to eligibility, the amount of payment, or the failure to provide a comparable replacement housing referral. A copy of the established appeals policy and procedures is available from agency relocation staff.

Projected Dates of Displacement

Every business will receive a 90-day notice to vacate before they are required to move. Notice will not be issued immediately.

Estimated Relocation Costs

Total estimated relocation costs for this project are estimated at: \$990,000.00

APPENDICES

APPENDIX A
GENERAL INFORMATION NOTICE

**GENERAL INFORMATION NOTICE
THIS NOTICE DOES NOT REQUIRE YOU
TO MOVE AT THIS TIME
IF YOU MOVE PRIOR TO RECEIVING
A NOTICE OF ELIGIBILITY,
YOU WILL NOT BE ELIGIBLE FOR RELOCATION BENEFITS**

DATE:

NAME
ADDRESS
CITY ZIP CODE

Dear:

The (Agency), is interested in acquiring the property you occupy at (Address), for the (Project Name). This notice is to inform you of your rights. If the (Agency) acquires the property and you are displaced for the project, you will be eligible for relocation assistance.

The (Agency) has retained the services of Epic Land Solutions, Inc., a qualified professional relocation firm, to assist you. The firm is available to explain the relocation program and benefits. Epic's address and telephone number are listed above.

I will be your Epic Relocation Consultant. Please contact me at the above number before you proceed with signing any relocation documents. Also, call me if you have any questions about the project or the information contained in the enclosed informational statement.

Displaced individuals, families, businesses, farms and nonprofit organizations may be eligible for relocation advisory services and payments provided by the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," as amended, hereafter referred to as the Uniform Act. The following is information about available relocation services and payments.

MOVING EXPENSES may be paid to those who are required to relocate from property acquired by the (Agency).

RESIDENTIAL OWNER-OCCUPANTS may be paid replacement housing payments, increased interest cost payments and some of the costs incidental to purchase of replacement homes if they have actually owned and occupied their homes for at least 180 days immediately before the (Agency) makes its first written offer to purchase their home.

RESIDENTIAL OWNER-OCCUPANTS who have actually owned and occupied their homes for less than 180 days, but more than 90 days before the (Agency) makes its first written offer to purchase the property, may be eligible for the same payments made to residential tenants described in the next paragraph.

RESIDENTIAL TENANTS may be eligible for increased rental cost payments or a payment toward the purchase of their own home if they have actually occupied their dwelling for at least 90 days immediately before the (Agency) makes its first written offer to purchase that property.

BUSINESSES, FARMS AND NONPROFIT ORGANIZATIONS may be eligible for various payments including reestablishment costs.

WHEN PAYMENTS CAN BE MADE – No relocation payment can be made until the (Agency) has made a written offer to acquire the real property where the person lives or operates their business, farm or nonprofit organization, and the person has moved from the premises.

Residential homeowners or tenants of dwelling units may receive relocation assistance payments only if they either purchase or rent and occupy a dwelling which meets the (Agency) standards as decent, safe, and sanitary. The (Agency)'s Relocation Consultant should be asked to inspect the replacement dwelling before you rent or buy it.

RESIDENTIAL OWNER-OCCUPANTS of 180 days or longer must purchase and occupy a decent, safe and sanitary dwelling unit within one year of receiving final payment for the acquired property or had at lease one comparable replacement property made available to them, whichever occurrence is later.

RESIDENTIAL TENANTS must occupy a decent, safe and sanitary dwelling within one year after vacating the acquired property to receive a relocation assistance payment. No person who is lawfully occupying real property required for the project will be asked to move without first being given at least 90 days advance notice, in writing. No occupants of any type of dwellings, eligible for relocation payments, will be required to move unless adequate decent, safe and sanitary replacement housing, which is open to all persons regardless of race, color, religion, sex, or national origin, has been made available to them by the (Agency)'s Relocation Consultant or they have secured such housing for themselves.

LEGAL RESIDENCY – Residents not lawfully present in the United States are ineligible for relocation payments and assistance.

APPEALS - The Uniform Act provides that a person may appeal to the head of the responsible (Agency) if the person believes that the (Agency)'s Relocation Consultant has failed to properly determine the person's eligibility or the amount of payment authorized by the Act. You have the right to be represented by legal counsel, but this is not required.

If you still believe a proper determination has not been made, you may seek judicial review.

NONDISCRIMINATION – All services and/or benefits to be derived from any right of way activity will be administered without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act.

If you have any questions, please contact me at Epic Land Solutions, Inc.: (619) 822-2763, 2815 Camino del Rio South, San Diego, CA 92108

Again, this is not a notice to vacate and does not establish eligibility for relocation payments or other relocation assistance. If the Agency decides not to purchase the property, you will be notified in writing. Before you can receive relocation benefits or assistance, you will be required to certify that you and your family are either citizens or nationals of the United States, or aliens who are lawfully present in the United States.

Sincerely,

Received by: _____ Date: _____

APPENDIX B
COMMERCIAL RELOCATION BROCHURE

RELOCATION ASSISTANCE TO DISPLACED BUSINESSES, NONPROFIT ORGANIZATIONS AND FARMS

Introduction

This booklet describes the relocation payments and other relocation assistance provided under the **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended** (URA) to displaced businesses, nonprofit organizations and farms. This includes any such occupant that moves from real property, or moves personal property from real property, as a direct result of rehabilitation, demolition or acquisition for a Federal project or a project in which Federal funds are used. If you are notified that you will be displaced, it is important that you **do not move** before you learn what you must do to receive the relocation payments and other assistance to which you are entitled.

Pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance, unless such ineligibility would result in exceptional hardship to a qualifying spouse, parent, or child. All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.

This booklet may not answer all of your questions. If you have more questions about your relocation, contact the Agency's representative responsible for the project. (Check the back of this booklet for the name of the person to contact.) Ask your questions before you move. Afterwards, it may be too late.

Summary of Relocation Assistance

As an eligible displaced person, you will be offered the following advisory and financial assistance:

- **Advisory Services.** These include referrals to suitable replacement locations, help in preparing claim forms for relocation payments and other assistance to minimize the impact of the move.

- **Payment for Moving and Reestablishment Expenses.** Payments for moving, reestablishment and related expenses fall into two general categories:

- * Every displaced person is eligible to receive a **Payment for Actual Reasonable Moving and Related Expenses**. If you choose this payment, you may also be eligible for a **Payment for Reestablishment Expenses**, up to \$10,000.

- * Certain persons are eligible to choose a **Fixed Payment** as an alternative to the payments for moving and reestablishment expenses.

If you disagree with the Agency's decision as to the relocation assistance for which you are eligible, you may appeal that decision.

General Questions

How Will I Know I Am Eligible For Relocation Assistance?

You should receive a written notice explaining your eligibility for relocation assistance. You should not move before receiving that notice. If you do, you may not be eligible for relocation assistance.

How Will The Agency Know How Much Help I Need?

You will be contacted at an early date and personally interviewed by a representative of the Agency to determine your relocation needs and preferences for a replacement location and other services. The interviewer will ask about such matters as your space requirements. It is to your advantage to provide the information so that the Agency can assist you in moving with a minimum of hardship. The information you give will be kept in confidence.

How Soon Will I Have To Move?

Every reasonable effort will be made to provide you with sufficient time to find and reestablish your business in a suitable replacement location. If possible, a mutually agreeable date for the move will be worked out. You will be given enough time to make plans for moving. Unless there is a health or safety emergency, you will not be required to move without at least 90 days advance written notice. It is important, however, that you keep in close contact with the Agency so that you are aware of the time schedule for carrying out the project and the approximate date by which you will have to move.

How Will I Find A Replacement Location?

The Agency will provide you with current information on available replacement locations that meet your needs. The Agency may also provide you with the names of real estate agents and brokers who can assist you in finding the type of replacement location you need.

While the Agency will assist you in obtaining a suitable replacement location, you should take an active role in finding and relocating to a location of your choice. No one knows your needs better than you. You will want a facility that provides sufficient space for your planned activities. You will also want to assure that there are no zoning or other requirements which will unduly restrict your planned operations. The Agency will explain the kinds of moving and reestablishment costs that are eligible for repayment and which are not eligible. That will enable you to carry out your move in the most advantageous manner.

What Other Assistance Will Be Available To Help Me?

In addition to help in finding a suitable replacement location, other assistance, as necessary, will be provided by the Agency. This includes information on Federal, State, and local programs that may be of help in reestablishing a business. For example, the Small Business Administration

(SBA) provides managerial and technical assistance to some businesses. The Agency will assist you in applying for help available from government agencies.

The range of services depends on the needs of the business being displaced. You should ask the Agency representative to tell you about the specific services that will be available to help you.

I Have A Replacement Location And Want To Move. What Should I Do?

Before you make any arrangements to move, notify the Agency, in writing, of your intention to move. This should be done at least 30 days before the date you begin your move. The Agency will discuss the move with you and advise you of the relocation payment(s) for which you may be eligible, the requirements to be met, and how to obtain a payment.

I Plan To Discontinue My Business Rather Than Move. What Should I Do?

If you have decided to discontinue your business rather than reestablish, you may still be eligible to receive a payment. Contact the Agency and discuss your decision to discontinue your business. You will be informed of the payment, if any, for which you may be eligible and the requirements that must be met to obtain the payment.

What Is A Payment For Actual Reasonable Moving And Related Expenses?

If you choose a Payment for Actual Reasonable Moving and Related Expenses, you may include in your claim the reasonable and necessary cost of:

- Transportation of personal property from your present location to the replacement location. (Generally, transportation costs are limited to a distance of 50 miles. If you plan to move beyond 50 miles, discuss your planned move with the Agency.)
- Packing, crating, uncrating, and unpacking the personal property.
- Disconnecting, dismantling, removing, reassembling, and installing relocated and "substitute" machinery, equipment and other personal property. This includes connection to utilities available nearby. It also includes modifications to the personal property that are necessary to adapt it to the replacement structure, the replacement site or the utilities at the replacement site and modifications necessary to adapt the utilities at the replacement site to the personal property.
- Storage of personal property for a reasonable period of time, if required.
- Insurance for the replacement value of the personal property in connection with the move and necessary storage. Where insurance is not available on reasonable terms, the Agency may elect to "self-insure" the replacement value of property lost, stolen, or damaged in the move (but not through your neglect).

- Any license, permit or certification required of the displaced person at the replacement location. However the cost must be reasonable and necessary to reestablishment at the replacement location and the payment may be based on the remaining useful life of the existing license, permit, or certification.

- Professional services, necessary for (1) planning the move of the personal property, (2) moving the personal property, or (3) installing relocated or "substitute" personal property at the replacement location.

- Re-lettering signs and replacing stationery on hand at the time of the displacement and made obsolete as a result of move.

- The reasonable cost incurred in attempting to sell an item that is not relocated.

- Actual direct loss of tangible personal property. This payment provides compensation for property that is neither moved nor promptly replaced with a "substitute" item at the replacement location. Payment is limited to the lesser of:

(1) the estimated cost of moving and reinstalling the personal property or (2) the market value of the property for its continued use at the old location, less any proceeds from its sale. To be eligible, you must make a good faith effort to sell the property, unless the Agency determines that such effort is not necessary. Payment for the loss of goods held for sale shall not exceed the cost of the goods to the displaced person.

- Purchase and installation of "substitute" personal property. This payment is made when an item of personal property is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site. Payment will be limited to the lesser of: (1) the estimated cost of moving and reinstalling the item, or (2) the actual cost of the substitute item delivered and installed at the replacement location, less any proceeds from the sale or trade-in of the replaced item. It is important that you discuss your plans with the Agency before you proceed.

- Searching for a replacement location. Generally, this payment may not exceed \$2,500. It covers costs for:

- * Transportation expenses.

- * Time spent searching for a replacement location, based on reasonable salary or earnings.

- * Reasonable fees paid to a real estate agent or broker to find a replacement location (not fees related to the purchase of the site).

- * Meals and lodging away from home.

The Agency will explain all eligible moving and related costs, as well as those which are not eligible. You must be able to account for all costs that you incur; so keep all your receipts. The Agency will inform you of the documentation needed to support your claim.

You may minimize the amount of documentation needed to support your claim, if you elect to "self-move" your personal property. Payment for a self-move is based on the amount of an acceptable low bid or estimate obtained by the Agency. If you self-move, you may move your personal property using your own employees and equipment or a commercial mover. If you and the Agency cannot agree on an acceptable amount to cover the cost of the "self-move," you will have to submit full documentation in support of your claim.

You may elect to pay your moving costs yourself and be repaid by the Agency or, if you prefer, you may have the Agency pay the mover. In either case, select your mover with care. The Agency can help you select a reliable and reputable mover.

Also, keep the Agency informed about your moving plans. You must provide the Agency reasonable advance written notice of the approximate date of the start of your move or disposition of your personal property and a list of the items to be moved, unless the Agency agrees to waive this requirement. And you must permit the Agency to make reasonable and timely inspections of the personal property at the old and new locations and to monitor the move.

When a payment for "actual direct loss of personal property" or "substitute personal property" is made for an item, the estimated cost of moving the item will be based on the lowest acceptable bid or estimate obtained by the Agency. If not sold or traded in, you must transfer ownership of the item to the Agency in order to receive the payment.

What Is A Payment For Reestablishment Expenses?

If you choose to receive a payment for your actual moving and related expenses, you may also be eligible to receive Payment for Reestablishment Expenses, not to exceed \$10,000. Such expenses include the reasonable and necessary cost of

- Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance.
- Modifications to the replacement property to accommodate the business operation or make a replacement structure suitable for conducting the business.
- Construction and installation costs for exterior signs to advertise the business.
- Provision of utilities from the right-of-way to improvements on the replacement site.
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.
- Licenses, fees and permits that are not paid as part of moving expenses.
- Feasibility surveys, soil testing and marketing studies.
- Advertisement of the replacement location.
- Professional services and incidental expenses in connection with the purchase or lease of a replacement property.
- Estimated increased costs of operation during the first 2 years at the replacement site for such items as (1) lease or rental charges, (2) personal or real property taxes, (3) insurance premiums, and (4) utility charges, excluding impact fees.
- Impact fees or one-time assessments for anticipated heavy utility usage.

What Is A Fixed Payment (Alternative Allowance)?

Certain businesses, nonprofit organizations and farms are eligible to obtain a Fixed Payment (Alternative Allowance). If you receive this payment, you will not receive a Payment for Actual Reasonable Moving and Related Expenses or a Payment for Reestablishment Expenses. The Fixed Payment to a business or farm operation is based on the average annual net earnings of the business or farm operation; the Fixed Payment to a nonprofit organization is based on average annual expenses and revenue. A Fixed Payment will not be less than \$1,000, nor more than \$20,000.

To qualify for a Fixed Payment:

- A displaced business must (1) either discontinue operations or be unable to relocate without a substantial loss of existing patronage (measured in terms of clientele or net earnings at the discretion of the Agency), (2) meet certain minimum income requirements, and (3) not be part of a commercial enterprise having more than three other entities under the same ownership, engaged in the same or similar business activities, that are not being displaced. (Also, certain rental businesses are excluded.)
- A displaced nonprofit organization must discontinue operations or be unable to relocate without a substantial loss of its existing patronage.
- A displaced farm operation must meet certain minimum income requirements.

Ordinarily, to be eligible for the minimum Fixed Payment, a displaced business or farm must have (1) had average annual gross receipts of at least \$5,000, or (2) had average annual net earnings of at least \$1,000, or (3) contributed 1/3 of the owner's or operator's average gross income, for the two tax years prior to displacement. The Agency, however, may use other criteria if it determines that the test would cause an inequity or hardship.

The Agency will inform you as to your eligibility for this payment and the documentation you must submit to support your claim.

Remember, when you elect to take this payment you are not entitled to reimbursement for any other moving expenses.

Must I File A Claim For A Relocation Payment?

Yes. You must file a claim for a relocation payment. The Agency will, however, provide you with the required claim form, help you to complete it, and explain the type of documentation that you must submit in order to receive the payment.

If you must pay any relocation expenses before you move (e.g., a security deposit to lease a new location), discuss your needs with the Agency. You should be able to obtain an advance payment. An advance payment may be placed in "escrow" to ensure that the move will be completed on a timely basis.

If you are a tenant, you must file your claim within 18 months after the date you move. If you are displaced from property that you own, you must file within 18 months after the later of: the date

you move, or the date you receive the final acquisition payment. However, it is to your advantage to file as soon as possible after you move. The sooner you submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within 18 months, ask the Agency to extend this period.

You will be paid promptly after you file an acceptable claim. If there is any question regarding your right to a relocation payment or the amount of the payment, you will be notified, in writing, of the problem and the action you must take to resolve the matter.

Will I Have To Pay Rent To The Agency Before I Move?

If the Agency acquires your property, you may be required to pay a fair rent to the Agency for the period between the acquisition of the property and the date that you move. Such rent will not exceed the market rent for comparable properties in the area.

Do I Have To Pay Federal Income Taxes On My Relocation Payments?

No. Section 216 of the URA states that you need not report relocation payments as part of your gross income for Federal tax purposes. For information on State or local income taxes, you should check with the State or local income tax office in your area or with your personal tax advisor.

If I Don't Receive The Required Assistance, Can I Appeal?

Yes. If you disagree with the Agency's decision as to your right to a relocation payment or the amount of a payment, you may appeal the decision to the Agency. The Agency will inform you of its appeal procedures. At a minimum, you will have 60 days to file your appeal with the Agency after you receive written notification of the Agency's determination on your claim. Your appeal must be in writing. However, if you need help, the Agency will assist you in preparing your appeal.

If you are not satisfied with the Agency's final decision on your appeal, you may seek review of the matter by the courts.

I Have More Questions. Who Will Answer Them?

If you have further questions after reading this booklet, contact the Agency's representative and discuss your concerns with the Agency representative



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: JUNE 17, 2009
ORIGINATING DEPT.: PUBLIC WORKS *HAL*
SUBJECT: RESOLUTION APPROVING AMENDMENT NO. 1 TO
AGREEMENT BETWEEN SAN DIEGO UNIFIED PORT
DISTRICT AND CITY OF IMPERIAL BEACH FOR TIDELAND
MAINTENANCE SERVICES – AGREEMENT NO. 29-2006

BACKGROUND:

The San Diego Unified Port District [DISTRICT] contracts with the City of Imperial Beach for maintenance of the tidelands properties controlled by the DISTRICT within the Imperial Beach city limits. The existing contract was authorized by the City Council on September 20, 2006 – Resolution No. 2006-6399. This Agreement expires June 30, 2009. The contract compensation for maintenance services for the past three fiscal years were:

- \$787,000 FY 2006/2007
- \$802,000 FY 2007/2008
- \$807,000 FY 2008/2009

DISCUSSION:

The DISTRICT and the City of Imperial Beach staffs have been working on a replacement agreement for the next three fiscal years since February 2009. At this juncture the staffs have not agreed on the agreement text nor the agreement compensation for services provided or expected. Thus, the Port District has prepared Amendment No. 1 to the September 20, 2006, Agreement to change the expiration date for the Agreement to September 30, 2009, at a compensation rate consistent with the September 30, 2006, agreement. The compensation proposed in Amendment No. 1 is \$200,900 for the three month extension. Compensation includes:

- \$62,666.67 per month for general maintenance services
- \$ 800.00 per month for fuel
- \$ 8,000.00 for Unspecified Services
- \$ 2,500.00 for CIP adjustments

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

Provides compensation for the next three months (July – September 2009) for the maintenance of the Tidelands properties within the City of Imperial Beach.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Approve Amendment No. 1 as drafted and presented as Attachment 2 herewith.
3. Authorize the City Manager to sign Amendment No. 1 to Agreement Between San Diego Unified Port District and City of Imperial Beach for Tidelands Maintenance Services – Agreement No. 29-2006.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2009-6776
2. Amendment No. 1 to Agreement Between San Diego Unified Port District and City of Imperial Beach for Tidelands Maintenance Services – Agreement No. 29-2006

RESOLUTION NO. 2009-6776

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO AGREEMENT BETWEEN SAN DIEGO UNIFIED PORT DISTRICT AND CITY OF IMPERIAL BEACH FOR TIDELAND MAINTENANCE SERVICES – AGREEMENT NO. 29-2006

WHEREAS, the San Diego Unified Port District [DISTRICT] contracts with the City of Imperial Beach for maintenance of the tidelands properties controlled by the DISTRICT within the Imperial Beach city limits; and

WHEREAS, the existing contract was authorized by the City Council on September 20, 2006 – Resolution No. 2006-6399; and

WHEREAS, this Agreement expires June 30, 2009; and

WHEREAS, the DISTRICT and the City of Imperial Beach staffs have been working on a replacement agreement for the next three fiscal years since February 2009; and

WHEREAS, at this juncture the staffs have not agreed on the agreement text nor the agreement compensation for services provided or expected; and

WHEREAS, the Port District has prepared Amendment No. 1 to the September 20, 2006, Agreement to change the expiration date for the Agreement to September 30, 2009, at a compensation rate consistent with the September 30, 2006, agreement; and

WHEREAS, the compensation proposed in Amendment No. 1 is \$200,900 for the three month extension.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

1. The above recitals are true and correct.
2. This legislative body approves Amendment No. 1 to the Agreement Between San Diego Unified Port District and City of Imperial Beach for Tideland Maintenance Services – Agreement No. 29-2006.
3. The City Manager is authorized to sign Amendment No. 1 to the Agreement Between San Diego Unified Port District and City of Imperial Beach for Tideland Maintenance Services – Agreement No. 29-2006 on behalf of the City.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 17th day of June 2009, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2009-6773 – A Resolution of the City Council of the City of Imperial Beach, California, Approving Amendment No. 1 To Agreement Between San Diego Unified Port District And City Of Imperial Beach For Tideland Maintenance Services – Agreement No. 29-2006

CITY CLERK

DATE

**AMENDMENT NO. 1 TO AGREEMENT BETWEEN
SAN DIEGO UNIFIED PORT DISTRICT
and
CITY OF IMPERIAL BEACH
for
TIDELAND MAINTENANCE SERVICES
AGREEMENT NO. 29-2006**

The parties to this Amendment No. 1 to Agreement are the SAN DIEGO UNIFIED PORT DISTRICT, a public corporation (District) and the CITY OF IMPERIAL BEACH, a municipal corporation (City).

Recitals:

District and City are parties to an Agreement whereby City provides for Tideland Maintenance Services on District property located in the City of Imperial Beach, Imperial Beach, California. The Agreement is on file in the office of the District Clerk as Document No. 51218 dated November 27, 2006. It is now proposed to amend the term of the Agreement extending the Agreement for 3 additional months resulting in a revised completion date of September 30, 2009 and increasing the Agreement total by a not to exceed amount of \$200,900.00 resulting in a revised total Agreement amount not to exceed \$2,346,233.33.

The Parties Agree:

1. Section 2; TERM OF AGREEMENT, is hereby extended and shall terminate on September 30, 2009, subject to earlier termination as provided in the Agreement.
2. Section 3, COMPENSATION - Paragraph a., shall be amended as follows:
 - a) Payment amount is hereby increased for Period 3 by Two Hundred Thousand Nine Hundred and 00/100 dollars (\$200,900.00.) from Eight Hundred Seven Thousand and 00/100 dollars (807,000.00) to One Million Seven Thousand Nine Hundred and 00/100 dollars (\$1,007,900.00), for a new maximum total amount under the Agreement not to exceed Two Million Three Hundred Forty-Six

Thousand Two Hundred Thirty-Three and 33/100 Dollars
(\$2,346,233.33).

3. All other terms, covenants, and conditions in the original Agreement shall remain in full force and effect and shall be applicable to this Amendment.

SAN DIEGO UNIFIED PORT DISTRICT

CITY OF IMPERIAL BEACH

Pete Cruz
Director, General Services

Gary Brown
City Manager

PORT ATTORNEY

CITY ATTORNEY

James P. Lough, City Attorney

ATTEST:

Jacqueline Hald, City Clerk



AGENDA ITEM NO. 6.6

**STAFF REPORT
IMPERIAL BEACH REDEVELOPMENT AGENCY**

TO: CHAIR AND MEMBERS OF REDEVELOPMENT AGENCY

FROM: GARY BROWN, EXECUTIVE DIRECTOR

MEETING DATE: JUNE 17, 2009

ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, DIRECTOR *GW*
GERARD SELBY, REDEVELOPMENT COORDINATOR *GS*

SUBJECT: FACADE IMPROVEMENT PROGRAM

BACKGROUND

The Imperial Beach Redevelopment Agency ("Agency") requested a review of the Façade Improvement Program. In September 2005, the Façade Improvement Program ("Program") was initially approved. The purpose of the Program is to encourage and assist property and business owners to restore and improve the appearance of the facades of their buildings. The Agency's expectation is that the improved appearance will result in increased commercial activity and complement and catalyze other public and private investment.

In December 2006, the Program's guidelines were amended to limit the types of eligible improvements. The initial Program's guidelines allow improvements that included both aesthetic and functional improvements. The original list of eligible upgrades included awnings/canopies, signs/graphics, landscaping/irrigation, windows/doors, shutters, painting, parking lot resurfacing, pedestrian pathways, ramps and lighting. During the initial phase of the Façade Improvement Program, it became apparent to Agency staff that the original program's list of eligible improvements was too broad and did not emphasize the primary intent of the program which is to enhance the appearance of the commercial zones. The Program now includes only the following elements:

- Signs/Graphics
- Landscaping/Irrigation Systems
- Painting
- Lighting

The Program is designed to encourage and assist property and business owners to restore and improve the aesthetic appearance of the building exterior that is visible from the public right-of-way. Grants are available up to \$10,000 per building and/or business. All projects must be approved by the Design Review Board ("DRB"). Exceptions to these guidelines can be made

with special consideration of individual project needs and circumstances and the exceptions must be recommended by Agency staff and approved by the DRB.

To be eligible for the Program, the existing property or business must be located in the commercial zone and have written permission from the property owner to proceed with the Façade Improvement program. One grant/rebate will be allowed for each eligible building or business within a three-year period. All projects must be consistent with the Imperial Beach Municipal Code, General Plan and Local Coastal program, and the Redevelopment Plan.

If an owner wishes to install additional improvements that would cost more than \$10,000, a matching grant is available. The Program could potentially invest additional funds for improvements up to a maximum of \$20,000. The Program splits the costs of these additional improvements with the owner. Requests for matching grants require a staff recommendation with the Redevelopment Agency approving all matching grant requests.

The Redevelopment Agency's staff coordinates design services with the property and business owners. The projects are reviewed in bi-monthly meetings with the Planning, Building and Code Enforcement personnel. All design proposals are presented to the Design Review Board for review and approval.

Staff solicits a minimum of three bids for all work and materials required to install the Façade Improvements.

DISCUSSION

The Program has completed 52 façade improvements. The Program now has 13 active applications with two applications waiting to be approved by the Design Review Board (DRB). There are 16 projects on the waiting list. The majority of the Façade Improvement projects have been limited to painting, signage, lighting, and landscaping. A few projects have been more extensive and have included ADA improvements and parapet remodel. The success of the Program has generated continued interest from other business owners.

The following are the Façade Improvement Program Guidelines:

ELIGIBLE PROPERTIES

- Retail and commercial businesses located in Commercial Zones

ELIGIBLE APPLICANTS

- All property and business owners and/or lessees of retail and commercial businesses, with written permission of the property owners.

ELIGIBLE BUSINESS TYPES

- Existing retail and commercial businesses

GENERAL REQUIREMENTS

- Properties with multi-store fronts must include all of the storefronts in the improvement plan to be eligible.
- Any retail or commercial properties that are a part of a mixed-use development must

- obtain the signatures of the individual property owners and provide contact information for each owner.
- The Design Review Board must approve the project.
 - One grant/rebate will be allowed for each eligible building or business within a three-year period.
 - All projects must be consistent with Imperial Beach Municipal Code, General Plan and Local Coastal program, and the Redevelopment Plan.
 - All necessary permits and approvals must be obtained before the Redevelopment Agency will issue a notice to proceed.

REVIEW CRITERIA

- Design compatibility with neighboring buildings
- Compliance with Imperial Beach Sign Ordinance
- Need for the physical improvements
- Need to unify building with adjacent properties
- Property and business owner's interest in funding larger scale improvements
- Aesthetically enhance the image of Imperial Beach

MAINTENANCE REQUIREMENTS

- Applicant is required to touch up painted areas and perform any other repairs need to maintain building appearance and landscaping.

ENVIRONMENTAL IMPACT

Not a project as defined by CEQA.

FISCAL IMPACT

RDA Bond proceeds in the amount of \$250,000 were initially allocated to the Facade Improvement Program. In September of 2008 the Redevelopment Agency agreed to a budget amendment and allocated an additional \$500,000 of Non-housing Bond Proceeds to the Program.

DEPARTMENT RECOMMENDATION

Staff recommends that the Redevelopment Agency review and comment on the guidelines.

EXECUTIVE DIRECTOR'S RECOMMENDATION:

Approve Agency recommendation



Gary Brown, Executive Director

Attachments: Attachment 1 – Façade Improvement Guidelines



FAÇADE IMPROVEMENT PROGRAM GUIDELINES

ELIGIBLE PROPERTIES/APPLICANTS

- Retail and commercial businesses located in Commercial Zones
- Any property that was built before 1976 (Exceptions can be granted by the Community Development Director based on the need for the physical improvements and/or aesthetic impact to the community)
- All property and business owners and/or lessees with the written permission of the property owner

ELIGIBLE IMPROVEMENTS

- Signs/Graphics
- Landscaping/Irrigation Systems
- Painting
- Lighting

GENERAL REQUIREMENTS

- Properties with multi-store fronts must include all of the storefronts in the improvement plan to be eligible.
- Any retail or commercial properties that are a part of a mixed-use development must obtain the written signatures of the individual property owners and provide contact information for each owner.
- The Design Review Board must approve project.
- One grant/rebate will be allowed for each eligible building within a three-year period.
- All projects must be consistent with Imperial Beach Municipal Code, General Plan and Local Coastal Program, and the Redevelopment Plan.
- Property and/or business owner shall sign a Façade Improvement Program Agreement.

REVIEW CRITERIA

- Design compatibility with neighboring buildings.
- Compliance with Imperial Beach Sign Ordinance.
- Need for the physical improvements.
- Need to unify building with surrounding buildings.
- Property and business owner's interest in funding larger scale improvements.
- Aesthetically enhancing the image of Imperial Beach.

DESIGN SERVICES

- The Redevelopment Agency will coordinate design services with the property and business owners.

GRANT TERMS

- Grants are available up to \$10,000 per building and/or business. Matching grants are available for all improvements above \$10,000 with a limited of \$20,000. Request for matching grants exceeding \$20,000 will require City Council approval. All matching grants are based on a formula whereby property and/or business owner receives a rebate of 50¢ for each \$1 spent.

MAINTENANCE REQUIREMENTS

- Applicant is required to touch up painted areas and perform any other repairs needed to maintain building appearance, landscaping, and any other public areas including the cleaning of any awnings at least once a year.

PROGRAM PROCEDURES

- Application form submitted to Agency
- Agency review application for compliance
- Agency coordinates the design with Applicant and Architect
- Agency submits design for Design Review Committee review and approval
- Agency obtains all necessary approvals and permits
- Agency obtains at least three bids
- Agency issues a Notice to Proceed to contractor
- Agency monitors contractor's work
- Agency monitors construction progress
- Agency/City of Imperial Beach makes a final inspection
- Agency/City disburses payment to contractor

INELIGIBLE IMPROVEMENTS, APPLICANTS AND/OR BUSINESS TYPES

- New Construction
- Buildings occupied by adult entertainment enterprises
- National or Regional Franchises/Big Box Retailers
- Car Dealerships (Over 1 Acre)
- Government offices and Agencies
- Residential Uses (except mixed-use residential)
- Projects that are inconsistent with Imperial Beach Municipal Codes, General Plan and Local Coastal Program
- Vacant Properties



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: CITY COUNCIL / IMPERIAL BEACH REDEVELOPMENT AGENCY

FROM: ELIZABETH CUMMING, ASSISTANT PROJECT MANAGER

MEETING DATE: JUNE 17, 2009

ORIGINATING DEPT.: COMMUNITY DEVELOPMENT & PLANNING *EW*

SUBJECT: ADOPT RESOLUTION NO. 2009-6770 AND R-09-181 APPROVING THE REPLACEMENT OF BANNER POLES IN TRIANGLE AND VETERAN'S PARKS

BACKGROUND

The City of Imperial Beach (the "City") currently has two locations, at Veterans' Park and Triangle Park where the City and other private and public entities display banners for various events occurring in the City. The existing hardware to support those banners has no aesthetic appeal and is in poor condition. The Imperial Beach Business Improvement District ("BID") has asked to partner with the City to replace the banner poles with something more aesthetically pleasing.

The BID and the City have discussed the current condition of the banner poles in Triangle Park and what would be the best solution to fix or replace them. The BID has agreed to spend up to \$5,000 to install new banner poles in Triangle Park. Since Veteran's Park is not within the BID's jurisdiction the Agency would have to fund the banner poles at this location.

DISCUSSION

The proposed design for both Veteran's and Triangle Park includes two (2) 2 inch x 10' stainless steel buffed finish banner poles set in a concrete column form. Flat caps with a countersunk 1/2" screw and four (4) D-rings will be welded to each pole. A 3" stainless steel ball will be attached on the top of each pole. The approximate height from ground level will be 8 feet x 8 inches. The stainless steel pipes will be polished and waxed. The wax will resist distress to the metal caused by existing environmental and climate conditions. The poles will be designed to hold up to two banners, as large as 4' x 8', at a time.

An identical design is proposed for Veteran's Park with the addition of having a "Great Heron" sculpture 28" from foot to top that will sit on one dome cap. The heron will be stainless steel with hammered copper massaged through the 1/4" steel cutouts. Staff believes this art work will be an attractive addition to Veteran's Park and contributes to the City's ecotourism emphasis.

Staff believes that a similar sculpture for Triangle Park would not be appropriate given the prevalence of existing art and features already in the park. Both parks will have identical banner poles with the exception of the addition of a Great Heron on top of one post in Veteran's Park.

The BID will pay for the fabrication and installation of the banner poles in Triangle Park. The Agency will be responsible for the cost of fabrication and installation of duplicate of banner poles in Veteran's Park as well as the fabrication of the sculpture. The City has received more than three bids for manufacture and installation of the banner poles. The bids for the banner poles fall in the range of \$2104 to \$6000. The fabrication and installation of the stainless steel great heron will be a sole source purchase for a total cost of \$2100. In total the cost of the banner poles and installation for Triangle Park will be less than \$2,500 and the poles, installation and artwork in Veteran's Park will be less than \$5,000.

On Thursday, November 20, 2008 the Design Review Board (DRB) approved staff's recommendation to install the banner poles with the Great Heron in Veteran's Park and the banner poles without the sculpture in Triangle Park. Currently the City does not have a policy regulating how banners are displayed in Triangle and Veteran's Park. However, this issue may need to be addressed by the Council in the future depending on how well banners continue to be maintained and displayed at these locations.

FISCAL IMPACT

Funds for the proposed improvements are available in the approved BID and Agency budgets.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

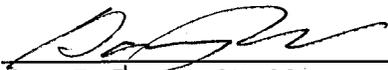
This project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines.

DEPARTMENT RECOMMENDATION

Staff recommends that the City Council / Imperial Beach Redevelopment Agency adopt Resolution No. 2009-6770 and Agency Resolution No. R-09-181 approving the replacement of banners poles in Triangle and Veteran's Parks and the inclusion of the great heron on the banner holder in Veteran's park.

CITY MANAGER / EXECUTIVE DIRECTOR

Approve Department recommendation.



Gary R. Brown, City Manager

Attachments:

- Attachment 1: Resolution No. 2009-6770 and R-2009-181
- Attachment 2: Sketches of Banner Poles – Triangle & Veteran's Parks
- Attachment 3: Photographs of existing banner poles in Triangle and Veteran's Parks

RESOLUTION NO. 2009-6770**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE REPLACEMENT OF BANNER POLES IN TRIANGLE AND VETERAN'S PARKS**

WHEREAS, the City of Imperial Beach ("City") currently has two locations, Veteran's and Triangle Parks where the City and other private and public entities display banner for various events; and

WHEREAS, the existing hardware has no aesthetic appeal and is in poor condition; and

WHEREAS, the Business Improvement District ("BID") have had a number of discussions specifically about the banner poles in Triangle Park; and

WHEREAS, Veteran's Park is not within the BID's jurisdiction the Agency will have to fund the pole replacement; and

WHEREAS, a proposed identical design for both Veteran's and Triangle Park that includes two stainless steel buffed finish poles set in a concrete column form; and

WHEREAS, it is proposed that in Veteran's Park a stainless steel and copper "Great Heron" sculpture will sit on one dome cap; and

WHEREAS, on November 20, 2008 the Design Review Board (DRB) approved staff's recommendation to install the banner poles with the bird in Veteran's Park and without the bird in Triangle Park; and

WHEREAS, the cost and installation of the great heron sculpture on the dome of one holder in Veteran's Park will be a sole source purchase; and

WHEREAS, the cost for fabrication of four duplicate stainless steel banner poles will be approximately \$5000; and

WHEREAS, the cost for the sculpture will be \$2,100; and

WHEREAS, the BID will pay for the fabrication and installation of the banner holder in Triangle Park; and

WHEREAS, the Imperial Beach Redevelopment Agency ("Agency") will pay for the installation of duplicate banner holder in Veteran's Park; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

1. The above recitals are true and correct.
2. The City Manager is authorized to approve a purchase order for the manufacture and installation of banner poles at Triangle and Veteran's park,

- and the great heron sculpture for Veteran's Park.
3. The City Manager is authorized to purchase the two (2) banner poles for Triangle Park using BID funds and two (2) banner poles and one (1) sculpture FOR Veteran's Park using RDA funds.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 17th day of June 2009, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy of Resolution No. 2009-6770 and R-2009-181 – A Resolution of the City Council of the City of Imperial Beach, California, AUTHORIZING THE PURCHASE OF FOUR BANNER POLE SIGNS AND ONE GREAT HERON SCULPTURE.

CITY CLERK

DATE

NO. R-09-181

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE REPLACEMENT OF BANNER POLES IN TRIANGLE AND VETERAN'S PARKS

WHEREAS, the City of Imperial Beach ("City") currently has two locations, Veteran's and Triangle Parks where the City and other private and public entities display banner for various events; and

WHEREAS, the existing hardware has no aesthetic appeal and is in poor condition; and

WHEREAS, the Business Improvement District ("BID") have had a number of discussions specifically about the banner poles in Triangle Park; and

WHEREAS, Veteran's Park is not within the BID's jurisdiction the RDA will have to fund the pole replacement; and

WHEREAS, a proposed identical design for both Veteran's and Triangle Park that includes two stainless steel buffed finish poles set in a concrete column form; and

WHEREAS, it is proposed that in Veteran's Park a stainless steel and copper "Great Heron" sculpture will sit on one dome cap; and

WHEREAS, on November 20, 2008 the Design Review Board (DRB) approved staff's recommendation to install the banner poles with the bird in Veteran's Park and without the bird in Triangle Park; and

WHEREAS, the cost and installation of the great heron sculpture on the dome of one holder in Veteran's Park will be a sole source purchase; and

WHEREAS, the cost for fabrication of four duplicate stainless steel banner poles will be approximately \$5000; and

WHEREAS, the cost for the sculpture will be \$2100; and

WHEREAS, the BID will pay for the fabrication and installation of the banner holder in Triangle Park; and

WHEREAS, the Imperial Beach Redevelopment Agency ("Agency") will pay for the installation of duplicate banner holder in Veteran's Park; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

1. The above recitals are true and correct.
2. The City Manager is authorized to approve a purchase order for the manufacture and installation of banner poles at Triangle and Veteran's park, and the great heron sculpture for Veteran's Park.

3. The City Manager is authorized to purchase the two (2) banner poles for Triangle Park using BID funds and two (2) banner poles and one (1) sculpture FOR Veteran's Park using RDA funds.

PASSED, APPROVED, AND ADOPTED by the Redevelopment Agency of the City of Imperial Beach at its meeting held on the 17th day of June 2009, by the following roll call vote:

AYES: BOARDMEMBERS:
NOES: BOARDMEMBERS:
ABSENT: BOARDMEMBERS:

JAMES C. JANNEY, MAYOR

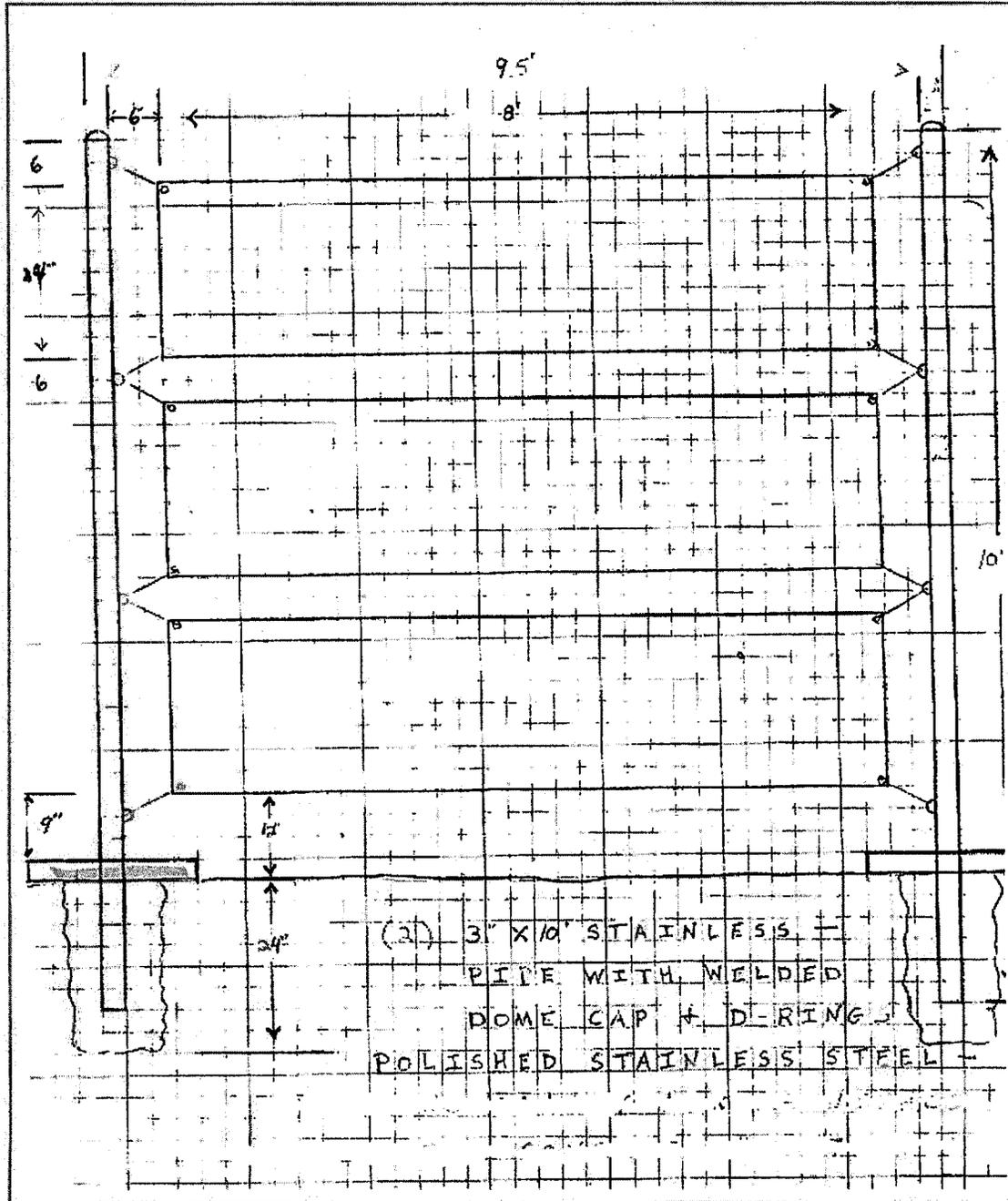
ATTEST:

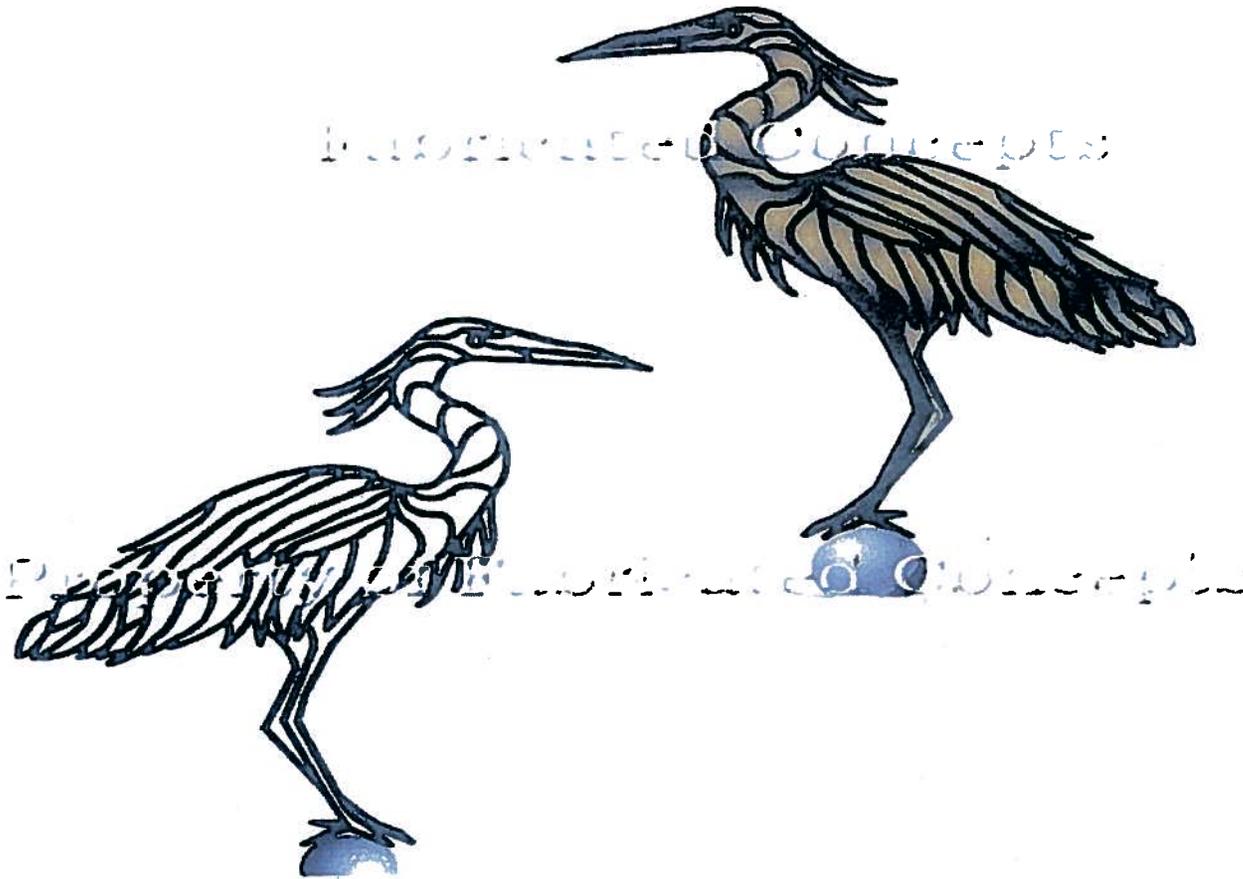
JACQUELINE M. HALD
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy OF Resolution No. R-09-181 – A Resolution of the Redevelopment Agency of the City of Imperial Beach, California, AUTHORIZING THE PURCHASE OF FOUR BANNER POLE SIGNS AND ONE GREAT HERON SCULPTURE.

CITY CLERK

DATE





IB Banner Pole Project

IB BANNER POLE PROJECT

- TRIANGLE PARK EXISTING SIGN



- VETERANS PARK EXISTING SIGN

