

# LAST MINUTE AGENDA INFORMATION

## 2/16/11 Special Meeting

*(Agenda Related Writings/Documents provided to a majority of the City Council after distribution of the Agenda Packet for the February 16, 2011 Regular meeting.)*

**ITEM NO.**      **DESCRIPTION**

<b>6.5</b>	<b>ADOPTION OF RESOLUTION NOS. 2011-7003 AND R-11-247 AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO EXECUTE A LEASE AGREEMENT FOR 495 10<sup>th</sup> STREET (“PUBLIC WORKS YARD”); APN 626-060-05. (0640-05 &amp; 0910-30)</b>  a. Resolution No. 2011-7003
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RESOLUTION NO 2011-7003

RECEIVED

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY AND THE AGENCY FOR 495 10<sup>TH</sup> STREET.

FEB 15 4:21  
CITY MANAGER/PERSONNEL  
CITY CLERK OFFICES

WHEREAS, the City of Imperial Beach [City] is a municipal corporation duly created and existing pursuant to the constitutional laws of the State of California; and

WHEREAS, the Imperial Beach Redevelopment Agency [Agency] is a public body, corporate and politic of the State of California, organized and existing pursuant to California Health and Safety Code sections 33000, et seq.; and

WHEREAS, the City is authorized, pursuant to Health and Safety Code section 33220(g) [Section 33220(g)], to lease property from the Agency; and

WHEREAS, in accordance with Section 33220(g), the Agency desires to lease that certain real property located at 495 10th Street, in the City of Imperial Beach [Property], which is located within the Palm Avenue/Commercial Redevelopment Project Area to the City; and

WHEREAS, the City has considered the terms of the Lease Agreement with the Agency for the Property.

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

Section 1: The foregoing recitals are true and correct.

Section 2: The City Council of the City of Imperial Beach hereby approves the Lease Agreement [Agreement] for the lease of the Property in substantially the form attached to the staff report for this item and authorizes the City Manager to (1) finalize and execute the Agreement and (2) take any necessary actions to implement the Agreement.

Section 3: This Resolution shall be effective on the date of approval.

Section 4: The lease of real property is not a "project" as defined by the California Environmental Quality Act (CEQA) because the lease agreement will continue the existing use of the Property. Prior to any redevelopment of the Property, the appropriate level of CEQA review will be completed.

Section 5: If any section, sentence, clause or phrase of this Resolution is determined to be invalid, illegal, void or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Resolution. The City Council declares that it would have passed and adopted the Resolution, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

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**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Imperial Beach at its special meeting held on the 16<sup>th</sup> day of February, 2011, by the following roll call vote:

**AYES: COUNCILMEMBERS: KING, BRAGG, SPRIGGS, BILBRAY, JANNEY**  
**NOES: COUNCILMEMBERS: NONE**  
**ABSENT: COUNCILMEMBERS: NONE**

JAMES C. JANNEY, MAYOR

**ATTEST:**

JACQUELINE M. HALD, CMC  
CITY CLERK

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