



# A G E N D A



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

**JUNE 2, 2010**

**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 LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(a)

Name of Case: United States & States of California, Delaware et al. ex rel. Hendrix v.  
J-M Manufacturing Co., Inc. et al.

United States District Court Case No. ED CV-06-0055-GW

**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.*

**PRESENTATIONS (1.1)**

- 1.1 PRESENTATION ON EAGLE SCOUT PROJECT – REPLACEMENT OF PORT PARKING LOT FENCE LOCATED AT SEACOAST DRIVE AND PALM AVENUE. (0150-70)**

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.



# Special Meeting A G E N D A



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

JUNE 2, 2010

Council Chambers  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932

**CLOSED SESSION MEETING – 5:30 P.M.**

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

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### **CLOSED SESSION CALL TO ORDER BY MAYOR**

### **ROLL CALL BY CITY CLERK**

### **CLOSED SESSION**

#### **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(a)

Name of Case: Imperial Beach Redevelopment Agency v. Shawki Bochoua  
dba Southbay Drugs

Case No. 37-2010-00030617-CL-UD-SC

#### **RECONVENE AND ANNOUNCE ACTION (IF APPROPRIATE)**

### **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](http://www.cityofib.com).

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Jacqueline M. Hald, CMC  
City Clerk

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.

**CONSENT CALENDAR (2.1 - 2.4)** - 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 meetings of March 17 and May 19, 2010.

**2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)**

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 70919 through 70986 with the subtotal amount of \$186,939.89 and Payroll Checks 42561 through 42614 for the pay period ending 05/06/10 with the subtotal amount of \$147,207.91, for a total amount of \$334,147.80.

**2.3 GREG AND ELTA NEIL [OWNER/APPLICANT]: TIME EXTENSION DETERMINATION FOR CONDITIONAL USE PERMIT (CUP 05-285) AND SITE PLAN REVIEW (SPR 05-286) FOR A MIXED-USE PROJECT LOCATED AT 198-200 PALM AVENUE, IN THE SEACOAST COMMERCIAL (C-2) ZONE. MF 807. (0600-20)**

City Manager's Recommendation: Adopt Resolution No. 2010-6892, approving a time extension for Conditional Use Permit (CUP 05-285) and Site Plan Review (SPR 05-286), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

**2.4 RESOLUTION NO. 2010-6893 – RENEWAL OF MICHAL PIASECKI CONSULTING CONTRACT FOR FISCAL YEAR 2010/11. (1110-05)**

City Manager's Recommendation: Adopt resolution.

**ORDINANCES – INTRODUCTION/FIRST READING (3.1 - 3.2)**

**3.1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 2010-1106 – APPROVING AND DESIGNATING A SKATEBOARD PARK IN THE CITY OF IMPERIAL BEACH AND AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTERS 9.10 AND 12.56. (0920-40 & 0920-95)**

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2010-1106, "An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTER 9.10, RELATING TO SKATEBOARD AND ROLLER SKATE RIDING; AMENDING CHAPTER 12.56 RELATING TO USE OF PUBLIC PARKS AND FACILITIES; AND APPROVING AND DESIGNATING A SKATEBOARD PARK IN THE CITY OF IMPERIAL BEACH";
3. City Clerk to read title of the Ordinance No. 2010-1106; and
4. Motion to waive further reading and dispense introduction of Ordinance No. 2010-1106 by title only and set the matter for adoption at the next regularly scheduled City Council meeting.

**3.2 INTRODUCTION & FIRST READING OF ORDINANCE NO. 2010-1105 – AMENDING CHAPTER 10.28, SECTION 10.28.020, SPECIAL SPEED ZONE DESIGNATED. (0750-95)**

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2010-1105, "An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING CHAPTER 10.28, SECTION 10.28.020, OF THE MUNICIPAL CODE OF THE CITY OF IMPERIAL BEACH RELATING TO SPECIAL SPEED ZONES DESIGNATED";
3. City Clerk to read title of the Ordinance No. 2010-1105; and
4. Motion to waive further reading and dispense introduction of Ordinance No. 2010-1105 by title only and set the matter for adoption at the next regularly scheduled City Council meeting.

**ORDINANCES – SECOND READING & ADOPTION (4.1)**

**4.1 SECOND READING AND ADOPTION OF ORDINANCE NO. 2010-1104 – AMENDING CHAPTERS 4.04, BUSINESS LICENSES GENERALLY, AND 4.56, SMOKE SHOPS, OF THE CITY OF IMPERIAL BEACH MUNICIPAL CODE RELATED TO THE CONTINUATION OF LAWFULLY ESTABLISHED BUSINESSES. (0390-95)**

City Manager’s Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2010-1104, “An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING CHAPTERS 4.04, BUSINESS LICENSES GENERALLY, AND 4.56, SMOKE SHOPS, OF THE CITY OF IMPERIAL BEACH MUNICIPAL CODE RELATED TO THE CONTINUATION OF LAWFULLY ESTABLISHED BUSINESSES”;
3. City Clerk to read title of the Ordinance No. 2010-1104; and
4. Motion to dispense with the second reading and adopt Ordinance No. 2010-1104 by title only.

**PUBLIC HEARINGS (5)**

None.

**REPORTS (6.1 - 6.3)**

**6.1 RESOLUTION NO. 2010-6894 – APPROVING PLACEMENT OF AN OCEAN AND BEACH SURVEILLANCE CAMERA AT THE PALM AVENUE STREET END PLAZA. (0220-20)**

City Manager’s Recommendation: Adopt resolution.

**6.2 CODE ENFORCEMENT REPORT – SYSTEMATIC CODE COMPLIANCE. (0470-90)**

City Manager’s Recommendation: Receive report and provide direction on the “Systematic Code Compliance” options and the technology/resource and staffing options provided.

***Item No. 6.3 will be discussed at 7:00 p.m. – TIME SPECIFIC***

**6.3 COMMERCIAL ZONING REVIEW – CONTINUED FOCUS DISCUSSION ON INCENTIVES FOR ADDITIONAL BUILDING HEIGHT AND RESIDENTIAL DENSITY. (0610-95)**

City Manager’s Recommendation: Support Option A as discussed in the Staff Report. It is further recommended that the City Council continue its discussion and provide any additional direction and input on the recommendation presented.

**ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)**

**ADJOURNMENT**

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Jacqueline M. Hald, CMC  
City Clerk

**DRAFT**

**MINUTES**

**Item No. 2.1**

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

**MARCH 17, 2010**

**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: Bragg, McCoy, Rose  
Councilmembers absent: None  
Mayor present: Janney  
Mayor Pro Tem present: King

Staff present: City Manager Brown; City Attorney Lyon; Deputy City Clerk Wolfson

**PLEDGE OF ALLEGIANCE**

MAYOR JANNEY led everyone in the Pledge of Allegiance.

**AGENDA CHANGES**

Item No. 6.2 was pulled from the agenda.

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

COUNCILMEMBER BRAGG spoke about how crucial it was to reply to the census for proper allocation of funds for schools, roads, etc. to the entire county; she invited all in attendance to attend the ribbon cutting ceremony for the youth soccer field at Veterans Park this Friday; and she invited everybody to attend the Friends of the Library book sale this Saturday.

COUNCILMEMBER MCCOY wished all happy a St. Patrick's Day.

COUNCILMEMBER ROSE reminded everybody that tomorrow is the Business Expo at the Marina Vista Center where resources for small businesses will be offered; she discussed her attendance at the recent SAFE Board meeting where they discussed call boxes of the future and how increasing cell phone usage has impacted call boxes; she announced a home weatherization program, provided by the MAAC Project, she also mentioned Microsoft Elevate America, a free program offering free vouchers for online Microsoft training and certification.

**COMMUNICATIONS FROM CITY STAFF**

None.

**PUBLIC COMMENT**

None.

**PRESENTATIONS (1.1)**

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

MAYOR JANNEY presented the Recycle All-Star Award Certificate and other premiums to Marjorie Petty.

MARCO TOPETE presented the \$100.00 check to Ms. Petty.

**CONSENT CALENDAR (2.1 - 2.9)**

CITY MANAGER BROWN spoke about Item No. 2.6 and reported that EDCO would tailor its April newsletter to focus on recycling; he added City staff is helping raise awareness regarding the sensitivity of materials going to the bay and estuary; he announced the annual Citywide Garage Sale is scheduled for April 24, as is the County's Creek to Bay Cleanup (co-sponsored by the City); the Home Front Clean Up is May 1; and a Sports Park educational program is in the works.

**MOTION BY ROSE, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.9. MOTION CARRIED UNANIMOUSLY.**

**2.1 MINUTES.**

Approved the minutes of the Workshop Meeting of January 12, 2010 and the Regular City Council Meetings of February 3 and 17, 2010.

**2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)**

Ratified the following registers: Accounts Payable Numbers 70508 through 70600 with the subtotal amount of \$771,502.83 and Payroll Checks 42320 through 42361 for the pay period ending 02/25/10 with the subtotal amount of \$144,395.94, for a total amount of \$915,898.77.

**2.3 CASH AND INVESTMENT REPORTS FOR THE QUARTER ENDED DECEMBER 31, 2009. (0300-90 & 0350-90)**

Received and file the Quarterly Investment Reports for the quarter ending December 31, 2009.

**2.4 RESOLUTION NO. 2010-6870 – APPROVING A MODIFICATION TO THE AGREEMENT FOR PROVISION OF SEWER SERVICES AND PAYMENT FOR SERVICES USING THE SANITARY SEWER SYSTEM – 1185 PALM AVENUE – THRIFTY OIL COMPANY. (0830-95)**

Adopted resolution.

**2.5 RESOLUTION NO. 2010-6868 – AMENDING CITY MANAGER'S AGREEMENT. (0530-60)**

Adopted resolution.

**2.6 RESOLUTION NO. 2010-6865 – DECLARING APRIL AS “ENVIRONMENTAL AWARENESS MONTH” IN THE CITY OF IMPERIAL BEACH. (0230-40)**

Adopted resolution.

**2.7 RESOLUTION NO. 2010-6864 – INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS AND ORDERING THE PREPARATION OF AN ENGINEER'S “REPORT” FOR A SPECIAL ASSESSMENT DISTRICT – AD 67M. (0345-10)**

Adopted resolution.

**2.8 RESOLUTION NO. 2010-6862 – SETTING THE TIME AND PLACE FOR A PUBLIC HEARING AND FIRST READING OF ORDINANCE TO CONSIDER ADOPTION OF THE SEWER SERVICE CHARGE FOR FY 2011. (0830-95)**

Adopted resolution, and direct staff to mail a notice of a public hearing time and place to each property owner and also to place the notice in the I.B. Eagle & Times newspaper as described in the staff report.

**2.9 RESOLUTION NO. 2010-6866 – SETTING THE TIME AND PLACE FOR PUBLIC HEARING TO REVIEW THE SETTING OF THE SEWER CAPACITY FEE FOR FY 2011. (0390-55)**

Adopted resolution.

**ORDINANCES – INTRODUCTION/FIRST READING (3)**

None.

**ORDINANCES – SECOND READING & ADOPTION (4)**

None.

**PUBLIC HEARINGS (5.1)**

**5.1 RESOLUTION NO. 2010-6867 – AMENDING THE MASTER SCHEDULE OF FEES AND CHARGES FOR RENTAL RATES AND OTHER FEES ASSOCIATED WITH THE NEW YOUTH SOCCER FIELD. (0390-55 & 0920-70)**

Fee schedules from Chula Vista and National City were submitted as Last Minute Agenda Information.

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN reported on the item.

DEPUTY CITY CLERK WOLFSON announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

**MOTION BY MCCOY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2010-6867. MOTION CARRIED UNANIMOUSLY.**

**REPORTS (6.1 - 6.7)**

**6.2 XERISCAPE LANDSCAPE PROJECT PROPOSAL FOR MARINA VISTA CENTER FRONTAGE OFF 8<sup>TH</sup> STREET. (0230-70 & 0930-10)**

Item pulled.

**6.3 RESOLUTION NO. 2010-6863 – TIME EXTENSION FOR DOS DELMAR/ EDWIN JOHNSON (OWNER)/TIM MONAHAN OF NEWTRAC PACIFIC (APPLICANT)/JEFF FISCHFOGT (ARCHITECT); REGULAR COASTAL DEVELOPMENT PERMIT (CP 04-58), DESIGN REVIEW (DRC 04-59), SITE PLAN REVIEW (SPR 04-60), ENVIRONMENTAL INITIAL ASSESSMENT (EIA 04-61), AND VARIANCE (VAR 050313) FOR TWO ATTACHED RESIDENTIAL UNITS LOCATED AT 684-686 OCEAN LANE, IN THE R-1500 (HIGH DENSITY RESIDENTIAL) ZONE. MF 701. (0600-20).**

COUNCILMEMBER MCCOY announced she had a potential conflict of interest on the item as her residence is within 500 feet of the project and she left Council Chambers at 6:15 p.m.

Correspondence from Jonni O’Neal and materials from Tim O’Neal were submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item.

ENGINEER DAVID SKELLY, representing the applicant, gave a PowerPoint presentation on the item.

TIM O’NEAL rebutted Mr. Skelly’s comments regarding erosion, he commented the groins have never worked; he discussed the Griggs report he presented as Last Minute Agenda Information and spoke extensively about passive versus active erosion (additional speaking time donated by Candy Unger and Ken May).

JONNI O’NEAL expressed concern that her home, built in 1971, will experience the same damage as the project discussed; she also expressed concerned about denial of public access to the beach and that she’ll need to construct a seawall to protect her property, which will further restrict beach access.

MR. SKELLY commented on the differences between East Coast and West Coast; management of shoreline; he commented that the item has already been approved, and the time extension was only needed because the project owner lost the construction loan during these tough economic times.

EDWIN JOHNSON, owner, was available to answer questions of Council.

Council voiced their appreciation for the research and documents brought forward to Council by the O’Neals; they spoke about the ongoing debate over the seawall; and they lauded Community Development Director Wade for his outreach to residents to discuss the issue.

COMMUNITY DEVELOPMENT DIRECTOR WADE commented many communities struggle with the issue of seawalls; he added that the area north of IB Boulevard requires a seawall due to constant erosion.

**MOTION BY KING, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2010-6863, APPROVING A ONE-YEAR TIME EXTENSION FOR REGULAR COASTAL PERMIT (CP 04-58), DESIGN REVIEW (DRC 04-59), SITE PLAN REVIEW (SPR 04-60), ENVIRONMENTAL INITIAL ASSESSMENT (EIA 04-61), AND VARIANCE (VAR 05-313), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>BRAGG, ROSE, KING, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>DISQUALIFIED:</b>	<b>COUNCILMEMBERS:</b>	<b>MCCOY (DUE TO A POTENTIAL CONFLICT OF INTEREST)</b>

COUNCILMEMBER MCCOY returned to Council Chambers at 6:52 p.m.

CITY CLERK HALD arrived at 6:52 p.m.

#### **6.4 PORT COMMISSIONER APPOINTMENT PROCESS. (0150-70)**

CITY MANAGER BROWN introduced the item.

City Council discussion ensued about the importance of setting a policy for the appointment of a new Port Commissioner; a majority supported a public interview process of the Mayor's top three choices; to appoint the new Port Commissioner in August; and there was a recommendation to bring back the Port Commissioner Position Specifications with modifications that attract applicants of executive management level and with regional board/commission experience.

***Item No. 6.1 will be discussed at 7:00 p.m. – TIME SPECIFIC***

#### **6.1 COMMERCIAL ZONING REVIEW – CONTINUED FOCUS DISCUSSION. (0610-95)**

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item.

City Council spoke about incentives for additional height and density; there was support for a menu list of incentives for developers to use when increasing height and/or residential density; and there was a request for diagrams to illustrate proposed regulations.

MICHAEL CAREY spoke in support of involving the community in the review of the item; he suggested that there could be quality development with one unit at the top instead of two; and he spoke of the importance for neighborhood compatibility and the need for quality commercial and neighborhood development.

#### **6.5 REQUEST FOR COUNCIL DIRECTION CONCERNING THE BROADCASTING OF CITY COUNCIL MEETINGS. (0410-95)**

CITY MANAGER BROWN introduced the item.

City Council discussed the options and associated costs for broadcasting City Council meetings; Consensus of City Council to broadcast City Council meetings live on Cox Cable Channel 24 and to replay recordings following City Council meetings.

**6.6 RESOLUTION NO. R-10-213 – PROPOSED SECOND AMENDMENT TO AGREEMENT WITH EPIC LAND SOLUTIONS, INC. FOR RELOCATION ASSISTANCE SERVICES AT THE 9<sup>TH</sup> AND PALM REDEVELOPMENT PROJECT. (0640-30)**

Due to a potential conflict of interest on the item, MAYOR PRO TEM KING left Council Chambers at 8:05 p.m.

CITY MANAGER BROWN introduced the item.

No speaker slips were submitted.

**MOTION BY ROSE, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. R-10-213 – PROPOSED SECOND AMENDMENT TO AGREEMENT WITH EPIC LAND SOLUTIONS, INC. FOR RELOCATION ASSISTANCE SERVICES AT THE 9<sup>TH</sup> AND PALM REDEVELOPMENT PROJECT. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

MAYOR PRO TEM KING returned to Council Chambers at 8:08 p.m.

**6.7 RESOLUTION NO. R-10-212 – PROVIDING MATCHING FUNDS TO SOUTH BAY COMMUNITY SERVICES FOR A MULTI-FAMILY AFFORDABLE SOLAR HOUSING PROGRAM GRANT FOR 1360 HEMLOCK AND 1260 CALLA AVENUES. (0640-20)**

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY gave a report on the item.

No speaker slips were submitted.

**MOTION BY KING, SECOND BY ROSE, TO ADOPT RESOLUTION NO. R-10-212 – PROVIDING MATCHING FUNDS TO SOUTH BAY COMMUNITY SERVICES FOR A MULTI-FAMILY AFFORDABLE SOLAR HOUSING PROGRAM GRANT FOR 1360 HEMLOCK AND 1260 CALLA AVENUES. MOTION CARRIED UNANIMOUSLY.**

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 8:12 p.m.

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James C. Janney, Mayor

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Jacqueline M. Hald, CMC  
City Clerk

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Lisa D. Wolfson, CMC  
Deputy City Clerk

**DRAFT**

**MINUTES**

**Item No. 2.1**

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

**MAY 19, 2010**

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

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

**CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 5:32 p.m.

**ROLL CALL**

Councilmembers present: Bragg, McCoy, Rose  
Councilmembers absent: None  
Mayor present: Janney  
Mayor Pro Tem present: King

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

**CLOSED SESSION**

**MOTION BY BRAGG, SECOND BY MCCOY, TO ADJOURN TO CLOSED SESSION UNDER:**

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b)(3)(A)  
No. of cases: 1

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Name of Case: IBRDA v. Sides, Case No. 37-2010-00075462-CU-EI-SC

**MOTION CARRIED UNANIMOUSLY.**

MAYOR JANNEY adjourned the meeting to Closed Session at 5:32 p.m. and he reconvened the meeting to Open Session at 6:03 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, and had no reportable action.

MAYOR PRO TEM KING recused himself from discussion on the Closed Session item relating to IBRDA v. Sides due to an indirect conflict of interest.

**REGULAR MEETING CALL TO ORDER**

MAYOR JANNEY called the Regular Meeting to order at 6:04 p.m.

**ROLL CALL**

Councilmembers present: Bragg, McCoy, Rose  
Councilmembers absent: None  
Mayor present: Janney  
Mayor Pro Tem present: King

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

**PLEDGE OF ALLEGIANCE**

MAYOR JANNEY led everyone in the Pledge of Allegiance.

**AGENDA CHANGES**

None.

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

COUNCILMEMBER BRAGG reported on the Relay for Life Event that took place May 15 and 16, and thanked Michelle Guern for organizing a City team; and she announced the Fleet Reserve, American Legion and VFW will host an annual Memorial Day Ceremony at Veterans Park on May 31.

COUNCILMEMBER ROSE also spoke about the Relay for Life Event.

MAYOR PRO TEM KING reported on his attendance at a Binational Mayor's Conference he attended with Councilmember McCoy, the recent Business Improvement District meeting, and the ribbon cutting ceremonies of three new businesses in Imperial Beach.

MAYOR JANNEY spoke about a SANDAG meeting where there was a discussion on SB 375; and he announced the Loews Coronado Bay Resort Surf Dog Competition is scheduled for May 22 at Dunes Park, and the release of the movie Marmaduke will take place in the evening.

COUNCILMEMBER MCCOY announced her attendance at the grand opening of the City of Coronado's Animal Shelter.

MAYOR PRO TEM KING announced the Kiwanis Club will host a wine tasting event on May 14.

**COMMUNICATIONS FROM CITY STAFF**

CITY MANAGER BROWN announced staff participated in a discussion on sea level rise and would forward information received to City Council; and he announced a similar discussion will take place at the Estuary in June.

**PUBLIC COMMENT**

LINDA D. ACUNA requested the City place a handicap space in front of her house due to the need of her parents.

MAYOR JANNEY referred the matter to the City Manager.

ALFONSO LOPEZ spoke in support for smoke-free outdoor dining in IB.

COUNCILMEMBER ROSE stated a nonprofit organization met with the Chamber of Commerce and is conducting a survey of restaurants in town regarding this matter.

**PRESENTATIONS (1.1)**

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

MAYOR JANNEY announced Roy and Carole Jungkurth, who were not in attendance, were this month's recipient of the Recycle All-Star Award certificates, other premiums, and \$100 check from EDCO.

**CONSENT CALENDAR (2.1 - 2.4)**

COUNCILMEMBER BRAGG requested the public receive advanced notice of the meeting change from June 16 to June 15.

**MOTION BY MCCOY, SECOND BY KING, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.4. MOTION CARRIED UNANIMOUSLY.**

**2.1 MINUTES.**

Approved the minutes of the Regular City Council Meetings of April 7 and May 4, 2010, and the Workshop Meeting of May 11, 2010.

**2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)**

Ratified the following registers: Accounts Payable Numbers 70715 through 70918 with the subtotal amount of \$3,289,242.03, Payroll Checks 42454 through 42510 for the pay period ending 04/08/10 with the subtotal amount of \$155,970.41 and Payroll Checks 42511 through 42560 for the pay period ending 04/22/10 with the subtotal amount of \$147,072.85, for a total amount of \$3,592,285.29

**2.3 ADMINISTRATIVE COASTAL PERMIT (ACP 090040) AND CERTIFICATE OF COMPLIANCE/BOUNDARY ADJUSTMENT (COC 090041) FOR THE CONSTRUCTION OF ONE NEW SINGLE-FAMILY RESIDENCE AND BOUNDARY ADJUSTMENT LOCATED AT 1194 CONNECTICUT STREET IN THE R-1-6000 (SINGLE-FAMILY RESIDENTIAL) ZONE. MF 1030. (0600-20)**

Accepted the right-of-way dedication as shown on Parcel Map No. 090041 and approve the recordation of the map and associated documentation.

**2.4 CANCELLATION OF THE JUNE 16, 2010 CITY COUNCIL MEETING AND HOLDING A REGULAR MEETING ON TUESDAY, JUNE 15, 2010. (0410-05)**

The City Council canceled the June 16, 2010 City Council meeting and scheduled a Regular Meeting for Tuesday, June 15, 2010 at 6:00 p.m. in the Council Chambers.

**ORDINANCES – INTRODUCTION/FIRST READING (3.1)**

**3.1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 2010-1104 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING CHAPTERS 4.04, BUSINESS LICENSES GENERALLY, AND 4.56, SMOKE SHOPS, OF THE CITY OF IMPERIAL BEACH MUNICIPAL CODE RELATED TO THE CONTINUATION OF LAWFULLY ESTABLISHED BUSINESSES. (0390-95)**

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LYON gave a report on the item.

No speaker slips were submitted.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2010-1104.

CITY CLERK HALD read the title of Ordinance No. 2010-1104, “An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING CHAPTERS 4.04, BUSINESS LICENSES GENERALLY, AND 4.56, SMOKE SHOPS, OF THE CITY OF IMPERIAL BEACH MUNICIPAL CODE RELATED TO THE CONTINUATION OF LAWFULLY ESTABLISHED BUSINESSES.”

**MOTION BY BRAGG, SECOND BY ROSE, TO WAIVE FURTHER READING AND DISPENSE INTRODUCTION OF ORDINANCE NO. 2010-1104 BY TITLE ONLY AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.**

**ORDINANCES – SECOND READING & ADOPTION (4.1)**

**4.1 SECOND READING AND ADOPTION OF ORDINANCE NO. 2010-1103 – ADOPTION OF THE SEWER SERVICE CHARGE FOR FISCAL YEAR 2011. (0830-95)**

CITY MANAGER BROWN introduced the item and noted that without the increase in rates, the fund would be in a deficit.

In response to questions of Council, PUBLIC WORKS DIRECTOR LEVIEN stated the cost increase covers the bills that the City of San Diego charges the City of Imperial Beach for processing costs and improvements made to the sewer system.

COUNCILMEMBER MCCOY, the City’s representative on the Metro Commission, stated rates will most likely increase in the future due to the need for new infrastructure; and noted that cost increases are driven by the City of San Diego.

MAYOR JANNEY expressed concern about an outside entity imposing cost increases on the City of Imperial Beach; he questioned the 19% increase; he encouraged staff to be vigilant of costs and to ensure that costs are justified.

COUNCILMEMBER MCCOY stated she would bring up concerns raised at the next Metro meeting.

No speaker slips were submitted.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2010-1103.

CITY CLERK HALD read the title of Ordinance No. 2010-1103, "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."

**MOTION BY KING, SECOND BY MCCOY, TO DISPENSE WITH THE SECOND READING AND ADOPT ORDINANCE NO. 2010-1103 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.**

**PUBLIC HEARINGS (5.1)**

**5.1 RESOLUTION NO. 2010-6887 – ADOPTION OF TRANSNET EXTENSION LOCAL STREET AND ROAD PROGRAM OF PROJECTS FOR FISCAL YEARS 2011-2015. (0680-80)**

A revised staff report, resolution, and Attachment 2 reflecting Attachment 2 was Exhibit A to Resolution No. 2010-6887 were submitted as Last Minute Agenda Information.

MAYOR JANNEY declared the public hearing open.

No discussion.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

CITY ATTORNEY LYON announced Mayor Janney and Mayor Pro Tem King both own property within proximity to projects listed for FY 2011 and Councilmember Rose owns property within proximity to projects listed for FY 2015 and, therefore, the vote will reflect those Councilmembers were disqualified in those fiscal years.

**MOTION BY MCCOY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2010-6887 – ADOPTING THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2011-2015; TO AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SUBMIT RESOLUTION NO. 2010-6887 TO SANDAG; AND APPROVE THE RTIP PROJECTS BEING ADDED TO AND INCLUDED IN THE CITY OF IMPERIAL BEACH ADOPTED 5-YEAR CIP. MOTION CARRIED UNANIMOUSLY.**

**WITH REGARD TO THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEAR 2011:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>BRAGG, MCCOY, ROSE</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>DISQUALIFIED:</b>	<b>COUNCILMEMBERS:</b>	<b>KING, JANNEY (DUE TO A POTENTIAL CONFLICT OF INTEREST)</b>

**WITH REGARD TO THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEAR 2015:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>BRAGG, MCCOY, KING, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>DISQUALIFIED:</b>	<b>COUNCILMEMBERS:</b>	<b>ROSE (DUE TO A POTENTIAL CONFLICT OF INTEREST)</b>

**REPORTS (6.1 - 6.5)**

**6.1 MONTHLY UPDATE REPORT ON THE REDEVELOPMENT OF THE SEACOAST INN HOTEL. (0660-43)**

COUNCILMEMBER BRAGG announced she had a potential conflict of interest on the item due to the location of her former employment and left Council Chambers at 6:41 p.m.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave an update report on the Seacoast Inn project, noting the tasks that have been completed to date.

ALLISON ROLFE, Project Manager, provided and reviewed an updated project schedule; she noted that the following tasks are linked together and are still pending: Citibank's issuance of a subordination agreement, the recordation of the final map and the submittal of all documentation to the Coastal Commission necessary for approval of prior conditions.

ASH ISRANI, owner of Pacifica Host Hotels, continued by explaining that the items are still pending because Citibank is refusing to sign the final map until the mortgage is paid off; he reported that there are three banks who have expressed interest in financing the project and he expressed a desire to secure financing for the new hotel before paying off the loan.

No speaker slips were submitted.

City Council spoke about the community's desire to have the existing hotel demolished; how the demolition shows the community that the project is proceeding, and strongly encouraged the owner to move forward with the demolition as quickly as possible.

MS. ROLFE stated concurrent processes are taking place; the Coastal Commission is reviewing the CCNRs, a precondition to the demolition of the existing hotel, and Pacifica staff will continue to secure funding for the new hotel.

MAYOR JANNEY requested the project schedule be submitted prior to City Council meetings and implored Pacifica to move forward with the demolition soon.

CITY MANAGER BROWN reported street improvements to Seacoast Drive may be delayed due to the delay in the demotion of the existing hotel and construction of the new hotel.

COUNCILMEMBER BRAGG returned to Council Chambers at 7:02 p.m.

**6.2 RESOLUTION NO. 2010-6891 – REJECTING ALL BIDS FOR CERTAIN PUBLIC WORKS CONTRACT – SKATE PARK ELEMENT CIP (P07-101). (0920-40)**

A revised Resolution No. 2010-6891 was submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced and reported on the item.

WILLIAM TOTH submitted information for City Council's review and requested City Council postpone the rebid until they review the information he submitted.

Discussion ensued regarding Mr. Toth's opportunity to resubmit a bid.

**MOTION BY KING, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2010-6891 – REJECTING ALL BIDS FOR CERTAIN PUBLIC WORKS CONTRACT – SKATE PARK ELEMENT CIP (P07-101) AND TO DIRECT STAFF TO REBID THIS PROJECT AS SOON AS POSSIBLE MAKING NECESSARY MODIFICATIONS IN THE BID SPECIFICATIONS THAT WILL CLEAR UP BIDDER MISUNDERSTANDINGS. MOTION CARRIED UNANIMOUSLY.**

**6.3 REQUEST FOR AD HOC COMMITTEE – PORT COMMISSIONER APPOINTMENT PROCESS. (0410-50).**

MAYOR JANNEY recommended Councilmember Rose and himself as the two (2) Councilmembers to serve on the ad hoc committee for the purpose of creating the application and questions for the Port Commissioner appointment process.

No speaker slips were submitted.

**MOTION BY JANNEY, SECOND BY BRAGG, TO APPROVE MAYOR JANNEY'S RECOMMENDATIONS OF COUNCILMEMBER ROSE AND HIMSELF AS THE TWO (2) COUNCILMEMBERS TO SERVE ON THE AD HOC COMMITTEE FOR THE PURPOSE OF CREATING THE APPLICATION AND QUESTIONS FOR THE PORT COMMISSIONER APPOINTMENT PROCESS AND TO HAVE THE AD HOC COMMITTEE BE DISSOLVED AFTER INTERVIEW QUESTIONS AND APPLICATION ARE DESIGNED, APPROXIMATELY BY JULY 1, 2010. MOTION CARRIED UNANIMOUSLY.**

**6.4 REQUEST FOR AD HOC COMMITTEE – SAND REPLENISHMENT PROJECTS (0410-50)**

MAYOR JANNEY recommended Mayor Pro Tem King and himself as the two (2) Councilmembers to serve on the ad hoc committee for the purpose of developing and identifying potential funding opportunities for sand replenishment projects.

No speaker slips were submitted.

**MOTION BY MCCOY, SECOND BY ROSE, TO APPROVE MAYOR JANNEY'S RECOMMENDATIONS OF MAYOR PRO TEM KING AND HIMSELF AS THE TWO (2) COUNCILMEMBERS TO SERVE ON THE AD HOC COMMITTEE FOR THE PURPOSE OF DEVELOPING AND IDENTIFYING POTENTIAL FUNDING OPPORTUNITIES FOR SAND REPLENISHMENT PROJECTS AND TO HAVE THE AD HOC COMMITTEE BE DISSOLVED NO LATER THAN DECEMBER 31, 2010. MOTION CARRIED UNANIMOUSLY.**

**6.5 RESOLUTION NO. R-10-220 – AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN EXCLUSIVE NEGOTIATION AGREEMENT WITH HITZKE DEVELOPMENT CORPORATION FOR THE AMERICAN LEGION AFFORDABLE HOUSING PROJECT AT 1268 PALM AVENUE AND TO NEGOTIATE AN OWNER PARTICIPATION AGREEMENT. (0640-20)**

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY gave a report on the item.

No speaker slips were submitted.

City Council spoke positively about the design of the project and how the project adds needed housing to the community.

GINGER HITZKE responded to Council's questions regarding project costs and the estimated project start and completion dates.

**MOTION BY JANNEY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. R-10-220 – AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN EXCLUSIVE NEGOTIATION AGREEMENT WITH THE HITZKE DEVELOPMENT CORPORATION AND TO NEGOTIATE AN OWNER PARTICIPATION AGREEMENT. MOTION CARRIED UNANIMOUSLY.**

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 7:19 p.m.

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James C. Janney, Mayor

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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 2, 2010

**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.

**ENVIRONMENTAL IMPACT**

Not a project as defined by CEQA.

The following registers are submitted for Council ratification.

**WARRANT #                      DATE                      AMOUNT**

**Accounts Payable**

70919	05/13/10	\$	50.00
70920-70950	05/14/10		57,980.11
70951-70986	05/20/10		128,909.78
	<b>Sub-Total</b>	<b>\$</b>	<b>186,939.89</b>

**Payroll Checks:**

42561-42614	P.P.E. 05/06/10	147,207.91
		\$ <u>147,207.91</u>
	<b>TOTAL</b>	<b>\$ <u>334,147.80</u></b>

**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	
05/13/2010	70919	SOUTHWEST WETLANDS INTERPRETIV	1			50.00	
101-1230-413.28-04	05/11/2010	NAKAGAWA, J-WADE, G / WKSP	05-14-2010		11/2010	50.00	
05/14/2010	70920	ARROWHEAD MOUNTAIN SPRING WATE	1340			104.03	
101-1010-411.30-02	04/23/2010	APRIL 2010 CITY HALL	00D0025324922	010037	10/2010	104.03	
05/14/2010	70921	BDS ENGINEERING INC	372			1,926.00	
101-0000-221.01-02	05/06/2010	APRIL 2010 PLAN CHECK	10-02D		11/2010	750.00	
101-0000-221.01-02	05/06/2010	APRIL 2010 PLAN CHECK	10-02D		11/2010	139.00	
101-0000-221.01-02	05/06/2010	APRIL 2010 PLAN CHECK	10-02D		11/2010	257.00	
101-0000-221.01-02	05/06/2010	APRIL 2010 PLAN CHECK	10-02D		11/2010	780.00	
05/14/2010	70922	CALIF ELECTRIC SUPPLY	609			79.14	
101-5010-431.21-23	02/22/2010	90D PVC ELL	1069-602232	010082	09/2010	14.36	
101-5010-431.21-23	02/22/2010	ELEC UG TAPE/BARE COPPER	1069-602273	010082	09/2010	64.78	
05/14/2010	70923	CCMF	1502			400.00	
101-1110-412.28-12	05/10/2010	BROWN, G MEMBERSHIP	2010-11	011066	11/2010	400.00	
05/14/2010	70924	DEPARTMENT OF MOTOR VEHICLES	1156			64.00	
601-5060-436.28-13	05/12/2010	BENNETT, ERIC-CLASS B FEE	05-12-2010		11/2010	64.00	
05/14/2010	70925	DKC ASSOCIATES, INC.	2187			3,200.00	
101-1110-412.20-06	05/05/2010	04/28/10-05/05/10	192	010782	11/2010	1,065.60	
405-1260-413.20-06	05/05/2010	04/28/10-05/05/10	192	010782	11/2010	1,065.60	
502-1922-419.20-06	05/05/2010	04/28/10-05/05/10	192	010782	11/2010	1,068.80	
05/14/2010	70926	GCR TIRE CENTERS	1702			1,568.24	
501-1921-419.28-16	04/16/2010	NEW TIRES	86607	010102	10/2010	1,568.24	
05/14/2010	70927	GO-STAFF, INC.	2031			150.00	
101-3040-424.21-01	03/16/2010	ROCHER, J W/E 03/14/10 BL	69663	010705	09/2010	150.00	
05/14/2010	70928	GREAT EQUALIZER DBA ASCOLTA	2201			2,495.00	
503-1923-419.28-04	03/08/2010	LOPEZ, H-ASCOLTA TRANG	R277A5290	010873	09/2010	2,495.00	
05/14/2010	70929	I B FIREFIGHTERS ASSOCIATION	214			216.50	
101-0000-209.01-08	05/13/2010	PR AP PPE 05/06/2010	20100513		11/2010	216.50	
05/14/2010	70930	ICMA RETIREMENT TRUST 457	242			5,284.62	
101-0000-209.01-10	05/13/2010	PR AP PPE 05/06/2010	20100513		11/2010	5,284.62	
05/14/2010	70931	INTERSTATE BATTERY OF SAN DIEG	388			44.71	
501-1921-419.28-16	03/03/2010	SP-30	680026703	010063	09/2010	44.71	
05/14/2010	70932	JOSE LUIS MORENO	560			105.00	
101-5010-431.21-04	04/04/2010	BANNER REPAIRS X3	500	011062	10/2010	105.00	
05/14/2010	70933	MICHAL PIASECKI CONSULTING	1795			7,110.00	
101-5010-431.20-06	05/03/2010	APRIL 2010 PW DEPT	137	010074	11/2010	270.00	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
101-5010-531.20-06	05/03/2010	APRIL 2010 PW DEPT	137	010074 11/2010 90.00
101-5020-432.20-06	05/03/2010	APRIL 2010 PW DEPT	137	010074 11/2010 135.00
405-1260-513.20-06	05/03/2010	APRIL 2010 PW DEPT	137	010074 11/2010 90.00
405-1260-513.20-06	05/03/2010	APRIL 2010 PW DEPT	137	010074 11/2010 5,715.00
601-5050-436.20-06	05/03/2010	APRIL 2010 PW DEPT	137	010074 11/2010 270.00
601-5060-436.20-06	05/03/2010	APRIL 2010 PW DEPT	137	010074 11/2010 540.00
05/14/2010	70934	MICHELLE POSADA	2028	
101-1010-411.28-04	01/28/2010	BRAGG,L-JAN 2010 CHAMBER	135923	11/2010 10.00
101-1010-411.30-02	02/23/2010	PACKING MATERIAL	02-23-2010	11/2010 2.00
601-5060-436.28-04	02/11/2010	INTERVIEW PANEL REFRESHMN	02-11-2010	11/2010 6.99
101-1230-413.28-04	02/25/2010	INTERVIEW PANEL REFRESHMN	02-25-2010	11/2010 6.99
101-1920-419.30-02	03/04/2010	DUPLICATE KEYS	7326	11/2010 4.35
101-5010-431.28-04	03/16/2010	INTERVIEW PANEL REFRESHMN	03-16-2010	11/2010 7.59
101-1020-411.28-04	03/25/2010	HALD, J -CHAMBER BREAKFAS	135932	11/2010 15.00
101-1010-411.28-04	03/22/2010	MCCOY- TOLL ROAD FEES	4220	11/2010 4.75
101-1010-411.28-04	04/09/2010	BRAGG,L-REIMBURSE GAS/	1714	11/2010 26.10
101-1010-411.28-04	04/13/2010	MCCOY,P-SANDAG REGISTRATN	04-28-2010	11/2010 25.00
05/14/2010	70935	MIKE MCGRANE	1939	
101-1210-413.11-08	05/13/2010	HEALTH CARE REIMBURSEMENT	2010	11/2010 420.00
05/14/2010	70936	NICOLAS KOHN	2	
101-0000-344.77-01	05/10/2010	REFUND PICNIC SHELTER	6023	11/2010 35.00
05/14/2010	70937	PAUL HEISKALA CONSTRUCTION	2057	
248-1920-519.20-06	04/20/2010	CLEAN&GREEN-1320 CONNECTI	94B	010853 10/2010 3,692.50
05/14/2010	70938	PITECOS LANDSCAPING	2046	
101-6040-454.28-01	05/04/2010	INSTALL MEXICAN FAN PALM	3007	011002 11/2010 2,660.00
05/14/2010	70939	PMI	23	
101-6040-454.30-02	04/23/2010	PROTECTIVE GLOVES	0226334	010068 10/2010 420.64
05/14/2010	70940	PROTECTION ONE	69	
601-5060-436.20-23	02/18/2010	755 DELAWARE-LABOR CHG	76541313	010007 10/2010 120.00
05/14/2010	70941	ROBERTA OTERO-PETTY CASH	2229	
501-1921-419.28-15	12/08/2009	TRUCK #602 FUEL	68122	11/2010 5.00
408-5020-432.20-01	01/14/2010	2ND DAY POSTAGE	001931	11/2010 13.65
601-5050-436.29-04	02/25/2010	NELSON, G- FOG SEMINAR	02-25-2010	11/2010 25.00
101-5020-432.28-09	02/04/2010	EXPRESS MAIL FEES	EG167704358	11/2010 18.30
101-5020-432.28-09	02/18/2010	SHIPPING FEES	02-18-2010	11/2010 7.29
101-1910-419.30-02	03/15/2010	SAFETY CTR DOOR HINGE BOL	03-15-2010	11/2010 12.71
101-5020-432.28-04	03/15/2010	REFRESHMENTS FOR TRAINING	03-15-2010	11/2010 38.64
101-5020-432.28-09	03/19/2010	POSTAGE BALANCE-SEWER	1000500479729	11/2010 2.95
408-5020-432.20-01	03/25/2010	POSTAGE	1000100347086	11/2010 1.05
101-5020-432.28-04	04/02/2010	GALAVIZ, S - PRKNG FEES @	25111	11/2010 23.00
101-5020-432.28-04	04/14/2010	RETREAT REFRESHMENTS	04-14-2010	11/2010 35.71
101-5020-432.28-04	04/14/2010	RETREAT REFRESHMENTS	04-14-2010	11/2010 23.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
101-5020-432.28-04	04/14/2010	RETREAT REFRESHMENTS	04-15-2010	11/2010 15.00
101-5020-432.28-04	03/24/2010	MORENO, M - MEALS DURING	8640	11/2010 27.57
101-5020-432.28-04	04/16/2010	KING, M MEAL AT TRAINING	2889#10-33	11/2010 5.30
101-5020-432.25-03	04/22/2010	CLEAN WORK VEST	04-22-2010	11/2010 7.25
05/14/2010	70942	SEIU LOCAL 221	1821	1,381.74
101-0000-209.01-08	05/13/2010	PPE 05/06/2010	20100513	11/2010 1,381.74
05/14/2010	70943	TRAFFIC CONTROL SERVICE INC.	684	154.09
101-5010-431.21-23	04/29/2010	CAL TRANS BLACK	970803	010077 09/2010 154.09
05/14/2010	70944	WELL DONE ROOTER & PLUMBING	4	1,885.00
101-0000-221.01-05	05/10/2010	BOND REFUND	TEP 10-13	11/2010 1,885.00
05/14/2010	70950	U.S. BANK	1873	24,093.71
101-3030-423.30-02	11/19/2009	CALL-OUT HELMETS	115036	010851 09/2010 521.54
501-1921-419.28-16	01/25/2010	EXHAUST PIPE & GASKET	P11172	010819 09/2010 134.42
101-5010-431.28-01	01/25/2010	REPLACEMENT BROOM	099744	010819 09/2010 425.02
101-1010-411.28-04	01/22/2010	BRAGG-LODGING CONFERENCE	3155313301	010841 09/2010 197.65
101-3020-422.30-02	01/21/2010	SMART&FINAL-STATION SUPPL	028831	010872 09/2010 222.83
502-1922-419.30-02	02/08/2010	# 142 REAR WINDOW REPAIR	WCV022532	010819 09/2010 280.00
501-1921-419.30-22	02/16/2010	#109 LIGHT RESET TOOL	R98848	010819 09/2010 81.56
101-5010-431.30-02	02/02/2010	PW CONCRETE STAMP	14136	010821 09/2010 170.33
405-1260-513.20-06	02/05/2010	SOCCER GOALS/FIELD-VETS P	PLAU-1-JP	010821 09/2010 1,498.00
101-3030-423.30-02	02/10/2010	SWIM FINNS	868596	010852 09/2010 130.28
101-3030-423.30-02	02/17/2010	HOME DEPOT-TOOLS/BATTERIE	005164/2122999	010852 09/2010 237.01
101-3020-422.30-02	02/01/2010	WALMART-STATION SUPPLIES	025362	010872 09/2010 60.50
101-5010-431.30-02	01/26/2010	PLYWOOD SHEETING	045218/4012766	010801 09/2010 129.65
101-6040-454.30-02	01/23/2010	WALL ANCHORS/SCREWS	095504/7054116	010811 09/2010 10.49
101-1910-419.30-02	01/26/2010	DISINFECTANT DEODORIZER	308096	010818 09/2010 32.60
408-5020-432.28-09	02/17/2010	EXPRESS MAILING FEES	1000100294940	010804 09/2010 36.29
101-6040-454.30-02	02/05/2010	ZIP TIES/BIRD ABATEMENT	002089/4577074	010811 09/2010 21.73
101-1910-419.30-02	02/05/2010	BOX FANS FOR SAFETY CTR	074367	010811 09/2010 31.54
101-6040-454.28-15	02/06/2010	FUEL #612	228131	010811 09/2010 36.50
101-6040-454.30-02	02/08/2010	GLUE/PIER PLAZA GREEN RM	086764/1583479	010811 09/2010 11.93
101-6040-454.30-02	02/13/2010	RESTROOM SCREWS-PLAZA	006357/6568692	010811 09/2010 1.07
101-6040-454.30-02	02/19/2010	PIER LIGHT TOOLS/MAP	090964/0569282	010811 09/2010 67.31
101-6040-454.30-02	02/20/2010	KEMPH,J-WORK BOOTS	081102	010811 09/2010 150.00
101-3020-422.30-02	02/08/2010	LOCK BOXES-A/C & PARAMEDI	056619/1593518	010869 09/2010 64.14
601-5050-436.30-02	01/27/2010	BROCHURE PAPER	3133967	010805 09/2010 36.54
101-6040-454.30-02	01/23/2010	SCREWS/JUNCTION BOX COVER	002842/6577996	010812 09/2010 14.32
101-6040-454.30-02	01/31/2010	CAMERA BATTERIES	0869	010812 09/2010 3.25
101-5010-431.30-02	01/25/2010	ST DEPT LOCKER KEYS	032805	010816 09/2010 3.50
101-1910-419.30-02	02/05/2010	#12 GAGE WIRE	001585/4593222	010803 09/2010 119.63
101-6020-452.30-02	02/17/2010	SP PARK PLAYGROUND PAINT	097322	010803 09/2010 56.14
101-6040-454.28-01	02/04/2010	WING NUTS/WIRE/CRIMPS	028314/5593142	010812 09/2010 133.74
101-6040-454.30-02	02/10/2010	SAW BLADES	080805/9583717	010812 09/2010 89.04
101-6040-454.30-02	02/20/2010	CARTIER, J-WORK BOOTS	086815	010812 09/2010 150.00
101-5010-431.30-02	02/01/2010	1-3/4 YDS CONC/ADA RAMP	85948097-001	010816 09/2010 323.54
101-5010-431.30-02	02/03/2010	UTILITY BOXES & COVERS	0158364	010816 09/2010 181.45

VOIDED CKS # 70945-70949

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101-5010-431.30-02	02/08/2010	SPRAY PAINT CANS/SCREWS	040985/1015719	010816 09/2010 38.74
101-5010-431.30-02	02/09/2010	SPRAY PAINT CANS	076800/0015964	010816 09/2010 58.78
101-5010-431.30-02	02/19/2010	DUCT TAPE/3" SCREWS	097795/0011882	010816 09/2010 43.59
101-6040-454.30-02	01/20/2010	MICROWAVE-PLAZA MAINT RM	020681/9568252	010809 09/2010 43.47
101-6040-454.30-02	01/25/2010	BOLTS/DROP IN ANCHORS	00258830	010809 09/2010 28.71
101-6040-454.30-02	01/25/2010	EYE BOLTS	054639/5566178	010809 09/2010 13.62
101-6040-454.30-02	01/25/2010	S/S PIPE PALM AVE ST END	275169	010809 09/2010 68.87
101-6040-454.30-02	01/26/2010	EYEBOLTS/DROP IN ANCHORS	00258857	010809 09/2010 28.95
101-6040-454.30-02	01/26/2010	CHAIN	057709/4022508	010809 09/2010 79.17
101-6040-454.30-02	01/26/2010	S/S PIPE-PALM AVE ST END	275198	010809 09/2010 68.87
101-6040-454.30-02	01/28/2010	DOOR SHOE	063109/2566707	010809 09/2010 10.83
101-6040-454.30-02	02/02/2010	LATCHING MECHANISM	02-02-2010	010809 09/2010 234.83
101-6040-454.30-02	02/08/2010	JOINT FASTENERS	016973	010809 09/2010 19.10
101-6040-454.30-02	02/08/2010	50W LAMPS	070806/1577360	010809 09/2010 39.08
101-6040-454.30-02	02/09/2010	DOOR SPRING/EYE BOLTS	053272/0568164	010809 09/2010 14.04
101-6040-454.30-02	02/10/2010	METAL OFFSET BRACKETS	092913	010809 09/2010 4.33
101-6040-454.30-02	02/16/2010	PUTTY KNIVES/HOSE NOZZLES	022673/3568965	010809 09/2010 40.30
101-6040-454.30-02	01/27/2010	BATTERIES/TRASH BAGS/TRAY	007592/3592239	010810 09/2010 72.12
101-6040-454.30-02	01/27/2010	BATTERIES/TRASH BAGS/TRAY	007592/3592239	010810 09/2010 10.84
101-6040-454.30-02	01/27/2010	BATTERIES/TRASH BAGS/TRAY	007592/3592239	010810 09/2010 7.41
101-6040-454.30-02	02/09/2010	PIER PLAZA FLAGS	109963A	010810 09/2010 225.38
101-6040-454.30-02	02/11/2010	FERTILIZER/SHOVEL/SCREWS	015252/8196334	010810 09/2010 101.59
101-6040-454.30-22	02/11/2010	FERTILIZER/SHOVEL/SCREWS	015252/8196334	010810 09/2010 56.48
101-6040-454.30-22	02/11/2010	FERTILIZER/SHOVEL/SCREWS	015252/8196334	010810 09/2010 16.70
101-6040-454.30-02	02/17/2010	FLAGS	0274379	010810 09/2010 231.30
501-1921-419.28-16	02/02/2010	#127 HYDRATED TUBE	P11328	010820 09/2010 48.37
501-1921-419.28-16	02/03/2010	LG QUAD PARTS	108942	010820 09/2010 259.14
601-5060-436.28-01	02/10/2010	#117 BALL VALVE	C72171	010820 09/2010 312.15
501-1921-419.28-16	02/16/2010	#109 HYDRO HOSE	B55689-001	010820 09/2010 68.37
501-1921-419.28-16	02/18/2010	PARTS FOR #606	01314579	010820 09/2010 75.00
101-5020-432.28-04	01/28/2010	GALAVIZ,S - TRAINING REGI	20-770791	010808 09/2010 344.00
101-5010-431.30-02	01/22/2010	60' PVC CONDUIT	1069-600799	010817 09/2010 93.04
101-1230-413.30-01	01/26/2010	OFFICE SUPPLIES	506557862-001	010829 09/2010 42.28
101-3040-424.30-01	01/26/2010	OFFICE SUPPLIES	506557862-001	010829 09/2010 44.37
101-5020-432.28-04	02/17/2010	LEVIEU,H-EXPO REGISTRN	02-17-2010	010808 09/2010 525.00
101-5010-431.30-02	02/08/2010	SPRAY PAINT/LIGHTS @ 13TH	005338/1577398	010817 09/2010 34.63
101-5010-431.30-02	02/16/2010	SPRAY PAINT	077959/3568922	010817 09/2010 17.31
101-3070-427.20-06	02/09/2010	COPY OF RECORDED DOCUMENT	DG2010291516204	010825 09/2010 7.00
101-3070-427.30-01	02/18/2010	ORGANIZER/PHONE STAND	8480	010825 09/2010 31.77
101-1230-413.30-01	02/09/2010	OFFICE SUPPLIES	508825867-001	010829 09/2010 62.92
101-1230-413.27-05	02/09/2010	IPHONE APPLICATION	9833526178	010829 09/2010 69.00
101-1230-413.28-04	02/16/2010	WADE, G LUNCH MEETING	02-16-2010	010829 09/2010 25.64
101-5020-432.28-04	02/10/2010	INTERVIEW PANEL LUNCH	02-10-2010	010833 09/2010 65.00
101-3040-424.20-06	02/18/2010	INTERVIEW PANEL LUNCH	012240	010833 09/2010 99.72
405-5030-433.30-02	01/25/2010	GRAFFITI SUPPLIES	080882/5230103	010806 09/2010 161.53
405-5030-433.28-01	01/27/2010	GRAFFITI TRUCK MAINTENANC	046701/3194701	010806 09/2010 16.83
101-1910-419.30-02	01/26/2010	REPLACE PHOTOCCELL SUPPLIE	096668/4592049	010807 09/2010 50.74
101-5010-431.30-02	01/26/2010	BIKE PATH REPAIR SUPPLIES	9999/4273551	010807 09/2010 48.56
101-1020-411.28-04	01/25/2010	HALD,J LUNCH MEETING	01-25-2010	010823 09/2010 15.54
405-5030-433.30-02	02/09/2010	SILICA SAND	1762957	010806 09/2010 293.63

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101-1910-419.30-02	02/02/2010	LIGHTS FOR SHERRIFF DEPT	043304/7567349	010807	09/2010	6.84
101-1910-419.30-02	02/03/2010	BATTERIES/LIGHTS	033089/6592998	010807	09/2010	6.40
501-1921-419.30-02	02/03/2010	BATTERIES/LIGHTS	033089/6592998	010807	09/2010	10.84
101-1910-419.30-02	02/04/2010	BRICKS FOR COLUMN/SP PK	1762613	010807	09/2010	18.07
101-1910-419.30-02	02/05/2010	COLUMN SUPPLIES	007528/4015192	010807	09/2010	5.42
101-1910-419.30-02	02/09/2010	REC CTR PAINTING SUPPLIES	081631/0583545	010807	09/2010	29.82
101-6020-452.30-02	02/17/2010	VETS PK RAMP SUPPLIES	037537/2011376	010807	09/2010	12.22
101-1110-412.29-04	01/22/2010	JAN 2010 YOUSENDIT	01-22-2010	010842	09/2010	9.99
101-1110-412.29-04	01/25/2010	NEWSLETTER&FLYER PURCHASE	VQEC4E2F62FB	010842	09/2010	18.25
101-1010-411.28-04	01/25/2010	MCCOY-CONF REGISTRATION	499451874-88621	010842	09/2010	295.00
101-1010-411.28-04	01/25/2010	ROSE,D -CONF REGISTRATION	499451874-88622	010842	09/2010	295.00
101-1010-411.28-04	01/25/2010	ROSE,D -CONFERENCE LODGIN	775951	010842	09/2010	196.47
101-1010-411.28-04	01/25/2010	MCCOY-CONFERENCE LODGING	775954	010842	09/2010	196.47
101-1010-411.29-04	01/28/2010	SYMPATHY FLOWERS/MORRISON	W00542403497458	010842	09/2010	87.78
101-1110-412.29-04	02/05/2010	FLYERS/BANNER/NEWSLETTER	VUGC4E496AAE	010842	09/2010	73.00
101-1110-412.29-04	02/05/2010	NEWSLETTER/FLYER PHOTOS	9398738	010842	09/2010	18.25
101-1010-411.28-04	02/17/2010	COUNCIL DINNER 02/19/10	014303	010842	09/2010	200.00
101-1210-413.28-04	02/17/2010	BUANGAN/MCGRANE CONF MEAL	064507	010844	09/2010	115.91
101-1210-413.28-04	02/17/2010	MCGRANE-CSMFO CONF LODGIN	3208699	010844	09/2010	488.30
101-1210-413.28-04	02/19/2010	BUANGAN-CSMFO CONF LODGIN	3051009	010844	09/2010	408.30
101-1110-412.28-04	01/27/2010	BROWN-LUNCH MTG W/CITYATY	046617	010835	09/2010	20.20
101-1110-412.28-04	01/29/2010	BROWN-LUNCH MTG RE STORM	064479	010835	09/2010	18.16
101-6020-452.30-02	02/01/2010	PAINT&PREP SUPPLIES	047624/8014242	010822	09/2010	45.15
101-6020-452.30-02	02/02/2010	RED MULCH	30296	010822	09/2010	271.82
101-6020-452.30-02	02/10/2010	REPLACEMENT TREES	30541	010822	09/2010	182.70
101-6020-452.30-02	02/10/2010	REPLACEMENT TREES	30541	010822	09/2010	182.70
101-6020-452.30-02	02/10/2010	TREE PLANTING SUPPLIES	53496875	010822	09/2010	103.91
101-6020-452.30-02	02/10/2010	TREE PLANTING SUPPLIES	53496875	010822	09/2010	103.91
101-6020-452.30-02	02/17/2010	REPLACEMENT VALVE&FITTING	53526397	010822	09/2010	123.30
101-6020-452.30-02	02/18/2010	IRRIGATION FITTINGS/SUPPL	2409002-A-1	010822	09/2010	35.34
101-1110-412.28-04	02/09/2010	BROWN-LUNCH MTG RE FREWRK	012063	010835	09/2010	50.12
101-1110-412.28-04	02/10/2010	BROWN-LUNCH MTG W/CC, ATY	086081	010835	09/2010	33.84
101-1110-412.28-04	02/18/2010	BROWN-LUNCH MTG W/ASST CM	047487	010835	09/2010	21.38
101-3030-423.30-02	02/19/2001	LG CAMERA BATTERY CHGRG	104-6910046-565	010850	09/2010	24.39
101-1020-411.28-12	11/19/2009	WOLFSON, CMC DESIGNATION	11-19-2009	010824	09/2010	85.00
101-3030-423.30-02	01/25/2010	SHELF MATERIAL&HARDWARE	083609/5012447	010850	09/2010	146.55
101-3030-423.30-02	01/28/2010	SHELF BRACKET	013223/2576046	010850	09/2010	15.66
101-3030-423.30-02	01/31/2010	HARDWARE FOR SHELF SYS	059697/9195240	010850	09/2010	15.57
101-1020-411.30-01	02/01/2010	VELCRO FOR NAME PLATES	092836/8582713	010824	09/2010	15.18
101-1020-411.30-01	02/01/2010	ERROR-2ND CHARGE	8667	010824	09/2010	15.18
101-1020-411.28-04	02/10/2010	WOLFSON, CC ASSO CONF REG	22659444	010824	09/2010	375.00
101-3030-423.30-02	02/09/2010	JANITORIAL SUPPLIES	298467	010850	09/2010	97.46
101-3030-423.30-02	02/11/2010	DEMPSEY CTR DISH RACK/SPO	2-0042-0203-007	010850	09/2010	26.61
101-3030-423.30-02	02/11/2010	INK CARTRIDGES/OFC SUPPLI	9406	010850	09/2010	272.02
101-3030-423.25-03	02/16/2010	LG UNIFORM PANTS	350611	010850	09/2010	65.20
101-3030-423.30-02	02/18/2010	REPLACEMENT MICROPHONES	3518679	010850	09/2010	124.34
101-0000-221.01-02	01/28/2010	PLAN COPY-CV BLUEPRINT	27451		09/2010	63.62
101-0000-209.01-03	01/22/2010	HALD, J-EMP COMP LOAN	2002686521216		09/2010	637.64
101-0000-209.01-03	02/16/2010	GARCIAS,D-EMP COMP LOAN	W68361412		09/2010	1,692.54
101-6010-451.30-02	01/28/2010	SMART&FINAL-CAFE FOOD	023606	010837	09/2010	73.72

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101-6010-451.30-02	02/03/2010	SMART&FINAL- CAFE STOCK	090348	010837 09/2010 95.92	
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101-6010-451.30-01	02/05/2010	REGISTER INK/SPORTS PARK	24339	010837 09/2010 51.99	
101-6010-451.30-02	02/11/2010	SMART&FINAL-CAFE STOCK	049566	010837 09/2010 149.98	
101-6010-451.30-02	02/19/2010	HOME DEPOT/BATTERIES	000899/0012057	010837 09/2010 6.49	
101-1920-419.30-01	02/19/2010	MAIL MACHINE INK & SEALER	145389070741856	010846 09/2010 196.17	
503-1923-419.30-22	01/27/2010	IPHONE ACCESSORIES	W68006444	010845 08/2010 25.70	
503-1923-419.30-22	01/27/2010	IPHONE ACCESSORIES	01-27-2010	010845 08/2010 19.74	
503-1923-419.30-22	01/27/2010	IPHONE ACCESSORIES	01-27-2010	010845 08/2010 19.74	
503-1923-419.30-22	01/27/2010	IPHONE ACCESSORIES	1086708	010845 08/2010 19.74	
503-1923-419.30-01	01/27/2010	CD SLEEVES/PEN	8092	010845 08/2010 17.79	
503-1923-419.28-04	01/28/2010	LOPEZ, H-FOOD WRK LATE 840	012169	010845 08/2010 2.76	
101-3020-422.28-04	01/21/2010	FRENCH, J-CONFERENCE REGI	2010	010870 08/2010 235.00	
101-3020-422.28-04	01/22/2010	SPEARS, P-CONF REGISTRATI	2010	010870 08/2010 340.00	
101-3020-422.28-04	01/25/2010	MCKAY, C-CONF REGISTRATION	2010	010870 08/2010 340.00	
101-3020-422.30-01	01/27/2010	LABELS/FOLDERS/MISC SUPPL	3925	010870 08/2010 137.94	
101-3020-422.30-01	01/27/2010	FILE CABINET	9664	010870 08/2010 192.05	
101-3050-425.20-06	01/31/2010	SPRINGFIELD-HOTEL ROOM CH	02-05-2010	010870 08/2010 187.53	
503-1923-419.30-22	02/06/2010	IPHONE ACCESSORIES-CREDIT	02-06-2010	010845 08/2010 17.04	
503-1923-419.21-04	02/06/2010	LOPEZ- PERSONAL USE-REIMBU	03-05-2010	010845 08/2010 550.29	
503-1923-419.28-14	02/14/2010	AMAZON PRIME MEMBERSHIP	002-6601893-421	010845 08/2010 79.00	
503-1923-419.28-04	02/18/2010	LOPEZ, FOOD CONSULTANT	024131	010845 08/2010 9.62	
503-1923-419.30-02	02/18/2010	VIDEO CABLES	140637	010845 08/2010 31.54	
101-3020-422.30-01	02/01/2010	ADDRESS LABELS	015316760	010870 08/2010 12.94	
101-3020-422.30-01	02/01/2010	FIRE PREVENTION FORMS	02-01-2010	010870 08/2010 152.25	
101-3020-422.28-04	02/05/2010	CISNEROS, M -TRAINING	02-05-2010	010870 08/2010 250.00	
101-3020-422.28-04	02/05/2010	BELL, J-TRAINING	02-05-2010	010870 08/2010 465.00	
101-3020-422.30-02	02/18/2010	COFFEE ITEMS	051950	010870 08/2010 42.34	
101-3060-426.21-04	02/22/2010	DIRECTV 02/21/10-03/20/10	1201116245	010870 08/2010 36.99	
101-3050-425.21-04	01/16/2010	JAN 10 SATELITE SVC EOC	01-16-2010	010868 09/2010 111.35	
101-3050-425.21-04	01/25/2010	SAMSUNG CAMERA-A/C PROGRA	F219704101013	010868 09/2010 85.91	
101-3050-425.21-04	01/25/2010	HOME DEPOT-BOLT CUTTERS	W100469920	010868 09/2010 28.22	
101-3050-425.21-04	01/25/2010	QUARTERMASTER-BOX	W812192901010	010868 09/2010 36.78	
101-3050-425.21-04	01/25/2010	AFID SCANNER, MINI TRACKR	189401	010868 09/2010 302.90	
101-3050-425.21-04	01/25/2010	KETCH-ALL COMPANY-POLE	30139	010868 09/2010 631.76	
101-3050-425.21-04	01/26/2010	GALLS-GEAR BAG/BALLCAP	360635	010868 09/2010 50.33	
101-3050-425.21-04	01/26/2010	LED AD BLK/GLOVES/AID KIT	360635A	010868 09/2010 307.05	
101-3050-425.21-04	01/26/2010	NON-REFLECTIVE TRAFF	360635B	010868 09/2010 97.08	
101-3050-425.21-04	01/28/2010	HAND-HELD INFRARED-A/C	WI30974	010868 09/2010 61.31	
101-3050-425.21-04	01/29/2010	A/C KENNEL SUPPLIES	10542	010868 09/2010 308.17	
101-3050-425.21-04	02/03/2010	RADIO SHACK-BATTERIES	661659	010868 09/2010 46.74	
101-3060-426.21-04	02/04/2010	SATCOM	02-04-2010	010868 09/2010 198.80	
101-3050-425.21-04	02/05/2010	SENTRY TACTICAL A/C SUPPL	02-05-2010	010868 09/2010 41.86	
101-3050-425.21-04	02/08/2010	A/C LEASHES	5768	010868 09/2010 30.41	
101-3050-425.21-04	02/11/2010	HOME DEPOT-FIRESAFE	041441/8010013	010868 09/2010 205.54	
101-3050-425.21-04	02/18/2010	PRAXAIR DISTRIBUTION-SUPP	02-18-2010	010868 09/2010 366.39	
05/20/2010	70951	ALL TEAM STAFFING, INC	1801		1,153.25
101-1910-419.10-02	03/09/2010	CORRALES, L W/E	03/07/10	5000657	010106 09/2010 1,153.25
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05/20/2010	70953	ALLIANT INSURANCE SERVICES	1193		2,434.40
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101-0000-209.01-14	04/15/2010	PR AP PPE 4/8/2010	20100415		10/2010	478.34	
101-0000-209.01-13	04/29/2010	PR AP PPE 4/22/2010	20100429		10/2010	417.65	
101-0000-209.01-14	04/29/2010	PR AP PPE 4/22/2010	20100429		10/2010	478.34	
101-0000-209.01-13	05/13/2010	PR AP PPE 05/06/2010	20100513		11/2010	423.65	
101-0000-209.01-14	05/13/2010	PR AP PPE 05/06/2010	20100513		11/2010	478.34	
101-1010-411.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	19.36	
101-1020-411.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	34.44	
101-1110-412.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	66.04	
101-1130-412.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	20.54	
101-1210-413.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	48.66	
101-1230-413.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	23.70	
101-3070-427.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	.63	
101-3080-428.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	.63	
101-1910-419.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	6.32	
101-3010-421.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	11.00	
101-3020-422.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	44.68	
101-3030-423.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	38.49	
101-3040-424.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	22.12	
101-3050-425.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	3.16	
101-5020-432.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	50.56	
101-5010-431.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	12.64	
101-5040-434.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	3.93	
101-6020-452.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	6.32	
101-6010-451.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	3.16	
101-6040-454.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	12.64	
245-1240-413.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	6.32	
405-1260-413.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	121.42	
405-5030-433.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	6.32	
601-5060-436.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	15.80	
601-5050-436.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	17.00	
501-1921-419.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	6.32	
502-1922-419.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	7.43	
503-1923-419.11-04	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	20.79	
101-0000-209.01-14	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	478.34-	
101-0000-209.01-13	05/01/2010	MAY 10 DISABILITY/LIFE/	05-01-2010		11/2010	411.65-	
05/20/2010	70954	SAN DIEGO ARMED SERVICES	YMCA 2234			5,000.00	
101-1920-419.21-04	05/05/2010	DONATION PER MOU DATED 5/	05-05-2010	011080	11/2010	5,000.00	
05/20/2010	70955	AZTEC LANDSCAPING INC	310			1,540.00	
101-5010-431.21-04	04/30/2010	APRIL 2010 LANDSCAPE MAIN	0020525-IN	010790	10/2010	1,540.00	
05/20/2010	70956	BDS ENGINEERING INC	372			11,145.00	
202-5016-531.20-06	05/06/2010	APRIL 2010 STREET IMPRVMN	09-40C	010859	11/2010	11,145.00	
05/20/2010	70957	CALIF ELECTRIC SUPPLY	609			1,408.62	
101-5010-431.21-23	01/25/2010	2-100W & 2-250W HDS.10-PH	1069-600868	010082	09/2010	1,408.62	
05/20/2010	70958	CALIFORNIA ALUMINUM & VINYL WI	1915			3,254.42	
248-1920-519.20-06	04/21/2010	CLEAN&GREEN 943 4TH ST-DE	4212010-2	011060	10/2010	3,254.42	

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR	TRN AMOUNT
05/20/2010 601-5060-436.28-01	70959 04/30/2010	CALIFORNIA ENV CONTROLS INC	642 T-6 WEAR PLATE/IMPELLER	2154 010105 10/2010	1,068.88 1,068.88
05/20/2010 101-5040-434.21-04	70960 05/05/2010	CLEAN HARBORS	913 APRIL 2010	6Y1055157 010121 11/2010	1,111.28 1,111.28
05/20/2010 101-3010-421.21-04	70961 05/18/2010	COUNTY OF SAN DIEGO	1055 APRIL 2010 PKG PENALTY	04/10 11/2010	3,503.70 3,503.70
05/20/2010 101-5040-434.28-07	70962 04/22/2010 04/01/2010	EAGLE NEWSPAPER	1204 DISPLAY AD GARAGE SALE DISPLAY AD	55841 55526 11/2010 11/2010	280.00 209.00 71.00
05/20/2010 101-3040-424.20-16	70963 04/30/2010	ESGIL CORPORATION	1225 APRIL 2010	05102176 011070 10/2010	819.19 819.19
05/20/2010 601-5060-436.50-04	70964 03/29/2010	GLOBAL POWER GROUP, INC.	2212 BALDOR GENERATOR W/MANUEL	13326 010904 09/2010	47,049.38 47,049.38
05/20/2010 101-3040-424.21-01 101-3020-422.21-01 101-3020-422.21-01 101-3020-422.21-01 101-3020-422.21-01 101-3040-424.21-01	70965 05/11/2010 05/04/2010 05/11/2010 04/27/2010 05/18/2010	GO-STAFF, INC.	2031 FERNANDEZ, A W/E 05/09/10 ROCHER, J W/E 05/02/2010 ROCHER, J W/E 05/09/2010 ROCHER, J W/E 04/25/2010 FERNANDEZ, A W/E 05/16/10	71468 71234 71468 70995 71700 010705 11/2010 010419 11/2010 010419 11/2010 010419 10/2010 010705 11/2010	1,140.00 240.00 240.00 240.00 180.00 240.00
05/20/2010 248-1920-519.20-06	70966 04/16/2010	HELIOPOWER INC.	2056 CLEAN&GREEN-373 ELDER AVE	81502 010798 10/2010	2,286.02 2,286.02
05/20/2010 248-1920-519.20-06 248-1920-519.20-06	70967 05/03/2010 05/03/2010	HENDERSON'S HEATING & AIR COND	2063 CLEAN&GREEN-1258 11TH ST CLEAN&GREEN-943 4TH ST	10978 10979 011074 11/2010 011073 11/2010	17,700.00 8,800.00 8,900.00
05/20/2010 101-1130-412.20-06	70968 05/10/2010	HORIZON HEALTH EAP	90 MAY 2010	39444 010036 11/2010	410.85 410.85
05/20/2010 101-1110-412.28-04	70969 05/11/2010	IAAP SAN DIEGO CHAPTER	2208 POSADA, MICHELLE-IAAP JUN	06-09-2010 F01110 11/2010	35.00 35.00
05/20/2010 248-1920-519.20-06	70970 04/02/2010	INDOOR COMFORT SYSTEMS	2224 CLEAN&GREEN-813 EMORY ST	04-02-2010 011059 10/2010	3,475.00 3,475.00
05/20/2010 405-1260-413.20-06 405-1260-413.20-06 405-1260-413.28-11	70971 05/19/2010 04/28/2010 05/13/2010	JUNE ENGEL	2213 REIMBURSE PRINTING COSTS REIMBURSE PRINTING COSTS REIMBURSE PRINTING COST	4693 3069 6625 11/2010 11/2010 11/2010	187.16 89.83 65.25 32.08
05/20/2010 408-1920-519.20-06	70972 05/01/2010	KANE, BALLMER & BERKMÁN	1828 APRIL 2010 9TH/PALM	15199 011082 11/2010	970.00 20.00

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
245-1240-413.20-06	05/01/2010	APRIL 2010	15200	011082 11/2010 950.00
05/20/2010 70973	KENNEY ROOFING	2087		8,400.00
248-1920-519.20-06	05/12/2010	CLEAN&GREEN-1213 8TH ST	05-12-2010	011083 11/2010 8,400.00
05/20/2010 70974	PADRE JANITORIAL SUPPLIES	1430		449.35
101-6040-454.30-02	05/04/2010	JANITORIAL SUPPLIES	301552	010080 11/2010 240.99
101-6040-454.30-02	04/09/2010	JANITORIAL SUPPLIES	300415	010080 10/2010 208.36
05/20/2010 70975	PRAXAIR DISTRIBUTION INC	1652		128.78
101-6040-454.30-02	05/05/2010	REFILL WELDING TANK	36433009	010116 11/2010 128.78
05/20/2010 70976	PREFERRED BENEFIT INS ADMIN IN	37		2,233.98
101-0000-209.01-12	04/15/2010	PR AP PPE 4/8/2010	20100415	10/2010 1,176.43
101-0000-209.01-12	04/29/2010	PR AP PPE 4/22/2010	20100429	10/2010 1,126.09
101-0000-209.01-12	05/13/2010	PR AP PPE 05/06/2010	20100513	11/2010 1,168.10
101-0000-209.01-12	05/01/2010	MAY 2010 DENTAL	CP10888	11/2010 1,236.64-
05/20/2010 70977	PRUDENTIAL OVERALL SUPPLY	72		883.76
101-5020-432.25-03	04/21/2010	04/21/10 PW UNIFORMS	30093230	010049 10/2010 259.06
101-5020-432.25-03	04/28/2010	04/28/10 PW UNIFORMS	30094841	010049 10/2010 185.01
101-5020-432.25-03	05/05/2010	05/05/10 PW UNIFORMS	30096437	010049 10/2010 225.14
101-5020-432.25-03	05/12/2010	05/12/10 PW UNIFORMS	30098051	010049 11/2010 214.55
05/20/2010 70978	QWIK PRINTS	1622		20.00
101-1130-412.21-04	05/02/2010	APRIL 2010	101221744	010040 11/2010 20.00
05/20/2010 70979	SANTOS GUTIERREZ	2216		3,500.00
248-1920-519.20-06	05/13/2010	CLEAN&GREEN-813 EMORY ST	05-13-2010	011084 11/2010 3,500.00
05/20/2010 70980	STANFORD SIGN & AWNING	1532		5,188.00
408-1920-519.20-06	04/28/2010	903 SEACOAST DR-FACADE IM	10134	011072 10/2010 5,188.00
05/20/2010 70981	U.S. BANK	1873		982.29
503-1923-419.30-22	12/28/2009	HARD DRIVE	RGR9255	010741 09/2010 95.74
503-1923-419.28-04	12/28/2009	FOOD-IT CONSULTANT	089709	010741 09/2010 40.76
503-1923-419.30-22	12/29/2009	HARD DRIVE	RGX6007	010741 09/2010 65.08
503-1923-419.30-22	12/30/2009	LOPEZ/IPHONE ACCESSORIES	1059187	010741 09/2010 82.19
503-1923-419.30-22	12/31/2009	RTN HARD DRIVE PC CITY	RHL5535	010741 09/2010 95.74-
101-3030-423.30-02	12/19/2009	DAY PLANNER INSERTS	69388857	010774 09/2010 4.31
101-3030-423.30-02	12/31/2009	DAY PLANNER INSERTS	69521232	010774 09/2010 11.91
101-5010-431.30-02	01/19/2010	ESTURARY RAILING REPAIR	0671-250527	010719 09/2010 37.96
501-1921-419.30-02	01/04/2010	AUTO SUPPLY	233378	010737 09/2010 16.62
501-1921-419.28-16	01/12/2010	HOSE FOR E239	U213494	010737 09/2010 40.68
501-1921-419.28-16	01/13/2010	E239 EXHAUST WRAP	S1773478	010737 09/2010 28.87
101-5040-434.21-04	01/14/2010	BAGS FOR USED BATTERIES	002240	010737 09/2010 15.83
501-1921-419.28-16	01/14/2010	QUAD #609 PART	107804	010737 09/2010 53.49
503-1923-419.30-22	01/05/2010	DVDS / PEN	2273	010741 09/2010 12.15
503-1923-419.30-22	01/14/2010	CABLE MISC	002-6601893-421	010741 09/2010 15.48
503-1923-419.30-22	01/14/2010	VIDEO CABLES	137228	010741 09/2010 32.57

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101-3030-423.30-02	01/08/2010	ANGLE METAL FOR SHELVES	40644	010774 09/2010 34.80
101-3030-423.30-02	01/11/2010	19 PADLOCKS	0250659-IN	010774 09/2010 259.44
101-3030-423.30-02	01/12/2010	PRINTER TONER/STORAGE BOX	9742	010774 09/2010 62.18
101-3060-426.21-04	02/01/2010	EMERGENCY PREP	2011899	010765 09/2010 167.97
05/20/2010	70982	VISION PLAN OF AMERICA	785	
101-0000-209.01-18	04/15/2010	PR AP PPE 4/8/2010	20100415	10/2010 198.68
101-0000-209.01-18	04/29/2010	PR AP PPE 4/22/2010	20100429	10/2010 114.67
101-0000-209.01-18	05/13/2010	PR AP PPE 05/06/2010	20100513	11/2010 89.53
101-0000-209.01-18	05/01/2010	JUNE 2010 VISION	05-01-2010	11/2010 94.40
101-1920-419.29-04	05/01/2010	JUNE 2010 VISION	05-01-2010	11/2010 109.92-
05/20/2010	70983	WEST GROUP CTR	826	
101-1020-411.28-14	05/01/2010	APRIL 2010	820498767	010317 11/2010 120.36
05/20/2010	70984	WESTERN HOSE & GASKET	836	
601-5060-436.28-01	05/06/2010	TIGERTAIL LEADERHOSES	216516	010107 11/2010 451.55
05/20/2010	70985	XEROX CORPORATION	861	
101-3030-423.20-06	05/01/2010	APRIL 2010 LIFE GUARD	047719858	010229 11/2010 244.13
05/20/2010	70986	ZEE MEDICAL, INC.	872	
101-1920-419.30-01	05/05/2010	FIRST AID SUPPLIES-CITY H	0140452513	F01109 11/2010 136.75
DATE RANGE TOTAL *				186,939.89 *



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

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

**MEETING DATE: JUNE 2, 2010**  
**ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT**  
**GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR**  
**JIM NAKAGAWA, AICP, CITY PLANNER**

**SUBJECT: CONSENT CALENDAR: GREG AND ELTA NEIL [OWNER/APPLICANT]: TIME EXTENSION DETERMINATION FOR CONDITIONAL USE PERMIT (CUP 05-285) AND SITE PLAN REVIEW (SPR 05-286) FOR A MIXED-USE PROJECT LOCATED AT 198-200 PALM AVENUE, IN THE SEACOAST COMMERCIAL (C-2) ZONE. MF 807**

**PROJECT DESCRIPTION/BACKGROUND:**

This is a second time extension request for an application (MF 807) originally approved on June 20, 2007 that was submitted on October 10, 2005 for a mixed-use project (Administrative Coastal Permit ACP 05-283/ Design Review Case DRC 05-284/Conditional Use Permit CUP 05-285/Site Plan Review SPR 05-286/Tentative Map TM 05-287) consisting of two commercial (totaling 2490 square feet) and six residential condominium units (totaling 11,595 square feet) with 13 parking spaces on two parcels with a combined square footage of 10,300 square feet at 198-200 Palm Ave (APN 625-023-01-00 and 625-023-02-00). The property is designated C-2 (Seacoast Commercial) on the Zoning Map. The previous time extension was approved on April 23, 2008 (Resolution No. 2008-6617).



**PROJECT EVALUATION/  
DISCUSSION:**

The California legislature enacted SB 1185 to extend the life of subdivisions for an additional year due to the economic downturn. The Subdivision Map Act and local zoning regulations provide that the companion and concurrent permits are extended along with the map with the exception of the conditional use permit (CUP) and site plan approvals. SB 1185 automatically extended TM 05-287, ACP 05-283, and DRC

05-284 to June 20, 2011. The CUP (05-285) and site plan (SPR 05-286) approvals were not to be extended more than 2 years from the original date of approval unless the City can perhaps make a finding that the lives of the conditional use permit and site plan approvals relied on the time extension approvals of the companion/concurrent permits for the same project since the intent of Government Code Section 65863.9 provided that any permit issued in conjunction with a tentative map shall expire no sooner than the map. No new zoning requirements have been enacted that would negatively affect the time extension request. The public improvements installed for the Old Palm Avenue project will need to be modified for this project when it is constructed.

**ENVIRONMENTAL DETERMINATION:** The project may be categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15303 as a Class 3(c) New Construction of Small Structures.

**COASTAL JURISDICTION:** The project is located in the Non-Appealable area of the California Coastal Zone, as indicated on the Local Coastal Program Post Certification and Appeal Jurisdiction Map, and, as such, is not appealable to the California Coastal Commission under Section 30603(a) of the California Public Resources Code.

**FISCAL ANALYSIS:**

The applicant has deposited \$6695 in Project Account Number 050283 to fund the processing of this application.

**DEPARTMENT RECOMMENDATION:**

Consider adoption of Resolution No. 2010-6892, approving a time extension for Conditional Use Permit CUP 05-285/Site Plan Review SPR 05-286 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. Time Extension Request Letter from Applicant
- 2. Resolution 2010-6892

c: file MF 807  
 Greg and Elta Neil, 458 Donax Ave, Imperial Beach, CA 91932  
 Don Hall, Architect, 1227 Granger Street, Imperial Beach, CA 91932  
 Alkert Engineering, 428 Broadway, Chula Vista, CA 91910

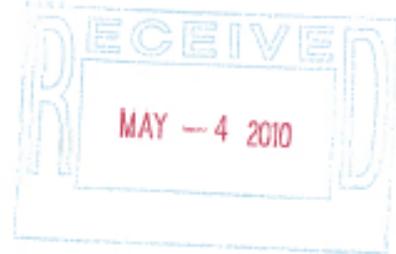
## ***ATTACHMENT 1***

GREGORY K. NEIL  
458 Donax Avenue  
Imperial Beach, CA 91932  
Tel: 619.271.2704  
ibgkneil@cs.com

**SENT BY FACSIMILE AND FIRST-CLASS U.S. MAIL**

May 1, 2010

James Nakagawa, City Planner  
Community Development Dept.  
City of Imperial Beach  
825 Imperial Beach Blvd.  
Imperial Beach, CA 01032  
Tel: (619) 628-1356  
Fax: (619) 424-4093



**RE: Project Number: 050283/MF 807; Site Address 200 Palm Avenue; Project Extension Request**

Dear Mr. Nakagawa:

As per your instructions I am writing to request a two year extension regarding the above captioned project based on the current unfavorable economic environment, in particular, the prevailing adverse economic conditions the housing construction and lending markets are experiencing.

As you are aware, SB 1185 was recently enacted to permit cities to preserve development applications set to expire that cannot be processed presently due to those prevailing adverse economic conditions in the construction industry. In enacting SB 1185 the California legislature recognized that the major downturn in the housing market combined with the current financial crisis in the lending industry has caused delays to construction projects and that therefore extensions would be necessary.

Additionally, when we originally asked for an extension, we reasonably relied on corresponding local and state permit and approval expiration dates. If there is any discrepancies between state and local expiration dates, approval of the requested two year time extension should make those various state and local expiration dates compatible.

Thank you for your assistance in this matter. Please contact me if you have an questions or comments.

Sincerely,

Gregory K. Neil



**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING A SECOND TIME EXTENSION FOR CONDITIONAL USE PERMIT (CUP 050285) AND SITE PLAN REVIEW (SPR 050286) FOR A MIXED-USE PROJECT LOCATED AT 198-200 PALM AVENUE, IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 807**

**APPLICANT: GREG NEIL**

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

**WHEREAS**, on June 2, 2010, the City Council of the City of Imperial Beach held a duly noticed public meeting to consider the merits of approving or denying a second time extension for a previously-approved application for a mixed-use project (Administrative Coastal Permit ACP 050283/Design Review Case DRC 050284/Conditional Use Permit CUP 050285/Site Plan Review SPR 050286/Tentative Map TM 050287) consisting of two commercial (totaling 2490 square feet) and six residential condominium units (totaling 11,595 square feet) with 13 parking spaces on two parcels with a combined square footage of 10,300 square feet at 198-200 Palm Avenue; and

**WHEREAS**, the City Council finds that the lives of the conditional use permit (CUP 050285) and site plan review (SPR 050286) approvals relied on the time extension approvals of the companion/concurrent permits (Administrative Coastal Permit ACP 050283/Design Review Case DRC 050284/Tentative Map TM 050287) for the same project since the intent of Government Code Section 65863.9 provided that any permit issued in conjunction with a tentative map shall expire no sooner than the map; and

**WHEREAS**, on April 23, 2008, the City Council of the City of Imperial Beach held a duly noticed public meeting and approved a time extension for a previously-approved application for a mixed-use project (Administrative Coastal Permit ACP 050283/Design Review Case DRC 050284/Conditional Use Permit CUP 050285/Site Plan Review SPR 050286/Tentative Map TM 050287) consisting of two commercial (totaling 2490 square feet) and six residential condominium units (totaling 11,595 square feet) with 13 parking spaces on two parcels with a combined square footage of 10,300 square feet at 198-200 Palm Avenue; and

**WHEREAS**, on June 20, 2007, the City Council of the City of Imperial Beach held a duly noticed public hearing and approved an application for a mixed-use project (Administrative Coastal Permit ACP 050283/Design Review Case DRC 050284/Conditional Use Permit CUP 050285/Site Plan Review SPR 050286/Tentative Map TM 050287) consisting of two commercial (totaling 2490 square feet) and six residential condominium units (totaling 11,595 square feet) with 13 parking spaces on two parcels with a combined square footage of 10,300 square feet at 198-200 Palm Ave (APN 625-023-01-00 and 625-023-02-00), a site legally described as follows:

Lots 17 and 18 in Block 8 of Silver Strand Beach Gardens Addition to Imperial Beach, in the City of Imperial Beach, County of San Diego, in the State of California, according to Map thereof No. 1902, filed in the Office of County Recorder of San Diego County, March 25, 1926; and,

**WHEREAS**, the project design of the 3-story mixed-use project consisting of 6 residential condominiums and 2 commercial units remains compatible in use with other developments in the vicinity which consist of one-to three story commercial developments to the east, south and west, and one-story homes to the north consistent with Policy D-8 of the Design Element of the General Plan; and

**WHEREAS**, on May 17, 2007, the Design Review Board adopted DRB Resolution No. 2007-06 recommending approval of the project design; and

**WHEREAS**, the City Council finds that the project remains in substantial compliance with Policy L-8e of the Land Use Element of the General Plan, which promotes Seacoast Commercial Area (C-2) for pedestrian-oriented commercial uses that serve the neighborhood; and

**WHEREAS**, the City Council finds that the project remains consistent with the C-2 (Seacoast Commercial) Zone of the Zoning Ordinance, which promotes the demand for goods and services required primarily by the tourist population, as well as local residents who use the beach area; 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 of Small Structures); and

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

**WHEREAS**, the City Council reaffirms the following additional findings in support of its decision to 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-2 (Seacoast Commercial) Zone, which promotes the demand for goods and services required primarily by the tourist population, as well as local residents who use the beach area (IBMC 19.27.010), this project will provide additional retail commercial space in this area of Palm Avenue to meet the demands for goods in the beach community for both tourists and local neighborhood. This project will also provide additional housing, six 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 nearby vacant 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, a mixed use development consisting of retail commercial space on the first floor and six residential units above the first floor at 198-200 Palm

Avenue, in the C-2 (Seacoast 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 because in the Conditions of Approval, specific conditions have been set forth by the Community Development Department, Public Works Department and Building Department to mitigate public safety and welfare concerns such a development project may raise.

- 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-2 (Seacoast Commercial) zone because the conceptual plans for the discretionary entitlements have been reviewed for 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 six residential units above the first floor at 198-200 Palm Avenue in the C-2 (Seacoast Commercial) Zone will be in harmony with the purpose and intent of the zoning code (IBMC 19.82.040.D), the adopted general plan because local and regional policies encourage mixed use development as a form of smart growth. The site is within the coastal zone and an Administrative Coastal Permit has been approved by the City Council along with the Conditional Use Permit.

**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 six residential units above the first floor at 198-200 Palm Avenue, in the C-2 (Seacoast 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. Parking for the commercial and residential units will be located in the rear of the property accessible from a driveway off of Palm Avenue. The project proposes four parking spaces, including a handicapped parking space, for the retail unit. The CUP for this project will allow for the reduction in the number of parking spaces at an interim parking ratio of one space for every five hundred square feet of net floor area in the C-2 zone (IBMC19.48.050.M). For the residential units, the project will provide the required nine parking spaces. 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 six residential units above the first floor at 198-200 Palm Avenue is consistent with the C-2 (Seacoast 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 "Seacoast Commercial" zone, which encompasses Palm Avenue from Seacoast Drive to the west and 3<sup>rd</sup> Street to the east. "Seacoast Commercial" also encompasses Seacoast Drive from Palm Avenue on the north to Imperial Beach Boulevard on the south. 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. It will also be compatible with other mixed-use projects approved in the vicinity.

**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 Palm Avenue near 2<sup>nd</sup> Street. The surrounding uses consist of commercial use to the south, west, and east, and a residential neighborhood to the north. The project proposes varied rooflines and architectural detailing and relief through the incorporation of building recesses. This project also includes landscaping on the second and third floors, which will provide more than the required percentage of landscaping and additional architectural interest. Palm trees will also be required, as part of the landscaping plan, consistent with the Old Palm Avenue streetscape plan.

**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 six residential units above the first floor at 198-200 Palm Avenue, in the C-2 (Seacoast Commercial) Zone. The combination and relationship of the commercial retail space in relation to the residential units on the site is properly integrated as the residential uses are situated above the commercial uses on the first floor.

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

Parking access is from Palm Avenue. Parking for the commercial and residential units will be located in the rear of the lot. The project proposes four parking spaces, including a handicapped parking space, for the retail unit. The CUP for this project will allow for the reduction in the number of parking spaces at an interim parking ratio of one space for every five hundred square feet of net floor area in the C-2 zone (IBMC19.48.050.M). For the residential units, the project will provide the required nine parking spaces. The parking design will not create any undue traffic problems as vehicles will not need to back into traffic on the street.

**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 "Seacoast Commercial (C-2) Zone." A Conditional Use Permit is required for residential development above the first floor at a maximum density of one unit per every one thousand five hundred 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 a parking structure on the first floor for the retail commercial unit and residential units. The CUP for the interim parking ratio is allowed per Section IBMC19.48.050.M and upon approval of the City Council. 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.

<b>Standards</b>	<b>Provided/Proposed</b>
One dwelling per 1,500 square feet of lot area above the first floor	One dwelling unit per 1,717 square feet
There are no front, side and rear yard setbacks in the C-2 zone (Section 19.27.040)	The project maintains a 5-foot setback from the north, east, and west property lines; there is a 5-foot city landscape easement along Palm Ave.
Minimum lot size of 3,000 square feet (Section 19.27.050)	10,300 square feet
Minimum street frontage of 30 feet (Section 19.27.060)	Palm Ave frontage of 103 feet
Maximum building height of three stories or 30 feet (Section 19.27.070)	30 feet 37 feet including elevator housing
Open space: 300 square feet per dwelling unit	6,120 square feet = 1020 square feet per dwelling unit
Commercial landscaping: not less than 15% of total site shall be landscaped and maintained (Section 19.50.030); 10,300 square feet total = 1545 square feet of landscaping (15%)	First floor landscaping = 670 square feet; Second floor landscaping = 157 square feet; Third floor landscaping = 157 square feet; roof deck: 560 sq ft; Total = 1,544 sq ft
Required parking spaces for commercial, retail: one space for each 250 square feet of net floor area or one per 300 sq ft for offices, plus one space per two employees (Section 19.48.050.I); Required parking spaces for residential dwelling units in the C-2 zone: 1.5 per dwelling unit (Section 19.48.030.C)	4 commercial spaces including one van accessible space; 9 residential spaces = 1.5 spaces per residential unit; total 13 spaces; consider approval of two parking spaces from parking bank.

**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 adopted by the Design Review Board hereto and findings contained herein.

Per SB 1185 and Government Code Section 65863.9, design review approval has been extended to June 20, 2011.

**COASTAL PERMIT FINDINGS:**

- 13. The proposed development conforms to the Certified Local Coastal Plan including Coastal Land Use Policies.**

Shore Processes and Shore Protection. The proposed project does not front along the beach and this finding is not applicable.

Public Access. The subject site is located east of the first public road that parallels the shoreline, which, in most cases, is Seacoast Drive. This project does not propose to obstruct public access to the beach.

Coastal View Access. The project is 3 stories high with each floor stepped back to avert obstructing views.

Refer to Site Plan Review Finding No. 7 for land use consistency, incorporated here by reference.

Scenic Views: The seawall and the proposed dwellings will not be significantly out of scale with the height of nearby structures. Refer to photo simulation study in the Mitigated Negative Declaration.

- 14. For all development seaward of the nearest public highway to the shoreline, the proposed development meets standards for public access and recreation of Chapter Three of the 1976 Coastal Act and regulations promulgated thereunder.**

The subject site is not located between the ocean and the first public road, which, in this case, is Seacoast Drive and this finding, therefore, would not be applicable.

- 15. The proposed development meets the minimum relevant criteria set forth in Title 19, Zoning.**

Refer to Site Plan Review finding No.11. Per SB 1185 and Government Code Section 65863.9, coastal development permit approval has been extended to June 20, 2011.

- 16. For all development involving the construction of a shoreline protective device, a mitigation fee shall be collected which shall be used for beach sand replenishment purposes. The mitigation fee shall be deposited in an interest bearing account designated by the Executive Director of the California Coastal Commission and the City Manager of Imperial Beach in lieu of providing sand to replace the sand and beach area that would be lost due to the impacts of any protective structures.**

The project does not front along the beach and, therefore, it does not include the construction of a vertical seawall.

**TENTATIVE MAP FINDINGS:**

**17. The proposed tentative tract map is consistent with the General Plan/Local Coastal Plan.**

The proposed one-lot subdivision for six residential dwelling units and 2 commercial units is consistent with the General Plan (C-2 Seacoast Commercial Zone) pursuant to Subdivision Map Act Section 66473.5. The number of units proposed (8) is consistent with the zoning designation of the property (C-2) and the lot size (10,300 square foot lot). Per SB 1185, this tentative map approval has been extended to June 20, 2011.

**18. The design or improvement of the proposed major subdivision is consistent with the General Plan/Local Coastal Plan.**

Refer to Site Plan Review Finding 11.

**19. The site is physically suitable for the type of development.**

The subject site is a rectangular 10,300 square foot parcel and is relatively flat. The proposed grading and drainage for the development of the mixed use project were reviewed so that no downstream impacts would be realized.

**20. The design of the major subdivision will not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife, or their habitat.**

The project does involve new construction in a developed urban area. The proposed project however will not affect fish or wildlife habitat.

**21. The design of the major subdivision will not cause serious public health problems.**

The development will be served by municipal water and sewer service and would not result in public health problems.

**22. The design of the major subdivision will not conflict with any easement of record.**

A Title Report submitted by the applicant, dated August 5, 2005, indicates that there is a 5-foot landscape easement on the site, which was considered during the design of the subdivision.

**23. All requirements of the California Environmental Quality Act (CEQA) have been fulfilled.**

The project is exempt from the requirements of the CEQA pursuant to the CEQA Guidelines Section 15303 as a Class 3(c) project (New Construction of Small Structures).

**NOW, THEREFORE, BE IT RESOLVED** that a second **time extension** for an application for Conditional Use Permit CUP 050285 and Site Plan Review SPR 050286 consisting of two commercial (totaling 2490 square feet) and six residential condominium units (totaling 11,595 square feet) with 13 parking spaces on two parcels with a combined square footage of 10,300 square feet at 198-200 Palm Ave (APN 625-023-01-00 and 625-023-02-00), is hereby **approved** by the City Council of the City of Imperial Beach subject to the following:

**CONDITIONS OF APPROVAL:**

**A. PLANNING:**

1. Approval of Administrative Coastal Permit ACP 050283/ Design Review Case DRC 050284/Conditional Use Permit CUP 050285/Site Plan Review SPR 050286/Tentative Map TM 050287) for a mixed use development consisting of retail commercial space on the first floor and 6 residential units above the first floor at 198-200 Palm Avenue with 2 parking spaces per interim parking account, in the C-2 (Seacoast Commercial) Zone is valid for ~~one~~ ~~three~~ four years from the date of final action by the City Council to expire on ~~June 20, 2008~~ ~~2010~~ 2011 ~~except that TM 050287 shall expire on June 20, 2010.~~ Conditions of approval must be satisfied, building permits issued, and substantial construction in reliance must have commenced prior to expiration.
  2. The site shall be developed and the final building plans shall be in substantial compliance with the approved plans dated Received December 19, 2006 on file in the Community Development Department and with the conditions adopted by the City Council herein including a requirement for the north perimeter screening wall to be 7 feet high as mitigation and that development be compatible with the Old Palm Avenue streetscape plan.
  3. Final landscaping plans and **drainage/storm water management plans** are subject to approval by the Community Development Department. If storm water management plans should cause the final building plans to deviate significantly from the City Council approved conceptual plans, such final plans shall be subject to City Council approval.
  4. The hours of operation for the commercial spaces shall be restricted to conclude no later than 11pm so as to not impact the residential uses.
  5. 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.
  6. All negative balances in the project account 050283 shall be paid prior to building permit issuance and final inspection.
  7. Queen Palms shall be located in the public right-of-way along Palm Avenue per City Council Policy 606. This condition is subject to change pending Old Palm Avenue Streetscape Design Plan.
  8. The projections above the height limit allowed for mechanical equipment and stairwells shall not be used for storage (except for small garden tools) or converted to any habitable use. This condition shall be added as a restriction to the covenants, conditions and restrictions for the development.
- B. PUBLIC SAFETY:**
9. **Provide a note on the plans stating:** "Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property and from any alley that fronts the property. Lettering shall be a minimum of four (4) inches high, with a minimum ¼ inch stroke, on a contrasting background." CFC Section 901.4.4.
  10. **Provide a note on the plans stating:** "Knox key box shall be installed 6 to 6 1/2 feet above the walking surface and as close to the main entry door as possible. In multi-tenant buildings, the box should be located near the center point of the building". CFC Section 902.4. Contact IBFD for exact location.

11. **Provide a note on the plans stating:** "Provide key to Fire Department for emergency access, to be placed in Knox-Box (rapid entry system)." CFC Section 902.4.
12. **Show location(s) of all fire extinguishers on the floor plan and provide a note on the plans stating:** "On each floor provide one (1) 2A-10BC minimum rated fire extinguisher per 6,000 square feet. Travel distance (defined as the actual walking distance) not to exceed 75 feet. Fire extinguishers should be installed in plain view, in an accessible spot, near room exits that provide an escape route. Install extinguishers so that the top is no more than five feet above the floor." UFC Standard 10-1.
13. **Provide a note on the plans stating:** "Fire-extinguishing systems shall be installed in accordance with the Building Code and Section 1003." This is a requirement for an automatic sprinkler system in this building.
14. **Provide a note on the plans stating:** "Standpipe systems shall be installed in accordance with CFC 1004." This is a requirement for a standpipe system in this building.
15. **Provide a note on the plans stating:** "Installation and maintenance of fire alarm systems shall be in accordance with CFC 1006." This is a requirement for a fire alarm system in this building.
16. **Provide a note on the plans stating:** "Fire alarm annunciator panel shall be clearly marked "FIRE ALARM PANEL." The letters shall be not less than 1 inch high on a contrasting background." CFC 1001.7.4.
17. **Provide a note on the plans stating:** "Doors leading into electrical control panel rooms shall be clearly marked "ELECTRICAL ROOM." The letters shall be not less than 1 inch high on a contrasting background." CFC 8509.3.
18. **Provide a note on the plans stating:** "All electric, gas, and water meters shall be clearly marked to indicate the unit or portion of the building they serve."

**C. PUBLIC WORKS:**

19. The plans submitted for project review do not provide for an ADA compliant driveway from Palm Avenue into the enclosed parking garage. The landscape design interferes with the driveway's compliance. Redesign the entryway.
20. The project storm water and urban runoff must comply with IBMC Chapter 8.31 with compliance demonstrated on plans.
21. Since the property has been used for the storage of vehicles under repair, the soil must be tested for hydrocarbon, heavy metals, organic compounds and other vehicle waste contamination before approval of a construction project. If contaminated, the soil contamination must be remedied before granting approval to proceed.
22. The depth of the right-of-way between the face of curb and property line is 8 feet.
23. 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.
24. 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.
25. Before approval of these plans, the sewer lateral (existing and new) locations will be drawn on the plans and submitted to the City for review and approval.
  26. Install one new driveway approach on Palm Avenue in accordance with San Diego, Regional Standard Drawing G-14C. Asphalt cut for this installation is to be cut back enough to tie in the new lip of gutter with a maximum of 2% cross fall. To install the ADA compliant driveway, there will need to be approximately a 2-foot grant of easement provided to the City. New driveway approach is to be color embedded to match the existing curb, gutter and sidewalk.
  27. Replace the curb and gutter along the entire frontage in accordance with Regional Standard Drawing G-2. Curb and gutter is to be color embedded to match the existing curb, gutter and sidewalk.
  28. Replace the abandoned driveway approaches with new sidewalk in accordance with Regional Standard Drawing G-7. Sidewalk is to be color embedded to match the existing sidewalk color and texture.
  29. Restripe the new curb and gutter "red or green" per the direction of the Public Works Director.
  30. Restripe the street parking stalls per the direction of the Public Works Director.
  31. 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.
  32. Require the building foundation elevation be at least 1 foot above the adjacent ground level to minimize flooding during storm conditions.
  33. Install survey monuments on southwest and southeast property lines in or adjacent to the sidewalk. Record same with County Recorder's Office.
  34. Ensure constructed refuse storage enclosure is constructed in accordance with IBMC 19.74.090. Ensure trash enclosure is sized to include recycling containers as well as refuse containers. Every residential complex of 4 or more units and commercial or industrial building shall be provided with adequate space for storage of refuse and recycling containers. The minimum size of refuse container space shall be six feet by nine feet. The minimum size of a recycling container space shall be four feet by eight feet. Refuse and recycling container spaces shall be enclosed by a six-foot high masonry wall and gate. Refuse and recycling container slabs shall be made of four inches of Portland cement concrete, and shall include a minimum five-inch-wide concrete runway to the level of the street or alley (IBMC 19.74.090).
  35. 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.
  36. 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.
37. 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 street trench. Asphalt shall be AR4000 ½ mix (hot).
  38. In accordance with IBMC 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.
  39. Applicant shall agree to underground all utilities in accordance with IBMC 13.08.060.
  40. 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 before project may begin work:
    - A checklist of selected BMPs and location of the BMPs on project plans for review by the City (Form 7-B and Table 7-3).
    - Certification of intent to maintain selected BMPs (Form 7-B).
    - A Storm Water Management Plan (Form 7-B).
  41. 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 Visqueen (or equivalent product) to prevent sediment removal into the storm drain system
  42. 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.

**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 2<sup>nd</sup> day of June 2010, by the following roll call vote:

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>DISQUALIFIED:</b>	<b>COUNCILMEMBERS:</b>	<b>MCCOY, (DUE TO POTENTIAL CONFLICTS OF INTEREST)</b>

*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 an exact copy of Resolution No. 2010-6892 – A Resolution of the City Council of the City of Imperial Beach, California, APPROVING A SECOND TIME EXTENSION FOR CONDITIONAL USE PERMIT (CUP 050285) AND SITE PLAN REVIEW (SPR 050286) FOR A MIXED-USE PROJECT LOCATED AT 198-200 PALM AVENUE, IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 807

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
DATE



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** JUNE 2, 2010  
**ORIGINATING DEPT.:** PUBLIC WORKS *HB*  
**SUBJECT:** RENEWAL OF MICHAL PIASECKI CONSULTING CONTRACT FOR FISCAL YEAR 2010/11

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**BACKGROUND:** On January 17, 2007, City Council adopted resolution 2007-6441 authorizing the City Manager to enter into a professional services agreement with Michal Piasecki Consulting at a rate of \$45.00 per hour for approximately 160 hours per month. The Agreement was for the purpose of providing consultant services for HTE Enterprise Resource Planning Software Support (ERP), Geographic Information Systems (GIS) Development, cartographic production, GASB 34 support and Public Works Specific Support including CAD drafting, HTE data analysis, and CIP planning.

On June 6, 2007, City Council adopted Resolution 2007-6487 for the renewal of the Michal Piasecki Consulting contract for 12 months – July 1, 2007 through June 30, 2008. In subsequent fiscal years, City Council has authorized the renewal of the agreement in 12-month increments. Over the course of the years, the scope of work has grown to include support tasks of all City departments.

**DISCUSSION:** Piasecki Consulting has provided valuable and important technical support service in the daily operation of the City's GIS and H.T.E. Looking Glass functions. Staff is proposing City Council continue this service within the City and authorize the City Manager to renew the Piasecki Consulting services agreement for Fiscal Year 2011 (July 1, 2010 – June 30, 2011) at a cost of \$45.00 per hour with a total fiscal year cost not to exceed \$86,400. See Attachment 2.

**ENVIRONMENTAL DETERMINATION:**  
Not a project as defined by CEQA.

**FISCAL IMPACT:**

- Cost for Michal Piasecki Consulting in fiscal year 2010/11 is not to exceed 1,920 hours for a total contract cost not to exceed \$86,400.
- In the past 10 months the expenditures have been charged as follows:
  - GIS / H.T.E. upgrades and maintenance 61%
  - Storm Water O&M budget 22%
  - CIP Division O&M budget 8%
  - Sewer Enterprise O&M budget 4%
  - CIP Project budgets 1%
  - Other Department O&M budgets 4%

**DEPARTMENT RECOMMENDATION:**

1. Receive this Report.
2. Adopt Resolution 2010-6893
3. Authorize the City Manager to enter into a professional services agreement with Michal Piasecki Consulting for the purpose of providing the scope of services provided in Resolution 2010-6893, Exhibit A.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

  
\_\_\_\_\_  
Gary Brown, City Manager

Attachments:

1. Resolution No. 2010-6893
2. Exhibit A to Resolution No. 2010-6893 - Michal Piasecki Consulting Letter Dated May 18, 2010

**RESOLUTION NO. 2010-6893**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, RENEWAL OF MICHAL PIASECKI CONSULTING CONTRACT FOR FISCAL YEAR 2010/11**

**WHEREAS**, on January 17, 2007, City Council adopted resolution 2007-6441 authorizing the City Manager to enter into a professional services agreement with Michal Piasecki Consulting at a rate of \$45.00 per hour for approximately 160 hours per month; and

**WHEREAS**, the Agreement was for the purpose of providing consultant services for HTE Enterprise Resource Planning Software Support (ERP), Geographic Information Systems (GIS) Development, cartographic production, GASB 34 support and Public Works Specific Support including CAD drafting, HTE data analysis, and CIP planning; and

**WHEREAS**, on June 6, 2007, City Council adopted Resolution 2007-6487 for the renewal of the Michal Piasecki Consulting contract for 12 months – July 1, 2007 through June 30, 2008; and

**WHEREAS**, in subsequent fiscal years, City Council has authorized the renewal of the agreement in 12-month increments; and

**WHEREAS**, Piasecki Consulting has provided valuable and important technical support service in the daily operation of the City's GIS and H.T.E. Looking Glass functions; and

**WHEREAS**, staff is proposing City Council continue this service within the City and authorize the City Manager to renew the Piasecki Consulting services agreement for Fiscal Year 2011 (July 1, 2010 – June 30, 2011) at a cost of \$45.00 per hour with a total fiscal year cost not to exceed \$86,400.

**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 sign a contract with Michal Piasecki Consulting for services provided in Exhibit A.
3. The City Manager is authorized to approve a purchase order for Michal Piasecki Consulting for \$86,400.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 2nd day of June 2010, by the following vote:

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>

\_\_\_\_\_  
**JAMES C. JANNEY, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JACQUELINE M. HALD, CMC**  
**CITY CLERK**



Michal Piasecki  
Consulting

Consulting Services Proposal  
Fiscal Year 2010/2011

**ATTACHMENT 2**  
**EXHIBIT A**

Michal Piasecki  
9222 Fenway Rd  
Santee, CA 92071

May 18, 2010

Hank Levien  
Director of Public Works  
825 Imperial Beach Blvd  
Imperial Beach, CA 92132

Dear Mr Levien:

Enclosed is a scope of services for citywide support and development of the HTE Enterprise Resource Planning Software, Geographic Information Systems (using both off the shelf GIS software and the HTE-specific GIS application, Looking Glass), cartographic production, and Public Works Specific support, including CAD drafting, HTE data analysis, and CIP planning as provided by Michal Piasecki of Michal Piasecki Consulting, henceforth referred to as consultant. The consultant services provided under this contract are scheduled to span the fiscal year 2010/11. A detail of scheduling and services follows.

Scheduling

It is proposed that the consultant work schedule and invoices over the 12-month period of this Agreement for fiscal year 2010/11 shall not exceed 1,920 hours for a total contract cost not to exceed \$86,400.

HTE Enterprise Planning Software Support

The development and implementation of the HTE Enterprise Resource Planning system within all City departments is an ongoing process that continues to benefit from the experience of on-site technical support staff. This support will include on-site training and troubleshooting for the following:

- Citywide Development/Implementation of the Work Order/Facility Management Module
- Citywide Development/Implementation for Payroll/Work Order Implementation
- Public Works Purchasing/Inventory Module
- Demand Report Processing Support for Public Works Work Orders/GMBA
- QREP Setup and Support

Geographic Information Systems (GIS) Development

The development and implementation of GIS technology is directly linked to the implementation of the HTE Enterprise Resource Planning software. The application Looking Glass is a custom application that ties directly into the HTE database and allows for a real-time view at HTE data that is spatially mapped in GIS using either an address or x and y coordinate pair for geo-coding purposes. Because the application can be customized to fit the needs of individual departments, a good deal of setup is required to determine and implement the individual departmental needs. In addition, the capabilities of the external GIS software, ArcMap, can be leveraged to store and maintain GIS data in separate, Microsoft Access-based databases, called 'Personal Geodatabases'. The benefit of this technology is that additional relational information, not supported in HTE, about city-owned facilities can be stored in a cost-effective database, which can then also be linked to the Looking Glass application for viewing by all City staff. This support will include on-site development, training and trouble shooting for the following:

- Department-specific needs assessment and Looking Glass Development
- Department-specific Personal Geodatabase Development
- Department-specific GIS queries
- Department-specific Reports
- GIS Software Administration
- Looking Glass Application
- ArcMap/ArcGIS Application
- Cartographic Support (i.e. multi-scale map production)
- Data development (data collection, digitizing, etc)

Public Works Specific Support

Based upon discussions with Public Works staff, specific support will be provided to the Public Works Department to include data analysis, and CIP planning. This support will include the following:

- HTE-maintained data analysis (looking for trends in facility maintenance costs, task costs, tidelands costs, etc), as needed
- Traffic Accident Reports Delivered to the Traffic Safety Meetings, as needed
- Presentation support, as needed
- Basic Information Technology support (with City IT staff oversight), as needed
- CIP planning/management support
- Conceptual, planning-level CAD support
- Overseeing that all future CIP designs are based in a GIS coordinate system for overlay with developing GIS system
- Updates to the existing Master Plan of Storm Drain.

Consulting services provided in this contract are to be made available to the City at the hourly rate of \$45. The contract length for these services runs from July 1, 2010 through June 30, 2011.

Please feel free to contact me with questions or comments.

Sincerely,

Michal Piasecki  
Consultant



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: GARY BROWN, CITY MANAGER**

**DATE: JUNE 2, 2010**

**ORIGINATING DEPT.: HANK LEVIEN, PUBLIC WORKS DIRECTOR  
JENNIFER M. LYON, CITY ATTORNEY**

**SUBJECT: INTRODUCTION AND FIRST READING OF AN  
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
IMPERIAL BEACH, CALIFORNIA, APPROVING AND  
DESIGNATING A SKATEBOARD PARK IN THE CITY OF  
IMPERIAL BEACH AND AMENDING IMPERIAL BEACH  
MUNICIPAL CODE CHAPTERS 9.10 AND 12.56**

---

**BACKGROUND:**

The City of Imperial Beach ("City"), together with its citizens, have worked for a number of years to create a publicly owned and publicly operated skateboard park to better serve the recreational interests of its citizens. In 2001, the City enacted an ordinance requiring that any person using a skateboard or skates in an area designated by the City for use of a skateboard or skates be required to wear appropriate elbow and kneepads and helmets.

The City has recently formulated rules and regulations to be applied to the Skateboard Park. These rules and regulations include the requirement that persons using a skateboard park wear elbow pads, kneepads, and helmets while using the park. The City intends to post signs containing these rules and regulations at the Skateboard Park.

**DISCUSSION:**

The only state law requirement for approving or designating a city owned or city operated skateboard park is the requirement to enact an ordinance requiring the use of helmets, kneepads and elbow pad and that signs be posted to give persons reasonable notice that this safety equipment is required. (California Health & Safety Code ("H&S") section 115800(b).) Imperial Beach has enacted the ordinance required under H&S section 115800(b) and is now in a position to designate areas as skateboard parks

under the Imperial Beach Municipal Code ("IBMC") section 12.56.050.

In order to effect the designation of the Skateboard Park and regulate its use, certain chapters or sections of the IBMC will need to be amended or added to in order to provide the general public with a safe and enjoyable skateboard park.

**FISCAL IMPACT:**

Costs associated with the posting of signs containing the policies and regulations at the Skateboard Park. There will be a total of four signs, at \$500 each, for a total of \$2,000. There may also be enforcement costs.

**DEPARTMENT RECOMMENDATION:**

Staff Recommends the Mayor and City Council:

1. Receive this report;
2. Mayor calls for the first reading of the title of Ordinance No. 2010-1106, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTER 9.10, RELATING TO SKATEBOARD AND ROLLER SKATE RIDING; AMENDING CHAPTER 12.56 RELATING TO USE OF PUBLIC PARKS AND FACILITIES; AND APPROVING AND DESIGNATING A SKATEBOARD PARK IN THE CITY OF IMPERIAL BEACH;"
3. City Clerk to read Ordinance No. 2010-1106; and
4. Motion to waive further reading and dispense introduction by title only and set the matter for adoption at the next regularly scheduled City Council meeting.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

  
\_\_\_\_\_  
Gary Brown, City Manager

Attachment:

1. Ordinance No. 2010-1106

**ORDINANCE NO. 2010-1106**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
IMPERIAL BEACH, CALIFORNIA, AMENDING IMPERIAL BEACH  
MUNICIPAL CODE CHAPTER 9.10, RELATING TO SKATEBOARD AND  
ROLLER SKATE RIDING; AMENDING CHAPTER 12.56 RELATING TO  
USE OF PUBLIC PARKS AND FACILITIES; AND APPROVING AND  
DESIGNATING A SKATEBOARD PARK IN THE CITY OF IMPERIAL BEACH**

**WHEREAS**, the City of Imperial Beach ("City") intends to create a skate park to better serve the recreational interests of its citizens; and

**WHEREAS**, the City of Imperial Beach has enacted City of Imperial Beach Ordinance No. 2001-964, in conformity with California Health & Safety Code section 115800(b), requiring that a city seeking to create a skate park enact an ordinance requiring those using a skate park to wear appropriate elbow and kneepads and helmets; and

**WHEREAS**, in accordance with California Health & Safety Code section 115800(b), the City of Imperial Beach intends to post signs setting out Rules and Regulations for an unsupervised public skateboard park. Said signs shall include language affording reasonable notice that any person using the skate park must wear a helmet, elbow pads, and knee pads and that any person failing to do so will be subject to citation under the ordinance requiring the use of said safety gear.

**NOW, THEREFORE**, the City Council of Imperial Beach hereby ordains as follows:

SECTION 1. Section 12.56.010, of Chapter 12.56 of the Imperial Beach Municipal Code (Use of Public Parks and Facilities) is hereby amended to read:

**12.56.010. Definitions.**

For the purpose of this chapter, the following definitions shall apply:

"Camp" shall mean to reside in or use a park for living accommodation purposes, as exemplified by remaining for prolonged or repetitious periods of time not associated with ordinary recreational use of a park with one's personal possessions (including but not limited to clothing, sleeping bags, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar material), sleeping or making preparations to sleep, storing personal belongings as above defined, regularly cooking or consuming meals, or living in a parked vehicle. These activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

“Public building” means any building owned or leased by the city.

“Public facility” means any place, structure, area or other facility, owned, maintained or controlled by the city, not including public streets and sidewalks.

“Public parking lot” means any place, structure or area owned or leased by the city and operated as an off-street parking facility.

“Public park” means and includes all dedicated parks and traffic islands maintained by the city, including the Sports Park, [the Skateboard Park](#), and the Veterans Park Youth Soccer Field as defined herein.

“Public playground” means a place, structure, area, or other facility under the jurisdiction of the government body of the city used for community recreation purposes such as playing fields or courts, swimming pools, gymnasiums, auditoriums and meeting places.

["Skateboard Park" means the skateboard park located at 425 Imperial Beach Boulevard immediately south of the Sports Park Recreation Center.](#)

“Sports Park” means the city’s Sports Park located at 425 Imperial Beach Boulevard.

“Soccer Field” means the city's Veterans Park Youth Soccer Field located at 1075 8<sup>th</sup> Street.

**SECTION 2.** Section 12.56.055 is hereby added to Chapter 12.56 (Use of Public Parks and Facilities) of the Imperial Beach Municipal Code to read as follows:

**12.56.055. Skateboard Park – Use and regulations.**

[In addition to the rules and regulations found in this Chapter 12.56 and Section 8.84.030\(12\) of Chapter 8.84, the following restrictions shall also apply to the use of the Skateboard Park:](#)

[A. No person shall use inline skates with more than 5 wheels. Only inline skates with no more than five \(5\) wheels and skateboards are to be used in the Skateboard Park.](#)

[B. No person shall enter, remain in, or use the Skateboard Park without wearing the required helmet, kneepads, and elbow pads that are commercially manufactured and designed for skateboarding or inline skating. This does not apply to any duly authorized city employee performing the duties of his or her job inside the Skateboard Park.](#)

[C. No person shall use skateboards or inline skates with metal wheels.](#)

D. No person shall use a bicycle or scooter in the Skateboard Park.

E. No formal contests of any kind are allowed in the Skateboard Park without the written approval of the City of Imperial Beach Parks and Recreation Department.

A.F. No unauthorized obstacles, equipment, materials, or apparatus may be brought into or used in the Skateboard Park.

G. Notwithstanding the provisions of Section 12.56.020(X), the hours of operation of the Skateboard Park shall be from 7:00 a.m. to sunset daily. No person shall use the Skateboard Park between the hours of sunset and 7:00 a.m.

H. At any time, the City Manager or his/her designee is authorized to create and post additional rules and regulations, the violation of which may be punishable by expulsion from the Skateboard Park.

SECTION 3. Section 9.10.040, Subsection (A) of Chapter 9.10 (Skateboard and Roller Skate Riding) of the Imperial Beach Municipal Code is hereby amended to read as follows:

**9.10.040. Ramps prohibited on public property.**

A. It is unlawful for any person to use, construct or place upon any public property a ramp, jump, platform or similar device intended for use by a person riding a bicycle, skateboard, roller skates or similar wheeled device. This section does not prohibit the city manager or his or her designee from constructing, improving, or maintaining any ramp, platform or similar device at an area approved by resolution or ordinance of the city council per Section 12.56.050. Nor does this section prohibit any person from using any ramp, platform, or similar device placed at any such area by the city manager or his or her designee, except that any person using such facility must wear the safety equipment designated in Section 12.56.050.

SECTION 4. The City Council hereby approves and designates the area located at 425 Imperial Beach Boulevard immediately south of the Sports Park Recreation Center and north of Sports Park baseball field "B" as the Skateboard Park pursuant to Imperial Beach Municipal Code 12.56.050.

SECTION 5. The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

**EFFECTIVE DATE:** This Ordinance shall be effective thirty (30) days after its adoption.

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 2<sup>nd</sup> day of June 2010, and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, held on the 15<sup>th</sup> day of June 2010 by the following vote:

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>

\_\_\_\_\_  
**JAMES C. JANNEY, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JACQUELINE M. HALD, CMC  
CITY CLERK**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**JENNIFER M. LYON  
CITY ATTORNEY**

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Ordinance No. 2010-1106, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTER 9.10, RELATING TO SKATEBOARD AND ROLLER SKATE RIDING; AMENDING MUNICIPAL CODE CHAPTER 12.56 RELATING TO USE OF PUBLIC PARKS AND FACILITIES; AND APPROVING AND DESIGNATING A SKATEBOARD PARK IN THE CITY OF IMPERIAL BEACH**

\_\_\_\_\_  
JACQUELINE HALD, CITY CLERK

\_\_\_\_\_  
DATE



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** JUNE 2, 2010  
**ORIGINATING DEPT.:** PUBLIC WORKS *HOB*  
**SUBJECT:** INTRODUCTION & FIRST READING OF ORDINANCE 2010-1105, AMENDING CHAPTER 10.28, SECTION 10.28.020, SPECIAL SPEED ZONE DESIGNATED

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**BACKGROUND:** On June 25, 2003, City Council adopted Ordinance Nr. 2003-1004 amending Chapter 10.28, Section 10.28.020 Special Speed Zone Designation following a speed survey study by Katz, Okitsu & Associates, the City's Traffic Safety Engineer Consultant. Katz, Okitsu & Associates conducted the survey, prepared a report of the survey results and made recommendations relative to maximum authorized speed on selected streets within the City. The study report was completed in April 2003. The speed survey expired in April 2010.

This expiration represents the 7 year allowable certification as stated in the California Vehicle Code (CVC). The CVC does allow for a re-certification of existing speed surveys up to 10 years (3 additional over the 7 currently) with a review and certification from a traffic engineer. The CVC states that if a registered engineer evaluates the roadway segment and determines that there no significant changes to the roadway or traffic conditions (i.e. changes in adjoining property, land use, roadway width or traffic volume), then the survey can be re-certified to the 10 year period.

Per the CVC Section § 22357. Increase of local limits - the City must adopt speed zones greater than 25 mph by ordinance. This section is copied below:

(a) Whenever a local authority determines upon the basis of an engineering and traffic survey that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street other than a state highway otherwise subject to a prima facie limit of 25 miles per hour, the local authority may by ordinance determine and declare a prima facie speed limit of 30, 35, 40, 45, 50, 55, or 60 miles per hour or a maximum speed limit of 65 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe. The declared prima facie or maximum speed limit shall be effective when appropriate signs giving notice thereof are erected upon the street and shall not thereafter be revised except upon the basis of an engineering and traffic survey. This section does not apply to any 25-mile-per-hour prima facie limit which is applicable when passing a school building or the grounds thereof or when passing a senior center or other facility primarily used by senior citizens.

**DISCUSSION:** Staff has contracted with KOA, Incorporated to perform the re-certification for a 3-year extension. Their report was received Friday, May 21, 2010. The report shows that there

were no significant changes to the roadway characteristics with the exception of Palm Avenue segment between Seacoast Drive and 3<sup>rd</sup> Street. The recent improvements in this segment required a separate certification with its own new speed survey. All other segments were re-certified for the next 3 years. See attachment 2. Because of the improvements to Palm Avenue between Seacoast Drive and 3<sup>rd</sup> Street a new survey was conducted. This new survey found that the 85<sup>th</sup> percentile within this segment remained 30 mph. See attachment 3.

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

The contract for the 3-year speed survey update with KOA Corporation was \$4,400. This expenditure was paid from the Street Maintenance Division FY 2009/2010 O&M budget adopted by City Council in June 2009.

Since the speeds remain unchanged from the April 2003 Speed Survey, there will be no changes in street signage or striping, thus there are no new costs for the installation of signage or striping.

**DEPARTMENT RECOMMENDATION:**

1. Receive this report
2. Mayor call for introduction of Ordinance No 2010-1105.
3. City Clerk read title of ordinance
4. Motion to dispense first reading of Ordinance No. 2010-1105.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Ordinance No. 2010-1105
2. KOA Corporation Letter dated May 20, 2010 Subject: 2010 Citywide Speed Survey Update
3. KOA Corporation Letter undated, Speed Survey Certification, Palm Avenue between Seacoast Drive and 3<sup>rd</sup> Street

**ORDINANCE NO. 2010-1105****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING CHAPTER 10.28, SECTION 10.28.020, OF THE MUNICIPAL CODE OF THE CITY OF IMPERIAL BEACH RELATING TO SPECIAL SPEED ZONES DESIGNATED**

**WHEREAS**, the City of Imperial Beach desires to amend chapter 10.28, Section 10.28.020, of the municipal code relating to enforcement of special speed zones consistent with the 2010 Citywide Speed Survey Update dated May 20, 2010 and the Speed Survey Certification (Palm Avenue between Seacoast Drive and 3<sup>rd</sup> Street) of May 20, 2010.

**NOW, THEREFORE**, the City Council of the City of Imperial Beach hereby ordains as follows:

**SECTION 1:** Section 10.28.020 of Chapter 10.28 (Special speed zones designated) of the Imperial Beach Municipal Code is hereby amended to read as follows:

**10.28.020 Special Speed Zone Designated.**

It is determined that on the basis of engineering and traffic investigation conducted by Katz, Okitsu & Associates in April 2003, the KOA Corporation 2010 Citywide Speed Survey Update of May 20, 2010 and the Speed Survey Certification (Palm Avenue between Seacoast Drive and 3<sup>rd</sup> Street) of May 20, 2010, the prima facie speed limit shall be as set forth in this section on those streets or parts of the streets designated when signs are erected giving notice thereof:

<u>Name of Street or Portion Affected</u>	<u>Declared Prima Facie Speed Limit (In Miles per Hour)</u>
13 <sup>th</sup> Street from Palm Avenue to Imperial Beach Boulevard	35
13 <sup>th</sup> Street from Imperial Beach Boulevard to Iris Avenue	30
15 <sup>th</sup> Street from Imperial Beach Boulevard to Iris Avenue	30
9 <sup>th</sup> Street from Palm Avenue to Imperial Beach Boulevard	35
9 <sup>th</sup> Street from Imperial Beach Boulevard to Sea Park	30
Connecticut Street from Imperial Beach Boulevard to Elm Avenue	25
Elm Avenue form 7 <sup>th</sup> Street to East City Limits	30
Elm Avenue from Seacoast Drive to 7 <sup>th</sup> Street	25
Imperial Beach Boulevard from Seacoast Drive to 3 <sup>rd</sup> Street	35
Imperial Beach Boulevard from 3 <sup>rd</sup> Street to 9 <sup>th</sup> Street	35
Imperial Beach Boulevard from 9 <sup>th</sup> Street to East City Limits	35
Palm Avenue from Seacoast Drive to 3 <sup>rd</sup> Street	30
Palm Avenue from 3 <sup>rd</sup> Street to Delaware Avenue	35
Rainbow Drive from Highway 75 to Palm Avenue	30
Seacoast Drive from Palm Avenue to Imperial Beach Boulevard	25
Seacoast Drive from Imperial Beach Boulevard to Encanto (to the end)	25

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

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Imperial Beach, California, held the 2nd day of June 2010; and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, held on the 15th day of June 2010, by the following roll call vote:

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>

---

**JAMES C. JANNEY, MAYOR**

**ATTEST:**

---

**JACQUELINE M. HALD, CMC**  
**CITY CLERK**

**APPROVED AS TO FORM:**

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**JENNIFER LYON**  
**CITY ATTORNEY**

May 20, 2010  
B04070

Hank Levien, Public Works Director  
City of Imperial Beach  
495 Tenth Street  
Imperial Beach, CA 91932

**Subject: 2010 Citywide Speed Survey Update**

Dear Mr. Levien:

### ***Introduction***

To satisfy the requirements of Section 40802(b) of the California Vehicle Code (CVC), Engineering and Traffic Surveys are required by the State of California to establish speed limits and to enforce those limits using radar or other speed measuring devices. These surveys must be updated periodically (every five, seven or ten years, depending upon specific criteria) to ensure the speed limits reflect current conditions as dictated by the 2010 CVC. The surveys must be conducted in accordance with applicable provisions of the Section 627 of the CVC, following procedures outlined in the California Manual on Uniform Traffic Control Devices (CA-MUTCD) dated September 26, 2006 (FHWA's MUTCD 2003 Revision I, as amended for use in California), also called the California MUTCD.

The City of Imperial Beach's current speeds surveys for non-local roads were completed in 2003 and have expired as of April 2010. This expiration represents the 7 year allowable certification as stated in the California Vehicle Code (CVC). The CVC does allow for a re-certification of existing speed surveys up to 10 years (3 additional over the 7 currently) with a review and certification from a traffic engineer. The CVC states that if a registered engineer evaluates the roadway segment and determines that there are no significant changes to the roadway or traffic conditions (i.e. changes in adjoining property, land use, roadway width or traffic volume), then the survey can be re-certified to the 10 year time period.

### ***Speed Survey Segments***

There are currently 16 street segments that have certified speed surveys. Based on review of the surveyed streets, there is only one location where the roadway has changed such that a new speed survey should be completed. This segment, Palm Avenue between Seacoast Drive and 3<sup>rd</sup> Street, has experienced recent improvements that have changed the character of the road. There have also been recent improvements to a small portion of Seacoast Drive south of Palm Avenue, but these changes are not seen to have a significant effect to the segment's existing traffic conditions. The new survey for Palm Avenue between Seacoast Drive and 3<sup>rd</sup> Street will be included in a separate letter.

### ***Re-certification***

Each of the roadway segments were reviewed per the requirements of the CVC for any changes to the roadways that may affect the validity of the roadway conditions effecting driver's speeds. With the exception of the one new survey for Palm Avenue between Seacoast Drive and 3<sup>rd</sup> Street, there were no significant changes to the roadway characteristics. Based on this review, the existing speed surveys are recommended to remain valid for three more years until the speed surveys reach their 10-year limit.

### Summary

The following is a summary of the non-local road segments in Imperial Beach. Most are recommended for re-certification.

Segment No.	Street Name	Segment		Posted Speed Limit (MPH)	Change in Roadway?	Re-Certification?
		From	To			
1	13th Street	Palm Avenue	Imperial Beach Blvd	35	No	<b>Yes</b>
2	13th Street	Imperial Beach Blvd	Iris Avenue	30	No	<b>Yes</b>
3	15th Street	Imperial Beach Blvd	Iris Avenue	35	No	<b>Yes</b>
4	9th Street	Palm Avenue	Imperial Beach Blvd	35	No	<b>Yes</b>
5	9th Street	Imperial Beach Blvd	Sea Park Dr	30	No	<b>Yes</b>
6	Connecticut	Elm Avenue	Imperial Beach Blvd	25	No	<b>Yes</b>
7	Elm Avenue	7 <sup>th</sup> Street	East City Limits	30	No	<b>Yes</b>
8	Elm Avenue	Seacoast Drive	7 <sup>th</sup> Street	25	No	<b>Yes</b>
9	Imperial Beach Blvd	Seacoast Drive	3 <sup>rd</sup> Street	35	No	<b>Yes</b>
10	Imperial Beach Blvd	3 <sup>rd</sup> Street	9 <sup>th</sup> Street	35	No	<b>Yes</b>
11	Imperial Beach Blvd	9 <sup>th</sup> Street	East City limits	35	No	<b>Yes</b>
12	Palm Avenue*	Seacoast Drive	3 <sup>rd</sup> Street	30	<b>Yes</b>	No*
13	Palm Avenue	3 <sup>rd</sup> Street	Delaware Avenue	35	No	<b>Yes</b>
14	Rainbow Drive	Highway 75	Palm Avenue	30	No	<b>Yes</b>
15	Seacoast Drive**	Palm Avenue	Imperial Beach Blvd	25	<b>Yes**</b>	<b>Yes**</b>
16	Seacoast Drive	Imperial Beach Blvd	s/o IB Blvd (to the end)	25	No	<b>Yes</b>

\* This is a new survey. See separate letter for surveys.

\*\*This is a recertification of the original survey. Changes to the roadway have been noted but have been determined not to be significant to existing traffic conditions.

### Conclusion

Based on our review of the existing speed surveys, KOA recommends that all of the segments listed above, with the exception of Palm Avenue from Seacoast to 3<sup>rd</sup> Street, be certified for the next 3 years. The segment of Palm Avenue from Seacoast to 3<sup>rd</sup> Street will be certified as its own new speed survey, separate from this recertification letter. If you have any questions or need any additional information please contact me.

Sincerely,  
**KOA Corporation**  
 Joe De La Garza, P.E.

Senior Transportation Engineer



Attachments:  
 Pictures of survey segments

## Speed Survey Certification

### Palm Avenue

Between Seacoast Drive and 3<sup>rd</sup> Street

Date: 5/20/10

This certification constitutes an Engineering and Traffic Survey of the speed limit along Palm Avenue between Seacoast Drive and 3<sup>rd</sup> Street, within the City of Imperial Beach. The existing speed limit was reviewed for adequacy in terms of adjacent land use, functional classification, traffic demands and speed limit continuity with neighboring jurisdictions, as well as, traffic and roadside conditions not readily apparent to motorists.

The survey is in compliance with Division 17, Section 40802 of the California Vehicle Code. The following reference materials were used in the preparation of this Traffic and Engineering Survey:

1. *2010 California Vehicle Code* – California Department of Motor Vehicles, Sacramento.
2. *California Manual on Uniform Traffic Control Devices* (FHWA's MUTCD 2003 Revision I, as amended for use in California), also called the California MUTCD – California Department of Transportation (September 26, 2006).

All data utilized in this report is on file in the Department of Public works, City of Imperial Beach, 495 Tenth Street, Imperial Beach, CA 91932.

The firm of KOA Corporation, on behalf of the City of Imperial Beach, has prepared this document.

I, Joe De La Garza, P.E., do hereby certify that I am a Registered Traffic Engineer in the State of California. I have conducted this study for the City of Imperial Beach, and this report was prepared under my supervision. Its contents are true and accurate to the best of my knowledge.



---

Joe De La Garza Jr.  
RTE 2095, Exp. 6/30/11



## **APPENDIX A**

### **Speed Survey**

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#### **Segment Information**

- **Summary Sheet**
- **Segment Photos**
- **Speed Survey Data**

**Palm Avenue**  
Between Seacoast Drive and 3<sup>rd</sup> Street

<b>Street Name:</b> Palm Avenue			
<b>From Street:</b> Seacoast Drive		<b>To Street:</b> 3rd Street	
<b>Reviewed By:</b> Date:		JRD 05/20/10	
<b>Prevailing Speed Data</b>			
	<b>NB/EB</b>		<b>SB/WB</b>
Date of Survey	5/14/2010		
85th Percentile	31	30	
10 MPH Pace	22-32	23-33	
Percent in Pace	90%	88%	
Posted Speed Limit	30	30	
<b>Accident History</b>			
Period (From/To)	1/1/2006	12/31/2008	
Speed-Related Accidents	0		
Total Accidents	9		
Acc./Mil. Vehicle Miles	3.39		
Expected Accident Rate	1.58		
<b>Traffic Factors</b>			
Average Daily Traffic	9,698		
Traffic Controls	4-way stop at 3rd		
Crosswalks	3rd Street		
Pedestrian/Bicycle Traffic	High, especially during weekends and school hours, near Seacoast		
On-Street Parking	Both sides		
Other (bike lanes, trucks, etc.)	None		
<b>Roadway Factors</b>			
Length of Segment, Feet	1,320		
Street Width, Feet (curb to curb)	54		
Number of Lanes	1 lane in each direction, with turn lane, marked on-street parking, raised median near 3rd Street		
Vertical Alignment	None		
Horizontal Alignment	None		
Sight Distance Restriction	None		
Surface Condition	Good		
Sidewalks/Driveways	Sidewalk on both sides, Commercial and residential driveways		
Other (speed bumps, R/R	None		
<b>Adjacent Land Uses</b>			
	Commercial and residential		
<b>Additional Remarks</b>			
	None		
<b>Recommendations</b>			
Recommended Speed Limit	30		
Speed Limit Change?	No, 85th percentile is similar to the posted speed.		
 <b>KOA CORPORATION</b> PLANNING & ENGINEERING		2010 Imperial Beach Speed Survey May 20, 2010	

# Palm Avenue

From: Seacoast Drive

To: 3<sup>rd</sup> Street



Looking East



Looking West

## Radar Speed Survey Data Collection Form

Jurisdiction: Imperial Beach  
 Street: Palm Avenue  
 Location: between Seacoast Drive and 3rd Street  
 Posted Speed: 30 mph (regulatory or warning speed)  
 Direction: Eastbound (Northbound or Eastbound)  
 Observer: Keith Feura  
 Road Conditions: Sunny (weather, visibility, accidents, other)  
 Date: 5/14/10

Note Time:	Veh.	Speed (mph)	Note Time:	Veh.	Speed (mph)	Note Time:	Veh.	Speed (mph)
10:06	1	27	10:22	36	27	10:37	71	26
10:06	2	22	10:22	37	25	10:37	72	28
10:07	3	27	10:23	38	30	10:38	73	22
10:07	4	22	10:24	39	30	10:39	74	25
10:08	5	23	10:24	40	33	10:39	75	27
10:09	6	24	10:24	41	29	10:39	76	29
10:09	7	23	10:24	42	28	10:40	77	28
10:10	8	28	10:25	43	28	10:40	78	28
10:10	9	27	10:25	44	31	10:41	79	30
10:11	10	38	10:26	45	23	10:41	80	28
10:11	11	30	10:27	46	31	10:42	81	24
10:12	12	28	10:27	47	26	10:42	82	26
10:12	13	24	10:28	48	29	10:42	83	30
10:13	14	26	10:29	49	25	10:43	84	33
10:13	15	31	10:29	50	32	10:43	85	24
10:13	16	24	10:30	51	35	10:44	86	23
10:14	17	26	10:30	52	27	10:44	87	30
10:14	18	27	10:30	53	29	10:44	88	28
10:15	19	23	10:31	54	30	10:45	89	18
10:15	20	30	10:31	55	26	10:45	90	23
10:15	21	32	10:31	56	25	10:46	91	25
10:16	22	32	10:31	57	29	10:46	92	27
10:16	23	31	10:32	58	23	10:47	93	32
10:17	24	31	10:32	59	31	10:48	94	31
10:17	25	30	10:32	60	28	10:48	95	28
10:17	26	25	10:33	61	28	10:49	96	26
10:18	27	29	10:33	62	29	10:49	97	25
10:18	28	24	10:33	63	26	10:49	98	28
10:18	29	33	10:34	64	31	10:49	99	27
10:19	30	25	10:34	65	28	10:51	100	26
10:19	31	28	10:35	66	22			
10:19	32	27	10:35	67	26			
10:20	33	23	10:35	68	26			
10:21	34	27	10:36	69	31			
10:22	35	23	10:37	70	26			

 **KOA CORPORATION**  
 PLANNING & ENGINEERING  
 5095 Murphy Canyon Road, Suite 330  
 San Diego, CA 92123

Average = 27.4 mph  
 Standard Deviation = 3.3 mph  
 85th Percentile = 31.0 mph  
 10 mph Pace = 22 - 32 mph  
 Current Posting = 30 mph

## Radar Speed Survey Data Collection Form

Jurisdiction: Imperial Beach  
 Street: Palm Avenue  
 Location: between Seacoast Drive and 3rd Street  
 Posted Speed: 30 mph (regulatory or warning speed)  
 Direction: Westbound (Southbound or Westbound)  
 Observer: Keith Feura  
 Road Conditions: Sunny (weather, visibility, accidents, other)  
 Date: 5/14/10

Note Time:	Veh.	Speed (mph)	Note Time:	Veh.	Speed (mph)	Note Time:	Veh.	Speed (mph)
10:59	1	24	11:18	36	29	11:34	71	28
11:00	2	28	11:18	37	24	11:36	72	24
11:01	3	21	11:19	38	26	11:36	73	30
11:01	4	30	11:20	39	30	11:37	74	26
11:01	5	26	11:20	40	23	11:37	75	30
11:02	6	25	11:20	41	21	11:38	76	28
11:02	7	33	11:21	42	24	11:38	77	26
11:03	8	29	11:22	43	24	11:38	78	26
11:04	9	30	11:22	44	29	11:39	79	33
11:04	10	23	11:23	45	25	11:39	80	22
11:05	11	32	11:23	46	28	11:39	81	29
11:05	12	26	11:24	47	29	11:40	82	30
11:05	13	26	11:24	48	25	11:40	83	27
11:06	14	24	11:25	49	27	11:41	84	27
11:07	15	19	11:25	50	32	11:41	85	32
11:07	16	26	11:25	51	30	11:41	86	30
11:08	17	27	11:26	52	20	11:42	87	21
11:09	18	27	11:26	53	25	11:42	88	26
11:09	19	20	11:26	54	24	11:44	89	27
11:09	20	27	11:26	55	27	11:44	90	35
11:10	21	24	11:27	56	22	11:44	91	23
11:10	22	25	11:27	57	25	11:45	92	25
11:11	23	23	11:27	58	28	11:45	93	28
11:11	24	31	11:28	59	30	11:46	94	25
11:11	25	24	11:29	60	26	11:47	95	27
11:12	26	29	11:29	61	23	11:47	96	31
11:13	27	30	11:29	62	26	11:48	97	26
11:13	28	26	11:30	63	33	11:48	98	26
11:13	29	38	11:30	64	39	11:48	99	23
11:13	30	25	11:31	65	27	11:49	100	31
11:15	31	38	11:31	66	27			
11:15	32	25	11:32	67	28			
11:16	33	28	11:32	68	30			
11:16	34	26	11:33	69	27			
11:17	35	28	11:34	70	26			

 **KOA CORPORATION**  
 PLANNING & ENGINEERING  
 5095 Murphy Canyon Road, Suite 330  
 San Diego, CA 92123

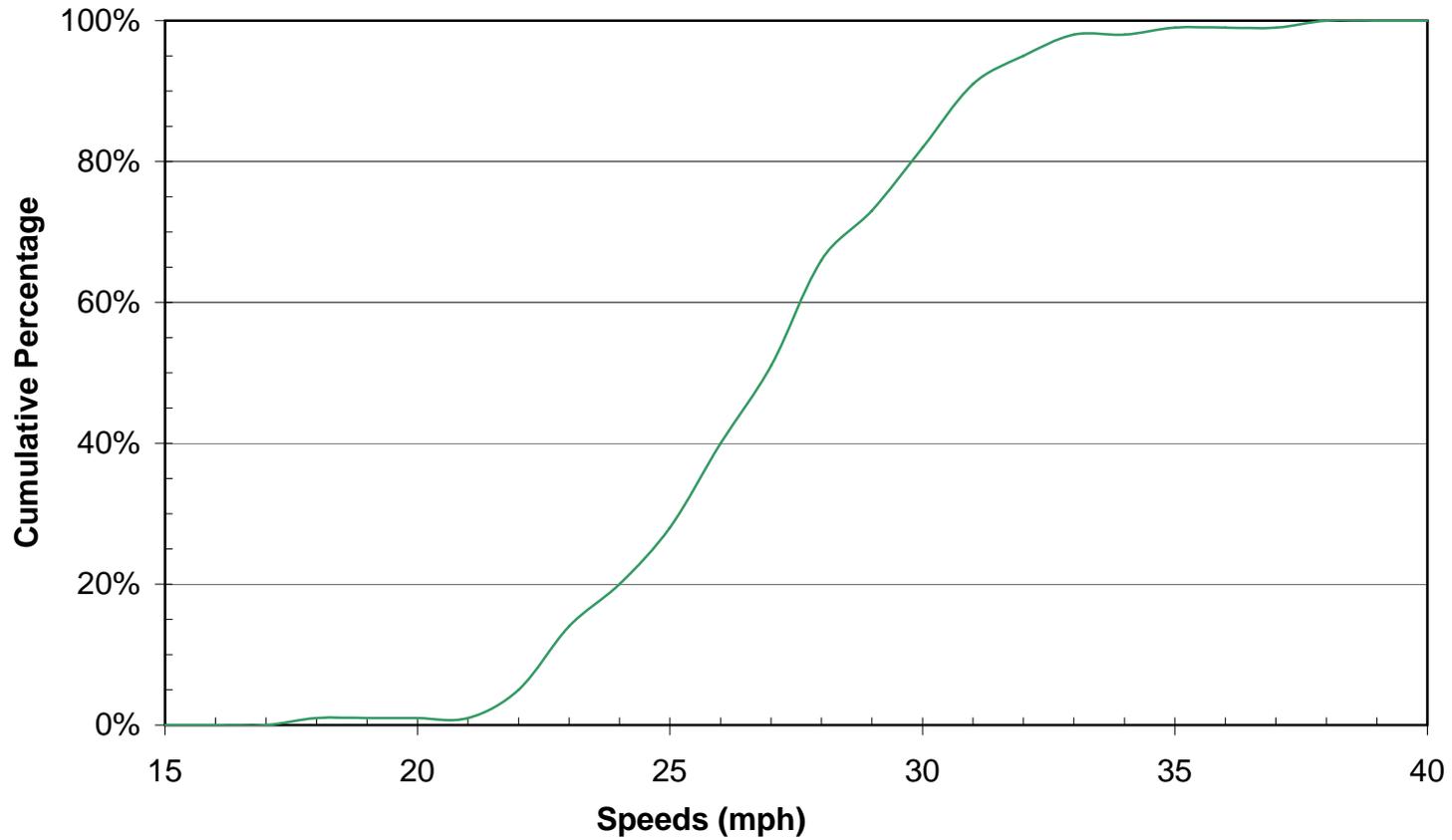
Average = 27.0 mph  
 Standard Deviation = 3.7 mph  
 85th Percentile = 30.0 mph  
 10 mph Pace = 23 - 33 mph  
 Current Posting = 30 mph



**Imperial Beach  
Palm Avenue between Seacoast Drive and 3rd Street  
Westbound**

MPH	NUMBER OF VEHICLES										PERCENT OF TOTAL	CUMULATIVE PERCENTAGE	
	5	10	15	20	25	30							
50													
45													
40													
	X											1%	100%
	X	X										2%	99%
35	X											1%	97%
	X	X	X									3%	96%
	X	X	X									3%	93%
	X	X	X									3%	90%
30	X	X	X	X	X	X	X	X	X	X		11%	87%
	X	X	X	X	X	X						6%	76%
	X	X	X	X	X	X	X	X				9%	70%
	X	X	X	X	X	X	X	X	X	X		12%	61%
	X	X	X	X	X	X	X	X	X	X	X	16%	49%
25	X	X	X	X	X	X	X	X	X			10%	33%
	X	X	X	X	X	X	X	X				9%	23%
	X	X	X	X	X							6%	14%
	X	X										2%	8%
	X	X	X									3%	6%
20	X	X										2%	3%
	X											1%	1%
15													
10													
5													
<b>TOTAL NUMBER OF VEHICLES</b>											<b>100</b>		

### Cumulative Frequency Distribution Curve Palm Avenue between Seacoast Drive and 3rd Street (Eastbound)

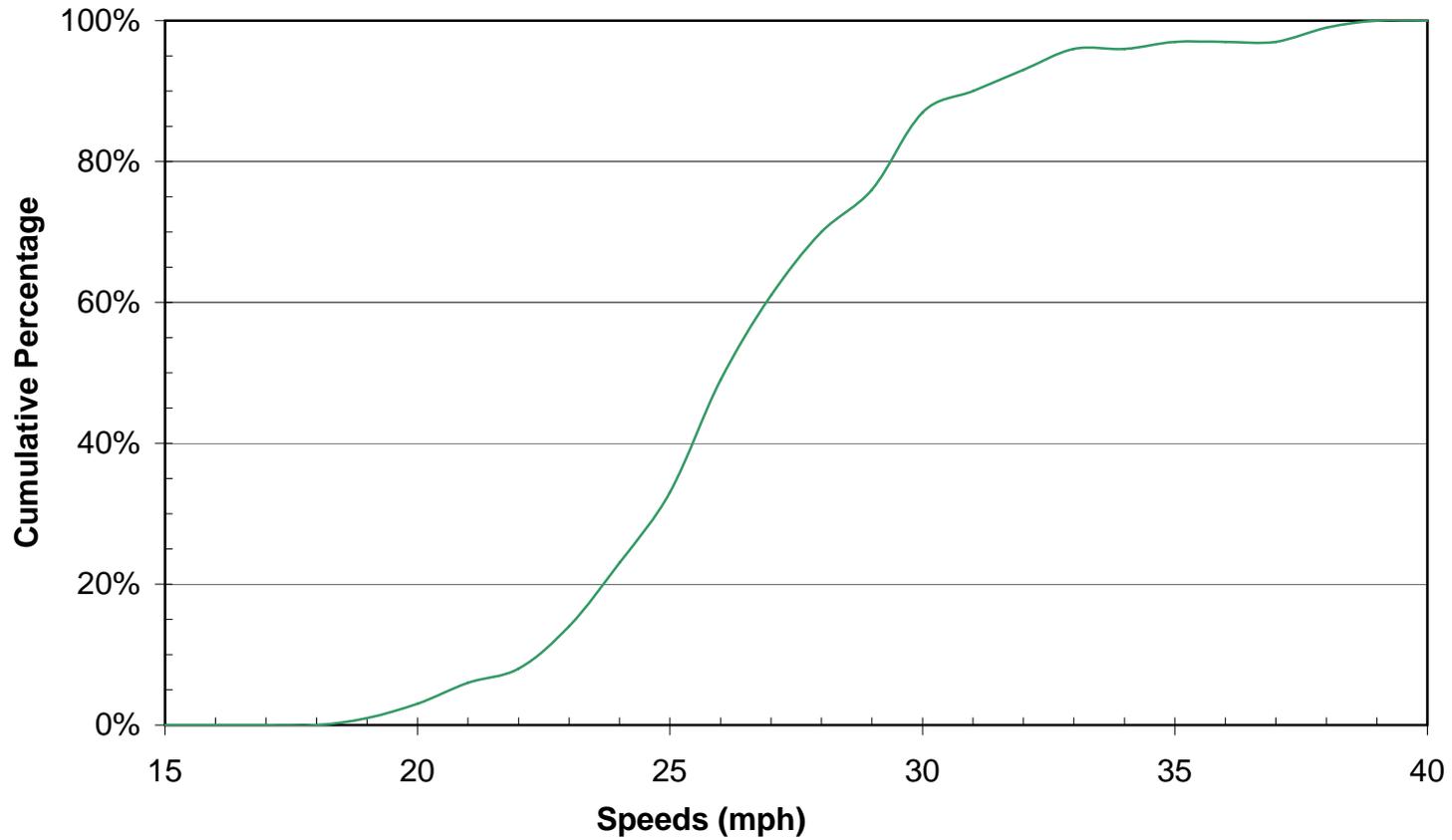


**Below 10mph Pace:** 1  
**Percentage:** 1%

**In 10mph Pace:** 94  
**Percentage:** 94%

**Above 10mph Pace:** 5  
**Percentage:** 5%

### Cumulative Frequency Distribution Curve Palm Avenue between Seacoast Drive and 3rd Street (Westbound)



**Below 10mph Pace: 8**  
**Percentage: 8%**

**In 10mph Pace: 88**  
**Percentage: 88%**

**Above 10mph Pace: 4**  
**Percentage: 4%**





AGENDA ITEM NO. 4.1

**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: GARY BROWN, CITY MANAGER**

**MEETING DATE: JUNE 2, 2010**

**ORIGINATING DEPT.: GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR  
JENNIFER M. LYON, CITY ATTORNEY**

**SUBJECT: ADOPTION OF ORDINANCE NO. 2010-1104 – AN  
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
IMPERIAL BEACH, CALIFORNIA, AMENDING  
CHAPTERS 4.04, BUSINESS LICENSES GENERALLY,  
AND 4.56, SMOKE SHOPS, OF THE CITY OF IMPERIAL  
BEACH MUNICIPAL CODE RELATED TO THE  
CONTINUATION OF LAWFULLY ESTABLISHED  
BUSINESSES**

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**BACKGROUND:**

The Redevelopment Agency is currently in the process of carrying out the 9<sup>th</sup> and Palm Redevelopment Project. In order to carry out this project, it has been necessary to require the relocation or removal of various businesses currently operating within the boundaries of the shopping center. Several such businesses were operating as lawfully established businesses pursuant to Imperial Beach Municipal Code (IBMC) Chapter 4.56. However, relocating the businesses would likely require the owner to obtain a business license for the new location and, at times, may be subject to land use regulations adopted after establishment of the use. Chapter 4.56 does not expressly allow lawfully operating businesses and smoke shops to maintain their lawful status if the City or Redevelopment Agency requires relocation of the business or smoke shop in order to complete the 9<sup>th</sup> and Palm Redevelopment Project. Thus, a business required to relocate could be denied a business license because, as a result of relocation, it ceased to be a lawfully operating business or smoke shop.

The first reading of this ordinance was conducted by the City Council at their meeting of May 19, 2010.

**DISCUSSION:**

Since several businesses within the 9<sup>th</sup> and Palm Redevelopment Project were legally operating under the IBMC and are being required to vacate the premises due to the Redevelopment Project, there is a need to clarify certain provisions of the Municipal Code regarding the ability of lawfully established businesses, in particular smoke shops, to resume operations when the City or Redevelopment Agency requires an existing business to relocate.

The proposed amendments clarify that such businesses required to relocate as part of a Redevelopment Agency redevelopment project will maintain their lawful status and may obtain a business license to operate the same business at a new location within the C-1 zone of the City.

Staff recommends that Chapters 4.04 and 4.56 of the Imperial Beach Municipal Code be amended as follows:

4.04.080. License—Nontransferable—Change of location.

Each license granted or issued under the provisions of this chapter shall authorize the licensee to transact or carry on the business or calling therein designated and at no other place than as designated on the license. Except as provided in Chapter 4.56.010 for lawfully established smoke shops and businesses that are displaced due to redevelopment activities, a license issued pursuant to this chapter shall not be assigned or transferable. Additionally, a change of location shall be allowed to the owner of the license not regulated by Chapter 4.56 upon the payment to the Finance Director of the sum of one dollar and upon approval of the Chief of Police.

Chapter 4.56: Smoke Shops. Staff recommends that the definition in Section 4.56.010 be amended as follows:

“Lawfully established business’ or ‘lawfully established smoke shop’ means a business or smoke shop presently engaged in tobacco retailing prior to passage of the ordinance codified in this chapter and operating pursuant to a lawful business license, or is operating pursuant to a lawful, non-transferred renewal of such a business’s business license in existence before passage of said ordinance. No lawfully established smoke shop or lawfully established business that is displaced or required to relocate by the city or its redevelopment agency due to redevelopment activities shall lose its lawful status solely as a result of such relocation within the same zone as it was previously located. A lawfully established smoke shop that has been relocated as provided for in this section shall not be prevented from transferring an existing valid business license or obtaining a new business license to engage in tobacco retailing at the designated new location.”

**FISCAL IMPACT:**

N/A

**ENVIRONMENTAL IMPACT:**

The ordinance amending Chapters 4.04 and 4.56 to allow existing businesses that are required to relocate due to redevelopment activities to maintain their lawful operating status upon relocation is exempt from further review under the California Environmental Quality Act (“CEQA.”) Specifically, the adoption of the ordinance is exempt under the general rule found in CEQA Guidelines section 15061(b)(3) which states that CEQA only applies to projects that would have a significant effect on the environment and the activity is exempt from further review when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that:

1. The City Council receive this report;
2. The Mayor calls for the reading of the title of Ordinance No. 2010-1104 an Ordinance of the City Council of the City of Imperial Beach, California, amending Chapters 4.04, Business Licenses Generally, and 4.56, Smoke Shops, of the City of Imperial Beach Municipal Code related to the continuation of lawfully established businesses;
3. City Clerk to read title of the Ordinance No. 2010-1104; and
4. Motion to dispense with the second reading and adopt Ordinance No. 2010-1104 by title only.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

  
\_\_\_\_\_  
Gary Brown, City Manager

Attachments:

1. Ordinance No. 2010-1104



**ORDINANCE NO. 2010-1104**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING CHAPTERS 4.04, BUSINESS LICENSES GENERALLY, AND 4.56, SMOKE SHOPS, OF THE CITY OF IMPERIAL BEACH MUNICIPAL CODE RELATED TO THE CONTINUATION OF LAWFULLY ESTABLISHED BUSINESSES**

**WHEREAS**, the City Council of the City of Imperial Beach adopted an ordinance adding Chapter 4.56 to the Imperial Beach Municipal Code; and,

**WHEREAS**, Chapter 4.56 generally prohibits smoke shops within the City; and,

**WHEREAS**, under Chapter 4.56, smoke shops that were operating pursuant to a valid business license at the time Chapter 4.56 was adopted are allowed to continue operating as a lawfully established business; and,

**WHEREAS**, certain lawfully established smoke shops are located within the 9<sup>th</sup> and Palm Redevelopment Plan area; and,

**WHEREAS**, on February 17, 2010, the City of Imperial Beach adopted a resolution to clarify the ambiguity in the zoning code with respect to the relocation of certain legal non-conforming uses located within the 9<sup>th</sup> and Palm Redevelopment Plan area; and,

**WHEREAS**, Chapter 4.56 is proposed to be amended in order to ensure that lawfully established smoke shops may continue to operate when such a business is required to relocate as a result of redevelopment activities; and,

**WHEREAS**, conforming amendments to Chapter 4.04 are required in order to eliminate potentially inconsistent provisions in the Imperial Beach Municipal Code.

**NOW, THEREFORE**, the City Council of Imperial Beach hereby ordains as follows:

**SECTION 1.** Section 4.04.080 of Chapter 4.04, Business Licenses Generally, is hereby amended to read as follows:

“4.04.080. License—Nontransferable—Change of location.

Each license granted or issued under the provisions of this chapter shall authorize the licensee to transact or carry on the business or calling therein designated and at no other place than as designated on the license. Except as provided in Chapter 4.56.010 for lawfully established smoke shops and businesses that are displaced due to redevelopment activities, a license issued pursuant to this chapter shall not be assigned or transferable. Additionally, a change of location shall be allowed to the owner of the license not regulated by Chapter 4.56 upon the payment to the Finance Director of the sum of one dollar and upon approval of the Chief of Police.

SECTION 2. Chapter 4.56, Smoke Shops, section 4.56.010, Definitions, is hereby amended to read as follows:

“Lawfully established business’ or ‘lawfully established smoke shop’ means a business or smoke shop presently engaged in tobacco retailing prior to passage of the ordinance codified in this chapter and operating pursuant to a lawful business license, or is operating pursuant to a lawful, non-transferred renewal of such a business’s business license in existence before passage of said ordinance. No lawfully established smoke shop or lawfully established business that is displaced or required to relocate by the city or its redevelopment agency due to redevelopment activities shall lose its lawful status solely as a result of such relocation within the same zone as it was previously located. A lawfully established smoke shop that has been relocated as provided for in this section shall not be prevented from transferring an existing valid business license or obtaining a new business license to engage in tobacco retailing at the designated new location.”

SECTION 3. All provisions of Chapter 4.04 and 4.56 not specifically amended by this Ordinance remain in full force and effect.

SECTION 4. The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

SECTION 5. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of any other portion of this Ordinance and, to that end, the provisions of this Ordinance are severable.

**EFFECTIVE DATE:** This Ordinance shall be effective thirty (30) days after its adoption.

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 19th day of May, 2010; and

**THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 2<sup>nd</sup> day of June, 2010, by the following vote:

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

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**JAMES C. JANNEY, MAYOR**

**ATTEST:**

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**JACQUELINE M. HALD, CMC**  
**CITY CLERK**

**APPROVED AS TO FORM:**

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**JENNIFER M. LYON**  
**CITY ATTORNEY**

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Ordinance No. 2010-\_\_\_\_\_ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING CHAPTERS 4.04, BUSINESS LICENSES GENERALLY, AND 4.56, SMOKE SHOPS, OF THE CITY OF IMPERIAL BEACH MUNICIPAL CODE RELATED TO THE CONTINUATION OF LAWFULLY ESTABLISHED BUSINESSES

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CITY CLERK

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DATE





**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO: HONORABLE MAYOR AND CITY COUNCIL**  
**FROM: GARY BROWN, CITY MANAGER**  
**MEETING DATE: JUNE 2, 2010<sup>7c</sup>**  
**SUBJECT: APPROVAL FOR AN OCEAN AND BEACH SURVEILLANCE  
CAMERA AT THE PALM AVENUE STREET END PLAZA**

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**BACKGROUND:**

The Imperial Beach lifeguard service is responsible for swimmer and beachgoer safety. The lifeguards have strategically placed the lifeguard towers along the shoreline to ensure the most advantageous observations points. Lifeguards have discovered an observational deficiency due to the lack of a tower at the end of Palm Avenue.

The Imperial Beach Lifeguard Station was once located at the Palm Avenue and was staffed year round. This station allowed lifeguards to easily monitor the dangerous rip current and 50-yard blind spot on the north side of the rock jetty.

In 2000, the station was demolished and a new Safety Center was constructed at the end of Elder Avenue. To compensate, a portable lifeguard beach tower was placed at the Palm Avenue street end. In 2009, the new Palm Avenue Plaza street-end was completed and placement of a seasonal portable lifeguard tower in the plaza was not approved.

The Palm Avenue Plaza and Old Palm Avenue projects have generated an increase in beach and ocean activity in the north beach sector. This increase in activity poses a significant challenge to lifeguard services and their ability to effectively monitor and respond to public safety demands in the area.

**DISCUSSION:**

In an effort to better manage the increased demands of the newly redeveloped area, the Lifeguard Service requests the installation of one wireless video camera at the Palm Avenue street end.

During the summer months a lifeguard is stationed throughout the day north of Palm Avenue to monitor this dangerous area. By having the ability to monitor this area remotely, a lifeguard would not be needed until later in the day when beach activity is high. During the off-season, when staffing levels are minimal, the area is only monitored during routine beach patrols. The camera would allow lifeguards to monitor the dangerous blind spot throughout the day without

an increase in staffing. The wireless surveillance video would be fed directly to the dispatch console located in the pier lifeguard tower. Access to the camera would only be available to public safety personnel.

The camera would be attached as high as possible to the light pole located just east of the north beach ramp (see attached photos). The light pole selected has the best view of the blind spot directly north of the rock jetty. Also, the concrete pole has very minimal flex during high wind events ensuring a stable and clear picture. Visual impact to the Palm Plaza view corridor would be minimal due to the numerous palm trees and electrical enclosures near the camera location.

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA

**FISCAL IMPACT:**

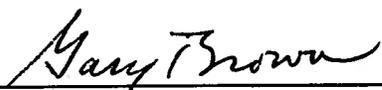
There is no direct fiscal impact to City funds. Funds have been allocated and budgeted by the Port of San Diego for the installation and support of a new telecommunication system which includes radios, phones and video. The surveillance camera is only one component of the new telecommunication system. The camera, housing, wiring and installation will cost \$6,952. Port funds require the camera be installed and operational by June 30, 2010.

**DEPARTMENT RECOMMENDATION:**

Adopt Resolution 2010-6894, approving for an ocean and beach surveillance camera at the Palm Avenue street end plaza.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

  
\_\_\_\_\_  
Gary Brown, City Manager

Attachments:

1. Resolution 2010-6894
2. Photos- Surveillance camera Palm Avenue street end plaza

**RESOLUTION NO. 2010-6894**

**A RESOLUTION OF THE CITY COUNCIL OF IMPERIAL BEACH, CALIFORNIA, APPROVING THE PLACEMENT OF AN OCEAN AND BEACH SURVEILLANCE CAMERA AT THE PALM AVENUE STREET END PLAZA**

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

**WHEREAS**, lifeguards have noticed a considerable increase in beach and ocean activity in the north beach sector due to the completed Palm Plaza and Old Palm Avenue projects, and;

**WHEREAS**, this increase in beach/ocean activity poses a significant challenge to lifeguard services and their ability to effectively monitor and respond to public safety demands in the area, and;

**WHEREAS**, to proactively manage the increased demands of the newly redeveloped Palm Avenue area, the Ocean/Beach Safety Division requests the installation of one wireless video camera and ruggedized enclosure into the Palm Avenue street end, and;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council approves the placement of an ocean and beach surveillance camera at the Palm Avenue street end plaza.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 2<sup>nd</sup> day of June 2010, by the following roll call vote:

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

*JIM JANNEY*  
\_\_\_\_\_  
**JIM 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. 2010-6894 A RESOLUTION OF THE CITY COUNCIL OF IMPERIAL BEACH, CALIFORNIA, APPROVING THE PLACEMENT OF AN OCEAN AND BEACH SURVEILLANCE CAMERA AT THE PALM AVENUE STREET END PLAZA

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
DATE



## OCEAN AND BEACH SURVEILLANCE CAMERA AT THE PALM AVENUE STREET END PLAZA



### Housing of Camera

- Ruggedized
- Vandal Resistant
- Dimensions W 10"x L 15"xH10"- Weight 9 lbs.

### Camera

- Sony SNC-RZ50N
- High Resolution 720 X 480
- Pan, tilt, and 26 optical zoom
- Privacy window blanking







**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** GARY BROWN, CITY MANAGER

**MEETING DATE:** JUNE 2, 2010

**ORIGINATING DEPT.:** COMMUNITY DEVELOPMENT DEPARTMENT  
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR *GW*  
RAFAEL ADAME, BUILDING OFFICIAL *RA*  
DAVID GARCIAS, CODE COMPLIANCE OFFICER *DG*

**SUBJECT:** CODE ENFORCEMENT REPORT – SYSTEMATIC CODE COMPLIANCE

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**BACKGROUND:**

The City's Code Compliance program has been actively addressing violations of the City's Municipal Code since 1998. The division currently consists of one full-time Code Compliance Officer and one part-time (999 hours per year) Code Compliance Officer. A Code Compliance/Building Administrative Assistant position is currently under recruitment.

The Municipal Code charges the Code Compliance Division with insuring that development regulations are adhered to and with overseeing the overall maintenance of properties within the City. Currently, the Code Compliance Division's policy is to respond to potential code violations only if a complaint is received by the Department. Proactive enforcement is generally limited to blatant or egregious violations observed by Code Compliance staff. Code Compliance activities focus on the enforcement of a variety of codes including zoning requirements, building code requirements, housing requirements, engineering requirements and other City ordinances related to development and property maintenance. The Code Compliance Division also enforces requirements for existing businesses and homes, illegal business uses, illegal use of trailers, illegal garage conversions, illegal shipping containers, etc. Property maintenance enforcement is a primary focus of the Division insuring the upkeep of properties and the elimination of blight through the enforcement of signs, illegal fences, abandoned/vacant houses (attractive nuisances), illegal use of trailers or garages as housing units, weed abatement, and abandoned vehicle abatement. In addition, the Division also handles a number of enforcement cases referred to it from other City Departments and Governmental agencies including Public Works, the Fire Department, and County Environmental Health.

Last year was once again a very active and successful year for the Code Compliance Division resulting in 625 new cases opened and a closure rate of 84%. While the policy of the Division is to operate primarily on a complaint basis, it is important to note that, of the 625 cases opened in 2009, only 306 (49%) were initiated by citizen complaints. Of the remaining 319 cases, 108 were forwarded or referred from other Departments and 211 were initiated by Code Compliance Officers or Building Inspectors on properties where egregious code violations were identified

during daily field work.

The following is a breakdown of how these cases were generated along with the types of violations identified by Officers/Inspectors:

Originated by	Type violations	# of cases
Officers/Inspectors		
	Unpermitted Construction/Stop Work	65
	Sign Code	48
	Nuisance abatement	43
	AVA/inoperable vehicles	29
	Business Licenses	18
	Animal Control	3
	Storm Water	3
	Rental housing	1
	Parking Code	1
	Sub-total	211
Citizen Complaints	Undetermined	Sub-total 306
Other Department Referrals	Undetermined	Sub-total 108
	Year Total	625

**DISCUSSION:**

Currently, the Department responds to citizen complaints only when one is officially filed, except in cases where staff identifies egregious violations or hazards while conducting other code compliance field inspections. During this last year, staff was asked to assess and examine the possibility of implementing "Systematic Code Compliance" within the City. This would involve a systematic and proactive Code Compliance approach focused primarily on specific violations and/or within specific geographic areas of the City. For example, Compliance Officers may identify specific types of violations on which to concentrate within a certain time period. Examples of such violations could include abandoned/inoperable vehicles, overgrown vegetation, parking in or on unapproved areas, abandoned personal property, etc. Alternatively, systematic enforcement could involve targeting a specific geographic area (neighborhood or blocks within a neighborhood) on which to focus for a period of time identifying all violations, egregious violations or specific violations. Finally a combination of these two approaches could be considered. Recently, such a program was initiated focusing on proactive enforcement of properties in the Seacoast Drive Business district. While there was some limited success with this effort, limited staffing and the large number of complaints continuously being received throughout the City prevented the effort from achieving significant success.

In analyzing possible approaches for implementation of a "Systematic Code Enforcement" program, staff first analyzed staff demands that such a program might involve. Staff reviewed the time expended on typical code compliance cases from last year's enforcement activity statistics. Attached tables 1 and 2 provide a break-down of the type of activities and time expended by Code Compliance staff on last year's cases. This information was used to estimate potential staff impacts associated with a proactive or systematic enforcement program.

Next, staff conducted a field assessment of a three-block area in a residential neighborhood identifying all visible code violations. Staff's assessment of this three-block area identified a total of 43 potential code compliance cases which are listed below along with the nature of each violation. The following is the estimated staff time necessary for enforcement of these violations:

43-Cases were observed (106 potential code violations total)	
43-Basic Cases:	43 x 3.50 hrs = 150.5 hours
5-Admin Citations:	5* x 5.75 hrs = 28.75 hours
1-Admin Hearing:	1 x 7.5 hrs = 7.5 hours
<hr/>	
Approximate total staff time needed for a three block area	186.75 hours
Projected staff enforcement of one block monthly =	62.25 hours per month

These numbers are extrapolated from the time spent on enforcement of last year's cases and reflect a reasonable estimate of the staff time required for enforcement of the 43 cases identified. Additionally a "Systematic Code Compliance" program would be expected to create additional impacts on other City Departments including Community Development (Building and Planning), Public Works and Fire. Enforcement cases typically require additional staff support including reviews by Planning and Building staff that oftentimes necessitate the application and approval of discretionary permits (i.e., coastal permits, site plan review, design review, etc.), and/or review and approval of required building permits which then require additional inspections. It is expected, therefore, that this program will have staff impacts beyond those anticipated within the Code Compliance Division. Additionally, this program will likely generate additional complaints and appeals from violators reacting to the proactive enforcement.

With this information, staff has carefully evaluated and considered several options for implementation of a Systematic Code Compliance program with a primary objective of minimizing impacts to current Code Compliance operations. Staff is recommending that the City Council consider the three options below along with optional suggestions for the Council to consider. Again, the time projected to implement any of these options is based on the analysis discussed above which would generate about 62.25 hours monthly of staff time or 27% of current staff time available. Given the limited staff time currently available, staff has also provided several options for additional resources to ensure that such a program could be successfully implemented.

Systematic Enforcement Options

Option #1 Target Area Approach: Identify a specific geographic area which has historically been or is currently considered to have significant code violations. This option would not be targeted towards specific commercial uses or residential uses, but would be focused on all property conditions or violations found in the area. Any violations found during a systematic block-by-block review would become enforcement cases to be resolved by Code Enforcement.

Option #2 Violation Type Approach: This would entail a systematic approach focused on specific violation types that are creating nuisances or blight throughout the City or in a localized area. These specific violations would become a priority for Code Compliance staff when conducting daily inspections or active case inspections. Additionally, staff would specifically dedicate staff time to identify these types of violations and pursue their abatement.

Option #3 Property Type Approach: This would entail a systematic approach focused on properties of specific land use such as apartments, single family dwellings, service providers, markets, gas stations, etc. This approach could identify all violations at specific types of properties or those that are most egregious.

Any of the three options noted above could also be broken down into sub-categories where the focus could be further refined. For example, specific violations could be identified within a specific land use type (i.e., residential or commercial) or, perhaps, specific violation types, such

as property maintenance or substandard housing conditions, could take precedence over zoning violations. Given the numerous options possible, staff is seeking direction as to which of the options or combinations would best address the overall objective of such a program and/or which specific types of violations or areas of the city are the highest priorities for the program's implementation.

### Resources Needs

As discussed above, the implementation of a successful systematic code compliance program will have immediate and long-term impacts to current Community Development Department staff. Generally speaking, the implementation of such program would mean a corresponding decrease in other routine code compliance activities. To avoid or decrease any adverse impacts to current code compliance activities, staff recommends that options to address potential adverse staff impacts also be considered. The following suggestions are presented for each of the options discussed above:

#### Option #1

- A. Add new equipment and Code Enforcement software to improve efficiency. This could be accomplished by adding new hand-held computerized technology, which would allow field work, data entry and noticing at the same time.
- B. Add needed staff; this could be accomplished by adding a second part-time/temporary Code Compliance Officer (999 hour per year) to conduct field investigations. This would provide the Code Compliance Division the needed assistance in data entry, notice preparation, lien notices, field investigations, and staff report preparation and could also assist property owners through the Building and Planning permit process.

This will allow for current operations to continue without impact. .

#### Option #2

- A. Add new equipment and Code Enforcement software to improve efficiency as discussed in Option #1.
- B. Convert the existing temporary part-time Code Compliance Officer (999 hours per year) to a permanent part-time position (adding an additional 840 hours per year of enforcement time).
- C. Reduce referrals from other City Departments and require them to do enforcement on codes for which they are responsible (i.e., storm water violations, Fire Code violations etc.)

This will allow for current operations to continue without impact.

#### Option #3

Implement a "Systematic Code Compliance" Program without adding staff or new equipment technology and without reducing complaint referrals from other departments. This proposal would mean reducing approximately 27% of the time allocated to current operations, which may result in one or more of the following:

- The reduction of proactive enforcement on egregious violations found during field work.
- An increase in the turn-around time on citizen complaints or other Department referrals, creating a backlog of 8 to 10 cases each month.

- The reprioritization of case types to ensure that all life safety complaints are responded to first while others are placed in the “back of the line.”
- A decrease in responsiveness to complaints and an increase in complainant dissatisfaction.
- A reduction in the overall effectiveness of the Code Compliance Program

**ENVIRONMENTAL DETERMINATION:**

This new program itself is not subject to CEQA review. However, specific projects generated from such a program would be subject to planning review for any planning or building permit activity and would be reviewed for compliance with CEQA during such review.

**FISCAL IMPACT:**

Option #1

- A. The purchase of hand-held data entry computers and field printers would be estimated at about \$1,700 for equipment purchases and installations, \$2,980 for annual services, and \$1,000 for one time initial setup of software systems and implementation (total initial cost of \$5,680). Equipment purchases would be reimbursed up to fifty (50%) percent by the Abandoned Vehicle Abatement program and the remaining fifty (50%) percent through the Redevelopment Agency. Annual service charges would also be reimbursed up to fifty percent (50%) by the Abandoned Vehicle Abatement program.
- B. The part time Code Compliance Officer budget allocation would be \$30,918 (no benefits included) per fiscal year. This position could be reimbursed up to fifty percent (50%) by the Abandoned Vehicle Abatement program.

Option #2

- A. Same as option 1-A.
- B. Conversion of the temporary to a permanent part-time Code Compliance Officer would require an additional budget allocation of \$39,206 (including benefits) per fiscal year. This position could be reimbursed up to fifty percent (50%) by the Abandoned Vehicle Abatement program.

Option #3

No fiscal Impact is projected.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council receive this report and provide direction on the “Systematic Code Compliance” options and the technology/resource and staffing options provided.

**CITY MANAGER’S RECOMMENDATION:**

Approve Department recommendation.



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Gary Brown, City Manager

Attachments: 1. Typical Time Expended (Table 1)  
2. 2009 Code Enforcement Time Expended (Table 2)

**TYPICAL TIME EXPENDED (Table 1)**  
(NOTED IN MINIMUM QUARTER HOURS)

	CE ACTION	Basic Case	Administrative Citations	Citation Hearings	Liens	Public Hearings
<b>ACTIVITY TYPE</b>						
Data Entry		.75	1.25		.50	
Contacts/Talk		.75	1.50			2.00
Travel time		.25	.25			
Inspections		.50				
Re-inspections		.75	1.00			
Notices		.50		2.50	.50	3.00
Officer Reports				2.50		5.00
Staff Review			.50		.50	
Meetings					.50	2.50
Citations			1.25			
Letters/Decisions				.50		
Resolutions						2.00
Hearings				2.00		
Presentations						2.00
<b>Totals Hrs</b>		3.50	5.75	7.50	2.00	16.50

**2009 CODE ENFORCEMENT TIME EXPENDED (Table 2)**

Code Enforcement Activity	Formula From Typical Time Table	Totals Hrs
625- Cases/Basic approach	625cases x 3.5 hrs	2,187.5 Hrs
74 of 625 Citations issued	74 citations x 5.75 hrs	425.5 Hrs
4 of 625 Administrative Hearing held	4-Admin Hearing x 7.5 hrs	30 Hrs
16 of 625 Liens filed	16 liens x 2.0 hrs	32 Hrs
4 of 625 Public Hearings held	4-Public Hearings x 16.5 hrs	66 Hrs
<b>Other CE Projects</b>		
Paint Imperial Beach	Meetings, talk time, event	13Hrs
Sand Castle	Meetings, notices, letters, talk time, event & data entry	30.5 Hrs
Training	Training courses undertaken for the year	30 Hrs
	<b>Total Worked Hours</b>	<b>2,814.5 Hrs</b>
<b>Staff Time</b>		
1 Full time Officer	1,827.5 Available hrs	1,827.5 Hrs
Part time Officer	999.0 available hrs	999.0 Hrs
	Staff time available	<b>2,826.5 Hrs</b>





**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL/CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

**FROM:** GARY BROWN, CITY MANAGER/EXECUTIVE DIRECTOR

**MEETING DATE:** JUNE 2, 2010 – TIME SPECIFIC FOR 7:00 PM

**ORIGINATING DEPT.:** COMMUNITY DEVELOPMENT DEPARTMENT  
GREG WADE, DIRECTOR *GW*

**SUBJECT:** COMMERCIAL ZONING REVIEW – CONTINUED FOCUS DISCUSSION ON INCENTIVES FOR ADDITIONAL BUILDING HEIGHT AND RESIDENTIAL DENSITY

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**BACKGROUND:**

At their meeting on March 17, 2010, the City Council/Redevelopment Agency spent much of the discussion on incentives for achieving additional height and density. An overview of the residential density incentive was also provided by City staff to detail how the density incentive had changed from previous Council action. After discussion, it was the general consensus of the City Council that a list or "menu" of potential incentives be provided within the zoning code from which developers could select for their projects in order to be considered for additional building height and/or residential density. A developer would then have to achieve the incentives to be granted additional height and/or density by the City Council. The following incentives have been presented as possibilities:

- Lot Consolidation
- Exceptional Architectural Design
- Green Building Design (LEED Certified or Equivalent)
- Active Street Level (Commercial) Use
- Retail Design
- Provision of 3-Bedroom Units
- Provision of Affordable For-Sale Units
- Provision of Open Space, Plaza Space Public/Community Amenities
- Public Right-of-Way Dedication
- Greater Upper Floor Stepback from Residential Property
- 15-foot First Floor Retail Ceiling Height

On May 4, 2010, staff presented the proposed Land Use Table and Use Definitions to the City Council. During this discussion, the City Council/Redevelopment Agency raised questions and expressed concerns about allowing exclusively multi-family residential (i.e., non-commercial) development in the City's commercial zones. This concern led to a discussion about the proposed "minimum active commercial use requirements." Staff explained the reasons for these requirements and stated that a separate focus discussion would be scheduled to discuss these requirements further. Other questions and concerns were raised about specific land use

definitions, the conditional use permit (CUP) requirements for residential use and the overall objective to preserve and enhance the commercial zones for commercial uses.

At the meeting on May 4<sup>th</sup>, staff agreed to return to the City Council in June to discuss the list or “menu” of development incentives for height and density. Staff also agreed to return to the City Council/Redevelopment Agency for further discussion on minimum active commercial use requirements. It is anticipated that that discussion will take place at the meeting on Tuesday, June 15, 2010.

### **DISCUSSION:**

Staff has considered the above list of possible incentives that would allow a project applicant to request an increase in building height from 30 feet to 35 feet and an increase in residential density from 29 dwelling units per acre to 36 dwelling units per acre in both the C-2 (C/MU-2) and C-3 (C/MU-3) zones. In reviewing the list of possible incentives, it appears that there may be some practical difficulty and/or significant challenges in applying some of the incentives to proposed projects. At this point, there are several suggested incentives that, given the small lot sizes and lot depths in both the C-2 (C/MU-2) and C-3 (C/MU-3) zones, may not be achievable, especially if combined with one another. These include:

- Provision of Open Space, Plaza Space Public/Community Amenities
- Public Right-of-Way Dedication
- Greater Upper Floor Stepback from Residential Property

On smaller, shallower lots that are common in the applicable zones, it is exceedingly difficult to meet or provide the above incentives, particularly if more than one is required. For example, the dedication of public right-of-way and provision of open space or plaza space decreases the lot size further while the provision of three-bedroom units and increased upper floor setbacks limit the residential density capacity.

Additionally, as has also been discussed, it is staff’s opinion that exceptional architectural design should be the standard and should not be considered, therefore, as an incentive for increased height and density. The same would be true of retail design standards and the provision of active commercial uses at the ground floor (which, again, will be the subject of a future focus discussion). This leaves the following incentives as those staff considers the most desirable and workable options:

- Lot Consolidation
- Green Building Design (LEED Certified or Equivalent)
- 15-foot First Floor Retail Ceiling Height
- Provision of 3-bedroom units

The next consideration would be the number of incentives required to achieve the increased height and density. Staff discussed possible options such as requiring applicants to meet two or more of the incentives, using different incentives for an increase in building height as opposed to an increase in density or simply applying incentives to both. Once again, after much discussion with the consultant team, staff has concluded that requiring an applicant to meet more than one of the incentives would be problematic both from a feasibility of development standpoint and in terms the project review by staff.

Another option that arose during discussion between staff and the consultant team was to simplify the incentive while providing that the maximum benefit in terms of achieving the overall objective of the Commercial Zoning Review – creating a zoning document that provides for higher quality and functional commercial/retail space, particularly within mixed-use development

in the City. That option would involve providing only one incentive: provision of a 15-foot first floor ceiling height. Only an applicant meeting this incentive would be eligible for increased building height and an increase in residential density, subject to review and approval of the City Council.

The following options, therefore, are presented for consideration:

A project applicant would be allowed up to 36 dwelling units per acre and up to 35 feet in building height for achieving *any one* of the following:

**Option A:**

Incentive	Qualifier	Notes
<b>15-foot first floor retail ceiling height</b>	All commercial space on first floor must have a minimum 15-foot floor-to-ceiling height.	Achieves Primary objective of Commercial Zoning Review – to achieve viable commercial space

**Option B:**

Incentive	Qualifier	Notes
<b>Three bedroom units</b>	25% of the project must be 3 bedroom units.	This is most appropriate for an urban area trying to encourage families (like downtown SD). May be difficult to achieve on smaller lots
<b>Green buildings (LEED or equivalent certification)</b>	Entire project must be capable of achieving certification.	Administratively challenging. Many jurisdictions are requiring all new development to achieve this. New State Building Code is moving in this direction.
<b>Lot Consolidation</b>	Consolidated lot $\geq$ 20,000 square feet.	Is practically and economically difficult to achieve with current property ownerships.
<b>15-foot first floor retail ceiling height</b>	All commercial space on first floor must have a minimum 15-foot ceiling height.	Impetus for Commercial Zoning Review – to achieve viable commercial space.

Should the City Council still wish to consider a list or “menu” approach with additional incentives, staff would recommend that, whatever incentives are included on the list, no more than two should be required to be met by an applicant in order for consideration of an increase to building height and density. Other options are open for consideration at the direction of the City Council.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

This discussion of the recommended zoning amendments is not, in itself, subject to CEQA.

**FISCAL IMPACT:**

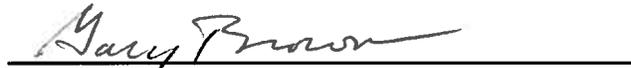
None with this item.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council support Option A as discussed above. Staff further recommends that the City Council continue its discussion and provide any additional direction and input on the recommendation presented.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

A handwritten signature in cursive script, appearing to read "Gary Brown", is written over a solid horizontal line.

Gary Brown, City Manager

Attachments: none