



A G E N D A

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



SEPTEMBER 2, 2009

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

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.

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 OF PROCLAMATION IN HONOR OF NATIONAL PREPAREDNESS MONTH. (0410-30)

* No staff report.

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

2.1 MINUTES.

City Manager's Recommendation: Approve the minutes of the regular City Council Meeting of July 15, 2009.

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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 (Continued)

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 69322 through 69419 with the subtotal amount of \$447,871.14; and Payroll Checks 41528 through 41588 for the pay period ending 08/13/09 with the subtotal amount of \$172,904.05; for a total amount of \$620,775.19.

2.3 RATIFICATION OF LETTERS OF SUPPORT – AMERICAN RECOVERY AND REINVESTMENT ACT: TIGER DISCRETIONARY GRANT PROGRAM SUBMITTALS. (0140-40)

City Manager's Recommendation: Ratify letters of support to the Department of Transportation, dated August 4, 2009.

2.4 RATIFICATION OF LETTERS OF SUPPORT – SANDAG SUPPORT FOR CALTRANS DIVISION OF RAIL GRANT APPLICATION FOR THE AMERICAN RECOVERY AND REINVESTMENT ACT AND HIGH SPEED AND INTERCITY PASSENGER RAIL FUNDS FOR THE PACIFIC SURFLINER CORRIDOR. (0140-40)

City Manager's Recommendation: Ratify letter of support to Caltrans, dated August 3, 2009.

2.5 RESOLUTION NO. 2009-6802 – SALE OF SURPLUS PROPERTY AND APPROVAL OF USED EQUIPMENT DONATION AGREEMENT WITH CAMP SURF. (0130-70 & 0380-45)

City Manager's Recommendation: Adopt resolution.

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

None.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1 - 5.3)

5.1 RESOLUTION NO. 2009-6803 – APPROVAL OF THE FISCAL YEAR 2008-09 ANNUAL REPORT FOR THE JURISDICTIONAL URBAN RUNOFF MANAGEMENT PLAN (JURMP). (0770-65)

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive report and public testimony;
3. Close the public hearing;
4. Direct Annual Report changes as appropriate; and
5. Adopt Resolution No. 2009-6803 – approving the Fiscal Year 2008-09 Annual Report for the JURMP including corrections, additions or deletions as directed.

5.2 RESOLUTION NO. 2009-6800 – DESIGN REVIEW (DRC 080009), SITE PLAN REVIEW (SPR 080010), MITIGATED NEGATIVE DECLARATION, AND CALIFORNIA COASTAL DEVELOPMENT PERMIT (CDP 6-09-030) FOR THE EXPANSION OF THE PUBLIC WORKS YARD LOCATED AT 495 10TH STREET IN THE PUBLIC FACILITY (PF) ZONE. MF 950. (0910-30)

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive report and public testimony;
3. Close the public hearing; and
4. Adopt Resolution No. 2009-6800 – Approving Design Review (DRC 080009) and Site Plan Review (SPR 080010), And Mitigated Negative Declaration (SCH# 2009071093) for the expansion of the Public Works Yard (MF 950), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

Continued on Next Page

PUBLIC HEARINGS (Continued)

5.3 RESOLUTION NO. 2009-6799 – ADOPTION OF THE 2005-2010 IMPERIAL BEACH HOUSING ELEMENT (GPA 04-01) AND ITS NEGATIVE DECLARATION. MF 692. (0660-95)

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive report and public testimony;
3. Close the public hearing; and
4. Adopt Resolution No. 2009-6799 – amending the General Plan/Local Coastal Program (GPA 04-01) by adopting the 2005-2010 Imperial Beach Housing Element and adopting its Negative Declaration.

REPORTS (6.1 - 6.4)

6.1 SEACOAST INN UPDATE. (0660-43)

City Manager's Recommendation: Receive the update report and provide comments and/or direction as necessary.

6.2 RESOLUTION NO. 2009-6804 – ELECTING EXEMPTION FROM STATE CONGESTION MANAGEMENT PROGRAM (CMP) – “OPT OUT” OPTION. (0140-40)

City Manager's Recommendation:

1. Receive report; and
2. Adopt resolution.

6.3 ECO BIKEWAY AT PALM AND 7TH TO SEACOAST PROJECT CIP S05-104; CHANGE ORDER NUMBER 4 AND BUDGET AMENDMENT. (0680-20 & 0750-90)

City Manager's Recommendation:

1. Receive report;
2. Adopt Resolution No. R-09-192 – authorizing the City Manager to execute Change Order No. 4 to KOA Corporation contract for the additional cost of \$22,325.50 (new total contract cost of \$324,379.50); and
3. Adopt Resolution No. R-09-193 – authorizing the total budget for the Eco Bikeway at Palm and 7th to Seacoast CIP S05-104 at \$405,000 (a budget increase of \$45,000 from the RDA Tax Increment – Non-housing fund).

6.4 RESOLUTION NO. R-09-191 – PROPOSED DRAFT EXCLUSIVE NEGOTIATION AGREEMENT WITH SADBERRY PROPERTIES, INC. (0640-10)

City Manager's Recommendation:

1. Adopt Resolution No. R-09-191, which authorizes the City Manager/ Executive Director to enter into an Exclusive Negotiation Agreement with Sudberry Properties, Inc.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

ADJOURNMENT

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

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

www.cityofib.com.

Copies of this notice were provided on August 27, 2009 to the City Council, San Diego Union-Tribune, I.B. Eagle & Times, and I.B. Sun.

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

AFFIDAVIT OF POSTING

I, Jacqueline M. Hald, City Clerk of the City of Imperial Beach, hereby certify that the Agenda for the Regular Meeting as called by the City Council, Redevelopment Agency, Planning Commission, and Public Financing Authority of Imperial Beach was provided and posted on August 27, 2009. Said meeting to be held at 6:00 p.m. September 2, 2009, in the Council Chambers, 825 Imperial Beach Boulevard, Imperial Beach, California. Said notice was posted at the entrance to the City Council Chambers on August 27, 2009 at 3:30 p.m.

Jacqueline M. Hald, CMC
City Clerk

DRAFT

MINUTES

Item No. 2.1

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

JULY 15, 2009

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

REGULAR MEETING – 6:00 P.M.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

ROLL CALL

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

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

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

COUNCILMEMBER MCCOY requested Item No. 2.6 – Marine Life Protection Act (MLPA) Letter be pulled from the Consent Calendar for discussion at the end of the agenda.

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

COUNCILMEMBER MCCOY wished everyone a safe and happy Sandcastle weekend; and she spoke about a booklet published by the Sierra Club that lists San Diego County cities with plans that address climate protection.

MAYOR PRO TEM BRAGG wished the City of Imperial Beach a Happy Birthday, invited everyone to the Mayor's Breakfast scheduled for July 17, and reported she, along with Councilmember King, attended the Installation of Officers at the Fleet Reserve.

MAYOR JANNEY announced the Sandcastle event is this weekend and wished everyone a good time.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

JUNE ENGEL, Imperial Beach Branch Library Manager, thanked the I.B. Firefighters for leading story time today and she gave an update on the Radio Frequency Identification (RFID) system.

MAYOR JANNEY presented a proclamation to the South County Economic Development Council in recognition of its 20 years of dedicated service to encouraging economic development in the City of Imperial Beach and the entire South Bay region.

ORDINANCES/PRESENTATIONS (1.1)

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

MAYOR JANNEY presented the Recycle All-Star Award Certificate and used oil-recycling premiums to Amber Hansen.

MARCO TOPETE, of EDCO, presented the \$100.00 check to Ms. Hansen.

CONSENT CALENDAR (2.1 - 2.5 & 2.7)

Revisions to the Memorandum of Understanding were submitted as Last Minute Agenda Information for Item No. 2.4.

MOTION BY MCCOY, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.5 AND 2.7. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the joint City Council/Design Review Board Workshop Meeting of June 24, 2009, the regular City Council Meeting of June 17, 2009 and special City Council meeting of June 17, 2009.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 68987 through 69031 with the subtotal amount of \$94,503.75; and Payroll Checks 41238 through 41309 for the pay period ending 06/18/09 with the subtotal amount of \$200,999.10; for a total amount of \$295,502.85.

2.3 RESOLUTION NO. 2009-6784 – RATIFYING PROFESSIONAL SERVICES AGREEMENT WITH MARCIA RASKIN FOR INTERIM ASSISTANT CITY MANAGER SERVICES. (0550-05)

Adopted resolution.

2.4 RESOLUTION NO. 2009-6781 – APPROVING A MEMORANDUM OF UNDERSTANDING ON WAGES AND OTHER TERMS AND CONDITIONS BETWEEN THE CITY AND THE IMPERIAL BEACH FIREFIGHTERS' ASSOCIATION (IBFA) AND AMENDING FISCAL YEAR 2009-10 AND FISCAL YEAR 2010-11 BUDGETS. (0540-20)

Adopted resolution.

2.5 RESOLUTION NO. 2009-6783 – APPROVING AGREEMENT FOR PROVISION OF SEWER SERVICES AND PAYMENT FOR SERVICES USING THE SANITARY SEWER SYSTEM – 1185 PALM AVENUE. (0830-95)

Adopted resolution.

2.7 SUPPORT OF TIJUANA RIVER VALLEY OFFSETS AND ENHANCEMENTS. (0460-20)

Authorized the Mayor and City Manager to support efforts to seek and secure Federal Funding for “Offsets” and “Enhancements” in the Tijuana River Valley and Estuary as described in the attachments to the staff report.

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

None.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5)

None.

REPORTS (6.1 - 6.5)

6.1 9TH AND PALM REDEVELOPMENT PROJECT. (0640-10)

The following items were submitted as Last Minute Agenda Information:

- a. Letter from Jeff Phair of The Phair Company, received July 14, 2009.
- b. Letter from Jeffrey Rasak of Sterling Development Corporation, received July 14, 2009.

COUNCILMEMBER KING announced that he may have a conflict of interest on this item, he recommended conducting the public hearing this evening and deferring a decision on the item until his potential conflict is resolved.

CITY ATTORNEY LOUGH reported that Councilmember King may have an indirect business interest and, until there is an opinion, Councilmember King is recused on the item.

COUNCILMEMBER KING left Council Chambers at 6:11 p.m.

City Council discussion ensued regarding proceeding with the public hearing.

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY gave a PowerPoint presentation on the background on the project, and a summary and evaluation of the proposals.

ALBERT KNECHT, representing the Imperial Beach Chapter of the Community Commission for Better Government, expressed opposition to the redevelopment project at 9th Street and Palm Avenue.

JEFF RASAK, representing Sterling Development Corporation and Imperial Beach Promenade, expressed opposition to staff's recommendation and submitted a conceptual site plan that he had provided for a prior RFQ/P process.

CITY ATTORNEY LOUGH clarified that during the RFQ/P process, materials are not released as to avoid giving an advantage to one bidder over another.

City Council discussion ensued regarding parking standards for the site; concern was raised regarding impacts to the neighborhood immediately adjacent to the project if traffic enters off of Delaware Street; where the request for bids was posted, advertised and sent to; a review of the development process and timeline; a desire for story poles; and positive comments regarding previous developments by Sudberry.

COLTON SADBERRY, of Sudberry properties, stated this project's architectural firm worked on the Village Walk project in Chula Vista; the elevations submitted are high-quality work and although it is understood that there could be changes based on community input, the level of high quality would not change.

HEATHER PERSONNE, of Evergreen Real Estate Development, spoke about Evergreen's retail development experience in Arizona and southern California; and their willingness to work with the Council, staff, and community to bring about a project that appeals to all.

MOTION BY JANNEY, SECOND BY ROSE, TO AUTHORIZE STAFF TO NEGOTIATE A DRAFT EXCLUSIVE NEGOTIATION AGREEMENT WITH SADBERRY DEVELOPMENT INC. FOR AGENCY REVIEW AND DISCUSSION. MOTION CARRIED BY THE FOLLOWING VOTE:

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

COUNCILMEMBER ROSE stated that she will hold Mr. Sudberry to architectural excellence; commented that it had been made clear by the community that they are interested in commercial development at the site; and she expressed appreciation to the developers for submitting high quality commercial proposals.

COUNCILMEMBER KING returned to Council Chambers at 7:21 p.m.

6.2 RESOLUTION NO. 2009-6782 – AUTHORIZING A PURCHASE ORDER FOR THE DESIGN AND CONSTRUCTION DRAWINGS OF CIVIC CENTER TO VETERANS PARK CROSSWALK. (0750-35)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS SUPERINTENDENT LAU gave a PowerPoint presentation detailing the design of the crosswalk.

TIM O'NEAL indicated opposition to the item (did not wish to speak).

MOTION BY MCCOY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2009-6782 – AUTHORIZING A PURCHASE ORDER FOR THE DESIGN AND CONSTRUCTION DRAWINGS OF CROSS WALK ON I.B. BOULEVARD BETWEEN CIVIC CENTER AND VETERANS PARK – CIP S09-102. MOTION CARRIED UNANIMOUSLY.

6.3 RESOLUTION NO. R-09-186 – AWARDING CAPITAL IMPROVEMENT PROJECT DESIGN SERVICES TO BDS ENGINEERING TO WIT: SPORTS PARK MASTER PLAN – BALL FIELD IMPROVEMENT PROJECT (P05-401). (0920-40)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS SUPERINTENDENT LAU gave a PowerPoint showing the redesign of the ball field.

TIM O'NEAL indicated opposition to the project (did not wish to speak).

Discussion ensued regarding consideration of a broadleaf tree to replace the removed trees and bringing the item back after the ball field improvement project has been designed.

In response to concerns raised by some members of Council regarding skate park users needing to raise funds for development of the skate park, whereas other portions of the Sports Park are provided with capital expenditures and other recreational users are not asked to raise funds, MAYOR JANNEY stated the skate park was not part of the original 5-year CIP, funds were already committed; and was added as an additional unfunded project.

CITY MANAGER BROWN stated that a second skate park community workshop is scheduled for August 6, and will return to City Council with the plan and budget.

MOTION BY MCCOY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. R-09-186 – AWARDING CAPITAL IMPROVEMENT PROJECT DESIGN SERVICES TO BDS ENGINEERING TO WIT: SPORTS PARK MASTER PLAN – BALL FIELD IMPROVEMENT PROJECT (P05-401). MOTION CARRIED UNANIMOUSLY.

6.4 SOUTH SEACOAST DRIVE TIJUANA SLOUGH NWR INTERPRETIVE PANEL LOCATIONS AND ENCROACHMENT PERMIT APPROVAL. (0150-40)

CITY MANAGER BROWN introduced the item.

SANTEL JIMENEZ, of the South Bay Refuge & Tijuana Slough NWR, gave a PowerPoint presentation showing the text and design of the interpretive panels and proposed panel locations; she responded to concerns of City Council regarding working with the installer to ensure placement of panels in ideal locations and avoiding sidewalk areas that have a slope, especially along south Seacoast Drive, and continued maintenance of the panels by U.S. Fish and Wildlife.

MOTION BY JANNEY, SECOND BY MCCOY, TO ISSUE A NO-COST ENCROACHMENT PERMIT FOR THE PURPOSE OF MOUNTING AND DISPLAYING THE INTERPRETIVE PANELS AS SHOWN IN ATTACHMENTS 1 AND 2 OF THE STAFF REPORT AND ISSUE SIGN PERMITS AT NO CHARGE. MOTION CARRIED UNANIMOUSLY.

6.5 DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE – SEPTEMBER 16-18, 2009. (0140-10)

CITY MANAGER BROWN introduced the item.

MOTION BY KING, SECOND BY ROSE, TO DESIGNATE COUNCILMEMBER BRAGG AS A VOTING DELEGATE AND MAYOR JANNEY AS A VOTING ALTERNATE FOR THE 2009 LEAGUE ANNUAL CONFERENCE AND TO DIRECT STAFF TO COMPLETE AND SUBMIT A VOTING DELEGATE FORM TO THE LEAGUE OFFICE BY FRIDAY, AUGUST 21, 2009. MOTION CARRIED UNANIMOUSLY.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

2.6 MARINE LIFE PROTECTION ACT (MLPA) LETTER. (0460-20)

A revision to page 2 of recommended draft MLPA letter (Attachment 4) was submitted as Last Minute Agenda Information.

Discussion ensued regarding community outreach efforts, Marine Protected Area designations, and potential impacts to the affected areas.

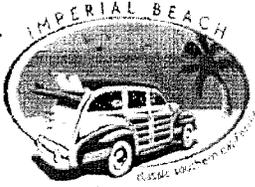
MOTION BY MCCOY, SECOND BY KING, TO AUTHORIZE STAFF TO SEND LETTER TO CALIFORNIA NATURAL RESOURCES AGENCY. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:11 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: September 2, 2009

ORIGINATING DEPT.: Michael McGrane
Finance Director

SUBJECT: RATIFICATION OF WARRANT REGISTER

BACKGROUND:

None

DISCUSSION:

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

Vendor	Check	Amount	Explanation
Sim J. Harris, Inc	69408	\$127,160.10	June 09 Street Improvement

ENVIRONMENTAL IMPACT

Not a project as defined by CEQA.

The following registers are submitted for Council ratification.

WARRANT # DATE AMOUNT

Accounts Payable

69322-69371	08/13/09	137,303.62
69372-69419	08/21/09	310,567.52
		<u>447,871.14</u>

Payroll Checks:

41528-41588	P.P.E. 08/13/09	172,904.05
		<u>172,904.05</u>
TOTAL	\$	<u>620,775.19</u>

FISCAL IMPACT:

Warrants are issued from budgeted funds.

DEPARTMENT RECOMMENDATION:

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

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation



Gary Brown, City Manager

Attachments:

1. Warrant Registers

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
08/13/2009	69322	SOUTHCOAST HEATING & A/C	1554	389.00		
101-1910-419.21-04	07/20/2009	REPLACE CIRCUIT BREAKER	266691	389.00	010125	01/2010
08/13/2009	69323	ARROWHEAD MOUNTAIN SPRING WATE	1340	55.91		
101-5020-432.30-02	07/22/2009	JULY 2009	09G0026726646	55.91	010046	01/2010
08/13/2009	69324	BDS ENGINEERING INC	372	5,000.00		
405-1260-513.20-06	07/02/2009	06/01-06/22/09 STORM DRAI	08-42C	5,000.00	090739	12/2009
08/13/2009	69325	CALIF ELECTRIC SUPPLY	609	366.70		
101-6040-454.30-02	07/13/2009	BALLASTS - PLAZA LIGHTS	1069-591297	252.35	090094	01/2010
101-6040-454.30-02	08/04/2009	TOP COVER	1069-588666	114.35	010082	02/2010
08/13/2009	69326	CVA SECURITY	797	60.00		
101-1910-419.20-23	08/01/2009	AUGUST 2009 EOC	12445	30.00	010123	02/2010
101-1910-419.20-23	08/01/2009	AUGUST 2009 PW	12512	30.00	010123	02/2010
08/13/2009	69327	COX COMMUNICATIONS	1073	335.82		
101-6010-451.29-04	07/11/2009	07/13-08/12 2009 SPORTS P	08-03-2009	156.82	010139	01/2010
601-5050-436.21-04	07/31/2009	AUGUST 2009 CODAR PROJECT	08-25-2009	179.00	010139	01/2010
08/13/2009	69328	CULLIGAN WATER CO. OF SAN DIEG	1112	18.00		
101-1230-413.30-02	07/17/2009	AUGUST 2009	03853254	18.00	010138	01/2010
08/13/2009	69329	DAFIN SURFING PRODUCTS, LLC.	2126	1,954.68		
101-3035-423.25-03	06/23/2009	SWIM FINS JG'S SUMMER 09	2253	1,954.68		12/2009
08/13/2009	69330	DEPARTMENT OF CORRECTIONS AND	169	6,135.97		
101-6040-454.21-04	06/30/2009	APRIL 2009	1800017194	3,449.21	090146	12/2009
101-6040-454.21-04	06/30/2009	MAY 2009	1800018944	2,686.76	090146	12/2009
08/13/2009	69331	DUNN EDWARDS CORPORATION	1197	306.68		
405-5030-433.30-02	05/21/2009	GRAFFITI PAINT	2069010176	306.68	090087	12/2009
08/13/2009	69332	EAGLE NEWSPAPER	1204	812.22		
101-1920-419.28-07	06/30/2009	BALANCE OF FINANCE CHGS	06-30-2009	22.22		12/2009
405-1260-513.20-06	07/16/2009	COMM ZONE REVIEW WRKSP AD	49820	320.00	010079	01/2010
405-1260-513.10-01	07/30/2009	NOTICE OF INTENT	50012	150.00	010079	01/2010
405-1260-513.20-06	07/30/2009	COM ZONE REVIEW WKSHP AD	50012	320.00	010079	01/2010
08/13/2009	69333	EDCO DISPOSAL CORPORATION	1205	257.92		
408-1920-519.20-06	08/11/2009	MAY 2009 WASTE SERVICE	05-31-2009	128.96		12/2009
408-1920-519.20-06	06/30/2009	JUNE 2009 WASTE SERVICE	06-30-2009	128.96		12/2009
08/13/2009	69334	FERGUSON ENTERPRISES INC.	915	990.85		
601-5060-436.30-02	07/22/2009	8 FLG DI RW OL GATE VLV E	0314928	990.85		12/2009
08/13/2009	69335	FIRE ETC	924	157.92		
101-3020-422.25-03	01/05/2009	FIELD SVC KIT/LABOR	14906	157.92	090534	12/2009

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT	
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR	TRN AMOUNT
08/13/2009	69336	FISHER SCIENTIFIC COMPANY LLC	1524	3,326.38	
210-1235-513.20-06	06/30/2009	FIRE BOOTS	4271413	090665 12/2009	265.22
210-1235-513.20-06	06/30/2009	FIRE BOOTS	5386140	090665 12/2009	795.66
210-1235-513.20-06	06/30/2009	TC BLACK/PANTS BLACK	6687213	090665 12/2009	2,265.50
08/13/2009	69337	GCR TIRE CENTERS	1702	894.42	
501-1921-419.28-16	07/16/2009	TIRES #630	38661	010102 01/2010	223.99
501-1921-419.28-16	07/23/2009	TIRES - #141 602	40065	010102 01/2010	670.43
08/13/2009	69338	GENE'S AUTOMOTIVE	1014	54.00	
501-1921-419.28-01	07/21/2009	TOWING FEES	68499	010092 01/2010	54.00
08/13/2009	69339	GO-STAFF, INC.	2031	3,815.48	
601-5050-436.21-01	07/07/2009	BARZEE, SUZANNE	63576	010056 01/2010	630.00
601-5050-436.21-01	07/01/2009	BARZEE, SUZANNE	63397	12/2009	315.00
601-5060-436.21-01	08/04/2009	TRONCOSO, L P/E 08/02/09	64180	010148 02/2010	772.20
601-5060-436.21-01	07/21/2009	TRONCOSO, L W/E 07/19/09	63887	010148 01/2010	546.98
601-5060-436.21-01	07/28/2009	TRONCOSO, L W/E 07/26/09	64040	010148 01/2010	943.80
601-5050-436.21-01	08/04/2009	BARZEE, S W/E 08/02/09	64179	010056 02/2010	607.50
08/13/2009	69340	HANSON AGGREGATES, INC.	48	2,586.82	
101-5010-431.30-02	06/26/2009	15.75 YRDS CONCRETE-13TH/	482387	12/2009	1,946.03
101-5010-431.30-02	07/15/2009	ROCK DUST	597277	010124 01/2010	216.48
101-5010-431.30-02	07/20/2009	ROCK DUST	597626	010124 01/2010	286.49
101-5010-431.30-02	05/15/2009	ROCK DUST	593038	090015 12/2009	137.82
08/13/2009	69341	HCFA C/O CITY OF EL CAJON	2147	30,481.00	
101-3020-422.21-04	07/07/2009	FY09/10 1ST QTR ASSESSMNT	4033	010234 01/2010	30,481.00
08/13/2009	69342	HORIZON HEALTH EAP	90	425.79	
101-1130-412.20-06	08/06/2009	AUGUST 2009	35544	010036 02/2010	425.79
08/13/2009	69343	INTERSTATE BATTERY OF SAN DIEG	388	624.12	
501-1921-419.28-16	07/16/2009	REPLACEMENT BATTERY	680023400	010063 01/2010	431.33
501-1921-419.30-02	07/16/2009	CABLES/FLASHLIGHT	69008437	010063 01/2010	99.62
501-1921-419.28-16	07/22/2009	MTP-27	680023472	010063 01/2010	93.17
08/13/2009	69344	KAMAN INDUS TECHNOLOGIES	583	84.63	
501-1921-419.28-16	07/07/2009	HYDRAULIC HOSE	B78651	010064 01/2010	65.45
101-6020-452.30-02	07/24/2009	EXHAUST HOSE	L720684	010064 01/2010	19.18
08/13/2009	69345	LIGHTHOUSE, INC	787	159.56	
501-1921-419.30-02	07/09/2009	BRAKES/PARTS	2258552	010094 01/2010	86.80
501-1921-419.28-16	07/23/2009	E-39 LENS, RED	2263737	010094 01/2010	32.63
101-6020-452.30-02	07/24/2009	#118 AUTO PARTS	2264473	010094 01/2010	40.13
08/13/2009	69346	MAUI RIPPERS, INC.	1953	2,889.00	
101-3035-423.25-03	06/08/2009	JR LG SHORTS SUMMER 2009	361	12/2009	2,889.00
08/13/2009	69347	MICHAL PIASECKI CONSULTING	1795	3,510.00	
601-5050-436.20-06	08/03/2009	JULY 2009 ENVIRONMENTAL	113	010074 02/2010	3,510.00

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
08/13/2009	69348	MOBILE HOME ACCEPTANCE CORPORA	1533			592.62
408-5020-432.25-01	06/23/2009	07/07/09-08/06/09	146385	010146	01/2010	296.31
408-5020-432.25-01	07/24/2009	08/07/09-09/06/9 PW TRAIL	146938	010146	01/2010	296.31
08/13/2009	69349	AVI SYSTEMS	1668			375.00
101-1920-419.21-04	07/29/2009	AMX SYSTEM CONFIGURATION	659000	010219	01/2010	375.00
08/13/2009	69350	NEXT DAY PRINTED TEES	1247			2,691.81
101-3030-423.25-03	07/02/2009	NAME EMBROIDERY	50111	010134	01/2010	27.19
101-3030-423.25-03	07/02/2009	POLY MESH HAT W/NAMES	50112	010134	01/2010	819.67
101-3030-423.25-03	07/09/2009	REFLECTIVE TRNSFRS APPLIC	50165	010134	01/2010	102.23
101-3030-423.25-03	04/14/2009	NAME EMBROIDERY	49426		12/2009	13.59
101-3030-423.25-03	06/10/2009	NAME EMBROIDERY/BAGS	49913		12/2009	67.97
101-3030-423.25-03	06/16/2009	LG LONG SLEEVE TEES	49972		12/2009	1,198.97
101-3030-423.25-03	06/16/2009	LG SWEATPANTS	49973		12/2009	462.19
08/13/2009	69351	OPPER & VARCO LLP	1626			107.50
408-1920-519.20-06	08/05/2009	9TH & PALM - PROF SERVICE	14807	F01009	02/2010	107.50
08/13/2009	69352	PARTNERSHIP WITH INDUSTRY	1302			2,487.60
101-6040-454.21-04	04/17/2009	P/E 04/15/2009	GS02050	090086	12/2009	1,214.95
101-6040-454.21-04	07/01/2009	P/E 06/30/2009	GS02220	090086	12/2009	1,272.65
08/13/2009	69353	PBOP/QUESTYS SOLUTIONS	1148			17,604.39
503-1923-519.50-04	06/02/2009	POWER FILE A3 4TB BASE SY	IN-34448	091191	12/2009	17,604.39
08/13/2009	69354	PERVO PAINT CO.	8			106.47
101-5010-431.21-23	07/09/2009	BLACK TRAFFIC PAINT	16678	010083	01/2010	106.47
08/13/2009	69355	PMI	23			291.90
101-6040-454.30-02	07/21/2009	PROTECTIVE GLOVES	0186007	010068	01/2010	291.90
08/13/2009	69356	PROTECTION ONE	69			264.18
601-5060-436.20-23	07/21/2009	AUGUST 2009	73621022	010007	01/2010	264.18
08/13/2009	69357	RANCHO AUTO & TRUCK PARTS	1685			1,332.87
501-1921-419.28-16	07/06/2009	SEALS/ #601	58098	010072	01/2010	5.31
501-1921-419.28-16	07/07/2009	AIR FILTER	58191	010072	01/2010	36.58
501-1921-419.28-16	07/08/2009	WIX FILTERS	58390	010072	01/2010	36.36
501-1921-419.28-16	07/13/2009	#612 PARTS	58859	010072	01/2010	96.66
501-1921-419.28-16	07/14/2009	RADIATOR #612	58990	010072	01/2010	167.31
501-1921-419.28-16	07/21/2009	FUEL PUMP & STRAINER 5401	59821	010072	01/2010	239.62
501-1921-419.28-16	07/21/2009	CREDIT-CORE RETURN	59843	010072	01/2010	27.19
501-1921-419.28-16	07/23/2009	FILTERS/POLY-V BELTS	60069	010072	01/2010	124.11
501-1921-419.28-16	07/24/2009	BRAKE ROTOR/LINING	60157	010072	01/2010	92.35
501-1921-419.28-16	07/24/2009	SPARK PLUG	60158	010072	01/2010	37.85
501-1921-419.30-02	07/24/2009	SHOP SUPPLIES	60159	010072	01/2010	3.33
501-1921-419.28-16	08/05/2009	KYB SHOCK #604	61471	010072	02/2010	83.63
501-1921-419.28-16	08/05/2009	#605 BRAKE PARTS	61475	010072	02/2010	243.59

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
501-1921-419.28-16	08/06/2009	WIX FILTERS/SPARK PLUGS	61604	010072 02/2010 193.36
08/13/2009 69358	RCP BLOCK & BRICK INC	115		123.32
101-1910-519.20-06	07/10/2009	BUFF OXIDE	1272971	010084 01/2010 123.32
08/13/2009 69359	ROBERT BACKER & ASSOCIATES	1620		4,500.00
408-1920-519.20-06	05/29/2009	09-127 PAWNSHOP LEASEHOLD	05-29-2009	010141 02/2010 4,500.00
08/13/2009 69360	RYAN NEEDLES DBA VAN VON VINYL	1951		9,957.81
101-3035-423.25-03	07/14/2009	JG SESSION II UNIFORMS	630	010224 01/2010 1,155.19
101-3035-423.25-03	06/15/2009	JG'S UNIFORMS SUMMER 2009	609	12/2009 8,802.62
08/13/2009 69361	SAFTEY KLEEN SYSTEMS	246		244.53
501-1921-419.29-04	06/30/2009	5 GALLON BRAKE CLEANER	0039323378	090059 12/2009 244.53
08/13/2009 69362	SET FREE BAPTIST FELLOWSHIP	1860		3,000.00
101-5040-434.29-04	06/30/2009	SANDCASTLE RECYCLING	3018	01/2010 3,000.00
08/13/2009 69363	SKS INC.	412		23,212.67
501-1921-419.28-15	07/01/2009	1090 GAL REG 201 GAL DIES	1227292-IN	010101 01/2010 3,429.66
501-1921-419.28-15	07/08/2009	1088 GAL REG/211 GAL DIES	1227431-IN	010101 01/2010 3,249.88
501-1921-419.28-15	07/14/2009	1087 GAL REG/170.1 G DIES	1227524-IN	010101 01/2010 3,101.72
501-1921-419.28-15	07/20/2009	1277.1 GAL REG FUEL	1227619-IN	010101 01/2010 3,318.85
501-1921-419.28-15	07/24/2009	262 GAL DIESEL/794 G REG	1227709-IN	010101 01/2010 2,724.62
501-1921-419.28-15	07/30/2009	986 GAL REG/215 GAL DIESE	1227815-IN	010101 01/2010 3,121.89
501-1921-419.28-15	08/06/2009	995.1 GAL REG/52 G DIESEL	1227973-IN	010101 02/2010 2,951.54
501-1921-419.28-15	08/06/2009	BULK OIL	N671266-IN	010101 02/2010 1,314.51
08/13/2009 69364	SOUTH WEST SIGNAL	488		395.00
101-5010-431.21-04	07/31/2009	JULY 2009	49462	010086 01/2010 160.00
101-5010-431.21-04	07/15/2009	JUNE 2009	49410	12/2009 160.00
101-5010-431.21-23	07/15/2009	SERVICE TECH/TRK-13TH/IB	49428	12/2009 75.00
08/13/2009 69365	STANDARD ELECTRONICS	504		150.25
101-1910-419.28-01	07/06/2009	REPLACE BATTERIES IN DOOR	12713	010130 01/2010 150.25
08/13/2009 69366	THYSSENKRUPP ELEVATOR	663		205.28
101-3030-423.20-06	08/01/2009	AUGUST 2009	1037040670	010043 02/2010 205.28
08/13/2009 69367	US MOBILE WIRELESS COMMUNICATI	1983		1,140.18
101-3030-423.30-02	07/24/2009	RADIO BATTERIES	542484	010211 01/2010 687.56
101-3030-423.30-02	07/24/2009	RCS RADIO EQUIPMENT-LG	542485	010228 01/2010 452.62
08/13/2009 69368	VORTEX INDUSTRIES, INC.	786		561.93
101-1910-419.21-04	07/30/2009	ROLLING DOOR REPAIRS	11-482662-1	010127 01/2010 561.93
08/13/2009 69369	WAXIE SANITARY SUPPLY	802		1,061.26
101-6040-454.30-02	07/29/2009	TRASH LINERS/SOAP/POLISH	71418646	010069 01/2010 1,061.26
08/13/2009 69370	WHITE CAP CONSTRUCTION SUPPLY	1434		293.63
101-5010-431.30-02	07/09/2009	STEEL STAKES	15029046	010071 01/2010 293.63

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR	TRN AMOUNT
08/13/2009 601-5050-436.21-04	69371 06/10/2009	DOWNSTREAM SERVICES, INC.	1593 JUNE 2009	910.55 910.55	68399 090096 12/2009
08/21/2009 101-1230-413.30-01	69372 08/13/2009	AFFORDABLE PRINTER CARE	116 HP 4050 TONER	81.51 81.51	62897 F01012 02/2010
08/21/2009 101-0000-209.01-13	69373 08/20/2009	AFLAC	120 PR AP PPE 8/13/09	461.30 461.30	20090820 02/2010
08/21/2009 503-1923-519.20-06	69374 08/07/2009	AMERICAN COMMUNICATIONS	2136 FIBER OPTIC CABLING SYSTE	2,485.15 2,485.15	5679 010122 02/2010
08/21/2009 601-5060-436.28-01 601-5060-436.28-01	69375 07/27/2009 08/03/2009	BARRETT ENGINEERED PUMPS	356 WISA AIR PUMPS REPAIR PSS ROTATING ASSEM	924.94 685.13 239.81	067412 010114 01/2010 067495 010114 02/2010
08/21/2009 101-5010-431.21-23 101-5010-431.21-23	69376 04/29/2009 05/11/2009	CALIF ELECTRIC SUPPLY	609 LAMPS/FUSE HOLDERS 100' FISH TAPE	613.35 553.54 59.81	1069-587504 12/2009 1069-588124 12/2009
08/21/2009 101-5010-431.30-02	69377 06/29/2009	CALIFORNIA COMMERCIAL ASPHALT	590 3 TONS ASPHALT	228.38 228.38	84893 12/2009
08/21/2009 601-5060-436.28-01 601-5060-436.28-01	69378 08/05/2009 08/07/2009	CALIFORNIA ENV CONTROLS INC	642 6" GR CHECK PARTS 4" CK VLV PARTS	2,361.80 1,091.52 1,270.28	1950 010105 02/2010 1957 010105 02/2010
08/21/2009 503-1923-519.20-06	69379 07/21/2009	CDW GOVERNMENT INC	725 HP LJ SER#SJP8RD21934	1,641.04 1,641.04	PRM1918 010053 01/2010
08/21/2009 101-1130-412.29-02	69380 08/04/2009	CITY OF CORONADO	840 11/20/09 RM RENTAL/EMP AP	600.00 600.00	2995 010231 02/2010
08/21/2009 101-0000-209.01-13	69381 08/20/2009	COLONIAL LIFE & ACCIDENT	941 PR AP PPE 8/13/09	147.74 147.74	20090820 02/2010
08/21/2009 101-6020-452.30-02	69382 08/10/2009	COMMERCIAL LANDSCAPE SUPPLY	944 SMALL EQUIP SUPPLIES	327.89 327.89	163112 010061 02/2010
08/21/2009 408-1920-519.20-06	69383 08/11/2009	CONCRETE DESIGN CONCEPTS INC.	2142 FACADE IMPRVMT/280 PALM	8,250.00 8,250.00	02 010271 02/2010
08/21/2009 101-3070-427.28-11	69384 08/11/2009	COPY POST PRINTING	1371 TOMMY SIMMONS BUSINESS CA	75.55 75.55	18787 F01014 02/2010
08/21/2009 101-0000-209.01-11	69385 08/20/2009	CREATIVE BENEFITS INC FSA	1108 PR AP PPE 8/13/09	309.18 309.18	20090820 02/2010
08/21/2009 101-1210-413.21-04	69386 08/03/2009	DATAQUICK	1134 JULY 2009	175.75 8.00	B1-1569887 010230 02/2010

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
101-3020-422.21-04	08/03/2009	JULY 2009	B1-1569887	010230	02/2010	23.25	
101-3070-427.21-04	08/03/2009	JULY 2009	B1-1569887	010230	02/2010	144.50	
08/21/2009	69387	DESIGNER BOTANICALS	1792			1,444.00	
405-1260-413.21-04	08/06/2009	RDA/BMP 776 10TH ST	2392	010238	02/2010	1,444.00	
08/21/2009	69388	DIANE M ROSE	1			119.56	
101-1010-411.10-04	08/21/2009	REPLACE STOLEN CHECK	41465		02/2010	119.56	
08/21/2009	69389	EAGLE NEWSPAPER	1204			3,493.00	
101-1010-411.28-07	07/16/2009	ADS-MAYORS BREAKFAST	49820	010079	01/2010	150.00	
405-1260-413.20-06	07/30/2009	CITY/RDA NEWSLETTER	50012	010079	01/2010	1,275.00	
101-1920-419.21-04	07/30/2009	CITY/RDA NEWSLETTER	50012	010240	01/2010	1,275.00	
405-1260-513.20-06	07/30/2009	ADVERTISING SKATE PARK	50012	010079	01/2010	538.00	
405-1260-513.20-06	06/03/2009	BID AD 735 PALM AVE	49280		12/2009	85.00	
405-1260-513.20-06	06/18/2009	BID AD 735 PALM AVE	49450		12/2009	170.00	
08/21/2009	69390	EDCO DISPOSAL CORPORATION	1205			128.96	
408-1920-519.20-06	07/31/2009	JULY GARBAGE SERVICE-9TH	07-31-2009	F01011	01/2010	128.96	
08/21/2009	69391	FOCUS ON INTERVENTION	1490			389.40	
502-1922-419.30-02	07/31/2009	ERGO EVAL-HERNANDEZ, L	47535	010233	01/2010	389.40	
08/21/2009	69392	FURNITURE 2000	1			828.00	
408-1920-519.20-06	08/18/2009	MOVING/SEARCH EXPENSE-FEE	08-18-2009		02/2010	828.00	
08/21/2009	69393	GB'S FENCE COMPANY	1949			3,129.00	
248-1920-519.20-06	08/07/2009	CLEAN&GREEN-742 3RD ST	1110	010278	02/2010	3,129.00	
08/21/2009	69394	GO-STAFF, INC.	2031			943.80	
601-5060-436.21-01	08/11/2009	TRONCOSO, L W/E 08/09/09	64341	010148	02/2010	943.80	
08/21/2009	69395	GRAINGER	1051			473.19	
101-1910-419.30-02	08/03/2009	BALLAST/LAMP	9047121695	010076	02/2010	160.52	
101-1910-419.30-02	08/05/2009	LAMPS/BALLAST	9049730527	010076	02/2010	229.76	
101-6020-452.30-02	07/28/2009	WATER COOLER/TARPS/SILICO	9043508655	010076	01/2010	82.91	
101-1910-419.28-01	06/17/2009	LAMPS	9016332562	090071	12/2009	270.13	
101-1910-419.28-01	06/18/2009	CREDIT FOR RETURNED LAMPS	9017169153	090071	12/2009	270.13	
08/21/2009	69396	I B FIREFIGHTERS ASSOCIATION	214			242.00	
101-0000-209.01-08	08/20/2009	PR AP PPE 8/13/09	20090820		02/2010	242.00	
08/21/2009	69397	ICMA RETIREMENT TRUST 457	242			5,385.12	
101-0000-209.01-10	08/20/2009	PR AP PPE 8/13/09	20090820		02/2010	5,385.12	
08/21/2009	69398	J&T NAILS	1			2,544.34	
408-1920-519.20-06	08/18/2009	MOVING/SEARCH EXPENSE	08-18-2009		02/2010	2,544.34	
08/21/2009	69399	KING DOOR	2140			3,000.00	
408-1920-519.20-06	07/27/2009	FACADE IMPRVWNT-200 PALM	1465	010217	01/2010	3,000.00	

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08/21/2009	69400	LLOYD PEST CONTROL	814	232.00	
101-1910-419.20-22	07/02/2009	JULY 2009 SPORTS PARK	2355752	010013 01/2010	45.00
101-1910-419.20-22	07/09/2009	JULY 2009 CITY HALL	2372824	010013 01/2010	31.00
101-1910-419.20-22	07/09/2009	JULY 2009 FIRE DEPT	2372825	010013 01/2010	31.00
101-1910-419.20-22	07/09/2009	JULY 2009 SHERIFF DEPT	2373066	010013 01/2010	31.00
101-1910-419.20-22	07/10/2009	JULY 2009 SENIOR CENTER	2373167	010013 01/2010	47.00
101-1910-419.20-22	07/23/2009	JULY 2009	2358211	010013 01/2010	47.00
08/21/2009	69401	MARCIA RASKIN	2116	5,482.65	
101-1110-412.10-01	08/13/2009	07/31/09-08/13/09	5	010054 02/2010	1,312.50
101-1130-412.10-01	08/13/2009	07/31/09-08/13/09	5	010054 02/2010	1,312.50
405-1260-413.10-01	08/13/2009	07/31/09-08/13/09	5	010054 02/2010	1,312.50
502-1922-419.10-01	08/13/2009	07/31/09-08/13/09	5	010054 02/2010	1,312.50
101-1110-412.28-04	08/13/2009	07/31/09-08/13/09	5	010054 02/2010	58.17
101-1130-412.28-04	08/13/2009	07/31/09-08/13/09	5	010054 02/2010	58.16
405-1260-413.28-04	08/13/2009	07/31/09-08/13/09	5	010054 02/2010	58.16
502-1922-419.28-04	08/13/2009	07/31/09-08/13/09	5	010054 02/2010	58.16
08/21/2009	69402	MCDUGAL LOVE ECKIS &	962	14,120.86	
405-1260-413.20-01	07/31/2009	JULY 2009	07-31-2009	01/2010	4,752.61
101-1220-413.20-01	07/31/2009	JULY 2009	07-31-2009	01/2010	253.31
101-1220-413.21-04	07/31/2009	JULY 2009	07-31-2009	01/2010	679.16
101-1220-413.21-04	07/31/2009	JULY 2009	07-31-2009	01/2010	166.18
502-1922-419.20-01	07/31/2009	JULY 2009	07-31-2009	01/2010	42.60
101-1220-413.20-01	07/31/2009	JULY 2009	07-31-2009	010022 01/2010	8,227.00
08/21/2009	69403	MICHELLE POSADA	2028	187.38	
101-1920-419.30-02	08/20/2009	WATER BOTTLES-CITY OF IB	0293-3101	02/2010	22.98
101-1020-411.28-06	06/25/2009	MILEAGE REIMUBRSEMENT	03-16-2009	02/2010	19.25
101-1920-419.30-02	07/02/2009	VINEGAR FOR WATER DISPENS	23380301400594	02/2010	1.78
101-1020-411.28-04	07/13/2009	ELECT RECORDS TRNG SESSIO	07-08-2009	02/2010	10.00
101-1010-411.28-08	07/17/2009	RED RIBBON/MAYORS BREAKFA	07-17-2009	02/2010	5.98
101-1010-411.28-08	07/17/2009	MAYORS BREAKFAST REFRESHM	07-17-2009	02/2010	16.00
101-1010-411.28-04	07/30/2009	ZONING WKSHP REFRESHMENTS	07-30-2009	02/2010	104.40
101-5020-432.28-04	08/03/2009	INTERVIEW PANEL REFRESHME	08-03-2009	02/2010	6.99
08/21/2009	69404	MIRELES LANDSCAPING	2107	800.00	
408-1920-519.20-06	07/31/2009	JULY 2009	07-31-2009	010237 01/2010	800.00
08/21/2009	69405	RECLAIMED AGGREGATES, INC.	2137	240.00	
101-5010-431.29-04	06/30/2009	3 TRUCKS TO RECYCLE	9722	12/2009	120.00
101-5010-431.29-04	06/30/2009	3 TRUCKS TO RECYCLE	9723	12/2009	120.00
08/21/2009	69406	SAM & SONS PLUMBING	1981	4,357.00	
408-1920-519.20-06	07/24/2009	SNAKE OUT DRAIN-9TH/PALM	1480	010235 01/2010	65.00
248-1920-519.20-06	07/31/2009	CLEAN&GREEN-605 DONAX	1482	010235 01/2010	1,152.00
248-1920-519.20-06	07/27/2009	CLEAN&GREEN-963 FLORENCE	1481	010235 01/2010	2,852.00
248-1920-519.20-06	08/12/2009	CLEAN&GREEN-963 FLORENCE	1465	010280 02/2010	288.00
08/21/2009	69407	SEIU LOCAL 221	1821	1,547.86	
101-0000-209.01-08	08/20/2009	PR AP PPE 8/13/09	20090820	02/2010	1,547.86

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
08/21/2009	69408	SIM J. HARRIS, INC.	2068			127,160.10	
205-5017-531.20-06	06/30/2009	JUNE 09 STREET IMPRVMENTS	4	091005	12/2009	67,769.10	
201-5015-531.20-06	06/30/2009	JUNE 09 STREET IMPRVMENTS	4	091005	12/2009	4,323.67	
405-1260-513.20-06	06/30/2009	JUNE 09 STREET IMPRVMENTS	4	091005	12/2009	49,193.56	
408-5010-531.20-06	06/30/2009	JUNE 09 STREET IMPRVMENTS	4	091005	12/2009	5,873.77	
08/21/2009	69409	SOUTH COAST EMERGENCY VEHICLE	2112			9,945.21	
502-1922-419.28-17	07/15/2009	FIRE TRUCK REPAIR	454891	091295	12/2009	9,945.21	
08/21/2009	69410	STAPLES ADVANTAGE	2114			85.65	
101-1210-413.30-01	07/28/2009	OFFICE SUPPLIES	96643085	010015	01/2010	85.65	
08/21/2009	69411	TRAFFIC CONTROL SERVICE INC.	684			1,247.61	
101-5010-431.21-23	08/04/2009	SIGN POST/ANCHOR	931386	010077	02/2010	1,105.51	
101-5010-431.21-23	07/28/2009	SIGNS-DO NOT ENTER	930385	010077	01/2010	142.10	
08/21/2009	69412	UNDERGROUND SERVICE ALERT OF	731			58.50	
601-5060-436.21-04	08/01/2009	JULY 2009	720090307	010008	02/2010	58.50	
08/21/2009	69413	UNION TRIBUNE	738			289.00	
101-1130-412.28-07	08/02/2009	EMPLOYMENT ADVERTISING	1-08022009	010045	02/2010	289.00	
08/21/2009	69414	UNITED WAY OF SAN DIEGO COUNTY	1483			70.00	
101-0000-209.01-09	08/20/2009	PR AP PPE 8/13/09	20090820		02/2010	70.00	
08/21/2009	69415	US BANK TRUST	749			87,580.00	
725-0000-221.03-01	07/27/2009	ASSESSMNT DIST #66 DUE	07-27-2009		01/2010	40,000.00	
725-0000-221.03-04	07/27/2009	ASSESSMNT DIST #66 DUE	07-27-2009		01/2010	6,300.00	
730-0000-221.03-01	07/27/2009	ASSESSMNT DIST #68 DUE	07-27-2009		01/2010	40,000.00	
730-0000-221.03-04	07/27/2009	ASSESSMNT DIST #68 DUE	07-27-2009		01/2010	1,280.00	
08/21/2009	69416	VIC'S BARBER SHOP	1			6,197.50	
408-1920-519.20-06	08/10/2009	F & E OFFER-9TH & PALM RE	08-10-2009		02/2010	6,197.50	
08/21/2009	69417	VICKY'S HAIR SALON	1			8,142.50	
408-1920-519.20-06	08/20/2009	F & E OFFER-9TH & PALM RE	08-10-2009		02/2010	8,142.50	
08/21/2009	69418	WAXIE SANITARY SUPPLY	802			797.80	
101-6040-454.30-02	08/07/2009	SCOUR PADS/TP/MOP/CLNR	71438111	010069	02/2010	304.50	
101-6040-454.30-02	08/10/2009	LINERS/TISSUE/SOAP	71440384	010069	02/2010	493.30	
08/21/2009	69419	XEROX CORPORATION	861			1,221.95	
101-1920-419.20-17	08/01/2009	JULY 2009	042151378	010229	02/2010	969.31	
101-3030-423.20-06	08/01/2009	JULY 2009	042151382	010229	02/2010	252.64	
DATE RANGE TOTAL *						447,871.14 *	



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: SEPTEMBER 2, 2009

ORIGINATING DEPT.: JACQUELINE M. HALD, CITY CLERK *JMH*

SUBJECT: RATIFICATION OF LETTERS OF SUPPORT – AMERICAN RECOVERY AND REINVESTMENT ACT: TIGER DISCRETIONARY GRANT PROGRAM SUBMITTALS

BACKGROUND AND DISCUSSION:

On July 24, 2009, the San Diego Association of Governments (SANDAG) Board of Directors approved a list of regional project submittals for the Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant Program for consideration by the Department of Transportation. The project submittals are:

1. The 32nd Street/Vesta Street project, which would improve goods movement between the Port of San Diego and the regional highway system. The estimated grant request is \$60 million.
2. Construction of the SR 905/I-805 Interchange, which would complete the six-lane freeway and provide more efficient transportation from the international border, through Otay Mesa, to points north. The estimated grant request is \$20 million.
3. The I-15 Bus Rapid Transit (BRT) Structures/Park and Ride project, which would construct 500-space parking structures at two BRT stations located in Sabre Springs and Rancho Bernardo. The estimated grant request is \$50 million.

All 18 cities and the County of San Diego were asked to sign the attached letters as soon as possible in order to meet the submittal deadline.

DEPARTMENT RECOMMENDATION:

Ratify the attached letters of support to the Department of Transportation, dated August 4, 2009.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown

 Gary Brown, City Manager

Attachments:

1. SANDAG Board of Directors Agenda Item No. 14, July 24, 2009
2. Letter from SANDAG dated August 4, 2009 re: the 32nd Street/Vesta Street project
3. Letter from SANDAG dated August 4, 2009 re: construction of the SR 905/I-805 Interchange
4. Letter from SANDAG dated August 4, 2009 re: the I-15 Bus Rapid Transit (BRT) Structures/Park and Ride project



**BOARD OF DIRECTORS
JULY 24, 2009**

**AGENDA ITEM NO. 09-07-14
ACTION REQUESTED - APPROVE**

**AMERICAN RECOVERY AND REINVESTMENT ACT:
TIGER DISCRETIONARY GRANT PROGRAM SUBMITTALS**

File Number 7300400

Introduction

On February 17, 2009, President Obama signed into law P.L. 111-5, the American Recovery and Reinvestment Act of 2009 (ARRA). ARRA appropriated \$1.5 billion for a Supplementary Discretionary Grants program for capital investments in surface transportation infrastructure. These grants are to be awarded on a competitive basis for surface transportation projects that will have a significant impact on the nation, a metropolitan area, or a region. The U.S. Department of Transportation (DOT) has named this program "Transportation Investment Generating Economic Recovery Discretionary Grants" (TIGER Discretionary Grants).

Recommendation

The Transportation Committee recommends that the Board of Directors approve the list of proposed regional project submittals for the TIGER Discretionary Grants program and authorize the Executive Director to provide support letters for other local agency projects that are consistent with SANDAG policies and programs.

Applications for the TIGER Discretionary Grant program are due to the DOT by September 15, 2009. This item summarizes the federal program and includes a list of proposed regional project submittals.

Discussion

TIGER Discretionary Grant Program Guidelines and Criteria

Because this is a new program, the DOT published an interim notice of funding availability in the Federal Register on May 18, 2009, providing two weeks for comments on the proposed selection criteria and guidance for awarding TIGER Discretionary Grants. After consideration of the comments received, DOT published a revised notice of funding availability on June 17, 2009.

Eligible applicants include state and local governments, tribal governments, transit agencies, port authorities, and metropolitan planning organizations (MPOs), among others. Eligible projects include highway or bridge projects eligible under Title 23 of the United States Code (USC), public transportation projects eligible under Chapter 23 of Title 49 USC, passenger and freight rail transportation projects, and port infrastructure investments. The guidelines specify that TIGER Discretionary Grants may be no less than \$20 million and no more than \$300 million. However, the DOT has discretion under ARRA to waive the \$20 million minimum grant size requirement for significant projects in smaller cities, regions, or states.

In compliance with ARRA, the DOT will give priority to projects that are expected to be completed on or before February 17, 2012. For the purposes of this program, "completed" means that all of the TIGER Discretionary Grant funds awarded to the project have been obligated and expended, and construction of the project is substantially complete.

Up to \$200 million of the \$1.5 billion available for TIGER Discretionary Grants also may be used to pay the subsidy and administrative costs of the Transportation Infrastructure Finance and Innovation Act (TIFIA) credit assistance program, if it would further the purposes of the TIGER Discretionary Grant Program.

Project Selection Criteria

TIGER Discretionary Grants will be awarded based on selection criteria outlined in ARRA. The DOT will give priority to projects that have a significant impact on desirable long-term outcomes for the nation, a metropolitan area, or a region. The following five specific long-term outcomes to be given preference include:

- **State of Good Repair:** Improving the condition of the existing transportation facilities and systems, with particular emphasis on projects that minimize life-cycle costs.
- **Economic Competitiveness:** Contributing to the economic competitiveness of the United States over the medium to long-term.
- **Livability:** Improving the quality of living and working environments and the experience for people in communities across the United States.
- **Sustainability:** Improving energy efficiency, reducing dependence on oil, reducing greenhouse gas emissions, and benefiting the environment.
- **Safety:** Improving the safety of the United States transportation facilities and systems.

Consistent with the purposes of ARRA, the DOT also will give priority to projects that are expected to quickly create and preserve jobs and stimulate rapid increases in economic activity, projects that use innovative strategies to pursue long-term outcomes, and projects that demonstrate strong collaboration among a broad range of participants, and/or integration of transportation with other public service efforts.

Cost Benefit Analysis

In addition to the project selection criteria, projects seeking a grant of \$20 million but less than \$100 million must include in its application estimates of the project's expected benefits in the five long-term outcomes listed above. Larger projects seeking more than \$100 million in TIGER funding must complete a more detailed cost-benefit analysis including a calculation of net benefits, qualitative and quantitative measurements, and consideration of externalities.

Other Statutory Requirements for the Distribution of TIGER Discretionary Grants

The Secretary of Transportation also must take measures to ensure equitable geographic distribution of the funds, including among urban and rural communities. Likewise, a single state may not receive more than 20 percent of the total funds or \$300 million, and while funds are not

required to have a non-federal match, projects must comply with all federal environmental regulations.

Regional Project Submittals

Based on the established TIGER selection criteria and guidelines, with special attention given to the stringent project delivery timelines, staff recommends submitting three proposals for consideration by DOT. The proposed regional project submittals include (not in order of priority):

- **32nd Street/Vesta Street** – The 32nd Street/Vesta Street project would improve goods movement between the Port of San Diego and the regional highway system. The project also would complement a simultaneous set of operational improvements to the Harbor Drive/32nd Street and 32nd Street/Wabash Boulevard/Norman Scott Road intersections, and to the Main Street/State Route 15 ramps. The proposed construction of the Vesta Street Bridge would improve access and circulation to Naval Base San Diego. Construction of the Vesta Street Bridge would help reduce delay time and congestion along this major truck route. (Estimated grant request \$60 million)
- **State Route 905/Interstate 805 Interchange** – This project is a vital component of the overall State Route 905 corridor, a major thoroughfare for goods movement activity. Construction of this project would complete the six-lane freeway that will reduce traffic congestion and provide more efficient transportation of people, goods, and services from the international border with Mexico, through Otay Mesa, to points north. (Estimated grant request \$20 million)
- **Interstate 15 Bus Rapid Transit (I-15 BRT) Structures/Park and Ride** – This project would construct 500-space parking structures at two BRT stations located in Sabre Springs and Rancho Bernardo along I-15. The stations would be used by high-frequency BRT, local bus services, employer shuttles, vanpools, and carpools, providing direct access to downtown San Diego and Sorrento Mesa/University Towne Centre/University of California at San Diego employment centers as well as to other locations throughout the region and Riverside County. (Estimated grant request \$50 million)

Caltrans also has developed an internal process for TIGER Discretionary Grant projects seeking inclusion into the state's proposal. Eligible entities were required to complete a one-page notice of intent by July 7, 2009, with completed project applications due to Caltrans by July 27, 2009. Caltrans expects to submit TIGER project recommendations to the Governor by August 24, 2009. Projects that are not included in the state application may be submitted directly by eligible entities.

Local Project Submittals

As described above, applicants other than MPOs are eligible to submit directly to the DOT their own proposals for TIGER Discretionary Grants. For projects seeking support from SANDAG, the Transportation Committee is asked to recommend that the Board of Directors authorize the Executive Director to provide support letters for other local agency TIGER project submittals that are consistent with SANDAG policies and programs. At a minimum (and consistent with the direction provided in the TIGER guidelines), staff recommends that local project submittals be in the adopted Regional Transportation Plan (RTP) and the Regional Transportation Improvement Program (RTIP) or be able to demonstrate a realistic schedule for inclusion.

Next Steps

Following Board approval of the proposed list of projects, staff will initiate the necessary steps to submit the regional TIGER project proposals to the DOT, including participation in the state efforts to coordinate project submittals from California.

GARY L. GALLEGOS
Executive Director

Key Staff Contact: Victoria Stackwick, (619) 699-6926, vst@sandag.org



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August 4, 2009

File Number 7300400

Secretary Ray LaHood
Office of the Secretary of Transportation
United States Department of Transportation
1200 Seventh Street, SW
Washington, D.C. 20590

Dear Secretary LaHood:

SUBJECT: Port of San Diego Freight Connector Access Improvements: 32nd Street at Harbor Drive and Vest Street Bridge, San Diego, CA

We are writing in support of the Port of San Diego Freight Connector Access Improvements: 32nd Street at Harbor Drive and Vest Street Bridge project. We are please to submit this project to the Department of Transportation for funding consideration under the Transportation investment Generating Economic Recovery (TIGER) discretionary grants program.

This project is the direct result of extensive collaboration between the United States Navy, the San Diego Unified Port District, the California Department of Transportation (Caltrans), the City of San Diego and SANDAG. As a result, the Port Access Improvements along Harbor Drive at the 32nd Avenue intersection are key components of the SANDAG Goods Movement Action Plan, and are included in the *2030 Regional Transportation Plan: Pathways for the Future*, adopted in November 2007.

The funds requested will improve freeway access to and from the San Diego Unified Port District's two marine terminals and the Working Waterfront. This improvement will accommodate future truck traffic increases, improve community and pedestrian safety, and meet the broader goal of maintaining the economic vitality and viability of the Working Waterfront.

Again, we appreciate your leadership and vision and look forward to working with you on this important project. Please feel free to contact, Gary Gallegos, at 619-699-1990 should you have any additional questions.

Sincerely,

HON. JERRY SANDERS
Mayor, City of San Diego

HON. DIANNE JACOB
Chairwoman, County of San Diego

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- United States Department of Defense
- San Diego Unified Port District
- San Diego County Water Authority
- Southern California Tribal Chairmen's Association
- Mexico

HON. BUD LEWIS
Mayor, City of Carlsbad

HON. CHERYL COX
Mayor, City of Chula Vista

HON. CASEY TANAKA
Mayor, City of Coronado

HON. CRYSTAL CRAWFORD
Mayor, City of Del Mar

HON. MARK LEWIS
City of El Cajon

HON. MAGGIE HOULIHAN
Mayor, City of Encinitas

HON. LORI HOLT PFEILER
Mayor, City of Escondido

HON. JIM JANNEY
Mayor, City of Imperial Beach

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HON. MARY TERESA SESSOM
Mayor, City of Lemon Grove

HON. RON MORRISON
Mayor, City of National City

HON. JIM WOOD
Mayor, City of Oceanside

HON. DON HIGGINSON
Mayor, City of Poway

HON. JIM DESMOND
Mayor, City of San Marcos

HON. RANDY VOEPEL
Mayor, City of Santee

HON. MIKE NICHOLS
Mayor, City of Solana Beach

HON. MORRIS VANCE
Mayor, City of Vista

GMO/vpe



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August 4, 2009

File Number 7300400

Secretary Ray La Hood
Office of the Secretary of Transportation
United States Department of Transportation
1200 Seventh Street, SW
Washington, D.C. 20590

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- County of San Diego*

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- San Diego Unified Port District*
- San Diego County Water Authority*
- Southern California Tribal Chairmen's Association*
- Mexico*

Dear Secretary LaHood:

SUBJECT: Transportation Investments Generating Economic Recovery
Nomination of State Route 905, Phase Two

We are pleased to support the nomination of the State Route 905 (SR 905), Phase Two, to receive funding from the Transportation Investments Generating Economic Recovery (TIGER) Discretionary Grants.

Upon completion, SR 905 will provide a last mile intermodal connector to the California-Mexico Border System; a critical link in a roadway system which leads to the Otay Mesa Port of Entry (POE). This border crossing handles the highest volume of trade for all California-Mexico POEs, and is the third busiest in terms of trade value among all United States-Mexico POEs. The project will reduce congestion and provide more efficient transportation of people, good and services through Otay Mesa.

A vital component to the freight network improvements in our region is represented by the nomination of this intermodal linkage project. The requested TIGER funds will leverage over \$449 million in other state and local transportation investments and produce significant returns to our local economy. In addition, the TIGER funds will improve regional and national freight productivity entering the San Diego region through our international seaport and our international border crossings.

For these reasons we are pleased to support this nomination and we thank you for your leadership and vision in the development of the TIGER Discretionary Grant program.

Sincerely,

HON. JERRY SANDERS
Mayor, City of San Diego

HON. DIANNE JACOB
Chairwoman, County of San Diego

HON. BUD LEWIS
Mayor, City of Carlsbad

HON. CHERYL COX
Mayor, City of Chula Vista

HON. CASEY TANAKA
Mayor, City of Coronado

HON. CRYSTAL CRAWFORD
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August 4, 2009

File Number 7300400

Secretary Ray LaHood
Office of the Secretary of Transportation
United States Department of Transportation
1200 Seventh Street, SW
Washington, D.C. 20590

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- United States Department of Defense
- San Diego Unified Port District
- San Diego County Water Authority
- Southern California Tribal Chairmen's Association
- Mexico

Dear Secretary LaHood:

SUBJECT: Transportation Investments Generating Economic Recovery (TIGER)
Nomination of Park and Ride Structures at Sabre Springs and Rancho Bernardo I-15 Bus Rapid Transit Stations

We are pleased to submit to the United States Department of Transportation (USDOT) the Park and Ride Structures at Sabre Springs and Rancho Bernardo I-15 Bus Rapid Transit Stations for consideration for the TIGER Discretionary Grants program. This project would complete the "innovative and cutting-edge" \$1.5 billion Managed Lanes project.

This project will support increased use of bus rapid transit (BRT) services, which are an essential component of the region's multimodal I-15 Managed Lanes project. Implementation of park and ride facilities along the I-15 corridor will allow for increased patronage, a reduction of over 5.4 million vehicle miles traveled annually, and improved cost-effectiveness of the BRT services, in the region's busiest corridor.

Additionally, this project demonstrates our commitment to improve transit-based commute alternatives and subsequently improve goods movement along trade corridors in our region. This nomination is the result of extensive collaboration between SANDAG, the California Department of Transportation, the Metropolitan Transit System, city and county governments, and goods movement stakeholders.

Your thoughtful consideration of this regionally important project is appreciated. We thank the USDOT for its leadership and vision in the development of the TIGER program and look forward to working with you.

Sincerely,

HON. JERRY SANDERS
Mayor, City of San Diego

HON. DIANNE JACOB
Chairwoman, County of San Diego

HON. BUD LEWIS
Mayor, City of Carlsbad

HON. CHERYL COX
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Mayor, City of Solana Beach

HON. MORRIS VANCE
Mayor, City of Vista

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**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: SEPTEMBER 2, 2009

ORIGINATING DEPT.: JACQUELINE M. HALD, CITY CLERK

SUBJECT: RATIFICATION OF LETTER OF SUPPORT – SANDAG SUPPORT FOR CALTRANS DIVISION OF RAIL GRANT APPLICATION FOR THE AMERICAN RECOVERY AND REINVESTMENT ACT AND HIGH SPEED AND INTERCITY PASSENGER RAIL FUNDS FOR THE PACIFIC SURFLINER CORRIDOR

BACKGROUND AND DISCUSSION:

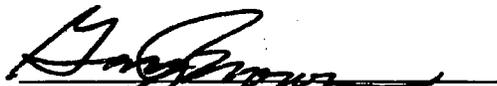
On July 24, 2009, the San Diego Association of Governments (SANDAG) Board of Directors accepted the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Corridor Prioritization Analysis for the purpose of submitting rail projects to the Federal Railroad Administration for federal stimulus fund consideration. Additionally, all 18 cities and the County of San Diego were asked to sign the attached letter in support for the state's submittal for the American Recovery and Reinvestment Act (ARRA), High-Speed and Intercity Passenger Rail (HSIPR) funds for the Pacific Surfliner Corridor.

DEPARTMENT RECOMMENDATION:

Ratify the attached letter of support to Caltrans, dated August 3, 2009.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.


Gary Brown, City Manager

Attachments:

1. SANDAG Board of Directors Agenda Item No. 15, July 24, 2009
2. Letter from SANDAG dated August 3, 2009 re: funds for the Pacific Surfliner Corridor



**BOARD OF DIRECTORS
JULY 24, 2009**

**AGENDA ITEM NO. 09-07-15
ACTION REQUESTED - ACCEPT**

**SAN DIEGO INTERSTATE 5 CORRIDOR SYSTEM
MANAGEMENT PLAN - LOSSAN RAIL CORRIDOR
PRIORITIZATION ANALYSIS AND FEDERAL RAIL
STIMULUS FUNDS**

File Number 3400200

Introduction

The Los Angeles-San Diego-San Luis Obispo (LOSSAN) corridor is the nation's second busiest rail corridor. Amtrak's Pacific Surfliner intercity trains run from San Diego to Los Angeles and San Luis Obispo, COASTER and Metrolink commuter rail trains take commuters both south and north from Oceanside each day, respectively, and Burlington Northern Santa Fe (BNSF) Railway also shares the corridor to carry freight from the Port of San Diego to points north and east.

Recommendation

The Transportation Committee recommends that the Board of Directors accept the LOSSAN Rail Corridor Prioritization Analysis for the purpose of submitting rail projects to the Federal Railroad Administration for federal stimulus fund consideration as identified in Attachment 2.

Currently, 51 percent of the San Diego rail corridor is single track where trains need to wait for one another at scheduled meets. The 2030 Regional Transportation Plan (2030 RTP) calls for double tracking the entire corridor, improving stations, and increasing commuter rail service over the next 20+ years in order to improve travel times and carrying capacity in the corridor, and increase ridership. The corridor also is a major transportation corridor in TransNet.

In support of these transportation goals, a detailed evaluation of 40 individual rail improvement projects along the corridor was recently completed by SANDAG, Caltrans, NCTD, Amtrak, and BNSF Railway as part of the Interstate 5 (I-5) Corridor System Management Plan (CSMP) underway by Caltrans. (The I-5 CSMP is a requirement of the Proposition 1B bond funded projects in the I-5 corridor.) The 40 rail improvement projects include double tracking, bridge replacements, and station improvements. Evaluation criteria were developed and detailed rail modeling simulations were completed in order to rank the 40 projects. Projects were prioritized to serve as a guide when applying for future funding opportunities.

The American Recovery and Reinvestment Act of 2009 (ARRA) provides \$8 billion for high speed and intercity rail services nationwide, with another \$1 billion pledged by the Obama Administration in each of the following five years. On April 16, 2009, US Department of Transportation (DOT) Secretary Ray LaHood released The Vision for High Speed Rail in America, as required by ARRA, which lays out the Administration's strategic plan for these funds. On June 17, 2009, the Federal Railroad Administration (FRA) released detailed guidance for potential applications for these funds. The first round of project applications is due to FRA by August 24, 2009. (In addition, Agenda Item

No. 16 on the July 24, 2009, Board of Directors agenda discusses the potential to allocate local funds to advance the design of the top-ranked projects.)

The Transportation Committee discussed LOSSAN Rail Corridor Prioritization Analysis at its July 17, 2009, meeting. Input from the Transportation Committee will be discussed at the Board meeting.

Discussion

The I-5 Corridor System Management Plan - LOSSAN Rail Corridor Prioritization Analysis

The LOSSAN rail corridor provides a viable transportation alternative to north-south highway travel through San Diego County. Given the rail corridor's proximity to I-5 through urbanized and environmentally sensitive areas, it is particularly important that systemwide transportation improvements are considered as demand for travel in the corridor increases. The identification of adjacent highway and rail projects will lead to coordinated efforts that reduce resource expenditures and minimize impacts to surrounding areas.

The *LOSSAN Rail Corridor Prioritization Analysis* is a companion study to the analysis of potential freeway investments for the I-5 CSMP. The rail corridor analysis was initiated to analyze and prioritize potential rail investments in the San Diego County portion of the LOSSAN corridor. The rail analysis quantified operational improvements and other benefits and impacts of potential rail projects, and then prioritized implementation of these projects to support phased expansion of rail.

Forty rail improvement projects were identified for evaluation and prioritization (Attachment 1). These include track projects such as double-track, bridge replacements, and tunnel improvements, as well as nontrack projects such as station parking expansions and grade separation projects. A Rail Prioritization Working Group (RPWG) composed of staff from Amtrak, BNSF Railway, Caltrans District 11, Caltrans Division of Rail, NCTD, and SANDAG was established to guide study direction. Rail projects were analyzed and then prioritized through a comprehensive process that considered rail performance, construction and operating costs, project delivery, and a range of other environmental, safety, community and performance criteria.

The process began with extensive project analysis, including simulating dozens of combinations of rail projects and service scenarios. This simulation effort was combined with review of prior corridor documents and input from RPWG participants. With project information in-hand, prioritization proceeded in a step-wise manner by first identifying the projects needed to support near-term service expansion. This step was followed by identifying additional projects needed to support mid-term service expansion, and finally long-term service expansion.

Phased Service Implementation

The prioritization process produced project groups that are keyed to three service scenarios in the San Diego County portion of the LOSSAN corridor. While the focus of the analysis is on a phased capital program, there will be additional operations and maintenance costs that also are noted. These service scenarios represent progressive expansion of passenger and freight rail service over time:

- **Near-term** service expansion, which equates roughly to year 2015, would expand service to 79 trains each weekday. This expansion would provide 6 to 14 more trains per day compared to today, with most service expansion for peak-period COASTER operations and

morning and mid-day Amtrak operations. Total capital cost for track projects, additional equipment, and layover tracks would be \$145 million, and the cost to operate the additional service would be \$1 million annually.

- **Mid-term** service expansion, which equates roughly to year 2025, would expand service to 93 trains each weekday. This expansion would provide 20 to 28 more trains than today, with more service throughout the day for all operators except Metrolink. COASTER trains would run about every 25 minutes in the peak-direction, and about every 90 minutes in the mid-day and evenings. Amtrak would have consistent hourly service in both directions throughout the day. BNSF Railway would add a second train in the mid-day. Total capital cost for track projects, nontrack projects like parking structures, and equipment would be \$285 million. The annual cost to operate these additional trains would be \$2 million.
- **Long-term** service expansion, which equates roughly to year 2030, would expand service to 119 trains each weekday. This expansion would provide about 50 more trains than today, with more service throughout the day for all operators except BNSF Railway. As envisioned in the SANDAG 2030 RTP, COASTER trains would run about every 20 minutes in the peak-direction, and about every 60 minutes in the mid-day and evenings. Amtrak would have consistent hourly service in both directions, with additional trips in peak intercity travel hours. Total capital cost for track projects, nontrack projects like parking structures, equipment, and layover facilities would be \$360 million. The cost to operate the additional trains would be \$5 million annually.

Priority Projects

Attachment 2 shows the ranked order of projects for the near-term phase. In addition to ranked capacity projects like double track and bridge replacements, the study also prioritized nontrack projects such as parking expansions and new platforms.

While the prioritization study did not specifically rank it as a capacity project, a top priority for the State of California and all rail corridors is Positive Train Control (PTC). PTC is a predictive collision avoidance technology designed to stop a train before an accident occurs. Through the Rail Safety Improvement Act of 2008, the federal government requires Class I (freight) and passenger railroads to implement a PTC system by December 31, 2015. In Southern California, Metrolink passenger rail and the BNSF Railway and Union Pacific freight railroads have pledged to install positive train control by 2012. The entire LOSSAN corridor is affected by this mandate.

American Recovery and Reinvestment Act of 2009 (ARRA)

ARRA provides \$8 billion in federal stimulus funds for high speed and intercity rail projects. Attachment 3 shows how FRA proposes to fund projects in four separate "Tracks." Basically, Track 1 is for projects that are ready to go to construction and can be completed within two years. Track 2 is for sets of programs and projects that can be in various stages and can be completed by 2017. Track 3 is for planning studies that are needed in order to identify specific rail projects, and Track 4 is designed to provide a federal match to rail projects already in the State Transportation Improvement Program. Attachment 3 also shows the various deadlines for application submittals.

SANDAG staff submitted pre-applications for 15 individual projects totaling \$378 million to Caltrans on July 2, 2009, based on the prioritization rankings outlined in Attachment 2. Caltrans then forwarded them to FRA by the July 10, 2009, deadline. Pre-applications are not binding but are

considered a first step in the federal process. U.S. DOT Secretary LaHood recently announced that 278 pre-applications from 40 states and the District of Columbia were received by the deadline; these requests totaled \$102 billion. Attachment 2 also identifies the LOSSAN San Diego corridor intercity projects for which pre-applications were submitted.

SANDAG has worked a number of years with the California High-Speed Rail Authority (CHSRA) and would be connected to the state's proposed high-speed train system to Los Angeles via the Inland Empire. The CHSRA Board of Directors recently approved submitting a request for federal stimulus funds for key construction projects in the Anaheim to Los Angeles, San Jose to San Francisco, and Central Valley segments. In addition, the CHSRA also will request funds to complete the planning and environmental work for all corridors, including the San Diego segment.

SANDAG also has submitted two pre-applications for ARRA Track 3 planning funding. The first study is to determine candidate site(s) for a future joint high-speed rail / intercity rail / commuter rail layover facility in San Diego. The study will develop a conceptual footprint for a joint facility and identify potential sites for future evaluation. The second planning study is to conduct technical analysis for alternatives to better integrate intercity and commuter rail passenger rail services along the entire LOSSAN corridor. This project complements an initial integration study SANDAG and NCTD recently participated in with other LOSSAN rail corridor member agencies.

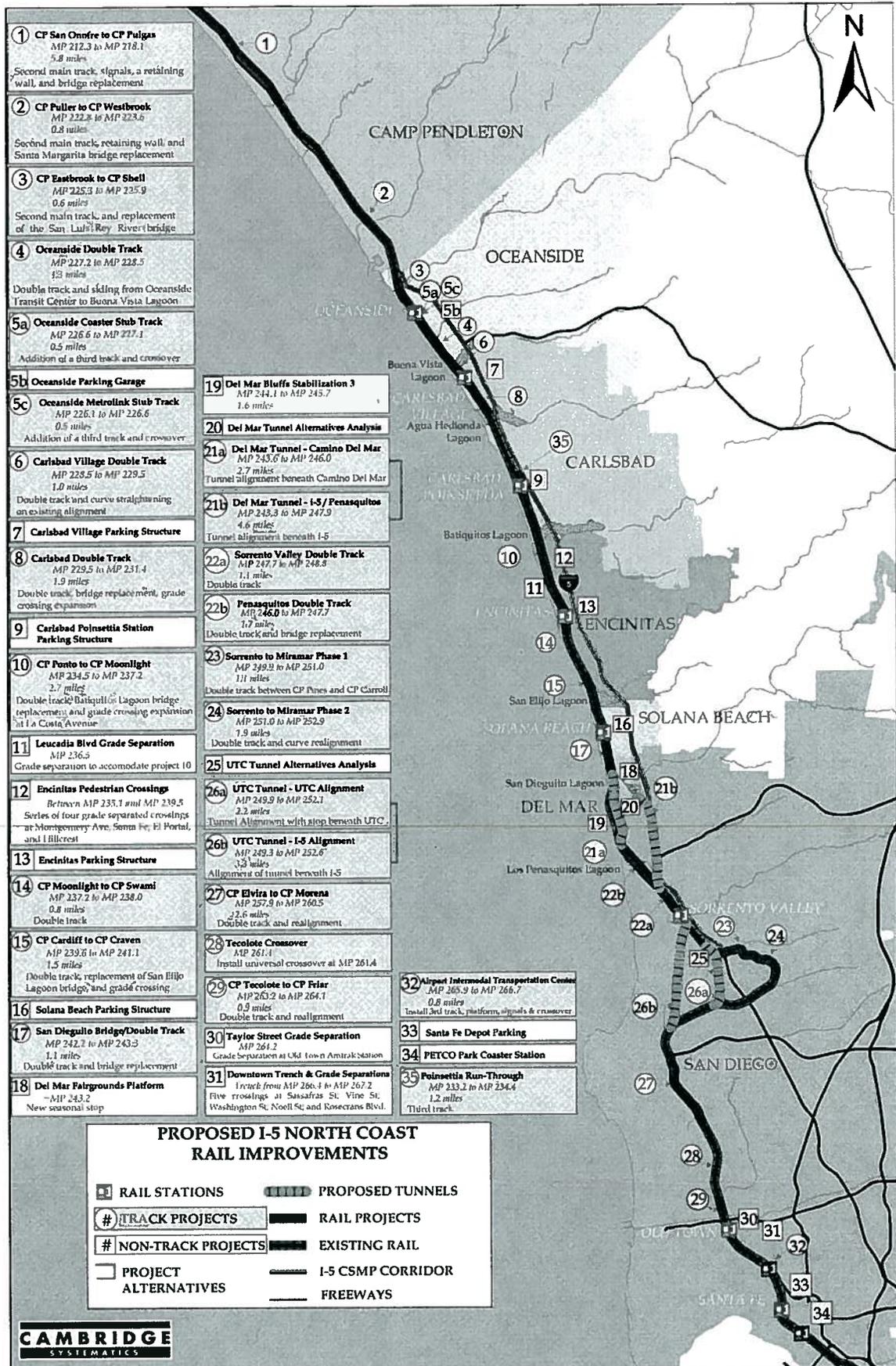
Next Steps

SANDAG will submit completed applications for Track 1, 2, and 3 projects to Caltrans. Caltrans will be the lead agency for ARRA applications from California. For Track 1 and 3 projects, Caltrans intends to review these applications and send them directly to FRA to funding consideration by the August 24, 2009, deadline. Because of the anticipated large number and dollar value of applications for Track 2 funding consideration, Caltrans plans to prioritize all Track 2 submittals statewide and provide a ranked list to FRA. SANDAG, NCTD, and other agencies statewide are currently reviewing the proposed criteria and providing comments to Caltrans.

GARY L. GALLEGOS
Executive Director

Attachments: 1. LOSSAN San Diego Rail Project Map
2. LOSSAN San Diego Corridor Rail Project Priorities and Funding Opportunities
3. ARRA High Speed Intercity Rail Funding Guidelines

Key Staff Contact: Linda Culp, (619) 699-6957, lcu@sandag.org



LOSSAN SAN DIEGO CORRIDOR RAIL PROJECT PRIORITIES AND FUNDING OPPORTUNITIES					
Near-Term Capacity Project Evaluation Ranking	Preliminary Priority	Project (# corresponds to Attachment 1)	Jurisdiction	Total Cost (\$m)	ARRA Funding "Track"
-	Statewide	Positive Train Control <i>Advanced technology to prevent train collisions.</i>	Corridorwide	\$60	1 and 2
1	1	#23 - Sorrento to Miramar Phase I <i>1.1 mile double track south of Sorrento Valley station</i>	San Diego	\$23	Funded
2	1	#28 - Tecolote/Washington St Crossover Program <i>Two crossover tracks at Control Point (CP) Tecolote and Washington Street</i>	San Diego	\$9	1
3	1	#35 - Poinsettia Run-Through <i>1.1 mile third track at Carlsbad Poinsettia station to allow through-train operations</i>	Carlsbad	\$15	2
4	1	#1 - CP San Onofre to CP Pulgas <i>5.8 miles of double track, signals, bridge replacement</i>	Camp Pendleton	\$47	2
5	1	#5c - Oceanside Station Metrolink Stub Track <i>Stub track to hold Metrolink trains at north end of Oceanside Station</i>	Oceanside	\$3	1
6	1	#8 - Carlsbad Double Track (CP Carl to CP Farr) <i>1.9 miles of double track and second bridge over Agua Hedionoda Lagoon</i>	Carlsbad	\$23	2
7	1	#5a - Oceanside Station COASTER Stub Track <i>Stub track to hold COASTER trains at south end of Oceanside Station</i>	Oceanside	\$7	2
8	1	#22a - Sorrento Valley Double Track <i>1.1 miles of double track, bridge replacement north of Sorrento Valley stn</i>	San Diego	\$32	2
-	1	Sorrento Valley Bridge Replacement Program <i>Replace three northerly single track bridges in Los Penasquitos Lagoon</i>	San Diego	\$22	1
-	1	Railroad Crosstie Renewal Program <i>Replace crossties throughout corridor</i>	Corridorwide	\$4	1
-	1	Sorrento - Miramar Track Alignment Improvement <i>Minor track realignment south of Sorrento Valley COASTER station</i>	San Diego	\$2	1
9	2	#6 - Carlsbad Village Double Track <i>1.0 mile double track through Carlsbad Village Station</i>	Carlsbad	\$28	
13	2	#3 - CP East Brook to CP Shell <i>0.6 mile double track and bridge replacement over San Luis Rey River</i>	Oceanside	\$45	
11	2	#15 - CP Cardiff to CP Craven ¹ <i>1.5 miles double track and bridge replacement in San Elijo Lagoon</i>	Encinitas	\$40	2

LOSSAN SAN DIEGO CORRIDOR
RAIL PROJECT PRIORITIES AND FUNDING OPPORTUNITIES

Near-Term Capacity Project Evaluation Ranking	Preliminary Priority	Project (# corresponds to Attachment 1)	Jurisdiction	Total Cost (\$m)	ARRA Funding "Track"
14	2	#27 - CP Elvira to CP Morena <i>2.6 miles double track south of SR 52</i>	San Diego	\$80	
10	3	#24 - Sorrento to Miramar Phase II <i>1.9 miles of double track and curve realignment south of Sorrento Valley stn</i>	San Diego	\$99	
-	3	#12 - Encinitas Pedestrian Crossings ² <i>Four pedestrian grade separations</i>	Encinitas	\$19	2
-	3	#13 - Encinitas Parking	Encinitas	\$18	
-	3	#16 - Solana Beach Parking	Solana Beach	\$25	
-	3	#33 - Santa Fe Depot Parking	San Diego	\$8	
12	4	#17 - San Dieguito Bridge/Double Track ³ <i>1.1 miles of double track and bridge replacement over San Dieguito River</i>	Del Mar	\$88	2
-	4	#18 - Del Mar Fairgrounds Permanent Seasonal Rail Platform ³ <i>Permanent seasonal rail platform at Fairgrounds</i>	Del Mar	\$6	2
15	4	#14 - CP Moonlight to CP Swami <i>0.8 mile double track through Encinitas COASTER station</i>	Encinitas	\$20	
17	4	#10 - CP Ponto to CP Moonlight <i>2.7 miles of double track and bridge replacement across Batiquitos Lagoon</i>	Carlsbad/ Encinitas	\$43	
18	4	#29 - CP Tecolote to CP Friar <i>0.9 mile double track and bridge replacement across San Diego River</i>	San Diego	\$44	
-	4	#5b - Oceanside Parking	Oceanside	\$23	
-	4	#7 - Carlsbad Village Parking	Carlsbad	\$19	
-	4	#9 - Carlsbad Poinsettia Parking	Carlsbad	\$21	
			Total:	\$873	

¹ There is an opportunity to coordinate construction of this project with construction of the I-5 North Coast project in the same lagoon.

² Top-ranked nontrack project.

³ Conceptual design, environmental constraints, and cost estimates recently completed.

- Noncapacity/station improvement projects not ranked on same capacity project scale.

Source: *San Diego – LOSSAN Rail Corridor Project Prioritization Analysis*, Caltrans, July 2009. Table developed by SANDAG.

ARRA HIGH SPEED INTERCITY RAIL FUNDING GUIDELINES				
	TRACK 1 Projects	TRACK 2 Programs	TRACK 3 Plans	TRACK 4 Projects
Description	Projects that are ready to go, with completed environmental documentation and for which funds can be spent within 2 years of award.	Corridor programs – a set of interrelated projects, not all need to be ready to go. FRA will commit to fund entire program through Letter of Intent and obligates funds as soon as individual projects are ready to go.	Planning activities for applicants in earlier stages of process.	Track 1-like projects which are in the State Transportation Improvement Program (STIP) but that need federal matching funds. Process is simplified with longer time frame.
Pre-application	July 10, 2009	July 10, 2009	July 10, 2009	July 10, 2009
Application	August 24, 2009	October 2, 2009	August 24, 2009	August 24, 2009
FRA Obligation	ASAP after selection (no later than 9/30/2010)	No later than 9/30/2011	ASAP after selection	ASAP after selection
Project Completion	Within 2 years of obligation	9/30/2017	Within 2 years of obligation	Within 5 years of obligation
Funds	100%	100%	50/50	50/50
Source: Federal Railroad Administration (FRA), June 2009.				



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San Diego, CA 92101-4231
(619) 699-1900
Fax (619) 699-1905
www.sandag.org

August 3, 2009
Mr. William D. Bronte
Chief, Division of Rail
Caltrans
PO Box 942874, MS #72
Sacramento, CA 94274-0001

File Number 3400600

MEMBER AGENCIES

- Cities of
- Carlsbad
- Chula Vista
- Coronado
- Del Mar
- El Cajon
- Encinitas
- Escondido
- Imperial Beach
- La Mesa
- Lemon Grove
- National City
- Oceanside
- Poway
- San Diego
- San Marcos
- Santee
- Solana Beach
- Vista
- and
- County of San Diego

ADVISORY MEMBERS

- Imperial County
- California Department of Transportation
- Metropolitan Transit System
- North County Transit District
- United States Department of Defense
- San Diego Unified Port District
- San Diego County Water Authority
- Southern California Tribal Chairmen's Association
- Mexico

Dear Mr. Bronte:

SUBJECT: SANDAG Support for Caltrans Division of Rail Grant Application for the American Recovery and Reinvestment Act and High-Speed and Intercity Passenger Rail funds for The Pacific Surfliner Corridor

We are pleased to provide our support for the state's submittal for the American Recovery and Reinvestment Act (ARRA), High-Speed and Intercity Passenger Rail (HSIPR) funds for the Pacific Surfliner Corridor.

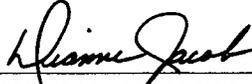
The Surfliner Corridor is the nation's second busiest corridor. More than 60 trains each weekday use the San Diego portion of the corridor, including 22 trips by Amtrak, trips by both Metrolink and COASTER commuter trains, and freight trains operated by Burlington Northern Santa Fe Railway. Even more challenging is the fact that our corridor is 51 percent single track. Project submittals include additional capacity, operational improvements, and projects that will help keep our railroad in a state of good repair.

Improving rail service in the region is important for the economic vitality and quality of life for the residents of Southern California. The projects work together to provide for expanded and improved rail service. Attracting more customers to both intercity and commuter rail through improved performance will offer a key mobility choice for Southern Californians. Rail service enhances mobility and provides viable transportation options, improves air quality and removes cars from adjacent freeways reduces congestion in the Southern California region that per the recent Texas Transportation Institute "Urban Mobility Report" has the worst congestion in the nation.

We look forward to continuing to work together to improve the Pacific Surfliner Corridor. Please feel free to contact Gary Gallegos, SANDAG Executive Director, at (619) 699-1900 if you have any questions.

Sincerely,


HON. JERRY SANDERS
Mayor, City of San Diego


HON. DIANNE JACOB
Chairwoman, County of San Diego

Claude A. Lewis

HON. BUD LEWIS
Mayor, City of Carlsbad

Casey Tanaka

HON. CASEY TANAKA
Mayor, City of Coronado

Mark Lewis

HON. MARK LEWIS
City of El Caion

Lori Holt Pfeiler

HON. LORI HOLT PFEILER
Mayor, City of Escondido

Art Madrid

HON. ART MADRID
Mayor, City of La Mesa

Ron Morrison

HON. RON MORRISON
Mayor, City of National City

Mike Nichols

HON. MIKE NICHOLS
Mayor, City of Solana Beach

Randy Voepel

HON. RANDY VOEPEL
Mayor, City of Santee

Morris B. Vance

HON. MORRIS VANCE
Mayor, City of Vista

Cheryl Cox

HON. CHERYL COX
Mayor, City of Chula Vista

Jim Wood

HON. JIM WOOD
Mayor, City of Oceanside

Maggie Houlihan

HON. MAGGIE HOULIHAN
Mayor, City of Encinitas

Jim Janney

HON. JIM JANNEY
Mayor, City of Imperial Beach

Mary T. Sessom

HON. MARY TERESA SESSOM
Mayor, City of Lemon Grove

Jim Desmond

HON. JIM DESMOND
Mayor, City of San Marcos

Don Higginson

HON. DON HIGGINSON
Mayor, City of Poway

LCU/vpe



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: SEPTEMBER 2, 2009

ORIGINATING DEPT.: FINANCE DEPARTMENT

SUBJECT: RESOLUTION NO. 2009-6802 – SALE OF SURPLUS
PROPERTY AND APPROVAL OF USED EQUIPMENT
DONATION AGREEMENT WITH CAMP SURF

BACKGROUND:

From time to time, Staff determines the need to dispose of obsolete and surplus property. I.B.M.C. Chapter 3.04.050 states:

“The purchasing officer shall have the following powers and duties:

...J. To recommend to the city manager the transfer of surplus or unused supplies and equipment between departments as needed and the sale of all supplies and equipment which cannot be used by any agency or which have become unsuitable for city use;”

City of Imperial Beach Resolution No. 90-3828 authorized the Finance Director to participate in periodic sales of surplus property by the San Diego County Division of Purchasing and Contracting.

DISCUSSION:

At this time, the City of Imperial Beach has accumulated a number of equipment items that are recommended for transfer to a surplus or unused supplies and equipment category. The supplies and equipment listed in Exhibit A of Resolution No. 2009-6802 are recommended for this designation.

The City also received two surplus life guard towers from the Port of San Diego. These towers are being passed to the City to be given to Camp Surf. City Council's authorization is needed to declare these items surplus and to authorize these surplus items to go to the Camp Surf.

FISCAL ANALYSIS:

Salvage Value.

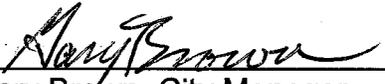
DEPARTMENT RECOMMENDATION:

Staff recommends adoption of Resolution No. 2009-6802 which:

1. declares the items listed in Exhibit A, Equipment Inventory List for County Auction to be surplus and/or unused and hereby directs the Finance Director to dispose of same through the San Diego county Division of Purchasing and contracting or as otherwise authorized by the City Manager;
2. declares two lifeguard towers surplus and to be given to Camp Surf; and
3. authorizes the City Manager or his designee to execute the Used Equipment Donation Agreement with Camp Surf.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2009-6802 with Exhibit A – Equipment Inventory List for County Auction
2. Used Equipment Donation Agreement

RESOLUTION NO. 2009-6802

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE SALE OF CERTAIN SURPLUS CITY EQUIPMENT

WHEREAS, I.B.M.C. Chapter 3.04.050 states: "The purchasing officer shall have the following powers and duties:

...J. To recommend to the city manager the transfer of surplus or unused supplies and equipment between departments as needed and the sale of all supplies and equipment which cannot be used by any agency or which have become unsuitable for city use;" and

WHEREAS, the City Council of the City of Imperial Beach on October 3, 1990, adopted Resolution No. 90-3828 authorizing its Finance Director to participate in periodic sales of surplus property by the San Diego County Division of Purchasing and Contracting; and

WHEREAS, the City Council of the City of Imperial Beach now desire to declare the items of equipment shown on Exhibit "A" attached hereto as surplus or unsuitable for City use.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Imperial Beach that:

1. The above recitals are true and correct.
2. The City Council of the City of Imperial Beach declares the items of equipment shown on Exhibit "A" (attached hereto), surplus and/or unused and hereby directs the Finance Director to dispose of same as follows:
 - Items in Exhibit "A" through the San Diego County Division of Purchasing and Contracting or as otherwise authorized by the City Manager.
3. Two life guard towers are hereby declared surplus and to be given to Camp Surf.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 6th day of August 2008, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

**IMPERIAL BEACH
EQUIPMENT INVENTORY LIST
FOR COUNTY AUCTION**

ITEM	QT Y	DESCRIPTION	PROPERTY TAG #
1.	1	HP LaserJet 4600dn	1324
2.	1	Pallet of misc. office supplies	None
3.	1	Sony Laptop	None
4.	1	Craftsman clamp on meter Model 82014	None
5.	1	Sony Mavica CA350 350558	None
6.	1	Dynamation gas detection meter Model 929A	None
7.	11	Rolling chairs	None

RECEIVED BY _____
PRINT NAME

RECEIVED BY _____
SIGNATURE

DATE _____

USED EQUIPMENT DONATION AGREEMENT

THIS AGREEMENT ("Agreement") is made effective as of the date executed by both parties ("Effective Date"), and is between the City of Imperial Beach ("Transferor"), and Camp Surf, a not-for-profit corporation within the meaning of Section 501(c)(3) of the Internal Revenue Code ("Transferee"), under the following circumstances:

Transferor and Transferee agree as follows:

Section 1. Removal of Equipment; Consideration; Transfer of Title.

1.1 The sole consideration to benefit Transferor as a result of the transactions contemplated by this Agreement shall be the convenience of having Transferee assume liability for the Equipment (which is surplus). No monetary consideration shall be due to Transferor under the terms of this Agreement.

1.2 Transferor hereby transfers, assigns and conveys to Transferee all of Transferor's right, title and interest in and to the Equipment.

Section 2. Disclaimer of Warranties; Limitation of Liability.

2.1 THE EQUIPMENT WILL BE CONVEYED TO TRANSFEEE AS IS AND WHERE IS. TRANSFEROR MAKES NO WARRANTIES, EXPRESS OR IMPLIED, WHETHER OF TITLE, MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE OR USE OR OTHERWISE, ON THE EQUIPMENT.

2.2 UNDER NO CIRCUMSTANCES WILL TRANSFEROR BE LIABLE TO TRANSFEEE OR ANY OTHER PERSON FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES ARISING OUT OF OR RELATED TO THIS AGREEMENT OR THE EQUIPMENT.

Section 3. Entire Agreement; Amendments. This Agreement embodies the entire agreement between Transferor and Transferee with respect to the Equipment and supersedes all prior oral and written, and all contemporaneous oral, agreements, proposals, representations and understandings of the parties concerning the Equipment. This Agreement may not be amended or modified except by a writing signed by both parties.

Section 4. Governing Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of California as applicable to agreements made and wholly performed in California.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

TRANSFEROR:

City of Imperial Beach
A Municipal Corporation

By: _____

Title: City Manager

Date: _____

TRANSFeree:

(Legal name)

(Street address)

(City, state, zip code)

By: _____
(Authorized signatory)

Title: _____

Date: _____



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: SEPTEMBER 2, 2009
ORIGINATING DEPT.: PUBLIC WORKS *HB*
SUBJECT: APPROVAL OF THE FISCAL YEAR 2008-09 ANNUAL REPORT FOR THE JURISDICTIONAL URBAN RUNOFF MANAGEMENT PLAN (JURMP)

BACKGROUND:

On February 6, 2002, the City Council adopted Resolution No. 2002-5563 – Adoption of the City of Imperial Beach Jurisdictional Urban Runoff Management Plan (JURMP). Development of the JURMP was mandated by the State of California through Order No. 2001-01, also known as the San Diego Municipal Storm Water Permit. The JURMP lays out the City's policies regarding urban runoff management and is the primary guidance document for use by City employees. On March 24, 2008, the City Council adopted Resolution No. 2008-6602, rescinding the JURMP developed under Resolution No. 2002-5563, and replaced it with the new JURMP developed under the new San Diego Municipal Storm Water Permit, Board Order R9-2007-0001.

The San Diego Regional Water Quality Control Board (SDRWQCB) oversees compliance with the Municipal Storm Water Permit. Beginning with FY2007-08, the SDRWQCB changed the reporting due date for jurisdictions from January to September. As in previous annual JURMP reports, the City is required to prepare and submit to the SDRWQCB an annual report that summarizes program activities and accomplishments during the previous fiscal year. The annual report is due by September 30th of each year. The annual report is intended to document compliance with Permit mandates, evaluate program effectiveness, and propose changes to the JURMP, including future program planning. The annual report is provided as Attachment 2.

DISCUSSION:

Significant progress was made in attaining compliance with Permit mandates during Fiscal Year 2008-09 (July 1, 2008 through June 30, 2009). The following are a few highlights from the FY2008-09 implementation period:

- Inspected and cleaned 100% of municipal storm drain system and removed 4,130 pounds of sediment, trash, and organic materials through storm drain cleaning.
- Removed an additional 206 tons of material through frequent street sweeping.

- Conditioned 24 discretionary projects requiring developers or contractors to implement minimum best management practices (BMPs) and low impact development (LID) requirements to reduce pollutants and runoff to the maximum extent practicable (MEP). This compares to 48 projects during FY 2007-08 and 51 projects during FY2006-07
- Educated municipal staff, businesses, project applicants, construction site operators, community groups, individual residents, underserved community, and school children about the importance of urban runoff management and pollution prevention. Educational activities included public presentations, distribution of brochures, interaction with individuals, clean up events, and regional education activities.
- Public Works Department and Community Development Department conducted routine inspections of construction sites for compliance with erosion control and site management BMPs.
- Conducted 50 commercial inspections of businesses, including automotive repair shops, restaurants, bars, gas stations, car washes, grocery stores, and mobile home parks. This is 23 more inspections than were conducted last reporting period.
- Completed the Palm Avenue urban runoff diversion system at Seacoast Avenue. The City now operates 2 low-flow urban runoff diverters (Palm and Date Ave.) along the beach front. Both diverters have the capacity to divert up to 250 gallons per minute of urban runoff and first flush rain water.

ENVIRONMENTAL IMPACT:

Not a project as defined by CEQA.

FISCAL IMPACT:

The general fund continued to be the source of the greatest share of program costs although the City has obtained some grant money for structural BMP's and the Sewer Enterprise Fund carries some of the incidental costs through the Storm Drain Maintenance Program and illegal discharge clean-up activities. Total man-hours expended to develop this JURMP Annual report is roughly 1,000 hours. As shown in the annual report, Section 10.0, the total program cost for FY 2008-09 was approximately \$1M when the effort across all City departments is considered.

DEPARTMENT RECOMMENDATION:

1. Open the Public Hearing
2. Receive the Report
3. Receive Public Testimony
4. Close the Public Hearing
5. Direct Annual Report changes as appropriate
6. Adopt Resolution 2009-6803, JURMP Annual Report including corrections, additions or deletions as directed.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2009-6803 - Approval of JURMP Annual Report
2. City of Imperial Beach FY2008-09 JURMP Annual Report

RESOLUTION NO. 2009-6803

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE PUBLIC WORKS DIRECTOR TO SIGN AND FORWARD THE CITY'S JURISDICTIONAL URBAN RUNOFF MANAGEMENT PROGRAM (JURMP) ANNUAL REPORT FOR FISCAL YEAR 2008-09 TO THE REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION

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

WHEREAS, the San Diego Regional Water Quality Control Board (SRWQCB) issued Order R9-2007-0001 establishing the requirement that "Copermittees shall prepare and submit to the SDRWQCB a Jurisdictional Urban Runoff Management Program Annual Report"; and

WHEREAS, the JURMP Annual Report shall contain a comprehensive description of all activities conducted by the Copermittee to meet all the requirements of each component of the JURMP; and

WHEREAS, the City of Imperial Beach has developed a JURMP Annual Report that meets or exceeds the requirements of the Regional Water Quality Control Board, San Diego Region, Order R9-2007-0001;

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. Authorize approval of the City of Imperial Beach FY2008-09 JURMP Annual Report – on file with City Clerk.
3. Authorize the Public Works Director to sign the City's JURMP Annual Report for submittal to the County of San Diego for consolidation with the other Copermittees' Annual Reports and final forwarding to the San Diego Regional Water Quality Control Board.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 2nd of September 2009, by the following roll call vote:

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

JIM JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2009-6803 – A Resolution Authorizing The Public Works Director To Sign And Forward The City's Jurisdictional Urban Runoff Management Program (JURMP) Annual Report For Fiscal Year 2008-09 To The Regional Water Quality Control Board, San Diego Region.

CITY CLERK

DATE

Item No. 5.1

Attachment 2

Available for review in the City Clerk's Office

Or you may use the hyperlink to the left
(Bookmarks Panel)

(note: extremely large file)



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: SEPTEMBER 2, 2009
ORIGINATING DEPT.: PUBLIC WORKS DEPARTMENT
HANK LEVIEN, PUBLIC WORKS DIRECTOR
JIM NAKAGAWA, AICP, CITY PLANNER

SUBJECT: CITY OF IMPERIAL BEACH/PUBLIC WORKS DEPARTMENT:
DESIGN REVIEW (DRC 080009), SITE PLAN REVIEW (SPR
080010), MITIGATED NEGATIVE DECLARATION, AND
CALIFORNIA COASTAL DEVELOPMENT PERMIT (CDP 6-09-
030) FOR THE EXPANSION OF THE PUBLIC WORKS YARD
LOCATED AT 495 10TH STREET IN THE PUBLIC FACILITY (PF)
ZONE. MF 950



PROJECT DESCRIPTION/BACKGROUND:

This is a City-initiated application for Design Review (DRC 080009), Site Plan Review (SPR 080010), and approval of a Mitigated Negative Declaration (MND: SCH# 2009071093) for the expansion of the Public Works yard on a 2.86-acre parcel at 495 10th Street in the Public Facility (PF) Zone. This expansion is proposed due to the expansion of the programs and staff at the

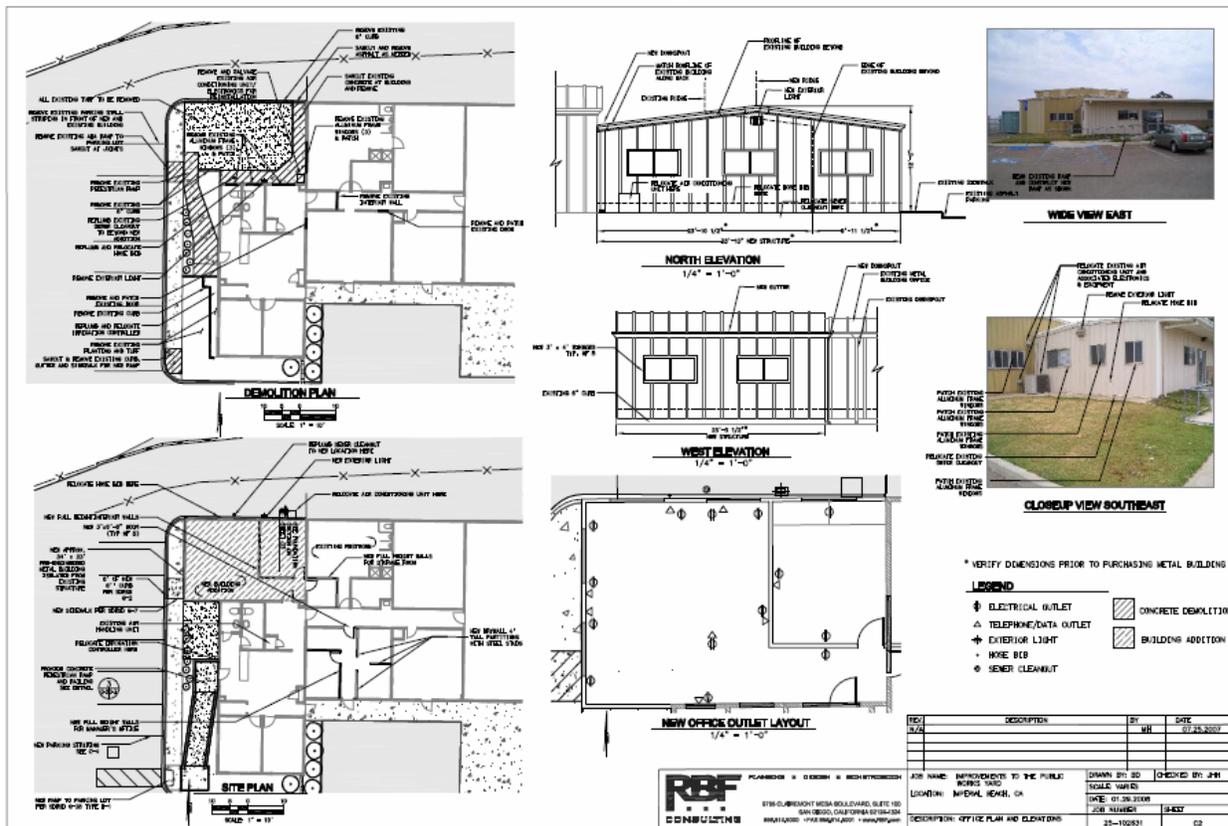
Public Works Department. In addition, the project is proposed to clean up the visual blight of the industrial activity that is occurring on the west side of the existing parking lot. The trash ramp, trash bins and waste storage adjacent to the bikeway are proposed to be relocated to the railroad track area on the south side so that those on the Bayshore Bikeway are not exposed to unpleasant views along the City perimeter.

On September 21, 2005, Public Works Director Hank Levien presented to the City Council the public works yard expansion concept and the City Council authorized the City Manager to enter into an agreement with Hirsch and Company for design services for the project. On April 5, 2006, the City Council approved the canopy, profile/elevation, and chain-link fencing with landscaping concepts for the expansion project.

A complete description of the proposed improvements at the public works yard follows:

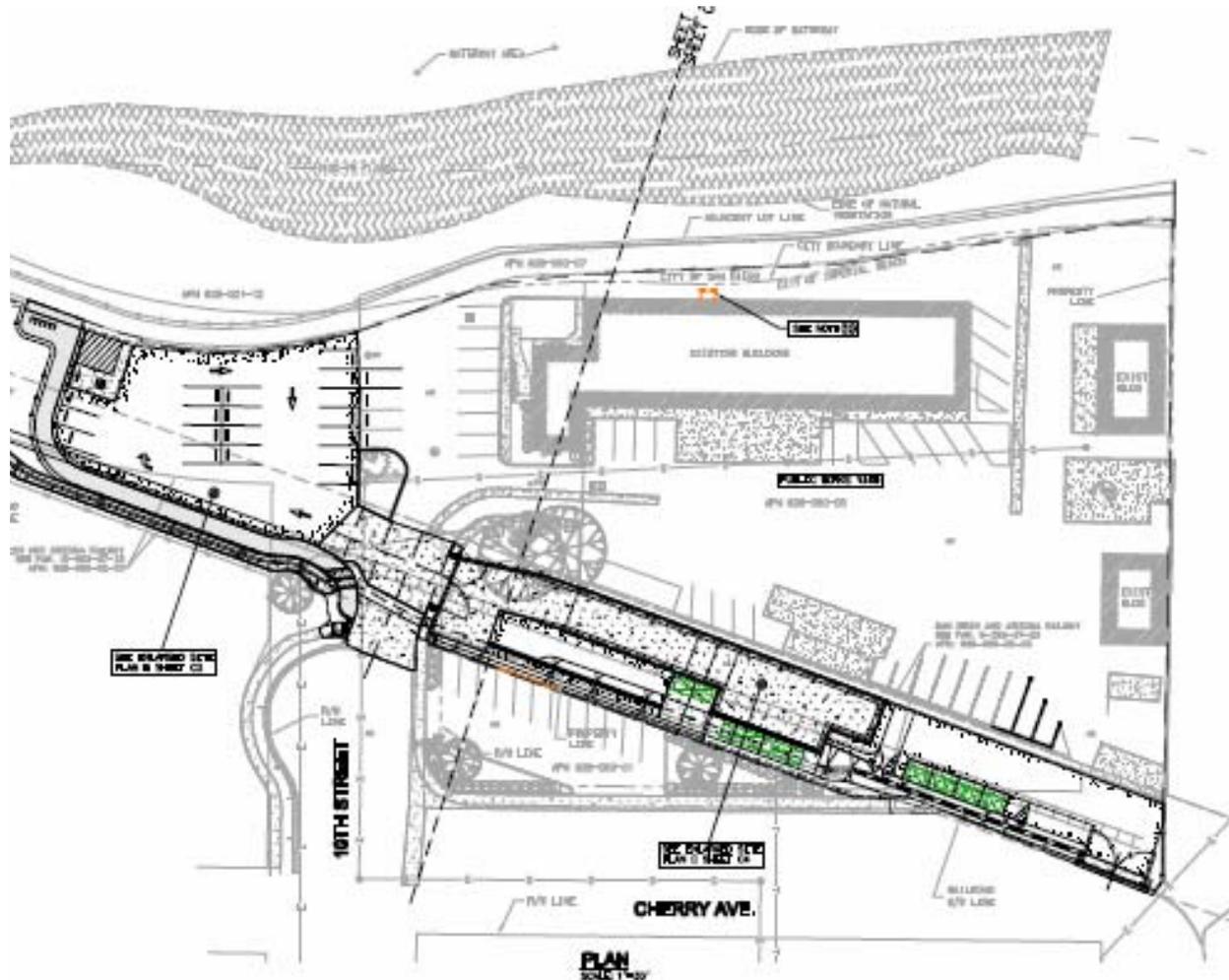
1. **Office Expansion (approximately 800 square feet)**

A pre-engineered metal building will be added on to the existing office space to provide an additional 800 square feet of office space. The office addition will sit on a 4" concrete slab on grade with expansion joints where it meets the existing slab. The addition will match the existing offices with a suspended ceiling, light fixtures, electrical outlets, and new doors to meet existing structures. The windows located in the west wall of the locker room and the north wall of the bathrooms will be removed and the openings drywalled. The building will include 7 computer network boxes, 7 telephone drops, and 7 electrical outlet boxes. The existing air conditioning unit will be relocated from its current location to the north-facing exterior wall of the office addition. The existing ADA parking spot and ramp will be relocated to the opposite side of the main entry door.



2. **Construction of new loading ramp (over existing rail lines)**

A new loading ramp and dock will be constructed between the yard and the street over the existing railroad tracks. The proposed project has designed the dumpster relocation area to include a geosynthetic material or similar material as the base for covering the tracks. Using a geosynthetic material as a cover for the existing tracks will protect the tracks from damage by the dumpster and associated construction activities. The dock will be accessible from ramps on the 10th Street and 11th Street sides. This will allow for dumping yard waste and metal waste into two 40-yard roll-off dumpsters. A covered 40-yard dumpster for furniture and five 6-yard dumpsters will be located on either side of the dock along the ramps. The vegetation in the construction area will be removed. Fill dirt will be imported and used in the construction of the new ramp. The two ramps leading to the dock will be 16.5' wide and 80' long with a 12% grade. A double guardrail with support posts every 8 feet will protect the edge of the ramp. The dock will be 50' long, 30' wide and 8' high, and have a 6" high curb stop along the dumping edge. The front retaining wall and the rear retaining wall will be of concrete masonry that will be constructed next to the existing yard wall. The dumpsters will sit on a 6" concrete slab. 3" asphalt over compacted base will be used for the truck access.



3. **Existing Rails to be Covered**

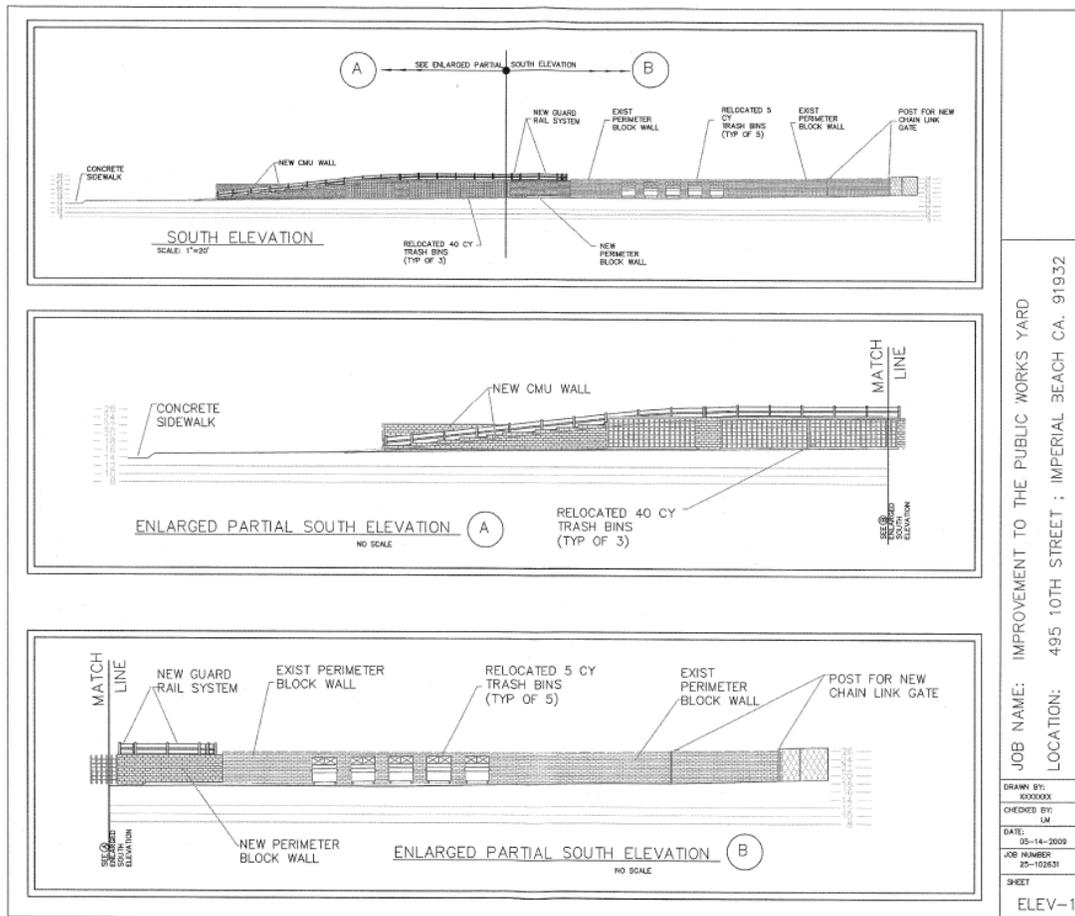
The proposed project has designed the covering of the existing rails to include a geosynthetic material prior to construction as the base for covering the tracks. Using a geosynthetic material as a cover for the existing tracks will protect the tracks from damage by the dumpster and associated construction activities.

4. **Removal of existing ramp**

The existing ramp will be removed and the creosote treated logs will be disposed of in accordance with local landfill procedures for treated wood waste. The ramp is approximately 270 cubic yards of material. The construction waste will be recycled and the remaining soil will be spread across the western yard.

5. **New entry drive**

The existing concrete entrance to the parking lot from 10th Street will be removed and a new curb opening, driveway and parking lot entry area will be built in accordance with the San Diego Regional Standard Drawings. The proposed project has been designed to ensure for every one-foot of railroad track covered from the dumpster relocation, one-foot of railroad track will be either uncovered in another area, or left exposed in areas adjacent to asphalt, such as the parking lot. The entrance will consist of 2,600 sf. of 6" concrete over 8" class 2 base. Asphalt paving will be used to create an at-grade crossing over the railroad tracks. The drainage swale on either side will be replaced to match the existing swales.



6. New parking area

The current parking lot will be expanded. The fence on the west side of the existing parking area will be removed. The new parking area will be covered with 6" of class 2 aggregate base compacted to 95%. The new parking area will add an additional 8,421 sf. and provide sixteen new parking spots, including one ADA parking stall. The ADA parking stall will consist of a 530 square foot concrete pad at the entrance to the proposed avian observation area. The new parking area will be bordered with recycled plastic bollards connected by steel cable to protect the bike path. The recycled plastic bollards will match the existing plastic bollards. Parking stops will be used to indicate parking spaces.

**7. New asphalt bike path and bike parking**

A new 8' wide bike path will be constructed in accordance with the CALTRANS Highway Design Manual. The new bike path will start at 10th street via an access ramp and run along the west edge of the proposed parking lot expansion. It will connect to the existing bike path that runs east and west along the bay. The new bike path will be offset from the parking lot with recycled plastic bollards connected with a steel cable to match the existing bike path. The bikeway will be center striped per the CALTRANS standards. An asphalt bike parking area will be constructed where the two bike paths meet. A 6203 Saris Commercial Duty Park-a-Bike 9 or equivalent bike parking rack will be installed in the bike parking area.

8. New perimeter fencing to enclose the proposed dumpster area

A chain link fence will enclose the new dumpster area. A new 8' high chain link fence with two 15' wide swing gates will be constructed. The fence will consist of 530 linear feet of 9-gauge chain link fabric with schedule 40 posts. The posts will be set in concrete and placed at a distance of 8 feet on center. The fence will be constructed with a bottom and center rail but, without a top rail to discourage climbers. The fence will be installed with full coverage plastic privacy slats.

9. **Plants, shrubs and new irrigation system installed**
 Three areas will be landscaped using hearty salt air resistant plants such as Pygmy Date Palm, Flax Grass, Fountain Grass, Clump Blue Fescue, and Lantana. Bark mulch will be used for ground cover. A new slow drip irrigation system manufactured by Netafim will be installed and will be controlled by a new 24-volt irrigation controller and associated wiring and hardware. A new backflow system will be installed to separate the irrigation from the building water supply.

10. **Oil containment enclosure**
 A 9-gauge chain link fence with 1 5/8" diameter schedule 40 posts with two four-foot sliding gates will be mounted in the existing concrete containment curb and attached to the existing cover at the top of the oil containment area.

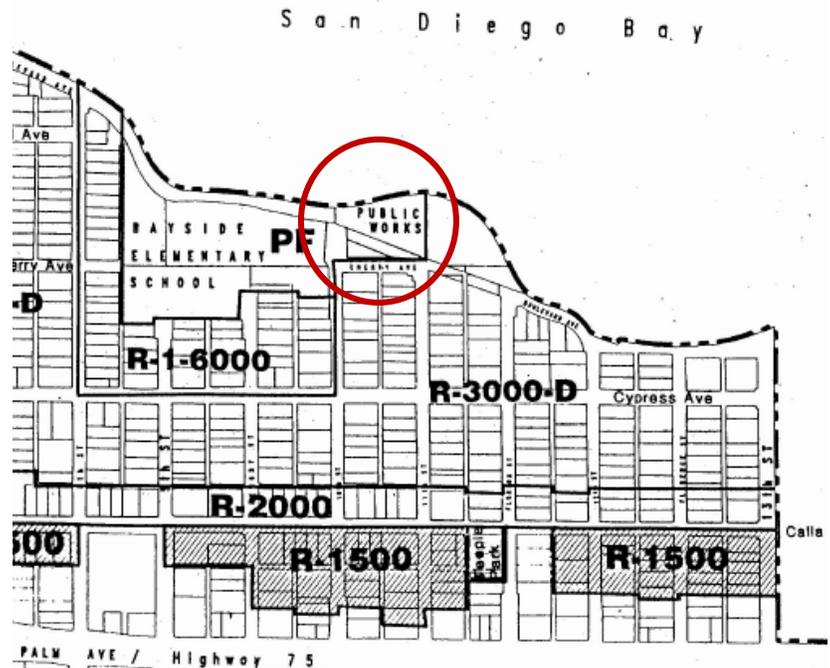
11. **Two new roll-up doors for the maintenance shed**
 The existing garage doors will be replaced with heavy-duty roll-up steel doors. The doors will be 20-gauge large slat with a 24-gauge hood, chain hoist operation, steel bottom angle, and 3-piece guides. The doors will be activated with 3/4 HP 3 phase electric motor.

12. **Existing Rails to be Exposed At-Grade**
 The proposed project has been designed to ensure for every one-foot of railroad track covered from the dumpster relocation, one-foot of railroad track will be either uncovered in another area, or left exposed in areas adjacent to asphalt, such as the parking lot. The placement of an interpretive sign describing the history of the tracks has also been included in the proposed project design. The sign will be placed adjacent to the bike-path, in the area of the tracks to be uncovered as part of the proposed project. The placement of the interpretive sign in this location will provide an additional recreational amenity to bike path users.

PROJECT EVALUATION/DISCUSSION:

The project site is a 2.86 acre lot (which the city acquired from Western Salt Company in 1967) located at 495 10th Street along the southern shore of San Diego Bay and developed as the city's public works yard. The parcel is designated Public Facility (PF).

General Plan/Local Coastal Plan/Zoning Consistency: The proposed development conforms to the PF Zone of the Land Use Element and the Coastal Policies of the General Plan/Local Coastal Plan.



19.24.020. Permitted uses.

The following uses are permitted in the Public Facilities (PF) zone:

- A. Public parks, playgrounds, athletic fields, gardens, tennis courts, swimming pools;
- B. Public school facilities;
- C. Civic center facilities;
- D. Public parking facilities;
- E. Buildings and facilities owned or operated by a governmental or quasi-public agency;
- F. Public and/or municipal recreation facilities;
- G. Public library;
- H. Public riding and hiking trails. (Ord. 2003-997 § 1 (part), 2003; Ord. 2002-983 §§ 19, 20, 2002; Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

19.24.030. Development standards.

Any proposed development or use shall be subject to the site plan review process as designated in Chapter 19.81 of this title. Upon completion of all required application forms, the Planning Commission shall hold a noticed public hearing. The site plan review process shall determine all applicable setbacks, lot coverage, building height, parking, siting, signs and other standards required to assure compatibility with the surrounding lands and uses. A finding must also be made that the application is in conformance with the applicable elements of the City of Imperial Beach General Plan and the Coastal Land Use Plan. (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

Surrounding Zoning and Land Use

North	IH-2-1 (City of San Diego) Industrial Heavy	San Diego Bay
South	R-3000-D	Cal Am Water office; residential
East	R-3000-D	Industrial warehouse
West	PF	Bayside Elementary School

This area of the city was zoned M (Manufacturing) a few decades ago. As was customary during that time when cumulative zoning schemes were prevalent, residential uses were allowed to comingle with commercial and industrial uses. As cities gained greater experience with zoning and recognized that residential uses were impacted by non-residential uses, exclusive zoning schemes (where residential, commercial, and industrial uses were segregated) increasingly became the norm. As cities recognized the impacts due to sprawl, the new urbanist movement began to advocate form-based codes to regulate and accommodate growth. In Imperial Beach, the citizens in 1992 passed Proposition P that down-zoned much of the city, including the subject Bayside Neighborhood, when they recognized that new intensive developments were not being made to be compatible with existing uses and threatened the character of their neighborhoods and the community. The expansion of the public works yard would basically extend onto the railroad



tracks (owned by MTS) along Cherry Avenue (which is also zoned PF) with the relocation of the materials hopper/ramp. This expansion faces residential uses to the south.

Design Review: While this site does not front along a designated Design Corridor, it is situated on the bayfront, a public vantage point. The extension of the materials ramp onto the railroad tracks would necessitate the removal of the existing landscaping facing the southern parking lot along Cherry Avenue. Chain link fencing with vine-like landscaping (such as Bougainvillea) is proposed as visual mitigation along Cherry Avenue. The City has historically discouraged chain-link fencing but it is being proposed for this project as a cost-saving alternative. The US Fish and Wildlife Service will suggest landscaping materials for the area on the west side where the existing loading ramp is to be removed.



ENVIRONMENTAL DETERMINATION: Attached is the Final Mitigated Negative Declaration (MND) along with the Mitigation Monitoring and Reporting Program (MMRP) for the Public Works Yard Expansion Project (MF 950). The draft MND was routed on August 7, 2009 for early review by the City Council. The availability of the draft MND was advertised in the IB Eagle and Times for public review from July 23, 2009 to August 21, 2009. It was also routed through the State Clearinghouse (#2009071093) for state agency review (from July 27, 2009 to August 25, 2009) and distributed to the US Fish and Wildlife Service, the Coastal Commission, the Metropolitan Transit Service (MTS), and Save Our Heritage Organization (SOHO) requesting comments. A comment letter from the California Department of Toxic Substances Control was received on August 17, 2009. Responses to comments are included for the Final MND.

COASTAL JURISDICTION: The project is located in the Original Jurisdiction of the California Coastal Commission, as indicated on the Local Coastal Program Post Certification and Appeal Jurisdiction Map, and, as such, its coastal development permit (CDP 6-09-030) is being processed by the California Coastal Commission under Section 30603(a) of the California Public Resources Code.

FISCAL ANALYSIS:

Revised cost estimate for the construction of this project is \$810,524 (includes 10% contingency) plus \$202,800 for engineering services and environmental documents (RDA Tax Increment – non-housing for Work Order 3790 Job Order 1). Public Works staff is working with the design engineer to lower project costs.

DESIGN REVIEW BOARD RECOMMENDATION:

On July 16, 2009, the Design Review Board voted 4-0-1 to recommend approval of the design of the public works yard expansion project.

DEPARTMENT RECOMMENDATION:

1. Open the public hearing.
2. Receive report and public comments.
3. Close the public hearing; and
4. Adopt Resolution No. 2009-6800, approving the Design Review (DRC 080009) and Site Plan Review (SPR 080010) and the Mitigated Negative Declaration (SCH#2009071093) for the expansion of the Public Works yard (MF 950), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution 2009-6800
 2. Plans
 3. Final Mitigated Negative Declaration including Responses to Comments and Mitigation Monitoring and Reporting Program
- c: file MF 950
Larry Martin, CIP Project Manager, DPW lmartin@cityofib.org
Tim Allison, Metropolitan Transit System, 1255 Imperial Ave #1000, San Diego, CA 92101-7490 tim.allison@sdmts.com
Bruce Coons, Executive Director, Save Our Heritage Organization, 2476 San Diego Ave, San Diego, CA 92110 bruce.coons@SOHOSandiego.org
Christine Rothman, AICP, Community Planning Program Manager: City Planning & Community Investment, City of San Diego, 202 C Street, MS 5A, San Diego, CA 92101 crothman@sandiego.gov
Diana Lilly, Coastal Planner, CA Coastal Commission - San Diego District, 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402 dlilly@coastal.ca.gov

RESOLUTION NO. 2009-6800

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING DESIGN REVIEW (DRC 080009) AND SITE PLAN REVIEW (SPR 080010), AND MITIGATED NEGATIVE DECLARATION (SCH# 2009071093) FOR THE EXPANSION OF THE PUBLIC WORKS YARD AT 495 10TH STREET. MF 950

APPLICANT: CITY OF IMPERIAL BEACH PUBLIC WORKS DEPT

WHEREAS, on September 2, 2009, the City Council of the City of Imperial Beach held a duly advertised public hearing to consider the merits of approving or denying an application for Design Review (DRC 080009), Site Plan Review (SPR 080010), and Mitigated Negative Declaration (SCH# 2009071093) for the expansion of the Public Works yard on a 2.86-acre parcel at 495 10th Street in the Public Facility (PF) Zone. The site is legally described as follows:

All of Block 76 of the South San Diego Company's Addition to South San Diego, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 497, filed in the Office of the County Recorder of San Diego County on October 4, 1887, excepting that portion lying within the right of way of the San Diego and Arizona Railway as said Right of Way was granted to the San Diego and Arizona Railway, according to Book 151, page 377 of Deeds on file in the Office of the County Recorder of the County of San Diego; and,

WHEREAS, on July 16, 2009, the Design Review Board adopted DRB Resolution No. 2009-02 recommending approval of the project design; and

WHEREAS, the City Council finds that the project is consistent with the General Plan and is in substantial compliance with Policy D-8 of the Design Element of the General Plan/Local Coastal Plan, which promotes project design harmonious with adjoining residential uses; and

WHEREAS, this project complies with the requirements of the California Environmental Quality (CEQA) as the draft Mitigated Negative Declaration (MND) was prepared for this project and advertised in the IB Eagle and Times for availability during the public review period from July 23, 2009 to August 21, 2009; routed through the State Clearinghouse (#2009071093) for state agency review from July 27, 2009 to August 25, 2009; distributed to the US Fish and Wildlife Service, the Coastal Commission, the Metropolitan Transit Service (MTS), and Save Our Heritage Organization (SOHO) requesting comments; and

WHEREAS, this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis; that the decision-making body has, pursuant to CEQA Guidelines Section 15074(b), reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; that revisions in the project plans or proposals made by or agreed to by the project applicant, pursuant to CEQA Guidelines Section 15070(b)(1), would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and that, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) there is no substantial evidence that the project as proposed, as conditioned, or as revised, will have a significant effect on the environment; and

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

SITE PLAN REVIEW FINDINGS:

- 1. 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 Public Works Department proposes the relocation of the materials loading area from the west side to the south side of the operations yard so that the public riding along the Bayshore Bikeway are not exposed to views of loading operations. The new ramp area will be screened with a chain-link fence and vine-clinging landscaping. The public works office building will be expanded an additional 800 square feet toward the Bikeway to accommodate public works staff activities. A new bikeway entry and additional public parking is proposed with this project.

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

The subject site is zoned Public Facility (PF) and the proposed public works yard improvements are consistent with the PF designation.

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

The subject site and the property to the west (Bayside Elementary School) is zoned PF. The property to the east is zoned R-3000-D but is developed as an industrial/commercial building. The parcels to the south are zoned R-3000-D and are developed as a water utility yard and 2 residences. The proposed landscaping to the west and south will function as an adequate mitigation buffer. A new bikeway entry and additional public parking is proposed with this project.

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

The Public Works Department proposes the relocation of the materials loading area from the west side to the south side of the operations yard so that the public riding along the Bayshore Bikeway are not exposed to views of loading operations. The new ramp area will be screened with a chain-link fence and vine-clinging landscaping as mitigation.

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

The project represents primarily the relocation of some of the existing operations. The new ramp area will be screened with a chain-link fence and vine-clinging landscaping as mitigation. A new bikeway entry and additional public parking is proposed with this project.

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

A new bikeway entry and additional public parking is proposed with this project. These improvements will actually alleviate any existing parking and access issues.

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

The proposed development conforms to the PF Zone of the Land Use Element and the Coastal Policies of the General Plan/Local Coastal Plan.

19.24.020. Permitted uses.

The following uses are permitted in the Public Facilities (PF) zone:

- A. Public parks, playgrounds, athletic fields, gardens, tennis courts, swimming pools;
- B. Public school facilities;
- C. Civic center facilities;
- D. Public parking facilities;
- E. Buildings and facilities owned or operated by a governmental or quasi-public agency;
- F. Public and/or municipal recreation facilities;
- G. Public library;
- H. Public riding and hiking trails. (Ord. 2003-997 § 1 (part), 2003; Ord. 2002-983 §§ 19, 20, 2002; Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

19.24.030. Development standards.

Any proposed development or use shall be subject to the site plan review process as designated in Chapter 19.81 of this title. Upon completion of all required application forms, the Planning Commission shall hold a noticed public hearing. The site plan review process shall determine all applicable setbacks, lot coverage, building height, parking, siting, signs and other standards required to assure compatibility with the surrounding lands and uses. A finding must also be made that the application is in conformance with the applicable elements of the City of Imperial Beach General Plan and the Coastal Land Use Plan. (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

COASTAL PERMIT FINDINGS:

1. The proposed development conforms to the Certified Local Coastal Plan including Coastal Land Use Policies.

The project is located in the Original Jurisdiction of the California Coastal Commission, as indicated on the Local Coastal Program Post Certification and Appeal Jurisdiction Map, and, as such, its coastal development permit (CDP 6-09-030) is being processed by and any supporting findings will be developed by the California Coastal Commission.

DESIGN REVIEW FINDINGS:**1. The project is consistent with the City's Design Review Guidelines.**

The design of the project and the landscaping improvements are consistent with the City's Design Review Guidelines as per Design Review Compliance checklist attached hereto and findings contained herein. It is found that the noted exceptions do not rise to a level of significance such that the project would not be consistent with the Design Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED, that Design Review (DRC 080009), Site Plan Review (SPR 080010), and Mitigated Negative Declaration (SCH# 2009071093) including the Mitigation Monitoring and Reporting Program (MMRP) for the expansion of the Public Works yard on a 2.86-acre parcel at 495 10th Street in the Public Facility (PF) Zone, is hereby **approved** by the City Council of the City of Imperial Beach subject to the following:

CONDITIONS OF APPROVAL:

1. The site shall be developed in accordance with the approved site plans on file in the Public Works Department, the Community Development Department, and with the conditions herein.
2. Project shall comply with the standard and any special conditions of the Coastal Development Permit (CDP 6-09-030) issued by the **California Coastal Commission**.
3. Approval of this request shall not waive compliance with any portion of the Uniform Building Code and Municipal Code in effect at the time a building permit is issued.
4. Mechanical equipment, including solar collectors and panels or other utility hardware on the roof, ground, or buildings shall be screened from public view with materials harmonious with the building, and shall be located so as not to be visible from any public way. (19.83).
5. Approval of Design Review (DRC 080009), Site Plan Review (SPR 080010), and Mitigated Negative Declaration (SCH# 2009071093) for the expansion of the Public Works yard on a 2.86-acre parcel at 495 10th Street in the Public Facility (PF) Zone is valid for **one year** from the date of final action, to **expire on September 2, 2010**. Conditions of approval must be satisfied, building permits issued, and substantial construction must have commenced prior to September 2, 2010, or a time extension is granted by the City Council prior to expiration.
6. The applicant or applicant's representative shall, pursuant to Section 711.4 of the California Fish and Game Code, pay to the San Diego County Clerk **\$1,993 plus a \$50** County documentary handling fee at the time the Notice of Determination is filed by the City, which is required to be filed with the County Clerk within five working days after project approval becomes final (Public Resources Code Section 21152).
7. **Aesthetics:** Final landscape plans that screen the chain link fence facing Cherry Avenue and vegetation planted on the west portion of the site shall be referred to the US Fish and Wildlife Service and submitted to the Community Development Department for approval.

8. All landscaped areas, including any in the public right-of-way, shall be maintained in a healthy condition, free from weeds, trash, and debris.
9. **Geology and Soils:** Liquefiable soils may be present on the site. The confirmation of their presence (or absence) shall be done through subsurface exploration (e.g., drilling) and laboratory testing.
10. The project has a potential for strong ground motions due to earthquakes. Accordingly, the potential for relatively strong seismic accelerations will need to be considered in the design of proposed improvements.
11. **Hydrology and Water Quality:** Project shall adhere to the Water Quality Technical Report (WQTP) and Hydrology Study prepared by RBF Consultants as conditioned and approved by the City of Imperial Beach including Construction and Permanent Best Management Practices (BMP) and other requirements pursuant to the City's Standard Urban Storm Water Mitigation Plan (SUSMP).
12. The applicant shall include a Best Management Practices (BMP) plan to prevent contamination of storm drains and/or groundwater, in compliance with the Clean Water Act, to the Building Division of the Community Development Department, prior to the issuance of building permits. This plan shall be subject to the review and approval of the Storm Water Program Manager prior to building permit issuance. The BMP include but are not limited to the following:
 - a. Containment of all construction water used in conjunction with the construction activities. Contained construction water is to be properly disposed in accordance with federal, state, and city statutes, regulations and ordinances. Call Hank Levien at (619) 628-1369 for requirements.
 - b. All recyclable construction waste must be properly recycled and not disposed in a landfill.
 - c. Water used on site must be prevented from entering the storm drain conveyance system (i.e. streets, gutters, alley, storm drain ditches and pipes).
 - d. 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.
 - e. All sediment on the construction site must be contained on the site and is not permitted to enter the storm drain conveyance system.
13. Advise the property owner that he/she must institute "Best Management Practices" to prevent contamination of storm drains and/or ground water. These practices 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.
14. Advise the property owner that 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.
 15. Operations shall comply with the requirements of the Department of Toxic Substances Control with regard to the handling of hazardous materials.
 16. Prior to any work being performed in the public right-of-way, a temporary encroachment permit shall be obtained from the Building Division and appropriate fees paid.
 17. For any work to be performed in Cherry Avenue or 10th Street, 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 CALTRANS Traffic Manual.
 18. The applicant shall, during construction, store any roll-off bins on the site. If this is not possible, an Encroachment Permit shall be obtained from the Building Division prior to the issuance of a building permit, to place any roll-off bins in the public right-of-way. The Encroachment Permit will contain the following conditions:
 - A. The roll-off bin shall not contain debris past the rim, and shall be emptied regularly to prevent this.
 - B. The area around the bin shall be kept free and clear of debris.
 - C. The bin shall have reflectors for observation at night.
 19. Prior to commencement of construction, the applicant shall submit plans showing the locations, both on and off site that will be used as staging or storage areas for materials and equipment during the construction phase of the project. The staging/storage plan shall be subject to review and written approval of the Community Development Director.

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 2nd day of September, 2009, by the following roll call vote:

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

James C. Janney

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

APPROVED AS TO FORM:

James P. Lough

JAMES P. LOUGH
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2009-6800 A Resolution of the City of Imperial Beach approving Design Review (DRC 080009), Site Plan Review (SPR 080010), and Mitigated Negative Declaration (SCH# 2009071093) for the expansion of the Public Works yard on a 2.86-acre parcel at 495 10th Street in the Public Facility (PF) Zone.

CITY CLERK

DATE

Item No. 5.2

Attachment 2

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Item No. 5.2

Attachment 3

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**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: SEPTEMBER 2, 2009
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR
JIM NAKAGAWA, AICP, CITY PLANNER

SUBJECT: PUBLIC HEARING; ADOPTION OF THE 2005-2010 IMPERIAL BEACH HOUSING ELEMENT (GPA 04-01) AND ITS NEGATIVE DECLARATION. MF 692

PROJECT DESCRIPTION/BACKGROUND:

The Housing Element is one of the seven mandated elements of the general plan (Government Code Section 65302) and it is to contain analyses, strategies, policies and programs for addressing the following goals: ensuring provision of sufficient housing for all income groups, preserving affordable housing stock, minimizing governmental constraints to providing housing, providing affordable housing opportunities for low- and moderate-income residents, and complying with all applicable laws and regulations relating to housing.

The draft 2005-2010 Housing Element was previously advertised for a 60-day public review period from September 22, 2006 to November 22, 2006 and routed to various agencies pursuant to the California Code of Regulations §13515 (14 CCR 13515) and California Government Code §65352. Comments from the California Department of Housing and Community Development (HCD) were received. A number of revisions to the draft Housing Element by City staff were resubmitted to HCD with the latest revision transmitted to HCD on August 11, 2009. City staff is anticipating the issuance of a letter finding substantial compliance with the Housing Element Law from HCD. After the Housing Element is adopted by the City Council, it must be transmitted to HCD for their final 90-day review (Government Code §65585(h)).

PROJECT EVALUATION/DISCUSSION:

Government Code Section 65583 provides: The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies,



quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, and mobile homes, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The housing element is required to be reviewed and updated every five years.

Providing for affordable housing in the San Diego area has been a monumental challenge due to job growth in the region, high demand for housing, and environmental constraints on available land for additional housing sites. While the housing boom that got started in the earlier part of this decade has now burst, housing prices have historically trended upwards and are expected to increase again when the economy recovers. Options that communities sometimes are faced with include increasing their zoning densities and providing for housing subsidies. The housing element discusses these issues and programs.

General Plan/Local Coastal Plan/Zoning Consistency: Government Code Section 65300.5 provides that general plan elements and policies be internally consistent. The proposed Housing Element, which would be an amendment to the general plan, is internally consistent with the other elements and policies of the General Plan/Local Coastal Plan. Pursuant to Government Code Section 65860, our local ordinances would need to be made externally consistent with the General Plan/Local Coastal Plan as amended with the adoption and certification of the proposed Housing Element. There will be provisions of the Zoning Ordinance that will need to be amended in order to comply with the Housing Element and updated state laws.

Implementation Considerations: Table 63 on page 113 of the Housing Element provides a summary of programs and a time frame for its implementation. These programs identify a number of actions that the City needs to do to comply with State law and to be consistent with the Housing Element. Included among the proposed zoning ordinance amendments are: to allow certain State-licensed group homes in residential zones by right, treat transitional housing as we would other residential uses and allow them in the C-1 Zone by right, revise our second unit ordinance to be in compliance with Government Code Section 65852.2, and possibly amend Zoning Section 19.42.070 that prohibits lot combinations that would provide a greater yield in the R-3000, R-3000-D, R-2000, and R-1500 Zones if it appears that it would hamper lot assemblies in redevelopment efforts. The following table lists some of these programs that either require the City to amend its zoning regulations (after a more extensive evaluation), or the City has been implementing the program through its practices, or no changes are required.

PROGRAM	CITY ACTION OR RESPONSE
<p>Program M: Revise zoning ordinance to allow State licensed group homes, foster homes, residential care facilities, and similar state-licensed facilities, with six or fewer occupants, deemed permitted by right in a residential zoning district, pursuant to state and federal law.</p>	<p>Certain state-licensed facilities such as transitional housing are required to be allowed by right in certain zones. Our Boarding House Ordinance needs to be brought into compliance with state law. Some group homes would need to be treated as a household per ADA.</p>
<p>Program P: Work with farm owners and labor providers to determine the number of farm workers who may be in need of additional housing in the area surrounding Imperial Beach. The resulting report should address: permanent workers, seasonal resident</p>	<p>While Imperial Beach is not expected to have a significant number of farm workers, as one might expect to have in Encinitas or Carlsbad, we probably need to do a study, probably in</p>

<p>workers, and migrant workers, including unaccompanied migrant workers. In addition, should the report demonstrate a need, the City, in conjunction with local developers, will identify potential sites and/or provide or seek financial assistance to prospective developers of the housing for farm labor through the Joe Serna Farmworker Grant Program.</p>	<p>conjunction with the City of San Diego, of the surrounding area to determine the need for such housing.</p>
<p>Program Q: Revise the City's Zoning Code to ensure compliance with employee labor housing act, specifically H&S § 17021.5 and 17021.6</p>	<p>State law requires that employee housing be treated as a single-family dwelling and any permits would have strict time limits for processing. It is intended primarily for agricultural employees. Our Boarding House Ordinance probably needs to be amended to be in compliance.</p>
<p>Program R: Institute Zoning Ordinance amendment in accordance with SB2 requirements stating that transitional housing and supportive housing shall be treated as a proposed residential use and subject only to those restrictions applicable to other residential uses of the same type in the same zone and the same type of structure. The City will designate commercial and high density residential as the appropriate zoning district to accommodate emergency shelters by right.</p> <p>The allowance for Single Room Occupancy (SRO's) shall be encouraged and facilitated through identification of potential locations and through city assistance with grant writing for the development of SRO projects</p>	<p>SB2 allows emergency shelters by right per Government Code Section 65589.5. This was one of the changes to our zoning ordinance that the EDAW study included.</p> <p>The City is already working with participants for the development of SRO projects through its redevelopment program.</p>
<p>Program S: Institute Zoning Ordinance amendment to include manufactured housing as an approved alternative housing type, as per State of California requirements.</p>	<p>The City already allows manufactured housing in its single-family zones.</p>
<p>Program V: Analyze current zoning and permit process provisions and propose new changes during the update to the Zoning Code to further reduce housing costs and average permit processing time. EDAW is currently conducting an analysis that would more clearly identify the criteria under which mixed-use projects that contain residential units in commercial zones could be approved and, thereby, remove an element of uncertainty in its approval process. Upon completion of the study, the City will commit to implementing zoning and permit processing changes as suggested to reduce housing costs and processing times provided that the changes are reasonable. .</p>	<p>Many of our mixed-use projects were delayed as the City did not have standards that specified a minimum amount of commercial space for such projects. The EDAW study suggested minimum frontages for active commercial uses on the ground floor and less restrictive parking standards to reduce development uncertainty for these types of projects. This program commits to implementing these changes provided that these changes are reasonable.</p>
<p>Program W: The City will provide incentives (e.g.-density bonus units, fee underwriting, fee deferral, fast-</p>	<p>The City already provides for these incentives for affordable housing</p>

<p>tracking, etc.) to developers for retaining this stock as well as seek the assistance of other affordable housing developers in the rehabilitation and preservation of these units. In addition, for developers utilizing these incentives, the City will establish affordability covenants to ensure the affordability of the project over time.</p>	<p>projects.</p>
<p>Program X: To facilitate mixed use development on sites included in Appendices E and F, the City will provide relaxed development standards for mixed-use developments (commercial or office uses must be on same site as housing) providing an affordable housing component.</p> <p>Update the City's existing density bonus ordinance to include the provisions of SB 1818 (Chapter 928, Statutes of 2004).</p>	<p>The City already provides relaxed development standards for mixed-use projects.</p> <p>The City's density bonus ordinance was not updated when SB 1818 was adopted in 2004; an update is required.</p>
<p>Program A.a: The City of Imperial Beach will re-examine existing provisions for second units and adopt a new Second Unit Ordinance that satisfies the provisions found under the recently amended Section 65852.2. This new ordinance will determine the zones in which second units are allowed, and the development standards for second units. Monitor the production and affordability of second units on an annual basis.</p>	<p>The State's Second Unit statute has undergone a number of revisions but the City has not kept pace with those changes since 1994. Our zoning ordinance needs to be updated to be consistent with state law.</p>
<p>Program E.e: Allow flexibility, where appropriate and consider aesthetics, safety public input, etc., in infrastructure and development standards and land use and zoning controls in order to encourage affordable residential development.</p>	<p>The City has already applied flexible development standards for affordable housing development.</p>

ENVIRONMENTAL DETERMINATION: A draft Negative Declaration (ND) was prepared and previously advertised for public review from November 6, 2008 to December 6, 2008 in accordance with the California Environmental Quality Act (CEQA) and the draft ND was also routed for state agency review through the Clearinghouse (SCH# 2008091108) from September 22, 2008 to October 21, 2008. No comments were received. The draft ND will be considered for adoption on September 2, 2009 as the final Negative Declaration. The previous 1999-2004 Housing Element was adopted with a Negative Declaration (EIA 99-35).

HOUSING ELEMENT DUE DATES: The 2005-2010 Housing Element constitutes the fourth revision and, for all jurisdictions in San Diego County, were due June 30, 2005. The fifth revision (next cycle) per SB 375 (which established the due date for housing elements at 18 months after adoption of the Regional Transportation Plan) is due on June 30, 2010 and the sixth revision is due around May of 2013. Cleanup SB 575 (being considered for its third reading by the Appropriations Committee) proposes to change the due dates for housing elements in the SANDAG region such that the housing elements for the fifth revision (if the fourth revision has not been adopted by January 1, 2009) would be due December 31, 2012 and every four years thereafter unless the city adopts a substantially compliant housing element by March 31, 2010 and completes any rezoning contained in the housing element for the fourth

revision by June 30, 2010. According to SANDAG, our Housing Element requires no rezoning that would be required to be completed by this date.

COASTAL JURISDICTION: Public Resources Code Section 30500.1. of the California Coastal Act provides that: No local coastal program shall be required to include housing policies and programs. The Housing Element does not need to be certified by the Coastal Commission.

FISCAL ANALYSIS:

The City Council on October 20, 2004 adopted Resolution No. 2004-6056 approving a contract with Laurin and Associates (later Raney Planning and Management) to prepare the 2005 – 2010 Housing Element for \$35,000. This contract has been concluded and the final work has been performed by city staff. The previous 1999 – 2004 Housing Element was prepared by SANDAG under a \$19,100 contract and was adopted on May 2, 2001 (Resolution No. 2001-5417).

DEPARTMENT RECOMMENDATION:

1. Open the public hearing.
2. Receive report and public comments.
3. Close the public hearing; and
4. Adopt Resolution No. 2009-6799 that approves the 2005-2010 Imperial Beach Housing Element and its Negative Declaration.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2009-6799
 2. Final 2005-2010 Housing Element
 3. Final Negative Declaration (SCH# 2008091108)
- c: file MF 692 Housing Element GPA 04-01
Jennifer Seeger, CA Housing & Community Development Department, 1800 Third St,
PO Box 952050, Sacramento, CA 94252-2050 jseeger@hcd.ca.gov
Susan Baldwin, SANDAG, 401 B Street, Suite 800, San Diego, CA 92101
sba@sandag.org
Hugo Mora, San Diego County Dept. of Housing & Community Development, 3989
Ruffin Road, San Diego CA 92123 hugo.mora@sdcounty.ca.gov

RESOLUTION NO. 2009-6799

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING THE GENERAL PLAN/LOCAL COASTAL PROGRAM (GPA 04-01) BY ADOPTING THE 2005-2010 IMPERIAL BEACH HOUSING ELEMENT AND ADOPTING ITS NEGATIVE DECLARATION. MF 692.

WHEREAS, the draft 2005-2010 Housing Element was previously advertised for a 60-day public review period from September 22, 2006 to November 22, 2006 and routed to various agencies pursuant to the California Code of Regulations §13515 (14 CCR 13515) and California Government Code §65352 and comments from the California Department of Housing and Community Development (HCD) were received; and

WHEREAS, on September 20, 2006 and on September 2, 2009, the City Council of the City of Imperial Beach held duly advertised public hearings to consider comments on the 2005-2010 Housing Element; and

WHEREAS, the City Council of the City of Imperial Beach hereby finds that the proposed General Plan Amendment/Local Coastal Plan Amendment (GPA -04-01), pursuant to Government Code Section 65300.5, is internally consistent with the other elements and policies of the General Plan; and

WHEREAS, the City Council of the City Of Imperial Beach hereby finds that the 2005-2010 Housing Element is in substantial compliance with the California Housing Element Law (Government Code Section 65580 et seq); and

WHEREAS, the City Council of the City Of Imperial Beach hereby finds that the 2005-2010 Housing Element, pursuant to Government Code Section 65860, would be externally consistent with the Imperial Beach Zoning Ordinance as the Housing Element programs commit the City of Imperial Beach to amend any zoning provisions in conflict with state law and with the Housing Element; and

WHEREAS, in compliance with Section 15070 of the California Environmental Quality Act (CEQA) Guidelines, a Negative Declaration (ND) was prepared and previously advertised for public review from November 6, 2008 to December 6, 2008 in accordance with the CEQA Guidelines and the draft ND was also routed for state agency review through the Clearinghouse (SCH# 2008091108) from September 22, 2008 to October 21, 2008 and no comments were received; and

WHEREAS, the City Council has considered and heard any and all public testimony regarding the potential environmental impacts associated with this project, and hereby determines that:

- 1) the Final Negative Declaration (SCH # 2008091108) reflects the decision-making body's independent judgment and analysis;
- 2) the decision-making body has, pursuant to CEQA Guidelines Section 15074(b), considered the information contained in the Draft and Final Negative Declarations (SCH # 2008091108) and any written or verbal comments received during the public review period;
- 3) revisions, if any, in the project plans or proposals made by or agreed to by the project applicant, pursuant to CEQA Guidelines Section 15070(b)(1), would avoid the effects or mitigate the effects to a point where no identified significant effects would occur and no mitigation measures would be required;

- 4) Upon review of the ND, the City Council has determined that the submitted Final Negative Declaration, inclusive of the Draft ND and any written comments received during the public review period and any amendments, is hereby certified based on substantial evidence in light of the whole record. This determination is based on the ND information that the proposed project impacts will not cause a significant effect on the environment as proposed, as conditioned, or as revised.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach that the 2005-2010 Imperial Beach Housing Element (Attachment 2) and its Final Negative Declaration (Attachment 3) are hereby adopted.

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 2nd day of September, 2009, by the following roll call vote:

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

James C. Janney
JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

APPROVED AS TO FORM:

James P. Lough

JAMES P. LOUGH
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2009-6799 - A Resolution of the City of Imperial Beach AMENDING THE GENERAL PLAN/LOCAL COASTAL PROGRAM (GPA 04-01) BY ADOPTING THE 2005-2010 IMPERIAL BEACH HOUSING ELEMENT AND ADOPTING ITS NEGATIVE DECLARATION. MF 692.

CITY CLERK _____
DATE

Item No. 5.3

Attachment 2

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Item No. 5.3

Attachment 3

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**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: SEPTEMBER 2, 2009
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, DIRECTOR *GW*

SUBJECT: SEACOAST INN UPDATE

BACKGROUND:

On Wednesday, April 14, 2009, the City Council was given its most recent update on the Seacoast Inn. During that review, the City Council was briefed on the project schedule as well as some of the financing issues related to the project. The City Council was informed that demolition of the existing hotel and construction of the new hotel would be delayed until after the summer season, with an anticipated demolition date of October 15, 2009.

DISCUSSION:

The purpose of this meeting is to provide the City Council with an update on the progress of the project including the status of the building permit plan review, financing issues and project schedule. Pacifica Companies will be present at the meeting to make this update presentation.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

This review is not a project as defined by CEQA.

FISCAL IMPACT:

There is no direct fiscal impact with this review.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council receive the update report and provide comments and/or direction as necessary.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown

Gary Brown, City Manager

Attachments: None



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: SEPTEMBER 2, 2009
ORIGINATING DEPT.: PUBLIC WORKS *HAL*
SUBJECT: RESOLUTION ELECTING EXEMPTION FROM STATE CONGESTION MANAGEMENT PROGRAM (CMP) – CMP “OPT OUT” OPTION

BACKGROUND:

SANDAG, as the Congestion Management Agency, is required by state law to prepare and regularly update a Congestion Management Program (CMP) for the San Diego region. The purposes of the CMP are to monitor the performance of the transportation system, develop programs to address near-term and long-term congestion, and better integrate transportation and land use planning. SANDAG staff evaluated options for future direction of the CMP and discussed these options with city/county staff representatives at multiple Cities/County Transportation Advisory Committee (CTAC) and the Regional Planning Technical Working Group meetings. SANDAG staff evaluated two strategies for future CMP analysis to determine whether the State CMP process can be conducted in a more cost effective manner and whether the efficiencies gained would outweigh the policy considerations. One strategy was to streamline the SANDAG CMP process and the other was to opt out of the State CMP process. See attachment (2).

Assembly Bill (AB) 2419, passed in 1996, allowed congestion management agencies to opt out of the State CMP process. A number of counties throughout the State have opted out of the State CMP requirement. One major reason to consider opting out of the State CMP process is to relieve the local jurisdictions of the requirement to prepare Deficiency Plans for deficient segments. Additionally, as the Congestion Management Agency (CMA), SANDAG is required to report a local jurisdiction's failure to prepare and adopt a sufficient Deficiency Plan within the time allowed by statute, and is obligated to request that the State withhold State gas tax funds from a local agency without an adopted Deficiency Plan. Under the “opt out” option, SANDAG will still comply with federal congestion management provisions. Federal guidelines are not as prescriptive as the State CMP requirements. Federal CMP provisions are more flexible and utilize the RTP as the primary tool to provide solutions for congestion.

At the February 4, 2009 City Council meeting, staff presented a report on the "Future Congestion Management Program (CMP) options." SANDAG had provided the cities in San Diego County and County of San Diego a suggestion that these agencies consider whether to remain in the State Congestion Management Program or to opt out and remain only with the Federal CMP program. At that meeting, staff sought Council's direction on how staff should vote at the subsequent SANDAG Cities/County Transportation Advisory Committee (CTAC) meeting. It was the consensus of the Council that the City of Imperial Beach should "opt out" of the CMP. This information was relayed to SANDAG staff.

DISCUSSION:

At the SANDAG Board of Directors meeting May 8, 2009, the Board of Directors directed SANDAG staff to work with local jurisdictions that elect to opt out of the state CMP. If a majority of the regions local jurisdictions representing a majority of the regions' population do adopt resolutions in support of opting out of the state CMP process by September 2009, SANDAG staff will initiate the "opt out" process. If the majority of the regions local jurisdictions representing a majority of the regions' population do not adopt resolutions of opting out, SANDAG staff will begin data collection efforts for the 2010 CMP update and will provide a status report on required deficiency plans to the Transportation Committee (TC) in fall 2009 under the streamlined CMP approach.

Given that City of Imperial Beach City Council consensus at the February 4, 2009 Council meeting was for the "opt out" option, this staff report is prepared with a resolution affirming the consensus from the February 4, 2009 meeting.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

There is no new cost to the City of Imperial Beach by "opting out" of the State CMP and in fact should save the City substantial costs should a State CMP have ever been required within the City limits. Staff does not have an estimate of the cost of conducting a State CMP.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Adopt the attached resolution electing the "opt out" option of the State CMP

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2009-6804
2. SANDAG Board of Directors Agenda item no. 09-05-3 dated May 8, 2009

RESOLUTION NO. 2009-6804

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, RESOLUTION ELECTING EXEMPTION FROM STATE CONGESTION MANAGEMENT PROGRAM (CMP) – CMP “OPT OUT” OPTION

WHEREAS, California voters passed proposition 111 in June 1990 establishing the requirement that urban counties develop and implement a congestion management program; and

WHEREAS, local jurisdictions were required in 1990 to adopt resolutions designating an agency responsible for the preparation and implementation of a congestion management program for their respective counties; and

WHEREAS, in San Diego County, local jurisdictions elected to designate the San Diego Association of Governments (SANDAG) as the agency responsible for the San Diego County Congestion Management Program (CMP); and

WHEREAS, subsequent to that designation, legislative revisions progressively eroded the strength and effectiveness of the CMP statutes; and

WHEREAS, in 1996, Assembly Bill 2419 was passed and signed by the Governor allowing urbanized counties the option to be exempt from preparation and implementation of a congestion management program; and

WHEREAS, there is a duplication between the CMP and other transportation planning documents; and

WHEREAS, the goals of the CMP may be carried out through other transportation planning documents and through general plans; and

WHEREAS, the SANDAG Transportation Committee (TC) will include elements of the CMP which are relevant and useful in the Regional Transportation Plan (RTP), the Regional Transportation Improvement Program (RTIP), and or the Annual Monitoring Report.

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

1. The above recitals are true and correct.
2. This legislative body elects San Diego County be exempt in accordance with the California Government Code Section 65088.3 from the statutes requiring the development and implementation of a congestion management program as described in California Government Code Section 65088 to 65089.10.
3. The City Manager is directed to forward a copy of this resolution to SANDAG to be counted among the cities within the County of San Diego electing to be exempt from the State Congestion Management Program.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 2nd day of September 2009, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK



**BOARD OF DIRECTORS
MAY 8, 2009**

**AGENDA ITEM NO. 09-05-3
ACTION REQUESTED - APPROVE**

**FUTURE CONGESTION MANAGEMENT PROGRAM
PROCESS**

File Number 3000402

Introduction

SANDAG is required by state law to prepare and regularly update a Congestion Management Program (CMP) for the San Diego region. The purposes of the CMP are to monitor the performance of the transportation system, develop programs to address near-term and long-term congestion, and better integrate transportation and land use planning. SANDAG adopted the 2008 CMP Update in November 2008.

Recommendation

The Transportation Committee recommends that the Board of Directors direct staff to work with local jurisdictions to prepare resolutions electing to opt out of the state Congestion Management Program.

SANDAG staff evaluated two strategies for future CMPs. One strategy is to streamline the state CMP process and the other is to opt out of the state CMP process. Under either option, SANDAG will continue to follow the federal congestion management process through ongoing planning activities.

SANDAG staff presented these initial options to the Transportation Committee at its meetings on September 19, 2008, and November 7, 2008. At the November 7, 2008, meeting, the Transportation Committee directed staff to discuss these options with the public works directors, planning directors, and traffic engineers of the County of San Diego, and the 18 cities who are represented at the Cities/County Transportation Advisory Committee (CTAC), the Regional Planning Technical Working Group (TWG), and the San Diego Traffic Engineers Council (SANTEC), respectively. SANDAG staff discussed these options with CTAC, TWG, and SANTEC at several meetings and most working group members were supportive of pursuing opting out of the state CMP process.

Discussion

2008 CMP Update Highlights

In order to meet state legislative requirements, the CMP provides: (1) ongoing monitoring of the region's transportation system; (2) a program to evaluate and mitigate the traffic impacts of new development projects; (3) a number of congestion management strategies to mitigate congestion; and (4) a mechanism to prepare deficiency plans for roadway segments that do not meet the CMP Level of Service standard (LOS E).

The 2008 CMP Update was adopted in November 2008 and highlighted overall performance improvements for both CMP roadways and transit corridors and deficient CMP segments.

Deficient CMP Segment Analysis and Deficiency Plans

An analysis of CMP-identified roadway deficiencies (segments with LOS F) was conducted to assess the impacts of recommended improvements contained within the 2030 Regional Transportation Plan (RTP) on roadway congestion. Under state law, the local jurisdiction or jurisdictions in which the deficiency occurs are responsible for the preparation of Deficiency Plans. The initial Deficiency Plan requirements are met through the RTP deficiency analysis. For those remaining deficient roadway segments, SANDAG and Caltrans are available to assist local agencies in preparing individual Deficiency Plans. While a local jurisdiction may not currently have a CMP deficient roadway, any future deficiencies of such roadway will require preparation of a Deficiency Plan. Deficient roadway segments requiring Deficiency Plans identified in the 2008 CMP Update are listed in Attachment 1.

Options for Future Direction of the CMP

Staff evaluated two strategies for future CMP analysis to determine whether the state CMP process can be conducted in a more cost effective manner, and whether the efficiencies gained would outweigh the policy considerations. One strategy is to streamline the SANDAG CMP process and the other is to opt out of the state CMP process. A description of these strategies and some of the consequences of each are discussed below.

Streamlined CMP Approach

Staff evaluated incorporating the CMP requirements and monitoring into other SANDAG ongoing planning and monitoring activities, such as the Regional Comprehensive Plan (RCP) Annual Performance Monitoring Report and Intergovernmental Review Program. To continue to follow the state CMP requirements, the Office of General Counsel and staff believe it is not necessary to prepare a stand-alone CMP document in the future.

In order to implement the streamlined approach for the CMP monitoring and reporting process, the RCP Annual Monitoring Report would continue to include CMP deficiency analysis information, but it would be expanded to include the other information that is required to be reported for the CMP such as level of service data, identification of deficient segments, and a status report on Deficiency Plans. The current public review process for the RCP Annual Performance Monitoring Report could serve as the public review process for the CMP as well. This streamlined approach for state mandated CMP monitoring would be fully incorporated into the 2010 RCP Performance Monitoring report.

Benefits of the Streamlined CMP Approach

- Simplifies the CMP reporting process by combining efforts into other planning or monitoring programs.
- Ensures that monitoring of the region's transportation system is conducted on a regular basis (biennially).
- Identifies Deficiency Plans that local jurisdictions must prepare for deficient segments.

Limitations of the Streamlined CMP Approach

- Mandates use of one measure (peak hour LOS) to determine roadway deficiencies.
- Requires that Deficiency Plans be prepared and adopted, but not implemented.
- Local jurisdictions requiring Deficiency Plans must prepare and adopt the Plans within 12 months of the recently adopted CMP or be found noncompliant and potentially risk withholding of funds.

If the region continues to follow the state CMP process, a status report on completed Deficiency Plans will be presented to Transportation Committee in fall 2009. Additionally, allocation of staff resources to conduct CMP deficiency analysis is included in the proposed FY 2010 Budget and Overall Work Program as part of the "Subregional Transportation and Land Use Planning" work element.

CMP Opt Out

Assembly Bill (AB) 2419, passed in 1996, allows congestion management agencies to "opt out" of the state CMP process. Section 65088.3 of the California Government Code states *'this chapter does not apply in a county in which a majority of local governments, collectively comprised of the city councils and the county board of supervisors, which in total also represent a majority of the population in the county, each adopt resolutions electing to be exempt from the congestion management program.'* A number of counties throughout the state have opted out of the state CMP requirement, including all six counties in the Sacramento region, Fresno County, Santa Cruz County, and San Luis Obispo County.

One major reason to consider opting out of the state CMP process is to relieve local jurisdictions of the requirement to prepare Deficiency Plans for deficient segments. Additionally, as the Congestion Management Agency (CMA), SANDAG is required to report a local jurisdiction's failure to prepare and adopt a sufficient Deficiency Plan within the time allowed by statute, and is obligated to request that the state withhold state gas tax funds from a local agency without an adopted Deficiency Plan.

Under the "opt out" option, SANDAG would still comply with federal congestion management provisions. Federal guidelines are not as prescriptive as the state CMP requirements. Federal CMP provisions are more flexible and utilize the RTP as the primary tool to provide solutions for congestion. The RTP includes identification and evaluation of anticipated performance and expected benefits of appropriate congestion management strategies (demand management, operational improvements, transit improvements, Intelligent Transportation Systems [ITS], etc.). If the region chooses to opt out, SANDAG will continue to meet the federal congestion management provisions through existing SANDAG planning and performance monitoring activities, such as the RTP and other multimodal performance monitoring efforts. Additionally, appropriate analysis of multimodal strategies and alternatives for corridors is required when an increase in single occupancy vehicle capacity is proposed.

The pros and cons of opting out of the state CMP requirement are outlined:

Pros of Opting Out

- Duplication in reporting of transportation system performance monitoring and reporting would be eliminated (roadways and transit).
- Local jurisdictions would not be required to prepare and adopt Deficiency Plans or be subject to loss of gas taxes if found noncompliant with state CMP requirements.
- There is no loss of state gas tax funding once the region has opted out of the state CMP.
- Resources allocated to prepare, implement, and enforce the CMP could be used on other planning activities.

Cons of Opting Out

- The process of "opting out" would require a one-time investment of staff time from SANDAG and local jurisdictions.
- Local jurisdictions with CMP-designated arterials would no longer be required to collect specific LOS for these segments although some jurisdictions would continue to collect these data on a regular basis.

Feedback Received on Future CMP Options

SANDAG staff discussed these options with local jurisdictions, which have representation at CTAC, TWG, and SANTEC at several meetings of these working groups over the last few months. Working group members were asked to discuss these options with city managers/county administrators and other key management staff. The majority of representatives from the working groups expressed support for pursuing the option of opting out.

In addition to meeting with working groups, SANDAG staff met with staffs from the City of San Diego, County of San Diego, and Caltrans to discuss future options for the CMP. Caltrans staff does not see any fundamental issues with the "opt out" option and existing Caltrans data collection methods would not be affected. Caltrans staff recommended that the thresholds for CEQA review for new development, specifically large projects, be maintained and incorporated into another SANDAG program or policy, such as the Intergovernmental Review Program or Fair Share Methodology Study. Additionally, the City of San Diego and County of San Diego staffs expressed their support for pursuing the "opt out" option.

SANDAG Office of General Counsel Legal Analysis

The SANDAG Office of General Counsel has confirmed that local agencies will not lose their gas tax allocations if the San Diego region opts out of the state CMP. The CMP process was established as part of the 1989 legislative package (known as the Transportation Blueprint) which, among other things, increased the fuel tax from nine cents to 18 cents, subject to voter approval (Proposition 111 in 1990). The process was intended to ensure that projects funded by new transportation revenues would reduce rather than exacerbate traffic congestion. The state CMP process requires local agencies to identify a specified transportation network and develop projects that are designed to reduce congestion. Failure to follow through on these plans was supposed to

subject a county to a potential loss of the enhanced fuel tax funding attributable to Proposition 111. As of 1996, however, no local agency had ever actually had its funds withheld due to lack of compliance with the state CMP.

In 1996, the California Legislature passed AB 2419 to allow urbanized areas the option to be exempt from preparation and implementation of the state CMP. According to the legislative history of AB 2419, the opt out provision was added because the state CMP requirements had in many instances become an expensive and redundant paper exercise, which had done little to reduce congestion and had never actually subjected a county to a fuel tax revenue penalty. Since persons opposed to AB 2419 claimed that in some counties the state CMP process was having positive effects, the bill was not written to completely remove the state CMP requirements. Instead it was written to give counties the option of exempting themselves on a self-determined basis.

Next Steps

If the Board of Directors approves the Transportation Committee recommendation to opt out of the state CMP process, staff will work with the local jurisdictions to process resolutions electing to be exempt from the CMP with the expectation that local jurisdictions should adopt such resolutions by September 2009. Each local jurisdiction will need to analyze the impacts of opting out on its specific programs and processes. If a majority of the local jurisdictions do not adopt resolutions in support of opting out of the state CMP process, staff will begin data collection efforts for the 2010 CMP update and will provide a status report on required Deficiency Plans to the Transportation Committee in fall 2009 under the streamlined CMP approach.

GARY L. GALLEGOS
Executive Director

Attachment: 1. 2008 CMP Roadway Segments Requiring Deficiency Plans

Key Staff Contact: Heather Werdick, (619) 699-6967, hwe@sandag.org

Funds are budgeted in Work Element #3000402

2008 CMP Roadway Segments Requiring Deficiency Plans

CMP Route	Limits	Affected Local Jurisdiction
Freeways		
Interstate 5	SR 54 to Pacific Highway Ramp	Cities of San Diego and National City
	Mission Bay Drive to Gilman Drive	City of San Diego
Interstate 8	I-5 to El Cajon Boulevard	Cities of San Diego and La Mesa
	SR 125 to Johnson Avenue	Cities of La Mesa and El Cajon
Interstate 15	I-8 to Balboa Avenue	City of San Diego
	SR 163 to Miramar Road	City of San Diego
Interstate 805	Telegraph Canyon Road to SR 54	Cities of Chula Vista and National City, and San Diego County
State Route 52	I-5 to I-805	City of San Diego
State Route 94	I-5 to College Avenue	City of San Diego
State Route 163	Ash Street to Friars Road	City of San Diego
Conventional Highways		
State Route 67	Mapleview Street to SR 78	San Diego County and City of Poway
State Route 75	Toll Plaza to I-5 North	City of Coronado
State Route 76	Melrose Avenue to South Mission Avenue	City of Oceanside and San Diego County
State Route 94	Jamacha Boulevard to Jamacha Road	San Diego County
Arterials		
Miramar Road	Black Mountain Road to I-15	City of San Diego
North Harbor Drive	Laurel Street to Hawthorne Street	City of San Diego



AGENDA ITEM NO. 6.3

**STAFF REPORT
IMPERIAL BEACH REDEVELOPMENT AGENCY**

TO: CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

FROM: GARY BROWN, EXECUTIVE DIRECTOR

MEETING DATE: SEPTEMBER 2, 2009

ORIGINATING DEPT.: PUBLIC WORKS

SUBJECT: ECO BIKEWAY AT PALM AND 7TH TO SEACOAST PROJECT CIP S05-104; CHANGE ORDER NUMBER 4 AND BUDGET AMENDMENT

BACKGROUND:

On July 16, 2009, Imperial Beach Redevelopment Agency adopted resolution No. R-08-156 increasing the Eco Bikeway 7th and Seacoast Project CIP S05-104 to a total budget of \$360,000. The budget was to cover the Bicycle Transportation Plan (BTP) preparation, project construction plans, Environmental Review document and project administration. The BTP, construction design and Environmental Review consultant contract was approved for \$302,054. Earlier feasibility studies with consultants cost an additional \$21,635.

DISCUSSION:

As the project design has progressed, staff has insisted that the project pop-outs along Palm Avenue between 3rd Street and 7th Street be designed to include storm water best management practices (BMPs) that channel the street water runoff into these pop outs both as a measure to decrease irrigation needs and to decrease street pollutant discharge into the adjacent receiving waters. To meet this need, additional design and soils work needs to be performed before the plans can be completed. The consultant, KOA Corporation, has submitted a proposal to include this new work into the project plans and construction drawings. The estimated additional cost for this new work is \$22,325.50. Attachment 3 is the KOA Corporation proposal for the new work.

There has been considerably more project administration time/costs utilized in the project than was anticipated. The project administration costs did not anticipate extensive CEQA document preparation, level of project oversight with the consultant, or extended duration of the time required to bring this project to conclusion – 100% construction drawings/bid ready construction plans and specifications. The project administration cost to date has been approximately \$47,000. It is anticipated that the administration of this project will incur an additional \$11,985.50 which includes continued work with the consultant to bring the project to a conclusion, plus work to prepare grant applications for funding of the project.

ENVIRONMENTAL DETERMINATION:

On April 1, 2009, the City Council certified (Resolution No. 2009-6727) the Final Environmental Impact Report (SCH# 2007101061) for the BTP and Eco-bikeway (MF 934). The Final EIR remains adequate in addressing any environmental impacts associated with this change order to the project

LOCAL COASTAL PLAN AMENDMENT:

On July 9, 2009, the California Coastal Commission certified the City of Imperial Beach LCP Amendment no. 1-09 (ECO BIKEWAY).

FISCAL IMPACT:

Funds currently allocated:

- RDA Bond – non-housing \$142,419
- RDA Tax Increment – non-housing \$217,581
- Total allocation \$360,000

Expenses/Encumbrances to date:

- Contracts with KOA Corporation/ KTU+A, Inc. \$323,689
- Project Administration \$ 47,000
- TOTAL EXPENSES/INCUMBRANCES \$370,689

Additional budget allocation requested:

- Change Order No. 4 \$ 22,325.50
- Current expenses/encumbrances over budget \$ 10,689.00
- Additional Administrative expenses \$ 11,985.50
- Total additional budget allocation \$ 45,000.00

Proposed Fund Allocation:

- RDA Bond – non-housing \$142,419
- RDA Tax Increment – non-housing \$262,581 (see note below)
- Total proposed Fund Allocation \$405,000

NOTE: RDA Tax Increment – non-housing proposed fund allocation includes cost as follows:

- Funds currently allocated \$217,581.00
- Change Order No.4 \$ 22,325.50
- Current expenses/encumbrances over budget \$ 10,689.00
- Additional Administrative Costs \$ 11,985.50
- TOTAL \$262,581.00

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Authorize the City Manager to execute amendment No. 4 to the KOA Corporation for the additional cost of \$22,325.50 (new total contract cost of \$324,379.50).
3. Authorize the total budget for the Eco Bikeway at Palm and 7th to Seacoast CIP S05-104 at \$405,000, a budget increase of \$45,000 from the RDA Tax Increment – Non-housing fund.

EXECUTIVE DIRECTOR'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, Executive Director

Attachments:

- | | |
|---|--|
| 1. Resolution No. R-09-192 Contract | Approval of Change Order to KOA Corporation Consultant |
| 2. Resolution No. R-09-193 Seacoast Project CIP S05-104 | Budget Amendment to Eco Bikeway at Palm and 7 th to |

RESOLUTION NO. R-09-192

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING ECO BIKEWAY AT PALM AND 7TH TO SEACOAST PROJECT CIP S05-104; CHANGE ORDER NUMBER 4

WHEREAS, on July 16, 2009, Imperial Beach Redevelopment Agency adopted resolution no. R-08-156 increasing the Eco Bikeway 7th and Seacoast Project CIP S05-104 to a total budget of \$360,000; and

WHEREAS, the budget was to cover the Bicycle Transportation Plan (BTP) preparation, project construction plans, Environmental Review document and project administration; and

WHEREAS, the BTP, construction design and Environmental Review consultant contract was approved for \$302,047; and

WHEREAS, earlier feasibility studies with consultants cost an additional \$21,635; and

WHEREAS, as the project design has progressed, staff has insisted that the project pop-outs along Palm Avenue between 3rd Street and 7th Street be designed to include storm water best management practices (BMPs) that channel the street water runoff into these pop outs both as a measure to decrease irrigation needs and to decrease street pollutant discharge into the adjacent receiving waters; and

WHEREAS, to meet this need, additional design and soils work needs to be performed before the plans can be completed; and

WHEREAS, the consultant, KOA Corporation, has submitted a proposal to include this new work into the project plans and construction drawings; and

WHEREAS, the estimated additional cost for this new work is \$22,325.50.

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

1. The above recitals are true and correct.
2. This legislative body approves the in work for the project design.
3. This legislative body authorizes the City Manager to approve a change order with KOA Corporation in the amount of \$22,325.50.

PASSED, APPROVED, AND ADOPTED by the Redevelopment Agency of the City of Imperial Beach at its meeting held on the 2nd day of September 2009, by the following roll call vote:

AYES: BOARDMEMBERS:
NOES: BOARDMEMBERS:
ABSENT: BOARDMEMBERS:

JAMES C. JANNEY
CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, CMC
SECRETARY

RESOLUTION NO. R-09-193

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ECO BIKEWAY AT PALM AND 7TH TO SEACOAST PROJECT CIP S05-104; BUDGET AMENDMENT

WHEREAS, on July 16, 2009, Imperial Beach Redevelopment Agency adopted resolution no. R-08-156 increasing the Eco Bikeway 7th and Seacoast Project CIP S05-104 to a total budget of \$360,000; and

WHEREAS, the budget was to cover the Bicycle Transportation Plan (BTP) preparation, project construction plans, Environmental Review document and project administration; and

WHEREAS, the BTP, construction design and Environmental Review consultant contract was approved for \$302,047; and

WHEREAS, earlier feasibility studies with consultants cost an additional \$21,635; and

WHEREAS, as the project design has progressed, staff has insisted that the project pop-outs along Palm Avenue between 3rd Street and 7th Street be designed to include storm water best management practices (BMPs) that channel the street water runoff into these pop outs both as a measure to decrease irrigation needs and to decrease street pollutant discharge into the adjacent receiving waters; and

WHEREAS, to meet this need, additional design and soils work needs to be performed before the plans can be completed; and

WHEREAS, the consultant, KOA Corporation, has submitted a proposal to include this new work into the project plans and construction drawings at a cost of \$22,325.50; and

WHEREAS, the project administration cost to date has been approximately \$47,000; and

WHEREAS, it is anticipated that the administration of this project will incur an additional \$11,985.50 which includes continued work with the consultant to bring the project to a conclusion, plus work to prepare grant applications for funding of the project; and

WHEREAS, it is necessary to amend the Eco Bikeway 7th and Palm project CIP S05-104 to a new total budget authorization of \$405,000, a budget increase of \$45,000 from the RDA Tax Increment – Non-housing fund.

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

1. The above recitals are true and correct.
2. This legislative body authorizes a budget transfer of \$45,000, undesignated RDA Tax Increment – non-housing funds to CIP S05-104 project.
3. This legislative body authorizes a budget amendment for the Eco Bikeway 7th and Seacoast Project CIP S05-104 to a new total budget of \$405,000 - \$142,419 from RDA Bond and \$262,581 from RDA Tax Increment non-housing.

PASSED, APPROVED, AND ADOPTED by the Redevelopment Agency of the City of Imperial Beach at its meeting held on the 2nd day of September 2009, by the following roll call vote:

AYES: BOARDMEMBERS:
NOES: BOARDMEMBERS:
ABSENT: BOARDMEMBERS:

JAMES C. JANNEY
CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, CMC
SECRETARY



Imperial Beach
Redevelopment Agency

AGENDA ITEM NO. 6.4

**STAFF REPORT
IMPERIAL BEACH REDEVELOPMENT AGENCY**

TO: CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

FROM: GARY BROWN, EXECUTIVE DIRECTOR

MEETING DATE: SEPTEMBER 2, 2009

ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
 GREG WADE, DIRECTOR *GW*
 GERARD SELBY, REDEVELOPMENT COORDINATOR *GS*

SUBJECT: PROPOSED DRAFT EXCLUSIVE NEGOTIATION AGREEMENT
 WITH SUDBERRY PROPERTIES, INC.

BACKGROUND

In December 2008, the Imperial Beach Redevelopment Agency ("Agency") authorized staff to negotiate Purchase and Sale Agreements for the North Island Credit Union and Miracle Shopping Center properties ("Site"). The Agency completed the purchase of the North Island Credit Union property in December 2008 and Miracle Shopping Center in February 2009. In February 2009, the Agency issued a Request for Qualifications/Proposals for a Real Estate Development Opportunity for the site and in July 2009, Staff was directed by the Agency to negotiate a draft Exclusive Negotiation Agreement ("ENA") with Sudberry Development Inc. for the Agency's review and approval.

DISCUSSION

Sudberry will present the proposed project to the Agency for your review and discussion, and will provide an update from the outcome of the community meeting held on Wednesday, August 26, 2009. Attached are the site plan, elevations, and cross sections of the proposed development (Attachment 1).

EXCLUSIVE NEGOTIATION AGREEMENT

The intent of the Exclusive Negotiation Agreement ("ENA") is to provide a framework for negotiations, to identify key deal points, and establish a period of time in which to negotiate and enter into a Disposition and Development Agreement ("DDA").

The Agency has offered 180 days for the "Initial Negotiation Period" and a 90 day extension to complete the entitlement process and execute the DDA. The ENA also includes the following specific terms and conditions:

Negotiation Deposit – This section establishes the deposit amount (\$25,000), eligible expenses, and how and when the Agency may choose to use the deposit.

Green Building Considerations – The Agency outlined the type of green technology and building practice it would prefer to be used in the design and development of the project. The Agency would like the developer to explore the possibility of pursuing LEED certifications.

Obligations of Developer/Obligations of Agency – These two sections describe specific tasks in which the Developer and the Agency will make a good faith effort to refine the proposed redevelopment project. Some of the obligations of the Developer and Agency are as follows: solicit input from the community, assist each other with due diligence activities, the Developer will revise as necessary the development plan, and the Agency will negotiate exclusively with Sudberry.

Environmental – This section describes the process of how the Agency is going to determine what type of environmental documentation will be needed, how the Agency will select an environmental consultant, and the method of payment for the services of an environmental consultant.

Disposition and Development Agreement – This section contains elements that will be included as part of any development agreement. Many are standard terms and conditions and will not be subject to negotiation.

Future Agency Participation - The Agency and the Developer will examine and explore opportunities for the Agency to participate in any substantial financial upside.

The execution of an ENA is not a Pre-Commitment by the Agency to approve any subsequent development agreement. The execution of the ENA does not require a public hearing, but the ENA must be approved by the Agency. Attached is a draft of the proposed ENA with Sudberry (Attachment 1).

ENVIRONMENTAL DETERMINATION

After the execution of an Exclusive Negotiation Agreement, the Agency will initiate the process to identify and prepare the appropriate environmental documentation for the project.

FISCAL IMPACTS

There is no direct fiscal impact with the requested action.

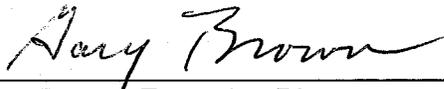
DEPARTMENT RECOMMENDATION

Staff recommends that the Redevelopment Agency:

1. Review and approve the draft ENA with Sudberry Properties, Inc.

EXECUTIVE DIRECTOR RECOMMENDATION

Approve Department recommendation.

A handwritten signature in cursive script that reads "Gary Brown". The signature is written in black ink and is positioned above a horizontal line.

Gary Brown, Executive Director

ATTACHMENTS

Attachments: Attachment 1 – Draft Exclusive Negotiation Agreement
Attachment 2- R-09-191

DRAFT
EXCLUSIVE NEGOTIATION AGREEMENT
By and Between
IMPERIAL BEACH REDEVELOPMENT AGENCY
And
SADBERRY PROPERTIES, INC.

THIS EXCLUSIVE NEGOTIATING AGREEMENT (the "Agreement") is entered into this ____ day of _____ 2009 ("Effective Date"), by and between the IMPERIAL BEACH REDEVELOPMENT AGENCY, a public body, corporate and politic (the "Agency"), and SADBERRY PROPERTIES, INC., a California corporation (the "Developer"), on the terms and provisions set forth below. The Agency and Developer may sometimes be referred to herein individually as "Party" and collectively as "Parties."

IT IS HEREBY MUTUALLY AGREED AS FOLLOWS:

- I. [§ 100] Negotiation
- A. [§ 101] Good Faith Negotiations

The Agency and the Developer agree for the period set forth below in Section 102 to negotiate diligently and in good faith to prepare a Disposition and Development Agreement ("DDA") to be entered into between the Agency and the Developer with respect to that area in the Palm/Commercial Redevelopment Project which is shown on the Site Map attached hereto as Exhibit "A," hereinafter referred to as the "Site." The Site is a block bounded by westerly boundary of the parcel commonly known as the North Island Credit Union and 9th street, State Route 75/Palm Avenue, and a public alley, in the City of Imperial Beach.

The obligation to negotiate in good faith requires the respective Parties to communicate with each other with respect to those issues for which agreement has not been reached, and in such communication to follow reasonable negotiation procedures, including meetings, telephone conversations, and correspondence. The Parties understand that final accord on all issues may not be reached.

The site area is approximately 169,884 square feet ("Site Area"). During the term of this Agreement, the Developer, at its sole expense, shall determine the exact square footage of the Site during the Site's planning activities outlined below. Agency shall provide reasonable cooperative assistance to Developer, as determined in the reasonable discretion of the Agency's Executive Director.

The Agency anticipates that following execution of this Agreement, and through the period of negotiation and preparation of the DDA, the Agency, as well as certain

consultants and attorneys for the Agency, will devote substantial time and effort in reviewing documents, proposals, plans, and meeting with the Developer, each other, and other necessary third parties. The Agency acknowledges that the Developer will also expend substantial time and resources hereunder and the Parties are willing to engage in these activities subject to the terms and conditions set forth in this Agreement.

B. [§ 102] Period of Negotiations

The Negotiation Period (“Negotiation Period”) shall commence upon the date the Agency approves and executes this Agreement (the “Effective Date”) and continue for 180 days (“Initial Negotiation Period”), as that date may be extended as provided for herein. The Parties agree to negotiate in good faith and conduct due diligence activities during the Negotiation Period and any extension thereof. If a DDA has not yet been executed, upon the termination of the Initial Negotiation Period, this Agreement may be extended for 90 days by the written consent of the Developer and the Agency’s Executive Director to enable the Agency to (1) determine whether it desires to enter into such DDA and (2) take the actions necessary to authorize the Agency to sign the DDA if the Agency desires to enter into such DDA.

If the Agency has not signed the DDA by the expiration of the Negotiation Period (as the Negotiation Period may be extended by operation of the preceding paragraph), then this Agreement shall automatically terminate, unless the Agency, in its sole discretion, agrees in writing to an extension.

The duration of the Negotiation Period shall be extended by the duration of any “Event of Force Majeure” that may occur from time to time during the term hereof. The term “Event of Force Majeure” shall mean any and all acts of God, strikes, lock-outs, other industrial disturbances, acts of the public enemy, laws, rules and regulations of governmental entities, wars or warlike action (whether actual, impending, or expected and whether de jure or de facto), insurrections, riots, vandalism, terrorism, epidemics, inclement weather, fire or other casualty, civil disturbances, confiscation or seizure by any government or public authority, lawsuits brought by third parties, governmental or administrative action, inaction or omission, or any other causes, whether the kind herein enumerated or otherwise, that are not reasonably within the control of or caused by the party claiming the right to delay the performance on account of such occurrence; provided, however, in no circumstances shall the monetary inability of a party to perform any covenant, agreement or other obligation contained in this Agreement be construed to be an Event of Force Majeure. Upon either party hereto becoming aware of an Event of Force Majeure, it shall promptly notify the other party hereof of such occurrence.

C. [§ 103] Negotiation Deposit

Developer shall tender to Agency no later than fifteen (15) days after the Effective Date, and Agency shall accept, a deposit ("Negotiation Deposit") in the amount of Twenty-Five Thousand Dollars (\$25,000), in the form of a cashier or certified check, or wire transfer, payable to the Agency. Developer agrees that Agency may use the Negotiation Deposit to reimburse itself for its Third Party Negotiation Costs after the date of this Agreement for costs such as, but not limited to: outside attorneys' fees, appraisers, title reports and other third party costs as needed to complete negotiations.

The Agency shall submit to Developer invoices detailing the Agency Third Party Development Costs. The Agency shall be free to withdraw funds from the Negotiation Deposit, as needed, provided that it has submitted such invoices to the Developer and those invoices are solely for Agency Third Party Negotiation Costs. The Agency shall submit to the Developer prospective costs in excess of the Negotiation Deposit for approval by the Developer. If the Developer does not approve such expenditures work shall cease related to this ENA. The Negotiation Deposit, less the Third Party Negotiation Costs, shall be refundable to Developer in the event this Agreement is terminated prior to the execution of a DDA. In the event a DDA is fully executed and approved by all requisite action, the balance of the Negotiation Deposit, if any, shall be either returned to Developer or applied as a credit against amounts, if any, to be paid by Developer to Agency pursuant to the DDA. Should the Third Party Negotiation Costs exceed the amount of the Negotiation Deposit, Agency shall submit to Developer a reimbursement notice along with written evidence of such additional Third Party Negotiation Costs. Within fifteen (15) days of the receipt of a reimbursement notice and evidence of additional Third Party Negotiation Costs, Developer shall reimburse Agency for such Third Party Negotiation Costs.

D. [§ 104] Agency's Remedies for Breach

In the event that the Developer fails to perform any obligation herein, or in the event that the Agency reasonably believes that the Developer is not negotiating diligently and in good faith, the Agency shall provide written notice of such breach to the Developer. Developer then shall have ten (10) days, after receipt of such written notice, within which to remedy such breach unless additional time is needed to remedy the breach, in which event Developer shall commence the cure of the breach within the ten (10) day period and thereafter diligently pursue the cure to completion.

If the Developer fails to remedy such breach in a timely and reasonable manner within the above period, the Developer and the Agency agree that the Agency's sole and exclusive remedy for a Developer breach shall be to deduct Third Party Negotiation Costs incurred as of the date of the breach from the Negotiation Deposit and all remaining amounts of the Negotiation Deposit shall be refunded to Developer. Should the Third Party Negotiation Costs exceed the Negotiation Deposit, the Agency shall be entitled to receive from Developer and Developer shall pay Third Party Negotiation Costs up to the maximum amount of Fifty Thousand dollars (\$50,000) within thirty (30)

days of the Agency’s submission of evidence of such Third Party Negotiation Costs in excess of the Negotiation Deposit. By initialing this provision in the spaces below, Agency and Developer each specifically affirm their respective agreement contained in this Section 104.

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II. [§ 200] Proposed Development

A. [§ 201] Development Concept

The proposed development to be negotiated hereunder (the “Development”) shall consist of a commercial Development with ground level parking. In general the Development shall provide for:

- Approximately 45,300 square feet of single-story leaseable retail; and
- Approximately 271 parking spaces.
- On- and off-site improvements, to include but not be limited to sidewalks, curbs, and gutters, street lights, land and hardscape, benches, and bike racks.
- A shopping center having a drug store, grocery and restaurant

B. [§ 202] Green Building Considerations

The Developer shall use commercially reasonable efforts to employ Green Building strategies in the Development such as:

- Thermally efficient roofs, walls and windows that reduce heating loads and enhance thermal comfort.
- Building shape and orientation, thermal mass and daylighting strategies that reduce cooling loads.
- Efficient HVAC systems and electrical lighting that capitalize on daylighting strategies.
- Water efficient supply and waste fixtures.
- Adaptable interior designs, providing visual access to the outdoors and access to daylight.
- Interior finishes and installation methods having lower VOC emissions.
- Landscaping strategies that require little or no irrigation permit groundwater replenishment and provide on-site storm water management, and/or

- Pursue LEED certification.

III. [§ 300] Obligations

A. [§ 301] Obligations of Developer

During the Negotiation Period, the Developer shall use its good faith efforts to:

1. Provide a design concept mutually agreeable to the Developer and the Agency;
2. Submit, and revise as necessary, a refined Development Plan clearly showing building footprints, elevations, design theme, preliminary landscaping, signage and lighting, parking aisles, spaces and medians, vehicular and pedestrian access ways and exits, and other factors fully descriptive of the Development, all to scale;
3. Prepare and begin processing the environmental studies and land use entitlement applications necessary for the Development;
4. Provide detailed development costs, development pro-formas, a market study and other documents necessary for Agency review;
5. Deliver and submit to the Agency sufficient evidence that the Developer has the required equity and/or loan commitments, and letters of interest to complete the Development, provided however, that the Agency understands and acknowledges the proprietary nature of the information contained in the Developer's financial statements and agrees, to the extent permitted by law (including but not limited to the Public Records Act (Government Code Section 6250 et. seq.)), not to disclose said information contained therein to any person or entity other than representatives of the Agency or their consultants;
6. Identify funding responsibilities and sources for the Development;
7. Make reasonable oral and written progress reports, and submit to the Agency reports and analyses, advising the Agency on all matters related to the Development, including financial feasibility analyses, construction cost estimates, marketing studies and similar due diligence matters; and
8. Disclose to the Agency the names of other developers, primary employee contacts, consultants, or representatives anticipated to be directly involved in the Development.
9. Make best efforts to solicit input from the community regarding the project.

10. Make best efforts to have a grocery, drug store, and restaurant in the development.

B. [§ 302] Obligations of Agency

During the Negotiation Period, Agency shall use its good faith efforts to:

1. Negotiate exclusively through its staff, and contract exclusively, with Developer in connection with the redevelopment of the Site;
2. Review the Development plans and determine consistency with the General Plan, zoning and other relevant land use regulations on the proposed Site;
3. Provide the Developer with documents in Agency's possession that would assist the Developer with the due diligence activities described in this Agreement;
4. Review Developer's proposal and determine what amount, if any, of the requested Agency financial assistance and other assistance the Agency will be able to contribute to the Development;
5. Assist in the identification of existing deficiencies in the public infrastructure in the vicinity of the Site Area, the actual fiscal impacts of the Development on municipal services, and the financial and other assistance the Agency will provide to address the same;
6. Meet with and work with businesses within the Site in the Development pursuant to the Agency's Rules Governing Participation and Preferences by Property Owners and Business Occupants in the Commercial/Palm Redevelopment Project;
7. Identify the necessary steps that will be undertaken to process and cause the Site to accommodate the Development;
8. Respond on a timely basis to all submittals by the Developer made pursuant to Section 301 of this Agreement;
9. Work with Developer to establish a reasonable time schedule, within the Negotiating Period, for negotiation of a DDA and the completion of all necessary approvals and permits to implement the Development;
10. Provide reasonable cooperative assistance to the Developer in preparation for and during any presentation before regulatory or advisory panels in connection with any applications for land use permits, design review, or General Plan and/or Zoning Ordinance amendments, which may be required. Such cooperation by the Agency staff shall not in any way pre-commit the Agency to any decision or course of action relative to the proposed Development;

IV. [§ 400] Environmental

A. [§ 401] The Parties acknowledge that the Agency has not prepared an initial study to determine the environmental document that may be necessary under the California Environmental Quality Act ("CEQA") for the Development or the DDA.

B. [§ 402] The Agency shall prepare and distribute the invitation of consulting firms to submit their qualifications to prepare any necessary CEQA documents, which invitation shall be mutually agreed upon by the Agency and the Developer. The Agency shall select a consultant ("Environmental Consultant") who shall prepare any necessary CEQA documents ("Environmental Document") for the project. Any reference herein to an Environmental Document shall include any CEQA documents such as a negative declaration, mitigated negative declaration, or environmental impact report, if appropriate. Final selection of the Environmental Consultant shall be in the Agency's sole discretion. The Agency shall enter into an agreement for the preparation of any necessary environmental document with the Environmental Consultant.

C. [§ 403] The Developer shall be solely responsible for all of the Environmental Consultant's fees and all costs associated therewith. The Developer shall pay an Environmental Deposit to the Agency prior to the start of any work by the Environmental Consultants on the environmental analyses. The amount of the Environmental Deposit shall be decided by the Agency based upon contractual estimates submitted by the Environmental Consultant.

D. [§ 404] The Developer shall have the right to review the progress of the Environmental Consultant with respect to the preparation of the Environmental Document as more particularly described below. Upon completion of each stage of preparation of the Environmental Document, including the preparation of working papers, a proposed outline, first draft, and any revised drafts of the Environmental Document, the Environmental Consultant shall deliver a copy of each such work produced to the Developer. The Developer shall have the right to review each such work produced and provide feedback and input to the Environmental Consultant. Notwithstanding the foregoing, nothing herein shall relieve the Agency of the obligation to exercise its independent judgment in the preparation and adoption of the Environmental Document.

E. [§ 405] The Developer shall assist in processing all documents necessary to satisfy requirements of CEQA and the preparation of any Environmental Document and related studies and analyses.

V. [§ 500] Disposition and Development Agreement

A. [§ 501] The Parties acknowledge and agree that during the Negotiation Period, as such period may be extended pursuant to Section 102 above, the Parties shall use their respective good faith efforts to negotiate and enter into a DDA which shall include, but not be limited to, the following:

1. The design of the Development by the Developer, which design shall include site design, landscape, public space, architecture, circulation, and environmental mitigation of the Development and be subject to approval by the Agency;
2. The construction of the Development by the Developer in accordance with final plans and specifications to be provided by the Developer and approved by the Agency pursuant to a detailed schedule of performance by the Developer;
3. The maintenance of landscaping, buildings, and improvements in good condition and satisfactory state of repair;
4. The requirement that the Developer comply with all equal opportunity standards established by Federal, State, and local law;
5. The right of the Agency to inspect the Development from time to time to assure compliance with these provisions;
6. The financing and equity to be provided by Developer for the Development;
7. A schedule of performance for the relocation of persons and entities within the Site;
8. A schedule of performance for the remediation and demolition of the structures on the Site;
9. A schedule of performance for the Development of the Site;
10. A description of the tentative tenant mix that shall include the categories of tenants such as restaurants, neighborhood services, grocers, drugstores, etc;
11. The Developer's agreement and obligation to allow for and accommodate, to the maximum extent possible, the future implementation of the Palm Avenue Commercial Corridor Master Plan adjacent to the development;
12. The Agency and the Developer will examine and explore the opportunity for future Agency's participation.

VI. [§ 600] Additional Agency Assistance

There will be not any further financial assistance, to be provided by the Agency under the DDA

VII [§ 700] Need For DDA

The Parties acknowledge and agree that this Agreement is for the sole purpose of stating the intention of the Parties to negotiate and enter into a DDA. The Parties have not reached agreement on the matters described herein, and do not intend to be bound until a final written DDA is executed by both Parties. In the event both Parties do not execute the final, written DDA within the time provided in Section 102, this Agreement shall automatically terminate, and be of no further force or effect, unless the Agency, in its sole discretion, agrees in writing to an extension.

VIII. [§ 800] Retention of Discretion to Approve the Development

The Parties understand that the Agency is reserving the right to exercise its discretion as to all matters which it is, by law, entitled or required to exercise its discretion, including, but not limited to, the approval of a DDA, the approval of a final development and the approval of any and all plans, permits or any other acts or activities requiring the subsequent independent exercise of discretion by the City of Imperial Beach, the Agency, or any agency or department thereof.

IV. [§ 901] Approval of the Final Development as Contained in the DDA

The Parties understand that the Agency has the complete and unfettered discretion to reject the DDA. The loss of portions or all of the Negotiation Deposit expended consistent with the requirements of Section 103 hereof and all costs and expenses incurred by the Developer shall be absorbed entirely by the Developer.

X. [§ 1000] Review and Approval of all Discretionary Actions

Any DDA that may be negotiated is subject to approval at a public hearing by the Agency. The decision of the Agency regarding the DDA shall be conditioned upon the successful review and approval of all necessary findings and conclusions which the Agency Board is required to make by law, including all necessary findings and determinations required under CEQA, state and local land use provisions, and the California Community Redevelopment Law. As to those matters neither anything herein, nor to be contained in the DDA shall obligate the Agency to exercise its discretion in any particular manner, and any exercise of discretion required by law, other than abuse of discretion, shall not be deemed to constitute a breach of Agency duties under this Agreement.

XI. [§ 1100] No Pre-Commitment by the City or Agency

By its execution of this Agreement, the City of Imperial Beach and Agency are neither committing themselves, or agreeing to undertake any activity requiring the subsequent exercise of discretion by the City or Agency or any department thereof, including, but not limited to, the approval and execution of a DDA; or approval of any land use regulation governing the Site; the provision of financial assistance for the development of any public or private interest in real property; the authorization or obligation to use the City's or Agency's eminent domain authority; or any other such activity.

This Agreement does not constitute a disposition of property or exercise of control over property by the City or Agency and does not require a public hearing. The Agency execution of this Agreement is merely an agreement to enter into a period of exclusive negotiations according to the terms hereof, reserving final discretion and approval by the City and Agency as to any proposed DDA and all proceedings and decisions in connection therewith.

XII. [§ 1200] Assignment

The Developer, without prior written approval of the Agency, shall not assign this Agreement. The Agency agrees that, notwithstanding the foregoing, the Developer may assign without the Agency's prior written approval, but with thirty (30) days prior written notice to the Agency, its rights under this Agreement to a limited liability company, corporation, trust, or partnership of which the Developer owns the majority beneficial interest and has operational control.

XIII. [§ 1300] Real Estate Commissions

The Agency has not engaged a broker, agent, or finder in connection with this transaction. As such, the Agency will not be responsible for any claims by a broker, agent or finder, and the Developer agrees to defend, indemnify, and protect and hold the Agency harmless from any and all claims, including all defense costs and attorney's fees, by any broker, agent, or finder retained by the Developer.

XIV. [§ 1400] General Provisions

A. [§ 1401] Applicable Law

The laws of the State of California shall govern the interpretation and enforcement of this Agreement.

B. [§ 1402] Acceptance of Service of Process

In the event that any legal action is commenced by the Developer against the Agency, service of process on the Agency shall be made by personal service upon the Executive Director of the Agency, or in such other manner as may be provided by law.

In the event that any legal action is commenced by the Agency against the Developer, service of process on the Developer shall be made by personal service upon the Developer or in such other manner as may be provided by law, and shall be valid whether made within or without the State of California.

C. [§ 1403] Rights and Remedies are Cumulative

Except as otherwise expressly stated in this Agreement, the rights and remedies of the Parties are cumulative, and the exercise by either Party of one or more of its rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other Party.

D. [§ 1404] Specific Performance as Developer's Exclusive Remedy

Subject to the Developer's right to terminate this Agreement in accordance with the terms of Section 1405 below, Developer's exclusive remedy for an uncured Agency default under this Agreement is to institute an action for specific performance of the terms of this Agreement, including the return of the remaining balance of the Negotiation Deposit after subtracting any unpaid Agency Third Party Development Costs, and in no event shall the Developer have the right, and the Developer expressly waives the right, to seek monetary damages of any kind (including but not limited to actual damages, economic damages, consequential damages, or lost profits) from the Agency in the event of a default by the Agency under this Agreement or any action related to this Agreement.

E. [§ 1405] Termination Rights

(a) Notwithstanding the Negotiation Period hereinabove set forth, either Party may terminate this Agreement if the other Party has materially defaulted in its obligations herein set forth, and the terminating party has provided the defaulting party with written notification of such determination, and the defaulting party has refused to cure the same. The written notification shall set forth the nature of the actions required to cure such default if curable. The defaulting party shall have thirty (30) days from the date of the written notification to cure such default. If such default is not cured within the thirty (30) days, the termination shall be deemed effective. Each Party shall also have the right to terminate this Agreement in the event that the Parties reach an impasse in their negotiation of the DDA. The Developer shall also have the right to terminate this Agreement at any time if the Developer determines, in its sole discretion, that the Development is not feasible. The Agency shall have the right to terminate this Agreement at any time if the Agency determines, in its sole discretion, that the Development is not feasible.

F. [§ 1406] Indemnity

Developer shall indemnify, protect, defend and hold harmless the City and Agency, and their officials, officers, employees, representatives, members, and agents

(collectively, "Indemnified Parties") from and against any and all challenges to this Agreement, and any and all losses, liabilities, damages, claims or costs (including attorneys' fees) arising from the negligent acts, errors, or omissions and willful misconduct with respect to the obligations of the Developer, its officers, employees, representatives, member and agents hereunder or the Site, excluding any such losses arising from the active negligence or willful misconduct of the Agency, the City or any of the Indemnified Parties. This indemnity obligation in connection with events occurring prior to the termination of this Agreement shall survive the termination of this Agreement. Such indemnity shall not apply to any acts, errors, or omissions of the Agency, the City, or their respective officers, employees, contractors or agents.

G. [§ 1407] Notices, Demands and Communications Between the Parties

Formal notices, demands, and communications between Agency and Developer shall be given either by (i) personal service, (ii) delivery by reputable document delivery service such as Federal Express that provides a receipt showing date and time of delivery, (iii) facsimile with a hard copy sent by United States mail; or (iv) by mailing in the United States mail, certified mail, postage prepaid, return receipt requested, addressed to:

To Agency: Imperial Beach Redevelopment Agency
825 Imperial Beach Blvd
Imperial Beach CA 91932
Attn: Gary Brown, Executive Director
Phone: (619) 423-0314
Fax: (619) 628-1395

With copy to: James P. Lough, Agency Counsel
McDOUGAL, LOVE, ECKIS, SMITH, BOEHMER &
FOLEY
460 North Magnolia
El Cajon, CA 92020

To Developer: Sudberry Properties Inc.
5465 Morehouse Drive, Suite 260
San Diego, CA 92121
Colton Sudberry, President
Tel: 858.546.3000 x 511
Fax: 858.546.3009

With copy to: William J. Harris
Law Offices of William J. Harris
777 South Highway 101, Suite 123

Solana Beach, CA 92075
858-350-0570 x20
858-350-0577 fax
619-993-6006 cell

Notices personally delivered, sent by fax with a confirmation by United States mail or delivered by document delivery service shall be deemed effective upon receipt. Notices sent solely by mail in the manner provided above shall be deemed effective on the second business day following deposit in the United States mail. Such written notices, demands, and communications shall be sent in the same manner to such other addresses as either Party may from time to time designate by mail.

H. [§ 1409] Nonliability Agency Officials and Employees

No member, official, employee, or contractor of the Agency shall be personally liable to the Developer in the event of any default or breach by Agency or for any amount, which may become due to Developer or on any obligations under the terms of the Agreement.

I. [§ 1410] Interpretation

The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either Party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply. The part and paragraph headings used in this Agreement are for purposes of convenience only, and shall not be construed to limit or extend the meaning of this Agreement.

J. [§ 1411] Entire Agreement, Waivers, and Amendments

This Agreement integrates all of the terms and conditions mentioned herein, or incidental hereto, and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof. All waivers of the provisions of this Agreement must be in writing and signed by the appropriate authorities of the Party to be charged, and all amendments and modifications hereto must be in writing and signed by the appropriate authorities of the Agency and the Developer.

K. [§ 1412] Counterparts

This Agreement may be executed in counterparts, each of which, after all the Parties hereto have signed this Agreement, shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

L. [§ 1413] Successors

This Agreement shall be binding upon and shall inure to the benefit of the permitted successors of each of the Parties hereto.

M. [§ 1414] Severability

In the event any section or portion of this Agreement shall be held, found, or determined to be unenforceable or invalid for any reason whatsoever, the remaining provisions shall remain in effect, and the Parties hereto shall take further actions as may be reasonably necessary and available to them to effectuate the intent of the Parties as to all provisions set forth in this Agreement.

N. [§ 1415] Time is of the Essence

Time is of the essence for each of the Parties' obligations under this Agreement.

O. [§ 1416] Recitals

The recitals set forth above are incorporated herein by this reference.

P. [§ 1417] Confidentiality

Developer acknowledges and agrees that the Agency is a public entity with a responsibility and, in many cases, legal obligation to conduct its business in a manner open and available to the public. Accordingly, any information provided by the Developer to the Agency with respect to the Site, the Development or Developer may be disclosed to the public either purposely, inadvertently, or as a result of a public demand or order. With respect to any information provided that the Developer reasonably deems and identifies in writing as proprietary and confidential in nature, the Agency agrees to exercise its best efforts to keep such information confidential as allowed by law.

Q. [§1418] Attorneys' Fees

The prevailing Party in any action to enforce this Agreement shall be entitled to recover reasonable attorneys' fees and costs from the other Party or Parties (including fees and costs in any subsequent action or proceeding to enforce any judgment entered pursuant to an action of this Agreement). The Superior Court of the County of shall be the site and have jurisdiction for the resolution of all such actions.

R. [§1419] Counterparts

This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same agreement.

IN WITNESS WHEREOF, the Agency and the Developer have signed this Agreement on the respective dates set forth below.

Agency:

Developer:

IMPERIAL BEACH REDEVELOPMENT AGENCY

SADBERRY PROPERTIES, INC.

By: _____

By: _____

Its: _____

Dated: _____

ATTEST:

By: _____

APPROVED AS TO FORM:

Agency Counsel

Dated: _____

EXHIBIT A
SITE MAP

DRAFT

RESOLUTION NO. R-09-191

A RESOLUTION OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY TO AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO AN EXCLUSIVE NEGOTIATION AGREEMENT WITH SUDBERRY PROPERTIES INC.

The Imperial Beach Redevelopment Agency (“Agency”) does hereby resolve as follows:

WHEREAS, the Agency engaged in activities necessary to carry out and implement the Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project Area [the “Project”]; and has adopted an Implementation Plan for the Project in accordance with California Health and Safety Code Section 33490 [the Implementation Plan]; and

WHEREAS, the redevelopment of the North Island Credit Union and Miracle Shopping Center properties are specifically identified as a priority project in the Implementation Plan; and

WHEREAS, in December 2008 the Agency authorized staff to negotiate Purchase and Sale Agreements for the North Island Credit Union and Miracle Shopping Center properties (“Site”); and

WHEREAS, the Agency completed the purchase of the North Island Credit Union property in December 2008 and Miracle Shopping Center in February 2009; and

WHEREAS, the Agency issued a Request for Qualifications/Proposals for a Real Estate Development Opportunity; and

WHEREAS, in July 2009 the Agency directed Executive Director to negotiate a draft Exclusive Negotiation Agreement (“ENA”) with Sudberry Development Inc. for Agency review and approval; and

WHEREAS, in order to carry out and implement the Redevelopment and Implementation Plan, the Agency proposes to enter into an Exclusive Negotiation Agreement with Sudberry Properties Inc.

NOW, THEREFORE, BE IT RESOLVED, by the Imperial Beach Redevelopment Agency as follows:

The Executive Director is authorized to enter into an Exclusive Negotiation Agreement with Sudberry Properties Inc.

PASSED, APPROVED, AND ADOPTED by the Imperial Beach Redevelopment Agency at its meeting held on the 2nd of September, 2009, by the following roll call vote:

AYES: COUNCILMEMBERS: NONE
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

James C. Janney

JAMES C. JANNEY, MAYOR

ATTEST:

Jacqueline M. Hald

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. R-09-191 – **A Resolution to approve an Exclusive Negotiation Agreement with Sudberry Properties Inc.**

CITY CLERK

DATE