



A M E N D E D A G E N D A



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

DECEMBER 16, 2009

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

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

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

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

CLOSED SESSION CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: Unimproved site of 1.15 acres with a paved Class I bike path,
Imperial Beach, CA 91932, APN 616-021-10

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: San Diego County Regional Airport Authority

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

Property: 735 Palm Ave., Imperial Beach, CA 91932, APN 626-250-03

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Sudberry Properties, Inc.

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

Property: 741 Palm Ave., Imperial Beach, CA 91932, APN 626-250-04

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Sudberry Properties, Inc.

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

Property: 761-779 Palm Ave., Imperial Beach, CA 91932, APN 626-250-05

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Sudberry Properties, Inc.

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

Property: 743-849 Palm Ave., Imperial Beach, CA 91932, APN 626-250-06

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Sudberry Properties, Inc.

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

Continued on Next Page

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.

CLOSED SESSION (Continued)

Property: 775 Palm Ave., Imperial Beach, CA 91932, APN: 626-250-05
Agency Negotiator: City Manager and City Attorney
Negotiating Parties: Priced Rite Pets c/o Robert Lokey
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

RECONVENE AND ANNOUNCE ACTION (IF APPROPRIATE)

REGULAR MEETING CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

PLEDGE OF ALLEGIANCE

AGENDA CHANGES

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

COMMUNICATIONS FROM CITY STAFF

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

PRESENTATIONS (1.1)

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

City Manager's Recommendation: Present the Recycle All-Star Award Certificate, \$100.00 check and other premiums to Chris Medina.

CONSENT CALENDAR (2.1 - 2.6) - *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 December 2, 2009.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 69991 through 70052 with the total amount of \$107,229.16.

2.3 RESOLUTION NO. 2009-6833 – REVISING AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF IMPERIAL BEACH AND BDS ENGINEERING, INC. FOR CITY ENGINEERING SERVICES. (0700-05)

City Manager's Recommendation: Adopt resolution.

2.4 REGIONAL NON-POTABLE RECYCLED WATER DEMAND STUDY. (0230-70)

City Manager's Recommendation: Confirm staff's response to the City of San Diego regarding the City's future plan for the future use of regional non-potable recycled water.

2.5 RESOLUTION NO. 2009-6832 – APPROVING THE FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES BY WESTON SOLUTIONS, INC. FOR TIJUANA RIVER WATER QUALITY STUDY. (0230-70)

City Manager's Recommendation: Adopt resolution.

2.6 RESOLUTION NO. R-09-202 – APPROVING STREET IMPROVEMENTS, RDA PHASE 3 (CIP S04-108) CHANGE ORDER NO. 7 WITH NASLAND ENGINEERING AND RESCINDING RESOLUTION NO. R-09-200. (0720-25)

City Manager's Recommendation: Adopt resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 ORDINANCE NO. 2009-1095 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ADDING CHAPTER 16.12 (WATER EFFICIENT LANDSCAPE REGULATIONS) TO THE IMPERIAL BEACH MUNICIPAL CODE. (0940-95)

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2009-1095, "An Ordinance of the City Council of the City of Imperial Beach, California Adding Chapter 16.12 (Water Efficient Landscape Regulations) to the Imperial Beach Municipal Code";
3. City Clerk to read Ordinance No. 2009-1095; and
4. Motion to dispense second reading and adopt Ordinance No. 2009-1095 by title only.

PUBLIC HEARINGS (5)

None.

REPORTS (6.1 - 6.9)

6.1 RESOLUTION NO. R-09-201 – SPORTS PARK SKATE PARK CIP (P07-101) BUDGET AMENDMENT ACCEPTING THE COMMUNITY DONATIONS, THE NON-PROFIT GRANTS AND ADDING \$200,000 RDA TAX INCREMENT (NON-HOUSING) TO THE PROJECT. (0920-40)

City Manager's Recommendation: Receive report and adopt resolution.

6.2 MTS SERVICES CHANGES. (0680-85)

City Manager's Recommendation: Review and comment on the proposed changes, and provide direction to Council's representatives on the MTS Board as Council deems necessary.

6.3 FIRST STATUS REPORT ON INTERIM ORDINANCE NO. 2009-1091 ENACTING AN URGENCY MEASURE PROHIBITING COOPERATIVE, COLLECTIVE, OR OTHER FORMS OF MARIJUANA DISPENSARIES DURING A SPECIAL STUDY PERIOD OF ONE YEAR. (0610-95)

City Manager's Recommendation:

1. Receive report;
2. Give direction to City Staff as the Council deems appropriate; and
3. Set the date for the next Interim Report to Council.

6.4 RESOLUTION NO. 2009-6834 – AUTHORIZING THE PURCHASE OF REPLACEMENT GRAFFITI ABATEMENT VEHICLE (VEHICLE NO. 652). (1130-05)

City Manager's Recommendation: Receive report and adopt resolution.

6.5 REPORT TO CITY COUNCIL ADVISING CHANGES IN SHERIFF STAFFING LEVELS. (0260-10)

City Manager's Recommendation: Give direction not to fill the Special Purpose Officer (SPO) vacancy and delete the SPO from the current staffing levels and the succeeding fiscal year budgets.

6.6 ANNUAL CITY COUNCIL REPRESENTATION ASSIGNMENTS. (0410-50)

City Manager's Recommendation:

1. Mayor appoint/change City Council Representation Assignments for 2010 in accordance with Chapter 2.18.020.C of the I.B.M.C.; and
2. City Council approve Mayor's appointments and changes to the City Council Representation Assignments for 2010.

(Continued on Next page)

REPORTS (Continued)

6.7 ROTATION OF MAYOR PRO TEMPORE DUTIES. (0410-13)

City Manager's Recommendation: Appoint Councilmember King as Mayor Pro Tempore for a one-year period pursuant to rotational requirements and be seated at the first meeting in January pursuant to requirements as stated under Council Policy No. 112.

6.8 2010 CITY COUNCIL CALENDAR MEETING AND WORKSHOP CALENDAR. (0410-05)

City Manager's Recommendation: Approve the 2010 City Council Calendar which includes City Council quarterly workshops on January 12, April 13, July 13, and October 12, 2010. Staff further recommends rescheduling of the May 5, 2010 City Council meeting to May 4, 2010 and the September 15, 2010 City Council meeting to September 22, 2010, and canceling the January 5, 2011 City Council meeting.

Item No. 6.9 will be discussed at 7:00 p.m. – TIME SPECIFIC

6.9 COMMERCIAL ZONING REVIEW. (0610-95)

City Manager's Recommendation: Receive staff's report and presentation and provide direction and input on the specific recommendations presented. It is further recommended that the City Council identify any additional items for consideration and discussion, and schedule them for discussion at an upcoming City Council meeting and/or provide direction on the next steps for consideration of the proposed recommendations.

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 December 11, 2009 to the City Council, San Diego Union-Tribune, I.B. Eagle & Times, and I.B. Sun.

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

AFFIDAVIT OF POSTING

I, Lisa Wolfson, Deputy City Clerk of the City of Imperial Beach, hereby certify that the Amended 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 December 11, 2009. Said meeting to be held at 5:30 p.m. December 16, 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 December 11, 2009 at 3:45 p.m.

Lisa Wolfson
Deputy City Clerk



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: DECEMBER 16, 2009
ORIGINATING DEPT.: PUBLIC WORKS *HAL*
SUBJECT: RECYCLE ALL-STAR AWARD PRESENTATION

BACKGROUND:

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

DISCUSSION:

On December 8, 2009, City inspectors canvassed the 1200 block of 14th Street in search of a Recycle All-Star. The following resident was selected as the Recycle All-Star for the month of December, 2009: Chris Medina.

The above resident has been notified of his/her award by telephone and letter and invited to accept the Recycle All-Star award at the December 16, 2009 City Council meeting.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Not a project as defined by CEQA.

FISCAL ANALYSIS:

None

DEPARTMENT RECOMMENDATION:

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

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown

Gary Brown, City Manager

DRAFT

MINUTES

Item No. 2.1

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

DECEMBER 2, 2009

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

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

CLOSED SESSION

MAYOR PRO TEM BRAGG called the Closed Session Meeting to order at 5:30 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	McCoy, Rose
Councilmembers absent:	King
Mayor absent:	Janney
Mayor Pro Tem present:	Bragg
Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald

CLOSED SESSION

MOTION BY MCCOY, SECOND BY ROSE, TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:
Property: 817 Palm Ave., Imperial Beach, CA 91932, (portion of) APN No. 626-250-06
Agency Negotiator: City Attorney and City Manager
Negotiating Parties: The Pawn Shop, Inc. c/o Mark A. Krasner
Under Negotiation: Instruction to Negotiators will concern price and/or terms of payment

MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR PRO TEM BRAGG adjourned the meeting to Closed Session at 5:30 p.m. and she reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, MAYOR PRO TEM BRAGG announced Council met earlier in Closed Session, received information from staff, and had no reportable action.

REGULAR MEETING CALL TO ORDER

MAYOR PRO TEM BRAGG called the Regular and Special Meeting to order at 6:01 p.m.

ROLL CALL

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

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

PLEDGE OF ALLEGIANCE

MAYOR PRO TEM BRAGG led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MOTION BY MCCOY, SECOND BY KING, TO MOVE ITEM NO. 6.2 – RESOLUTION NO. 2009-6831 – RESOLUTION AWARDING CAPITAL IMPROVEMENT PROJECT DESIGN SERVICES TO CITY ENGINEER - BDS ENGINEERING - TO WIT RTIP STREET IMPROVEMENTS CIP PROJECT (S10-101) TO THE END OF THE AGENDA. MOTION CARRIED BY THE FOLLOWING VOTE:

**AYES: COUNCILMEMBERS: MCCOY, KING, ROSE, BRAGG
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: JANNEY**

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

COUNCILMEMBER MCCOY announced the Christmas Comes to IB event is scheduled for December 5 and the Navy will host a lunch for the Senior Center on December 3.

MAYOR PRO TEM BRAGG announced the Pearl Harbor event is scheduled for December 7 at the Imperial Beach Pier and the Chamber Holiday Mixer is on December 11; and the City recognized the service of their employees at the recent Employee Appreciation Party.

COMMUNICATIONS FROM CITY STAFF

PUBLIC WORKS DIRECTOR LEVIEN introduced new Secretary Bobbi Otero.

PUBLIC COMMENT

JUNE ENGEL, IB Library Branch Manager, announced a Sheriff Story Time is scheduled for December 9; and she invited the Mayor and Council to participate in a story time scheduled for May 2010.

CONSENT CALENDAR (2.1 - 2.5)

MOTION BY MCCOY, SECOND BY KING, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.5. MOTION CARRIED BY THE FOLLOWING VOTE:

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

2.1 MINUTES.

Approved the minutes of the Regular City Council Meeting of October 21, 2009 and the Special City Council Meeting of October 26, 2009.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 69903 through 69990 with the subtotal amount of \$679,956.58; and Payroll Checks 41910 through 42003 with the subtotal amount of \$298,647.45; for a total amount of \$978,604.13.

2.3 RESOLUTION NO. 2009-6827 – AMENDING FISCAL YEAR 09-11 SALARY AND COMPENSATION PLAN POSITION DESCRIPTION FOR INFORMATION SYSTEMS MANAGER. (0510-20)

Adopted resolution.

2.4 LOCAL APPOINTMENTS LIST. (0460-45)

Approved the Local Appointments List in compliance with Government Code §54972, and authorize the City Clerk to post said list at City Hall and the Library in compliance with Government Code §54973.

2.5 RESOLUTION NO. 2009-6830 – APPROVING AN ADDENDUM TO THE MEMORANDA OF UNDERSTANDING BETWEEN THE CITY AND THE IMPERIAL BEACH FIREFIGHTER ASSOCIATION (IBFA) AND SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) AND AMENDING FISCAL YEAR 2009-10 BUDGET. (0540-20)

Adopted resolution.

PRESENTATIONS (1.1)

1.1 PRESENTATION ON ANTI-CIGARETTE LITTER BY SURFRIDER FOUNDATION. (0270-90)

MANASE MANSUR, of the Surfrider Foundation, gave a PowerPoint presentation on the item and spoke about the organization's desire to expand the program into the City of Imperial Beach.

City Council expressed support for the program; raised concerns regarding upkeep and maintenance; and questioned the number of ash cans to be donated and placement locations.

ORDINANCES – INTRODUCTION/FIRST READING (3.1)

3.1 ORDINANCE NO. 2009-1095 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ADDING CHAPTER 16.12 (WATER EFFICIENT LANDSCAPE REGULATIONS) TO THE IMPERIAL BEACH MUNICIPAL CODE. (0940-95)

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LOUGH reported on the item; he gave an overview of the State legislation requiring the adoption of this landscape conservation ordinance.

MAYOR PRO TEM BRAGG called for the reading of the title of Ordinance No. 2009-1095.

CITY CLERK HALD read the title of Ordinance No. 2009-1095, "An Ordinance of the City Council of the City of Imperial Beach, California Adding Chapter 16.12 (Water Efficient Landscape Regulations) to the Imperial Beach Municipal Code."

MOTION BY MCCOY, SECOND BY KING, TO WAIVE FURTHER READING AND DISPENSE WITH THE INTRODUCTION BY TITLE ONLY AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED BY THE FOLLOWING VOTE:

**AYES: COUNCILMEMBERS: MCCOY, KING, ROSE, BRAGG
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: JANNEY**

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5)

None.

REPORTS (6.1 - 6.4)

6.1 RESOLUTION NO. 2009-6828 – REALLOCATION OF FISCAL YEAR 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FROM SPORTS PARK RESTROOM IMPROVEMENT PROJECT TO CIVIC CENTER CROSSWALK IMPROVEMENT PROJECT. (0650-33)

CITY MANAGER BROWN introduced and reported on the item.

MOTION BY KING, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2009-6828 – REQUESTING REALLOCATION OF THE FISCAL YEAR 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS. MOTION CARRIED BY THE FOLLOWING VOTE:

**AYES: COUNCILMEMBERS: MCCOY, KING, ROSE, BRAGG
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: JANNEY**

6.3 RESOLUTION NO. R-09-200 – APPROVING STREET IMPROVEMENTS, RDA PHASE 3 (CIP S04-108) CHANGE ORDER NO. 4 WITH NASLAND ENGINEERING. (0720-25)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

MOTION BY ROSE, SECOND BY KING, TO ADOPT RESOLUTION NO. R-09-200 – APPROVING STREET IMPROVEMENTS, RDA PHASE 3 (CIP S04-108) CHANGE ORDER NO. 4 WITH NASLAND ENGINEERING. MOTION CARRIED BY THE FOLLOWING VOTE:

**AYES: COUNCILMEMBERS: MCCOY, KING, ROSE, BRAGG
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: JANNEY**

6.4 RESOLUTION NO. 2009-6829 – APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE CITY OF IMPERIAL BEACH FOR THE PURPOSE OF PROVIDING ANIMAL CONTROL KENNEL AND CALLOUT SERVICES FOR FISCAL YEARS 2009-2011. (0150-10 & 0200-10)

CITY MANAGER BROWN introduced the item.

PUBLIC SAFETY DIRECTOR SOTELO gave a report on the item.

City Council requested that information on the new program be provided to the three pet-related businesses located at Silver Strand Plaza, the pet hospital, and the Eagle & Times. Information should also be posted on the City's website and the City's local government cable channel, and be included in the summer issue of the City newsletter.

MOTION BY KING, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2009-6829 – APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE CITY OF IMPERIAL BEACH FOR THE PURPOSE OF PROVIDING ANIMAL CONTROL KENNEL AND CALLOUT SERVICES FOR FISCAL YEARS 2009-10 AND 2010-11. MOTION CARRIED BY THE FOLLOWING VOTE:

**AYES: COUNCILMEMBERS: MCCOY, KING, ROSE, BRAGG
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: JANNEY**

6.2 RESOLUTION NO. 2009-6831 – RESOLUTION AWARDED CAPITAL IMPROVEMENT PROJECT DESIGN SERVICES TO CITY ENGINEER - BDS ENGINEERING - TO WIT RTIP STREET IMPROVEMENTS CIP PROJECT (S10-101). (0720-25)

COUNCILMEMBER KING announced he had a potential conflict of interest on the item due to the proximity of his home and left Council Chambers at 7:06 p.m.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item and distributed a diagram showing the streets involved in this project.

MOTION BY MCCOY, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2009-6831 AWARDDING CAPITAL IMPROVEMENT PROJECT DESIGN SERVICES TO CITY ENGINEER - BDS ENGINEERING - TO WIT RTIP STREET IMPROVEMENTS CIP PROJECT (S10-101). MOTION CARRIED BY THE FOLLOWING VOTE:

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

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

MAYOR PRO TEM BRAGG adjourned the meeting at 7:14 p.m.

Lorie Bragg, Mayor Pro Tempore

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: December 16, 2009

ORIGINATING DEPT.: Michael McGrane *MM*
Finance Director

SUBJECT: RATIFICATION OF WARRANT REGISTER

BACKGROUND:
None

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

ENVIRONMENTAL IMPACT
Not a project as defined by CEQA.

The following registers are submitted for Council ratification.

<u>WARRANT #</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Accounts Payable</u>		
69991-70027	11/25/09	\$ 64,247.23
70028	12/01/09	900.50
70029-70052	12/03/09	42,081.43
		<u>107,229.16</u>
TOTAL		\$ <u>107,229.16</u>

FISCAL IMPACT:

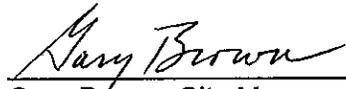
Warrants are issued from budgeted funds.

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

PREPARED 12/07/2009, 10:05:52
 PROGRAM: GM350L
 CITY OF IMPERIAL BEACH

A/P CHECKS BY PERIOD AND YEAR
 FROM 11/20/2009 TO 12/06/2009

PAGE 1
 BANK CODE 00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	INVOICE	PO #	PER/YEAR	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION					TRN AMOUNT
11/25/2009	69991	ADT SECURITY SERVICES, INC.	103				75.08
101-6010-451.21-04	11/07/2009	DECEMBER 2009		03766703	010030	05/2010	75.08
11/25/2009	69992	AFLAC	120				394.70
101-0000-209.01-13	11/25/2009	AP PPE 11/19/2009		20091125		05/2010	394.70
11/25/2009	69993	CALIF ELECTRIC SUPPLY	609				39.92
101-5010-431.21-23	10/30/2009	RCPT BRKT/PHOTO CELL		1069-597144	010082	04/2010	39.92
11/25/2009	69994	CDW GOVERNMENT INC	725				9,150.98
503-1923-419.20-06	09/14/2009	CREDIT FOR RTN MERCHANDIS		QGF3659		03/2010	164.88-
503-1923-419.30-22	10/28/2009	SOFTWARE FOR PC-LAPTOP		QRH9425	010454	04/2010	171.86
503-1923-519.30-22	11/09/2009	MS SLD EXCH SRV ENT 2010/		QTR9526	010531	05/2010	6,324.00
503-1923-519.50-04	11/09/2009	MS SLD EXCH SRV ENT 2010/		QTR9526	010531	05/2010	2,820.00
11/25/2009	69995	CHICAGO TITLE INSUR CO	779				500.00
245-1240-413.20-06	10/13/2009	1311 5TH STREET		980027532 P05	010554	04/2010	500.00
11/25/2009	69996	COLONIAL LIFE & ACCIDENT	941				147.74
101-0000-209.01-13	11/25/2009	AP PPE 11/19/2009		20091125		05/2010	147.74
11/25/2009	69997	COUNTY OF SAN DIEGO	1055				3,443.10
101-3010-421.21-04	11/16/2009	OCTOBER 2009		10/09		05/2010	3,443.10
11/25/2009	69998	COUNTY OF SAN DIEGO RCS	1065				10,889.67
101-1230-413.21-25	10/01/2009	SEPTEMBER 2009		10CTOFIBN03	010551	04/2010	53.00
101-3010-421.21-25	10/01/2009	SEPTEMBER 2009		10CTOFIBN03	010551	04/2010	2,325.50
101-3020-422.21-25	10/01/2009	SEPTEMBER 2009		10CTOFIBN03	010551	04/2010	344.50
101-3030-423.20-06	10/01/2009	SEPTEMBER 2009		10CTOFIBN03	010551	04/2010	918.67
101-1230-413.21-25	09/01/2009	AUGUST 2009		10CTOFIBN02	010551	03/2010	53.00
101-3010-421.21-25	09/01/2009	AUGUST 2009		10CTOFIBN02	010551	03/2010	2,325.50
101-3020-422.21-25	09/01/2009	AUGUST 2009		10CTOFIBN02	010551	03/2010	344.50
101-3030-423.20-06	09/01/2009	AUGUST 2009		10CTOFIBN02	010551	03/2010	901.00
101-1230-413.21-25	08/01/2009	JULY 2009		10CTOFIBN01	010551	02/2010	53.00
101-3010-421.21-25	08/01/2009	JULY 2009		10CTOFIBN01	010551	02/2010	2,325.50
101-3020-422.21-25	08/01/2009	JULY 2009		10CTOFIBN01	010551	02/2010	344.50
101-3030-423.20-06	08/01/2009	JULY 2009		10CTOFIBN01	010551	02/2010	901.00
11/25/2009	69999	COX COMMUNICATIONS	1073				125.12
101-6010-451.29-04	11/11/2009	11/13-12/12/2009 SP PK		12-04-2009	010139	05/2010	125.12
11/25/2009	70000	CREATIVE BENEFITS INC FSA	1108				265.84
101-0000-209.01-11	11/25/2009	AP PPE 11/19/2009		20091125		05/2010	265.84
11/25/2009	70001	D.A.R. CONTRACTORS	1122				1,041.00
101-3050-425.20-06	10/01/2009	SEPTEMBER 2009		0009059	010532	04/2010	347.00
101-3050-425.20-06	09/01/2009	AUGUST 2009		0008059	010532	03/2010	347.00
101-3050-425.20-06	08/03/2009	JULY 2009		0007059	010532	02/2010	347.00
11/25/2009	70002	DLA PRINTING & PROMO'S	1178				281.50
101-1210-413.28-11	10/08/2009	P/R VOUCHERS		6318	010452	04/2010	281.50

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
11/25/2009	70003	EPIC LAND SOLUTIONS, INC.	2105			11,056.90	
408-1920-519.20-06	10/31/2009	10/09 PALM AVE RELOCATION	1009-0190	010328	04/2010	11,056.90	
11/25/2009	70004	FASTENAL	909			30.78	
501-1921-419.30-02	10/26/2009	EDGE BLADE	CACHU20476	010062	04/2010	30.78	
11/25/2009	70005	GO-STAFF, INC.	2031			1,657.95	
601-5060-436.21-01	11/10/2009	TRONCOSO, L W/E 11/08/09	66500	010148	05/2010	772.20	
101-1020-411.21-01	11/17/2009	ROCHER, J 11/09/09	66679	010027	05/2010	75.00	
601-5060-436.21-01	11/17/2009	TRONCOSO, L W/E 11/15/09	66680	010148	05/2010	750.75	
101-3020-422.21-01	11/17/2009	ROCHER, J 11/13/09	66679	010419	05/2010	60.00	
11/25/2009	70006	GRAINGER	1051			1,132.33	
601-5060-436.30-02	10/30/2009	EYEWASH BOTTLES	9111324514	010076	04/2010	102.57	
101-6040-454.30-02	10/30/2009	FUSE, 500V D HOLDER	9111673084	010076	04/2010	57.02	
101-6020-452.30-02	11/03/2009	VAPOR TIGHT FIXTURE	9113730551	010076	05/2010	203.91	
101-1910-419.30-02	11/04/2009	WALL FIXTURE/LAMPS/TIMER	9114445092	010076	05/2010	523.32	
101-1910-419.30-22	11/12/2009	DRAIN CLEANING CABLE	9121131800	010076	05/2010	245.51	
11/25/2009	70007	LEHIGH HANSON	48			1,257.35	
101-5010-431.30-02	11/04/2009	CLASS II BASE/GREENBOOK	605057	010124	05/2010	193.55	
101-5010-431.30-02	10/28/2009	520 CFW 2500	486524	010124	04/2010	1,063.80	
11/25/2009	70008	APPLEONE EMPLOYMENT SERVICES	2164			1,072.44	
101-5020-432.21-01	11/11/2009	MCCLELLAN, S W/E 11/07/09	01-1141028	010436	05/2010	1,072.44	
11/25/2009	70009	I B FIREFIGHTERS ASSOCIATION	214			242.00	
101-0000-209.01-08	11/25/2009	AP PPE 11/19/2009	20091125		05/2010	242.00	
11/25/2009	70010	ICMA RETIREMENT TRUST 457	242			5,427.44	
101-0000-209.01-10	11/25/2009	AP PPE 11/19/2009	20091125		05/2010	5,427.44	
11/25/2009	70011	J&M KEYSTONE, INC.	2103			1,533.28	
101-1920-532.20-06	10/29/2009	771/773 PALM AVE	193545	010552	04/2010	1,533.28	
11/25/2009	70012	JAMES TRIMBLE	4			.00	
101-0000-221.01-05	11/17/2009	BOND REFUND -1254 15TH ST	TEP 09-41		05/2010	900.50	
101-0000-221.01-05	11/30/2009	BOND REFUND -1254 15TH ST	TEP 09-41		05/2010	900.50	
11/25/2009	70013	KAMAN INDUS TECHNOLOGIES	583			144.58	
501-1921-419.28-16	10/30/2009	SPROCKET	K129057	010064	04/2010	26.01	
501-1921-419.28-16	10/29/2009	BOBCAT BRUSH ATTACHMENT	F453361	010064	04/2010	66.17	
501-1921-419.28-16	11/05/2009	BLANKET PURCHASE ORDER	Y756884	010064	05/2010	52.40	
11/25/2009	70014	KEYSER MARSTON ASSOC INC	620			2,266.57	
405-1260-413.20-06	11/06/2009	OCT 09 ECON CONSULTING SV	0021480	080320	05/2010	2,266.57	
11/25/2009	70015	KIM A MIKHAEL	1680			300.00	
101-3010-421.20-06	11/15/2009	10/06 & 10/27 PRKNG HRNGS	11-15-2009	010135	05/2010	300.00	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
11/25/2009	70016	LIGHTHOUSE, INC	787			59.28	
101-3030-423.30-02	10/30/2009	PARALLEL WIRE	2300885	010094	04/2010	45.68	
501-1921-419.28-16	10/30/2009	CIRCUIT BREAKER	2300887	010094	04/2010	9.07	
501-1921-419.28-16	10/30/2009	CIRCUIT BREAKER	2300888	010094	04/2010	4.53	
11/25/2009	70017	MCDUGAL LOVE ECKIS &	962			8,227.00	
101-1220-413.20-01	10/31/2009	OCTOBER 2009	10-31-2009	010022	04/2010	8,227.00	
11/25/2009	70018	PADRE JANITORIAL SUPPLIES	1430			27.93	
101-6040-454.30-02	11/02/2009	BOWL CLEANER	293689-1	010080	05/2010	27.93	
11/25/2009	70019	RCP BLOCK & BRICK INC	115			359.00	
101-5010-431.30-02	11/02/2009	TEMP ASPHALT PATCH	1274210	010084	05/2010	359.00	
11/25/2009	70020	RECLAIMED AGGREGATES, INC.	2137			575.00	
101-5010-431.29-04	10/31/2009	CONCRETE	10171	010087	04/2010	40.00	
101-5010-431.29-04	10/31/2009	CONCRETE	10172	010087	04/2010	535.00	
11/25/2009	70021	SEIU LOCAL 221	1821			1,278.12	
101-0000-209.01-08	11/25/2009	AP PPE 11/19/2009	20091125		05/2010	1,278.12	
11/25/2009	70022	SUNGARD PUBLIC SECTOR INC.	1370			120.00	
101-1210-413.28-04	10/26/2009	SHOUSE, P WEB TRNG	10048	010169	04/2010	120.00	
11/25/2009	70023	TYRA HIDALGO	2170			370.00	
101-1920-419.29-01	11/13/2009	09/10 TUITION REIMBURSMNT	2009-2010	010440	05/2010	370.00	
11/25/2009	70024	UNITED WAY OF SAN DIEGO COUNTY	1483			70.00	
101-0000-209.01-09	11/25/2009	AP PPE 11/19/2009	20091125		05/2010	70.00	
11/25/2009	70025	WAXIE SANITARY SUPPLY	802			488.00	
101-6040-454.30-02	11/06/2009	TOILET TISSUE/STEEL LINER	71611380	010069	05/2010	488.00	
11/25/2009	70026	WEST GROUP CTR	826			118.33	
101-1020-411.28-14	11/01/2009	OCTOBER 2009	819354822	010317	05/2010	118.33	
11/25/2009	70027	ZUMAR INDUSTRIED INC.	875			78.30	
101-5010-431.21-23	11/10/2009	STREET SIGNS	0118044	010070	05/2010	78.30	
12/01/2009	70028	JAMES TRIMBLE	4			.00	
101-0000-221.01-05	11/30/2009	BOND REFUND -1254 15TH ST	TEP 09-41		05/2010	900.50	
101-0000-221.01-05	12/02/2009	BOND REFUND -1254 15TH ST	TEP 09-41		06/2010	900.50	
12/03/2009	70029	ARROWHEAD MOUNTAIN SPRING	1340			124.12	
101-1010-411.30-02	11/24/2009	NOVEMBER 2009-CITY HALL	09K0025324922	010037	05/2010	62.06	
101-5020-432.30-02	11/24/2009	NOVEMBER 2009-PUBLIC WORK	09K0026726646	010046	05/2010	62.06	
12/03/2009	70030	BDS ENGINEERING INC	372			1,485.50	
101-0000-221.01-02	11/12/2009	OCTOBER 2009 PLAN CHECK	09-02I		05/2010	460.50	

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101-0000-221.01-02	11/12/2009	OCTOBER 2009 PLAN CHECK	09-02I		05/2010	480.00	
101-0000-221.01-02	11/12/2009	OCTOBER 2009 PLAN CHECK	09-02I		05/2010	545.00	
12/03/2009	70031	CITY CLERKS ASSOCIATION OF CAL	818			165.00	
101-1020-411.28-12	11/19/2009	ANNUAL MEMBERSHIP FEES (L	2009-2010	F01052	05/2010	165.00	
12/03/2009	70032	CITY OF EL CAJON	845			627.74	
101-3020-422.21-04	09/21/2009	FY 9/10 1ST QUARTER BILL	4892		05/2010	627.74	
12/03/2009	70033	COUNTY OF SAN DIEGO RCS	1065			3,650.50	
101-1230-413.21-25	11/01/2009	OCTOBER 2009	10CTOFIEN04	010551	05/2010	53.00	
101-3010-421.21-25	11/01/2009	OCTOBER 2009	10CTOFIEN04	010551	05/2010	2,325.50	
101-3020-422.21-25	11/01/2009	OCTOBER 2009	10CTOFIEN04	010551	05/2010	344.50	
101-3030-423.20-06	11/01/2009	OCTOBER 2009	10CTOFIEN04	010551	05/2010	927.50	
12/03/2009	70034	CULLIGAN WATER CO. OF SAN DIEG	1112			18.00	
101-1230-413.30-02	11/17/2009	DECEMBER 2009	04703081	010138	05/2010	18.00	
12/03/2009	70035	DAVID R. TAYLOR CONSTRUCTION	2153			7,635.50	
248-1920-519.20-06	11/30/2009	260 DONAX-CLEAN&GREEN	11-30-2009	010451	05/2010	7,635.50	
12/03/2009	70036	DESIGNER BOTANICALS	1792			3,000.00	
408-1920-519.20-06	11/24/2009	1070 IB BLVD-FACADE DEP	2378	010608	05/2010	3,000.00	
12/03/2009	70037	DIEHL, EVANS, & COMPANY, LLP	1171			550.00	
101-1210-413.28-04	11/30/2009	GOVT TAX SEMINAR-SHOUSE/	2009		05/2010	550.00	
12/03/2009	70038	DLA PRINTING & PROMO'S	1178			335.89	
101-1210-413.28-11	11/02/2009	A/P VOUCHERS	6338	010538	05/2010	335.89	
12/03/2009	70039	EDAW, INC	1804			4,041.77	
405-1260-513.20-06	11/13/2009	10/03/09-10/30/09IB MIXED	1457031	080317	05/2010	4,041.77	
12/03/2009	70040	IB BEAUTIFUL FARMERS MARKET	1			187.50	
405-1260-413.29-04	12/02/2009	FARMER'S MARKET RDA	12-01-2009		06/2010	187.50	
12/03/2009	70041	ICMA DUES RENEWAL	239			1,324.00	
101-1110-412.28-12	12/02/2009	MEMBERSHIP RENEWAL	202830		06/2010	1,324.00	
12/03/2009	70042	JESSOP & SON LANDSCAPING	479			3,052.83	
101-6010-451.21-04	11/23/2009	NOVEMBER 2009	388327	010004	05/2010	3,052.83	
12/03/2009	70043	JOSE SANCHEZ	2007			32.59	
101-3010-421.20-06	10/30/2009	SHERIFF MEAL REIMBURSEMENT	4698		05/2010	32.59	
12/03/2009	70044	LARRY TRIMBLE	4			900.50	
101-0000-221.01-05	11/30/2009	BOND REFUND	TEP 09-41		05/2010	900.50	
12/03/2009	70045	MCDUGAL LOVE ECKIS &	962			4,772.52	
405-1260-413.20-01	10/31/2009	OCTOBER 2009	10-31-2009		04/2010	1,951.12	

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101-1220-413.20-01	10/31/2009		OCTOBER 2009	10-31-2009	04/2010	993.45	
101-1220-413.21-04	10/31/2009		OCTOBER 2009	10-31-2009	04/2010	1,827.95	
12/03/2009	70046	OFFICE DEPOT, INC	1262			127.66	
101-5020-432.30-01	11/10/2009		MISC OFFICE SUPPLIES	497235331001	010413 05/2010	61.43	
101-1130-412.29-02	11/11/2009		CARTRIDGE/FRAME	497371686001	010413 05/2010	11.41	
101-6030-453.30-01	11/11/2009		CARTRIDGE/FRAME	497371686001	010413 05/2010	44.64	
101-1130-412.29-02	11/12/2009		TH YOU CARD	497372219001	010413 05/2010	10.18	
12/03/2009	70047	PMI	23			209.42	
101-6040-454.30-02	11/05/2009		PROTECTIVE GLOVES	0201396	010068 05/2010	209.42	
12/03/2009	70048	RAYMOND TSCHAKERT	4			2,137.00	
101-0000-221.01-05	11/24/2009		1245 EAST LANE-BOND REFND	TEP 09-38	05/2010	2,137.00	
12/03/2009	70049	REGIONAL TRAINING CENTER	130			200.00	
101-1210-413.28-04	12/02/2009		TRAINING PSHOUSE/KWIESMAN	12-01-2009	06/2010	200.00	
12/03/2009	70050	SCOTT JENNINGS	2177			7,750.00	
248-1920-519.20-06	11/24/2009		430 CYPRESS AVE	11-24-2009	010549 05/2010	7,750.00	
12/03/2009	70051	STAPLES ADVANTAGE	2114			132.29	
101-1210-413.30-01	09/10/2009		HANGING FILES	97501063	010015 03/2010	132.29	
12/03/2009	70052	UNION TRIBUNE	738			521.60	
405-1260-413.20-06	11/02/2009		LEGAL NOTICES	147493	010609 05/2010	521.60	
DATE RANGE TOTAL *						107,229.16 *	



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: DECEMBER 16, 2009
ORIGINATING DEPT.: PUBLIC WORKS *HAL*
SUBJECT: RESOLUTION REVISING AN AGREEMENT FOR
PROFESSIONAL SERVICES BETWEEN THE CITY OF
IMPERIAL BEACH AND BDS ENGINEERING, INC. FOR CITY
ENGINEERING SERVICES

BACKGROUND: On June 17, 2009, City Council, City of Imperial Beach, adopted Resolution 2009-7663 approving the renewal of the Professional Services Agreement between the City of Imperial Beach and BDS Engineering, Inc. for various engineering and administrative services. The Agreement was effective July 1, 2009 and expired June 30, 2012. The Agreement specifically named Mr. Gordon Axelson as the "City Engineer." Recently Mr. Gordon Axelson resigned from the firm thus the Agreement requires a revision to name a new City Engineer.

DISCUSSION: BDS Engineering, Inc. was co-owned by Mr. Gordon Axelson and Mr. Tom Jones. With Mr. Gordon Axelson's resignation, Mr. Tom Jones has agreed to serve as the City Engineer for the remainder of the 3-year Agreement. To effectuate this change in "City Engineer," it is necessary to replace the Agreement with a new Agreement designating Mr. Tom Jones as the City Engineer. The new Agreement proposed is to have the same termination date as exists in the current Agreement – June 30, 2012.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

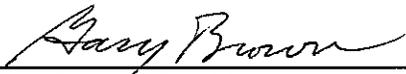
No change in costs incurred by this Agreement revision, naming Mr. Tom Jones as City Engineer.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Authorize the City Manager to enter into an Agreement with BDS Engineering, Inc. naming Mr. Tom Jones as the City Engineer.
3. Terminate the Agreement with BDS Engineering, Inc., naming Mr. Gordon Axelson as the City Engineer.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2009-6833

RESOLUTION NO. 2009-6833

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

WHEREAS, on June 17, 2009, City Council, City of Imperial Beach, adopted Resolution 2009-7663 approving the renewal of the Professional Services Agreement between the City of Imperial Beach and BDS Engineering, Inc. for various engineering and administrative services; and

WHEREAS, the Agreement was effective July 1, 2009 and expired June 30, 2012; and

WHEREAS, the Agreement specifically named Mr. Gordon Axelson as the "City Engineer."; and

WHEREAS, recently Mr. Gordon Axelson resigned from the firm thus the Agreement requires a revision to name a new City Engineer; and

WHEREAS, BDS Engineering, Inc. was co-owned by Mr. Gordon Axelson and Mr. Tom Jones; and

WHEREAS, with Mr. Gordon Axelson's resignation, Mr. Tom Jones has agreed to serve as the City Engineer for the remainder of the 3-year Agreement; and

WHEREAS, to effectuate this change in "City Engineer," it is necessary to replace the Agreement with a new Agreement designating Mr. Tom Jones at the City Engineer; and

WHEREAS, the new Agreement proposed is to have the same termination date as exists in the current Agreement – June 30, 2012.

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

1. The above recitals are true and correct.
2. The City Manager is authorized to sign a new agreement with BDS Engineering, Inc. for Engineering Services designating Mr. Tom Jones as the "City Engineer."
3. The existing agreement with BDS Engineering, Inc. for Engineering Services designating Mr. Gordon Axelson as the "City Engineer" is hereby terminated.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 16th day of December 2009, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

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



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: DECEMBER 16, 2009
ORIGINATING DEPT.: PUBLIC WORKS *HAL*
SUBJECT: REGIONAL NON-POTABLE RECYCLE WATER DEMAND STUDY

BACKGROUND: Recently the City of San Diego initiated a Recycled Water Study (RWS) for the purpose of maximizing recycling of waste water to the fullest extent practicable to offset potable water demands as well as determine to what extent such recycling and reclamation could feasibly offload wastewater flows now delivered to the Point Loma Wastewater Treatment Plant (PLWTP). The Study was to identify opportunities to increase recycling and reclamation of wastewater for both indirect potable reuse (IPR) and non-potable reuse (NPR). Additional goals include identification and evaluation of recycling alternatives that would result in the following:

- upgrading the existing PLWTP to secondary treatment at the lowest total cost,
- maximizing recycling of the City's wastewater to the fullest extent practicable, and
- evaluating opportunities to increase recycled water reuse as satellite facilities or as a regional recycled water agency using wastewater generated by the Participating Agencies (PAs) of the San Diego Metro Wastewater Joint Powers Authority (Metro Wastewater JPA) that share in the cost of the metropolitan sewerage system.

The RWS was initiated through a cooperative agreement with the City of San Diego, the San Diego Coastkeeper, and the San Diego Chapter of the Surfrider Foundation a part of the City's application process for the City's newest waiver from secondary treatment standards for the PLWTP. The waiver allows the City to continue to operate the PLWTP as an advanced-primary treatment facility rather than requiring an upgrade to secondary treatment. The City's responsibility per the Agreement was to execute this RWS.

A survey form was developed to collect information from the water agencies. The questions included in the survey form were focused on the following issues:

- The current level of recycled water system planning within each jurisdiction,
- The current and future (2035) estimated recycled water use,
- Interest in purchasing recycled water from the City,
- Identification of preferred locations for connection to the City System,
- Information on concerns about recycled water (quality, acceptance, reliability, etc.), and
- Indication of the agency's confidence that a recycled water system could be implemented within their jurisdiction.

In a draft of the post study technical report prepared by the City of San Diego, California

American Water, the water purveyor for the City of Imperial Beach, responded "While there was no information specific to Imperial Beach, information from the City's Utilities Department staff indicated that there were few potential recycled water users within the service area."

DISCUSSION: The City of Imperial Beach, as were all other PAs, was invited to fill out the survey indicating the City's plan for use of recycled water out to 2035. Because the City had no specific or inferred plans for the use of recycled water, staff did not formally respond to the survey. However given that the draft report included an alleged statement that the City of Imperial Beach provided "... no information specific to Imperial Beach, information from the City's Utilities Department staff indicated that there were few potential recycled water users within the service area" staff has responded to the technical study group as follows:

"While the City of Imperial Beach has no specific plan or general plan for the purchase and use of non-potable recycled water, should the infrastructure be installed adjacent to or through the City of Imperial Beach, the City would certainly evaluate the cost effectiveness of the use of this water source within its City Parks, civic building landscape and street landscape areas. And if evaluated as a use favorable to the City in terms of factors such as cost and water conservation; the City Council may elect to participate in the non-potable recycled water system."

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

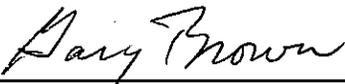
No immediate fiscal impact. If the City chooses to participate in the IPR or NPR program, the costs would be evaluated at that time.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Confirm the staff's response to the City of San Diego regarding the City's response to the City's future plan for the future use of regional non-potable recycled water.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: DECEMBER 16, 2009
ORIGINATING DEPT.: PUBLIC WORKS *GB*
SUBJECT: RESOLUTION APPROVING THE FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES BY WESTON SOLUTIONS, INC. FOR TIJUANA RIVER WATER QUALITY STUDY

BACKGROUND:

On August 1, 2007, Resolution No. 2007-6524 adopted by the City Council awarded a contract to Weston Solutions, Inc. for the Tijuana River Bacteria Source Identification Study (TRBSIS Project) using Clean Beach Initiative (CBI) Prop 50 Grant funds. The City Council initially approved the Project's use of CBI grant funding at a cost not to exceed the amount of \$1,045,050; however, once the final work plan was approved by the State Water Resource Control Board (SWRCB), an additional \$279,734 was awarded to the CBI Grant Project. On November 5, 2008 Resolution No. 2008-6689 authorized the City Manager to amend the Weston Solutions, Inc. contract for a total of \$1,295,336. CBI Grant funds for the amount of \$29,448 were also set aside for the City of Imperial Beach project administration.

DISCUSSION:

On December 17, 2008, the SWRCB halted payment of CBI Grant projects due to state budget issues, which resulted in the stop of all work on the TRBSIS after completion of only a portion of the project. This First Amendment to the Weston Agreement corrects the contractual amount for the TRBSIS authorized in Resolution No. 2008-6689 and also adds additional language into the contract incorporating the State's freeze on the CBI Grant project. Part of the additional language on the amended agreement attaches the Work Plan for the project approved by the RWQCB and is included as Exhibit B to the First Amendment to the Agreement for Professional Services. This is not to be confused with Exhibit A to the Resolution.

ENVIRONMENTAL DETERMINATION:

This project is categorical exempt according to Section 15306 (Information Collection) of the California Environmental Quality Act and is determined not to have a significant effect on the environment.

FISCAL IMPACT:

This project will be funded from Clean Beaches Initiative Grant Program – Proposition 50. Once the work plan is completed and approved and the SWRCB and the City of Imperial Beach complete an agreement for the project performance, these funds will be released for payments

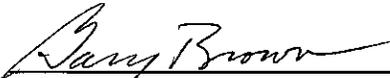
to the contractor,

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Adopt attached resolution

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2009-6832.
2. First Amendment to the Weston Agreement - Exhibit A to Resolution No. 2009-6832
3. Exhibit B to the Agreement for Professional Services with Weston Solutions, Inc.

RESOLUTION NO. 2009-6832

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH APPROVING THE FIRST AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL SERVICES BY WESTON SOLUTIONS, INC. FOR TIJUANA RIVER WATER QUALITY STUDY

WHEREAS, Resolution No. 2007-6524 adopted by the City Council August 1, 2007, awarded a contract to Weston Solutions, Inc. for the Tijuana River Bacteria Source Identification Study (TRBSIS) project; and

WHEREAS, Resolution No. 2007-6524 also approved the Project's use of CBI Grant funding at a cost not to exceed the funding allotted by SWRCB from the CBI Grant, to the amount of \$1,045,050; and

WHEREAS, based on the "work plan" submitted and approved, the SWRCB chose to fund the project at \$1,324,784 with \$29,448 of that amount set aside for City of Imperial Beach project administration; and

WHEREAS, Resolution No. 2008-6689 adopted by the City Council November 5, 2008 authorized the City Manager to amend the Weston Solutions, Inc. contract for the TRBSIS, CIP D08-901 project to a total contract award of \$1,295,336; and

WHEREAS, Resolution No. 2008-6689 also modified the Five Year Capital Improvement Program Budget Fiscal Year 2004/2005 through Fiscal Year 2008/2009 adopted by resolution No. 2005-6089 and as amended on December 7, 2005 by Resolution No. 2005-6253 and amended again on February 6, 2008 by Resolution No. 2008-6574 – TRSIS, CIP D08-901 Project to a total budget of \$1,324,784 using SWRCB CBI Grant Fund Account No. 101-5050-535-2006 and 101-5050-535-1001; and

WHEREAS, on December 17, 2008 the SWRCB has halted payment of CBI Grant projects due to the State budget problems, which eventually resulted in the stop of all work on the TRBSIS on April 1, 2009.

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

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

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 16th day of December 2009, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ATTACHMENT 1

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK



City of Imperial Beach

**FIRST AMENDMENT TO AGREEMENT
FOR PROFESSIONAL SERVICES BY WESTON SOLUTIONS,
INC. FOR THE TIJUANA RIVER WATER QUALITY STUDY**

This Amendment to the Agreement for Professional Services ("Amendment") is hereby entered into on _____, 2009 by and between the CITY OF IMPERIAL BEACH ("City") and **WESTON SOLUTIONS** ("Consultant").

RECITALS

WHEREAS, Resolution No. 2007-6524 adopted by the City Council August 1, 2007, awarded a contract to Weston Solutions, Inc. for the Tijuana River Bacteria Source Identification Study (TRBSIS) project; and

WHEREAS, Resolution No. 2007-6524 authorized City staff, with the support of State Water Resource Control Board (SWRCB) staff and Clean Beach Initiative (CBI) Task Force members, to commence work immediately with Weston Solutions, Inc. to develop the "work plan" for the TRBSIS; and

WHEREAS, upon satisfactory development of the "work plan", Resolution No. 2007-6524 authorized the City Manager to enter into a contract with Weston Solutions, Inc. for the purpose of conducting the TRBSIS in accordance with that "work plan"; and

WHEREAS, Resolution No. 2007-6524 also approved the Project's use of CBI Grant funding at a cost not to exceed the funding allotted by SWRCB from the CBI Grant, to the amount of \$1,045,050; and

WHEREAS, the "work plan" was subsequently prepared and approved by the City of Imperial Beach staff in cooperation with SWRCB staff and CBI Task Force members; and

WHEREAS, based on the "work plan" submitted and approved, the SWRCB chose to fund the project at \$1,324,784 with \$29,448 of that amount set aside for City of Imperial Beach project administration; and

WHEREAS, Resolution No. 2008-6689 adopted by the City Council November 5, 2008 authorized the City Manager to amend the Weston Solutions, Inc. contract for the TRBSIS, CIP D08-901 project to a total contract award of \$1,295,336; and

WHEREAS, Resolution No. 2008-6689 also modified the Five Year Capital Improvement Program Budget Fiscal Year 2004/2005 through Fiscal Year 2008/2009 adopted by resolution No. 2005-6089 and as amended on December 7, 2005 by Resolution No. 2005-6253 and amended again on February 6, 2008 by Resolution No. 2008-6574 – TRSIS, CIP D08-901 Project to a total budget of \$1,324,784 using SWRCB CIB Grant Fund Account No. 101-5050-535-2006 and 101-5050-535-1001; and

WHEREAS, on December 17, 2008 the SWRCB has halted payment of CBI Grant projects due to the State budget problems, which eventually resulted in the stop of all work on the TRBSIS on April 1, 2009.

NOW, THEREFORE, in consideration of the above-recited facts, the mutual best interests of the Parties and the mutual promises contained herein, the Parties hereby agree to further amend the Agreement as follow:

Section 1. Section 2, Duration of Agreement

2.1 Term, Time for Performance. This AGREEMENT shall commence 13th November 2007 and terminate upon the completion of PROFESSIONAL SERVICES specified in Section 1. The PARTIES agree that the terms and conditions under which CONSULTANT shall implement the work plan and receive compensation will be covered in a separate agreement or amendment to this AGREEMENT. Execution of the separate agreement or amendment to this AGREEMENT shall be contingent upon approval of the SCOPE OF WORK in accordance with Section 1.1.

2.2 Exhibit B provides the Scope of Work submitted to and approved by the SWRCB.

Section 2. Section 3, Compensation, of the Agreement is amended in its entirety to read as follows:

3.1 The payment of CONSULTANT's compensation for work performed in accordance with Section 1.1 is contingent upon approval of the SCOPE OF WORK by the CITY, BOARD, and TASK FORCE and actual award of Proposition 50 funds by the BOARD. The total amount paid to CONSULTANT for the PROFESSIONAL SERVICE provided under this AGREEMENT, all amendments thereto and all subsequent agreement regarding the PROJECT shall not exceed ~~\$1,029,000~~ \$1,295,336. CITY shall pay CONSULTANT in accordance with the Contract Rate Scheduled (Exhibit "A").

3.1.2 The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the State of California for the performance of this Agreement. If sufficient appropriations and authorization are not made by the State, a stop work order may be initiated by the City. If and when the SWRCB resumes payment of CBI Grant funding, the stop work order may be rescinded and the Agreement may be modified as needed to account for work start up costs and other schedule modifications.

3.2 CONSULTANT shall submit monthly detailed invoices to the CITY describing work performed and costs incurred, which invoices shall be submitted by the CITY, along with payment requests, to the board. The BOARD has thirty (30) days to approve payment upon receipt of the invoice and payment request. City shall pay CONSULTANT undisputed invoice amounts within thirty (30) days of receiving the corresponding payment from the BOARD."

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their duly authorized representatives.

CITY OF IMPERIAL BEACH,
A municipal corporation

WESTON SOLUTIONS, INC.,
Consultant:

City Manager

Name/Title of Signatory

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

City Attorney

Public Works Director

ATTACHMENT 3
EXHIBIT B –

AGREEMENT FOR PROFESSIONAL SERVICES BY WESTON SOLUTIONS, INC.
EXHIBIT B
SCOPE OF WORK

A. PLANS AND COMPLIANCE REQUIREMENTS

1. In order for the State and Regional Water Quality Control Board (Regional Water Board) staff to verify work was adequately performed or conducted, GPS information for project site and monitoring locations must be identified for this Project prior to any disbursements. Submittal requirements for GPS data are available at <http://www.waterboards.ca.gov/funding/grantinfo.html>.
2. The Grantee shall prepare and implement a Project Assessment and Evaluation Plan (PAEP) to detail the methods of measuring Project benefits and reporting them in accordance with a PAEP. Many projects include multiple activities that will require measurement of several parameters to evaluate Project performance. All implementation projects that propose pollution load and/or concentration reductions must report such reductions annually. Use the 319(h) Non Point Source Pollution Reduction Project Follow-up Survey Form found at http://www.waterboards.ca.gov/funding/docs/grantinfo/319h_pollution_survey.xls or a similar format to report annual load reductions. Projects protecting, restoring or creating streams, shorelines, or wetlands, must report an annual accounting of the acres of wetlands restored and created, feet of stream bank and shoreline protected and feet of stream channel stabilized. Grantee shall not implement monitoring and performance assessment and/or evaluation actions prior to PAEP approval by the Grant Manager. Guidance for preparing the PAEP is available at <http://www.waterboards.ca.gov/funding/paep.html>.
3. If environmental water quality monitoring (chemical, physical, or biological) is undertaken, the Grantee shall prepare, maintain, and implement a Monitoring Plan (MP). The MP shall include, but is not limited to, a description of the monitoring objectives, types of constituents to be monitored, and the sampling location frequency/schedule for the monitoring activities. Any costs related to monitoring data collected prior to and not supported by the approved MP will not be reimbursed. Changes to the MP must be submitted to the Grant Manager for review and a decision regarding approval prior to implementation. For further monitoring requirements refer to Exhibit D.
4. If an MP is prepared, the Grantee shall also prepare, maintain, and implement a Quality Assurance Project Plan (QAPP) in accordance with the State Water Board's Surface Water Ambient Monitoring Program's (SWAMP) QAPP and data reporting requirements, and the USEPA QAPP, EPA AQ/R5, 3/01. Water quality monitoring data includes physical, chemical, and biological monitoring of any surface water. Electronic submittal of data collected in accordance with SWAMP shall be required. The QAPP shall be submitted to the State or Regional Water Board's Quality Assurance (QA) Officer for review and a decision regarding approval. Any costs related to monitoring data collected prior to and not supported by the approved QAPP will not be reimbursed. Guidance for preparing the QAPP is available at <http://www.waterboards.ca.gov/swamp/qapp.html>.
5. All projects are required to comply with the California Environmental Quality Act (CEQA). Work on the Project cannot begin until the State Water Board has reviewed the CEQA documentation submitted by the Grantee and given environmental clearance. If the work is conducted on federal land, the Grantee must also comply with the National Environmental Policy Act (NEPA).
6. If landowner agreements are required, signed copies must be submitted to the Grant Manager before work begins.
7. If permits are required, the permits must be obtained and signed copies submitted to the Grant Manager before work begins.

AGREEMENT FOR PROFESSIONAL SERVICES BY WESTON SOLUTIONS, INC.

8. State Disclosure Requirements – Include the following disclosure statement in any document, written report, or brochure prepared in whole or in part pursuant to this Agreement:

"Funding for this project has been provided in full or in part through an agreement with the State Water Resources Control Board. The contents of this document do not necessarily reflect the views and policies of the State Water Resources Control Board, nor does mention of trade names or commercial products constitute endorsement or recommendation for use." (Gov. Code, § 7550, 40 CFR 31.20)

Signage shall be posted in a prominent location at Project site (if applicable) and shall include the State Water Board logo (available from the Program Analyst) and the following disclosure statement:

"Funding for this project has been provided in full or in part through an agreement with the State Water Resources Control Board."

9. The Grantee shall also include in each of its contracts for work under this Agreement a provision that incorporates the requirements stated within this work item. (Gov. Code, § 7550)

B. WORK TO BE PERFORMED BY GRANTEE**1. Project Management**

- 1.1 The Grantee will conduct monthly and as-needed meetings with Weston Solutions, Inc., to ensure all aspects of the Project are successfully completed. Submit a copy of the sub-consultant agreement to Grant Manager.

2. Stakeholder Group

- 2.1 Establish a stakeholder workgroup consisting of representatives from local, regional, state, and federal agencies to provide guidance and feedback on the Project.
- 2.2 Conduct quarterly meetings with key stakeholders to share information and seek input. Submit agendas and minutes from these meetings to Grant Manager with quarterly reports.

3. Data Review and Field Reconnaissance

- 3.1 Conduct a comprehensive review of historical data, including the current state of microbial source tracking. The review will include a detailed review of storm drain maps, GIS layer topography, and land use information to identify monitoring sites and confirm drainage areas. In addition, a thorough literature review will be conducted, and all available data from cross border sources will be assessed.
- 3.2 Prepare and submit a summary of findings to Grant Manager that compiles all the relevant data gathered, to understand the current state of knowledge within the watershed relative to bacterial contamination, what data gaps need to be filled by the study, and to direct the sampling protocol, e.g., when and where to sample.
- 3.3 Conduct a field reconnaissance in the Tijuana River Watershed with key stakeholders to assess current understanding of point and non-point bacterial sources and to identify potential sampling locations. Provide a summary of the findings to Grant Manager.

4. Bacterial Source Identification Study Implementation

AGREEMENT FOR PROFESSIONAL SERVICES BY WESTON SOLUTIONS, INC.

- 4.1 Conduct a number of comprehensive sanitary surveys throughout the United States side of the Tijuana River Watershed over a 15-month period using a synoptic sampling approach to capture seasonal variations.
 - 4.2 Conduct a flow study to assess the volumes of water entering the Tijuana River, both temporally and spatially. Selection of sites will be based on results of the historical data review and the sanitary survey.
 - 4.3 Conduct up to eight (8) dry weather sampling events at ten (10) sites within the Tijuana River Watershed. Samples will be collected over a 24-hour period to develop an understanding of temporal bacterial changes during dry weather. Samples will be analyzed using standard microbial techniques and selected molecular techniques.
 - 4.4 Conduct wet weather sampling during three (3) storm events at two (2) sites. Flow measurements and hourly samples will be collected and analyzed for indicator bacteria using standard methods and molecular techniques.
 - 4.5 Conduct optional special studies within the Tijuana River Watershed as a complement to the sanitary survey and dry and wet weather monitoring. The scope of the studies will be defined through the adaptive management process of the bacterial source identification, in consultation with the stakeholder workgroup.
5. Project Feasibility Analysis
- 5.1 Develop a list of water quality remediation alternatives that will reduce microbial contamination and beach postings and closures at Imperial Beach. Analyze and rank the remedial alternatives utilizing the following factors, as appropriate:
 - Technical effectiveness
 - Project Feasibility
 - Environmental Impact Assessment requirements
 - Permitting requirements
 - Cost
 - Other Project Constraints
 - 5.2 Based on analysis, develop an implementation and concept plan for reducing microbial contamination. Submit implementation project(s) and concept plan to Grant Manager.

ATTACHMENT 3
EXHIBIT B –
AGREEMENT FOR PROFESSIONAL SERVICES BY WESTON SOLUTIONS, INC.
TABLE OF ITEMS FOR REVIEW

Item	DESCRIPTION	CRITICAL DUE DATE	ESTIMATED DUE DATE
EXHIBIT A – SCOPE OF WORK			
A.	PLANS AND COMPLIANCE REQUIREMENTS		
1.	GPS information for Project site and monitoring locations	April 2008	
2.	Project Assessment and Evaluation Plan (PAEP)	January 2008	
3.	Monitoring Plan (MP)		August 2008
4.	Quality Assurance Project Plan (QAPP)		August 2008
5.	Copy of final CEQA/NEPA Documentation	January 2008	
6.	Land Owner Agreement(s)	N/A	N/A
7.	Applicable Permits		April 2008
B.	WORK TO BE PERFORMED BY GRANTEE		
1.1	Copy of Sub-Consultant Agreement		April 2008
2.1	List of Members in Stakeholder Workgroup		June 2008
2.2	Agenda and Minutes of Key Stakeholder Meetings		Quarterly
3.2	Summary Report of Data Review		July 2008
3.3	Summary Report of Field Reconnaissance		September 2009
5.2	Concept implementation plan(s) for reducing microbial contamination		November 2009
EXHIBIT B – INVOICING, BUDGET DETAIL, AND REPORTING PROVISIONS			
A.	INVOICING		Quarterly
E.	REPORTS		
1.	Grant Summary Form	Day 90	
2.	Progress Reports by the twentieth (20 th) of the month following the end of the calendar quarter (March, June, September, and December)		Quarterly
3.	Annual Progress Summary		9/30/08 9/30/09
4.	Natural Resource Projects Inventory (NRPI) Project Survey Form	Before final invoice	
5.	Draft Project Report	1/1/10	
6.	Final Project Report	2/1/10	



Imperial Beach
Redevelopment Agency

AGENDA ITEM NO. 2.6

**STAFF REPORT
IMPERIAL BEACH REDEVELOPMENT AGENCY**

TO: CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

FROM: GARY BROWN, EXECUTIVE DIRECTOR

MEETING DATE: DECEMBER 16, 2009

ORIGINATING DEPT.: PUBLIC WORKS *HB*

SUBJECT: RESOLUTION APPROVING STREET IMPROVEMENTS, RDA PHASE 3 (CIP S04-108) CHANGE ORDER NO. 7 WITH NASLAND ENGINEERING AND RESCINDING RESOLUTION R-09-200

BACKGROUND: At the December 2, 2009 City Council meeting, City Council adopted resolution R-09-200 approving Change Order No. 4 with Nasland Engineering, and authorizing the City Manager to sign the change order for the additional \$21,770 for the additional design and bid document services. Subsequent to that approval, staff realized that the resolution had misrepresented the number of change orders previously approved with Nasland Engineering for the design of the Street Improvements, RDA Phase 3 (CIP S04-108). Thus Resolution R-09-200 should be rescinded and replaced with a resolution correctly representing the current change orders approved with their associated costs.

On November 4, 2009 City Council received a report from staff suggesting that Street Improvements, RDA Phase 3B CIP project, design and construction proceed forward immediately. The project had been placed on hold in September 2008 pending the construction of the Seacoast Inn project. Subsequent to the September 2008 decision, the owner of Seacoast Inn project decided to delay indefinitely the redevelopment of Seacoast Inn. Thus on November 4, 2009, staff suggested that Seacoast Drive – Street Improvements, RDA Phase 3B CIP – should proceed independent of the Seacoast Inn redevelopment. On November 4, 2009, City Council directed staff to immediately proceed with the design and construction of the Street Improvements, RDA Phase 3B project. The design engineer, Nasland Engineering, has resumed work as directed. In order to complete the project design, additional design work needs to be included due to some of the decisions that have been made regarding the project interface with Date Avenue and Imperial Beach Boulevard. Additionally to revise the project drawings to reflect only the Street Improvements, RDA Phase 3B design there is additional cost.

DISCUSSION: Nasland Engineering, the design consultant, has prepared a cost proposal for the additional work required to complete the design and construction documents of Street Improvements, RDA Phase 3B CIP project. The total additional cost is \$21,770 as shown in Attachment 2. This cost proposal was presented to and approved by City Council under Resolution R-09-200 however it was misrepresented as Change Order No. 4.

ENVIRONMENTAL DETERMINATION: This project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15302(c): Replacement or Reconstruction of Existing Utility Systems and Facilities.

FISCAL IMPACT: Adopted Budget for both Street Improvements RDA Phase 3A and Street Improvements RDA Phase 3B:

Gas Tax	\$ 34,936
RDA Bond (non-housing)	\$1,979,000
RDA Tax Increment (non-housing)	\$ 397,178
Metropolitan Transit Development Board Transportation Development Act	\$ 83,000
Prop 1B	\$ 445,680
TOTAL	\$2,939,794

Expenditures to date - Street Improvements RDA Phase 3 \$1,350,000

Funds remaining for the construction of Street Improvements RDA Phase 3B \$1,589,794

Expenditures / Obligations as of December 2009 for both Street Improvements RDA Phase 3A and Street Improvements RDA Phase 3B:

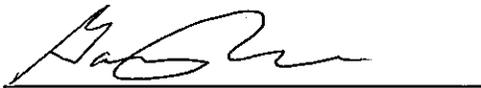
Nasland Engineering Contract with Change 7	\$339,489.50
• Original contract	\$246,162.00
• Change Order No. 1	\$ 4,507.50
• Change Order No. 2	\$ 36,610.00
• Change Order No. 3	\$ 17,500.00
• Change Order No. 4	\$ 2,000.00
• Change Order No. 5	\$ 2,200.00
• Change Order No. 6	\$ 8,740.00
• Change Order No. 7	\$ 21,770.00

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Rescind Resolution R-09-200 approving Change Order No. 4.
3. Adopt attached resolution approving Change Order No. 7 with Nasland Engineering and authorizing the City Manager to sign the change order for the additional \$21,770 for additional design and bid document services.

EXECUTIVE DIRECTOR'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, Executive Director

Attachments:

1. Resolution No. R-09-202
2. Nasland Engineering letter dated November 13, 2009 / Job No. 106-230.1

RESOLUTION NO. R-09-202

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING STREET IMPROVEMENTS, RDA PHASE 3 (CIP S04-108) CHANGE ORDER NO. 7 WITH NASLAND ENGINEERING AND RESCINDING RESOLUTION R-09-200

WHEREAS, at the December 2, 2009 City Council meeting, City Council adopted resolution R-09-200 approving Change Order No. 4 with Nasland Engineering, and authorizing the City Manager to sign the change order for the additional \$21,770 for the additional design and bid document services; and

WHEREAS, subsequent to that approval, staff realized that the resolution had misrepresented the number of change orders previously approved with Nasland Engineering for the design of the Street Improvements, RDA Phase 3 (CIP S04-108); and

WHEREAS, on November 4, 2009 City Council received a report from staff suggesting that Street Improvements, RDA Phase 3B CIP project, design and construction proceed forward immediately; and

WHEREAS, the project had been placed on hold in September 2008 pending the construction of the Seacoast Inn project; and

WHEREAS, subsequent to the September 2008 decision, the owner of Seacoast Inn project decided to delay indefinitely the redevelopment of Seacoast Inn; and

WHEREAS, on November 4, 2009, staff suggested that Seacoast Drive – Street Improvements, RDA Phase 3B CIP – should proceed independent of the Seacoast Inn redevelopment; and

WHEREAS, on November 4, 2009, City Council directed staff to immediately proceed with the design and construction of the Street Improvements, RDA Phase 3B project; and

WHEREAS, in order to complete the project design, additional design work needs to be included due to some of the decisions that have been made regarding the project interface with Date Avenue and Imperial Beach Boulevard; and

WHEREAS, to revise the project drawings to reflect only the Street Improvements, RDA Phase 3B design there is additional cost; and

WHEREAS, Nasland Engineering, the design consultant, has prepared a cost proposal for the additional work required to complete the design and construction of Street Improvements, RDA Phase 3B CIP project; and

WHEREAS, the total additional design cost is \$21,770 and included as Change Order No. 7 to the original consultant contract; and

WHEREAS, the total Nasland Engineering design cost with Change 1 through Change 7 included is \$339,489.50.

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. Resolution R-09-200 is hereby rescinded.
3. Change Order No. 7 to the Nasland Engineering Professional Services Agreement for Street Improvements RDA Phase 3 is approved.
4. The City Manager is authorized and directed to sign Change Order No. 7 approving the additional work in the Change Order.

PASSED, APPROVED, AND ADOPTED by the Redevelopment Agency of the City of Imperial Beach at its meeting held on the 16th day of December 2009, by the following vote:

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

JAMES C. JANNEY
CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, CMC
SECRETARY



November 13, 2009
Job No. 106-230.1

Ms. Victoria Madrid
CIP Program Manager
City of Imperial Beach
Public Works Department
495 10th Street, Imperial Beach, CA 91932

RE: Street Improvements RDA Phase 3 (CIP #S04-108)

Dear Ms. Madrid:

To complete the construction documents and bid documents for Street Improvements RDA Phase 3, we are requesting additional services for those items which were not included in our original contractor or any previous additional services including:

1. Date Street Intersection	\$9,790
<ul style="list-style-type: none"> • Sidewalk pop-out at the Northwest corner of the Date Avenue/Seacoast Drive intersection. • Extension of a sewer main from Seacoast Drive stubbing westerly on Date Avenue. • Coordination with Cal American Water for the stubbing water westerly on Date Avenue. • Enhanced intersection paving and sidewalk paving with medallions. 	
2. Imperial Beach Boulevard Intersection	\$4,440
<ul style="list-style-type: none"> • Sidewalk pop-out at the Northeast corner of Imperial Beach Boulevard/Seacoast Drive intersection. 	
3. Bidding Documents	\$7,540
<ul style="list-style-type: none"> • Specifications for Phase 3 • Bid form with quantities for Phase 3 • Updated cost estimate for Phase 3 	
Total	\$21,770

The fees noted include fees for Parterre for landscape architecture services. If this is acceptable, please prepare an amendment for these services. As always, it continues to be a pleasure to provide services to the City of Imperial Beach. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Larry Thornburgh, PE, PLS
Senior Project Manager



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: DECEMBER 16, 2009

ORIGINATING DEPT.: CITY ATTORNEY

SUBJECT: ORDINANCE NO. 2009-1095 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ADDING CHAPTER 16.12 (WATER EFFICIENT LANDSCAPE REGULATIONS) TO THE IMPERIAL BEACH MUNICIPAL CODE

BACKGROUND:

The California Legislature, in 2008, adopted water conservation measures involving landscaping that must be approved by each city in the state of California. The Water Conservation and Landscaping Act of 2008 (A.B. 1881, Laird) requires cities and counties, including charter cities, to adopt landscape water conservation ordinances by January 1, 2010. The Department of Water Resources prepared a Model Water Efficient Landscape Ordinance for the cities to follow. The legislation requires each city to either adopt the state ordinance or an equivalent ordinance that achieves the same water savings. If a city does not adopt its own ordinance on or before January 1, 2010, the State Model Ordinance will apply in the jurisdiction as of that date.

As part of the adoption process, the state Department of Water Resources has encouraged local jurisdictions to adopt regional models to assist developers who move from city to city in complying with the new regulations. The County of San Diego has had a model committee in place for the last eight months drafting a regional model. Several problems were encountered in working with the state model, in that the original state model was rejected by the Office of Administrative Law as not possessing the "clarity" required of state regulations. Because of this drafting problem, the original model ordinance was rejected by the state's Regulations Clearinghouse and a new model ordinance was not distributed throughout the state until September. The ordinance before the Council is based on the regional model approved by the County committee with certain modifications based on local conditions in Imperial Beach. This program is a state mandated cost.

City Council conducted the first reading of the ordinance at the meeting of December 2, 2009.

DISCUSSION:

The ordinance establishes a new chapter in the Municipal Code (Chapter 16.12 (Water Efficient Landscape Regulations)). The Community Development Department will require landscape approvals with any building permit or other discretionary permit that meet the thresholds established in the ordinance.

Under Section 16.12.040, the projects subject to the ordinance are listed as follows:

- (1) A project for an industrial, commercial, institutional or multi-family residential use where the landscaped area is greater than or equal to *2,500 square feet*.
- (2) Developer installed residential and common area landscapes where the total landscaped area for the development is greater than or equal to *2,500 square feet*.
- (3) A new single family residence with homeowner provided landscaping, where the landscaped area is greater than or equal to 5,000 square feet.
- (4) A model home that includes a landscaped area.
- (5) A public agency project that contains a landscaped area 2,500 square feet or more.
- (6) A rehabilitated landscape for an existing industrial, commercial, institutional, public agency or multifamily use where a building permit or discretionary permit is being issued and the applicant is installing or modifying 2,500 square feet or more of landscaping.
- (7) A cemetery under limited requirements in section 16.12.170.
- (8) A new single-family residence with homeowner provided landscaping, where the landscape area is less than 5,000 square feet, under limited requirements in section 16.12.160.

These categories match the requirements of the State model ordinance. The City's ordinance contains findings that this ordinance is as effective as the State ordinance, considering the thresholds are identical. For the most part, very few homes will be subject to the regulations in Imperial Beach. The minimum threshold for a single family residence is 5,000 square feet of landscaped area. Therefore, there are very few residential lots in the City of Imperial Beach that meet this threshold.

The exceptions to the new rules are as follows:

- (1) A registered local, State or federal historical site.
- (2) An ecological restoration project that does not require a permanent irrigation system.
- (3) A mined land reclamation project that does not require a permanent irrigation system.
- (4) A botanical garden or arboretum, open to the public.
- (5) Any single-family residence that is being rebuilt after it was destroyed due to a natural disaster, such as a fire, earthquake, hurricane or tornado.

One of the more significant exceptions for Imperial Beach is the ecological restoration project area. Considering work that may be done on the bay or in the Tijuana Estuary is exempt, this exception is significant for Imperial Beach.

Each project that meets the minimum thresholds of the ordinance will require detailed plans of irrigation and the types of plants contained in landscaped area. Developers will be required to self-certify the landscaping by a landscape professional or other equivalent professional capable of making such a certification. The purpose of these plans is to eliminate overwatering, overspray, and other water-wasting practices. Attached as Attachment 3 is the Guide

(WOCOLS III) that is a required element of the Ordinance that establishes certain parameters of the regulations, including determining the water requirements of various species of plants.

Upon approval by the Council, City staff will forward a copy of the City's ordinance to the State as required under the legislation. If the state determines that the City's ordinance does not achieve the water savings of the State model, the City could be subject to an enforcement action by the State. Since no baselines have been established before the state ordinance, it is difficult for us to determine the baseline the City is supposed to achieve. However, since the City has adopted equivalent procedures and thresholds, staff can safely recommend that the ordinance before the Council meets the requirements of law.

ENVIRONMENTAL IMPACT

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15308 (Actions by Regulatory Agencies for Protection of the Environment) of the State's CEQA guidelines.

FISCAL IMPACT:

The fiscal impact of this proposal is unknown. While this is a state mandated program, it does authorize the City to charge fees for processing any projects. However, there are no reimbursements for City compliance with these rules.

DEPARTMENT RECOMMENDATION:

Staff recommends the Mayor and City Council:

1. Receive report.
2. Mayor calls for reading of the title of the Ordinance No. 2009-1095, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADDING CHAPTER 16.12 (WATER EFFICIENT LANDSCAPE REGULATIONS) TO THE IMPERIAL BEACH MUNICIPAL CODE".
3. City Clerk to read title of Ordinance No. 2009-1095.
4. Motion to dispense second reading and adopt Ordinance No. 2009-1095 by title only.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary R. Brown, City Manager

Attachments:

1. Ordinance No. 2009-1095 (Including Exhibit A to Ordinance No. 2009-1095)
2. A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California (including WOCOLS III).

ORDINANCE NO. 2009-1095

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ADDING CHAPTER 16.12 (WATER EFFICIENT LANDSCAPE REGULATIONS) TO THE IMPERIAL BEACH MUNICIPAL CODE

WHEREAS, the State Legislature has adopted the Water Conservation and Landscaping Act of 2008 (A.B. 1881, Laird) which requires cities to adopt landscape conservation ordinances by January 1, 2010;

WHEREAS, this ordinance meets the thresholds established in the State Model Ordinance as required by the Water Conservation and Landscaping Act of 2008;

WHEREAS, the provisions of this ordinance are equivalent to and at least as effective as the provisions of the state Model Landscape Ordinance because the calculation of maximum applied water allowance (MAWA) and the resulting restrictions on irrigation and process are similar, though tailored to CITY's existing regulatory procedures;

WHEREAS, in accordance with this law, the City Council has determined that it will meet the standards of state law in that this ordinance will achieve the same water savings as the State Model Ordinance; and

WHEREAS, this Ordinance will require property owners to design landscaped areas in a manner which is efficient in water usage and will be a benefit to the community as a whole.

NOW, THEREFORE, the City Council of the City of Imperial Beach does hereby ordain that:

Section 1. Chapter 16.12 (Water Efficient Landscape Regulations) is hereby added to the Imperial Beach Municipal Code as shown in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 2. City Staff shall take all steps necessary to inform the State of the actions taken by the City Council to meet the state mandated requirement of the Water Conservation and Landscaping Act of 2008.

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk of the City of Imperial Beach shall cause this Ordinance to be published pursuant to the provisions of Government Code section 36933.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 2nd day of December 2009; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Imperial Beach, California, on the 16th day of December 2009, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

APPROVED AS TO FORM:

JAMES P. LOUGH
CITY ATTORNEY

CHAPTER 16.12. WATER EFFICIENT LANDSCAPE REGULATIONS

- 16.12.010. Purpose.**
- 16.12.020. Findings.**
- 16.12.030. Definitions**
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- 16.12.090. Planting and Irrigation Plan**
- 16.12.100. Water Efficient Landscape Worksheet**
- 16.12.110. Grading Design Plan**
- 16.12.120. Irrigation Schedule**
- 16.12.130. Maximum Applied Water Use**
- 16.12.140. Estimated Total Water Use**
- 16.12.150. Adjustment to Landscaped Area for Non-Vegetated Area**
- 16.12.160. New Single Family Residential Projects with Limited Landscaping**
- 16.12.170. Cemeteries**
- 16.12.180. Regulations Applicable to Use of Turf on Landscaped Areas**
- 16.12.190. Projects with Model Homes**
- 16.12.200. Recycled Water**
- 16.12.210. Landscaping and Irrigation Installation**
- 16.12.220. Landscaping and Irrigation Maintenance**
- 16.12.230. Certificate of Completion**
- 16.12.240. Waste Water Prevention**
- 16.12.250. Enforcement**
- 16.12.260. Fees**

16.12.010. Purpose

The State Legislature determined in the Water Conservation in Landscaping Act (the "Act"), Government Code sections 65591 et seq., that the State's water resources are in limited supply. The Legislature also recognized that while landscaping is essential to the quality of life in California, landscape design, installation, maintenance and management must be water efficient. The general purpose of this chapter is to establish landscaping efficiency standards for landscaping in the City that implement design requirements established by the Act. Consistent with the Legislature's findings, the purpose of this ordinance is to:

- (a) Promote the values and benefits of landscapes while recognizing the need to utilize water and other resources as efficiently as possible.

- (b) Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction.
- (c) Promote the use, when available, of tertiary treated recycled water, for irrigating landscaping.
- (d) Use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use for landscaping to the lowest practical amount.
- (e) Encourage water users of existing landscapes to water efficiently and without waste.

16.12.020. Findings.

This Chapter implements the Efficiency Regulations Water Conservation in Landscaping Act. The requirements of this chapter reduce water use associated with irrigation of outdoor landscaping by setting a maximum amount of water to be applied to landscaping and by designing, installing and maintaining water efficient landscapes consistent with the water allowance. The provisions of this ordinance are equivalent to and at least as effective as the provisions of the state Model Landscape Ordinance because the calculation of maximum applied water allowance (MAWA) and the resulting restrictions on irrigation and process are similar, though tailored to CITY's existing regulatory procedures.

The requirements herein are intended to reduce water usage in Imperial Beach to the same extent as the Model Landscape Ordinance prepared by the State of California. In implementing this law, the City shall endeavor to apply the law in a manner which will result in long-term water savings to the Citizens of the State as required by law. The water savings shall be achieved through permanent landscape rules using irrigation management, greater use of drought-tolerant plantings and improved design criteria.

In adopting this Chapter the City Council finds and determines that this Chapter will be as effective as the state Model Landscape Ordinance and are based on the San Diego County Regional Model Ordinance with changes for local and climatic conditions. The threshold regulations are based on those in the State Model Landscape Ordinance as modified by the San Diego Regional Model Ordinance. The uniformity with the County Model will assist developers and property owners in meeting the requirements of this Chapter.

16.12.030. Definitions.

The following definitions shall apply to this chapter:

- (a) “Automatic irrigation controller” means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers shall schedule irrigation events using either evapotranspiration (ET_o) (weather-based) or moisture sensor data.
- (b) “Building permit” means a permit to engage in a certain type of construction on a specific location, including a plumbing permit.
- (c) “Certified landscape irrigation auditor” means a person certified to perform landscape irrigation audit by an accredited academic institution, a professional trade organization or other accredited certification program.
- (d) “Developer” means a person who seeks or receives permits for or who undertakes land development activities, who is not a single family homeowner. Developer includes developer’s partner, associate, employee, consultant, trustee or agent, or anyone who builds residential or commercial developments.
- (e) “Director” means the Director of Community Development or anyone to whom the Director has designated or hired to administer or enforce this chapter.
- (f) “Discretionary Permit” means any permit requiring a decision-making body to exercise judgment prior to its approval, conditional approval or denial.
- (g) “Estimated total water use” (ETWU) means the estimated total water use in gallons per year for a landscaped area.
- (h) “ET adjustment factor” (ETAF) means a factor that when applied to reference evapotranspiration, adjusts for plant water requirements and irrigation efficiency, two major influences on the amount of water that is required for healthy landscape.
- (i) “Evapotranspiration” (ET_o) means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time period. “Reference evapotranspiration” means a standard measurement of environmental parameters which affect the water use of plants. ET_o is given in inches per day, month or year and is an estimate of the evapotranspiration of a large field of four-inches to seven-inches tall cool season turf that is well watered. Reference evapotranspiration is used as the basis of determining the MAWA so that regional differences in climate can be accommodated.
- (j) “Grading” means an importation, excavation, movement, loosening or compaction of soil or rock.
- (k) “Hardscape” means any durable surface material, pervious or non-pervious.

(l) "Homeowner-provided landscaping" means landscaping installed either by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner.

(m) "Hydrozone" means a portion of the landscape area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

(n) "Invasive species" means vegetation that is not native to the area where it occurs and interferes with native species growing or attempting to grow in the area based on applicable federal or state guidelines for the location.

(o) "Irrigation audit" means an inspection which includes an in depth evaluation of the performance of an irrigation system conducted by a certified landscape irrigation auditor. An irrigation audit may include, but is not limited to, inspection, system tune up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow and preparation of an irrigation schedule.

(p) "Irrigation efficiency" means the measurement of the amount of water beneficially used divided by the water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices.

(q) "Landscaped area" means an area with outdoor plants, turf and other vegetation that uses water provided by a public water purveyor within the City of Imperial Beach. A landscaped area includes a water feature either in an area with vegetation or that stands alone. A landscaped area may also include design features adjacent to an area with vegetation when allowed under section 16.12.150. A landscaped area does not include the footprint of a building, decks, patio, sidewalk, driveway, parking lot or other hardscape. A landscaped area also does not include an area without irrigation designated for non-development such as designated open space or area with existing native vegetation.

(r) "Landscape design manual" means the manual, approved by the Director of Community Development that establishes specific design criteria and guidance to implement the requirements of this chapter.

(s) "Low head drainage" means a sprinkler head or other irrigation device that continues to emit water after the water to the zone in which the device is located has shut off.

(t) "Low volume irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low volume emitters such as drip lines or bubblers.

(u) "Mass grading" means the movement of more than 5000 cubic yards of soil by mechanical means to alter the topographic features of a site.

(v) "Maximum Applied Water Allowance" (MAWA) means the maximum allowed annual water use for a specific landscaped area based on the square footage of the area, the ETAF and the reference ETo.

(w) "Mulch" means an organic material such as leaves, bark, straw or inorganic mineral materials such as rocks, gravel or decomposed granite left loose and applied to the soil surface to reduce evaporation, suppress weeds, moderate soil temperature or prevent soil erosion.

(x) "Overspray" means the water from irrigation that is delivered outside an area targeted for the irrigation and makes contact with a surface not intended to be irrigated.

(y) "Passive area" means an area that receives irrigation but is not used for recreation and is intended for limited access, aesthetic uses.

(z) "Pervious" means any surface or material that allows the passage of water through the material and into underlying soil.

(aa) "Plant factor" means a factor when multiplied by the ETo, estimates the amount of water a plant needs.

(bb) "Public water purveyor" means a public utility, municipal water district, municipal irrigation district or municipality that delivers water to customers.

(cc) "Recreational area" means an area intended for active use by persons for sports or other forms of recreation.

(dd) "Recycled water" means waste water that has been treated at the highest level required by the California Department of Health Services for water not intended for human consumption. "Tertiary treated recycled water" means water that has been through three levels of treatment including filtration and disinfection.

(ee) "Runoff" means water that is not absorbed by the soil or landscape to which it is applied and flows from the landscaped area.

(ff) "Special landscaped area" means an area of the landscape dedicated to edible plants, an area irrigated with recycled water or an area dedicated to active play such as a park's sports field or golf course where turf provides a playing surface.

(gg) "Subsurface irrigation" means an irrigation device with a delivery line and water emitters installed below the soil surface that slowly and frequently emit small amounts of water into the soil to irrigate plant roots.

(hh) "Transitional area" means an area immediately adjacent to an area that contains vegetation but is not irrigated and will not be irrigated.

(ii) "Turf" means a groundcover surface of mowed grass.

(jj) "Water feature" means a design element where open water performs an aesthetic or recreational function. A water feature includes a pond, lake, waterfall, fountain, artificial streams, spa and swimming pool where a public water purveyor within the City of Imperial Beach provides water for the feature. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices are not water features.

(kk) "WUCOLS III" means Water Use Classification of Landscape Species and refers to the Department of Water Resources 1999 publication authored by a U.C. Cooperative extension employee, Larry Costello.

16.12.040. Applicability

(a) This chapter shall apply to the following projects for which the City requires a building permit or a discretionary permit after the chapter's effective date:

(1) A project for an industrial, commercial, institutional or multi-family residential use where the landscaped area is greater than or equal to *2,500 square feet*.

(2) Developer installed residential and common area landscapes where the total landscaped area for the development is greater than or equal to *2,500 square feet*.

(3) A new single family residence with homeowner provided landscaping, where the landscaped area is greater than or equal to 5,000 square feet.

(4) A model home that includes a landscaped area.

(5) A public agency project that contains a landscaped area 2,500 square feet or more.

(6) A rehabilitated landscape for an existing industrial, commercial, institutional, public agency or multifamily use where a building permit or discretionary permit is being issued and the applicant is installing or modifying 2,500 square feet or more of landscaping.

(7) A cemetery under limited requirements in section 16.12.170.

(8) A new single-family residence with homeowner provided landscaping, where the landscape area is less than 5,000 square feet, under limited requirements in section 16.12.160.

(b) This chapter shall not apply to the following:

- (1) A registered local, state or federal historical site.
- (2) An ecological restoration project that does not require a permanent irrigation system.
- (3) A mined land reclamation project that does not require a permanent irrigation system.
- (4) A botanical garden or arboretum, open to the public.
- (5) Any single-family residence that is being rebuilt after it was destroyed due to a natural disaster, such as a fire, earthquake, hurricane or tornado.

16.12.050. Landscape Approval

(a) No person who installs landscaping for a project subject to this chapter shall install landscaping without the review and approval required by this chapter.

(b) A person constructing a project subject to the requirements of this chapter, as set out in section 16.12.040, shall obtain approval for the landscaped area as follows:

(1) A person applying for a building permit for a single family residence shall obtain an approval of the landscaping from the City of Imperial Beach as part of the permitting process.

(2) A person applying for a discretionary permit described in section 16.12.040:

(i) Shall submit a landscape concept plan with the discretionary permit application. The concept plan shall include representation of the site features, proposed plantings areas and the proposed method and type of irrigation.

(ii) Shall obtain approval for landscaping as part of the permitting process for each building permit for each project segment that requires installation of a water meter or connection to an existing water meter.

(iii) May use "typical" plans for Developer-installed landscaping for Single-family homes.

16.12.060. Administration, Enforcement and Landscape Manual.

(a) The Director of Community Development or designee shall administer and enforce this chapter.

(b) The Director of Community Development or designee shall prepare a landscape design manual that provides guidance to applicants on how to comply with the requirements of this chapter. The Director of Community Development or designee may designate the County of San Diego's Landscape Manual or other local jurisdiction, as they are applicable to the requirements of this Chapter, as the City of Imperial Beach Landscape Manual.

16.12.070. Landscape Documentation Package.

(a) Except as provided in subsection (b) an application for a building permit for a project described in Section 16.12.040 shall submit a landscape documentation package that complies with the provisions of this chapter and with the Landscape Design Manual with the permit application.

(b) An applicant for a building permit for a single family residence with a landscaped area less than 5,000 square feet is not required to submit a landscape documentation package with the permit application, but shall comply with section 16.12.160. An applicant for a permit for a cemetery is not required to submit a landscape documentation package, but shall comply with section 16.12.170.

(c) The landscape documentation package required by subsection (a) shall contain the following:

(1) A soil management report and plan that complies with section 16.12.080 that analyzes the soil within each landscaped area of the project and makes recommendations regarding soil additives.

(2) Planting and irrigation plans that comply with section 16.12.090 that describe the landscaping and irrigation for the project.

(3) A water efficient landscape worksheet that complies with section 16.12.100 that calculates the MAWA and the ETWU for the project.

(4) A grading design plan that complies with section 16.12.110 that describes the grading of the project. If the project applicant has submitted a grading plan with the application for the project, the Director may accept that grading plan in lieu of the grading design plan required by this subsection if the grading plan complies with section 16.12.110.

16.12.080. Soil Management Report.

(a) The soil management report required by section 16.12.070 shall be prepared by a licensed landscape architect, licensed civil engineer, or licensed architect, or other person with similar training necessary to approve the applicable plan, and contain the following information:

1. An analysis of the soil for the proposed landscape areas of the project that includes information about the soil texture, soil infiltration rate, pH, total soluble salts, sodium, percent organic matter.
2. Recommendations about soil amendments that may be necessary to foster plant growth and plant survival in the landscaped area using efficient irrigation techniques.

(b) When a project involves mass grading of a site, the applicant shall submit the soil management report that complies with subsection (a) above with the certificate of completion.

(c) The soil management report shall include information regarding proposed soil amendments and mulch:

- (1) The report shall identify the type and amount of mulch for each area where mulch is applied. Mulch shall be used as follows:
 - (i) A minimum two-inch layer of mulch shall be applied on all exposed soil surfaces in each landscaped area except in turf areas, creeping or rooting ground covers or direct seeding applications where mulch is contraindicated.
 - (ii) Stabilizing mulch shall be applied on slopes
 - (iii) The mulching portion of seed/mulch slurry in hydro-seeded applications shall comply with subsection (a) above.
 - (iv) Highly flammable mulch material shall not be used.

(2) The report shall identify any soil amendments and their type and quantity.

16.12.090 PLANTING AND IRRIGATION PLANS

(a) The planting and irrigation plans required by section 16.12.070 shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect or other

person with similar professional training necessary to approve the applicable Plan. The plans shall:

- (1) Include the MAWA for the plans, including the calculations used to determine the MAWA. The calculations shall be based on the formula in section 16.12.130.
 - (2) Included the ETWU for the plans, including the calculations used to determine the ETWU. The calculations shall be based on the formula in section 16.12.140.
 - (3) Include a statement signed under penalty of perjury by the person who prepared the plan that provides, "I am familiar with the requirements for landscape and irrigation plans contained in the City of Imperial Beach's Water Efficient Landscape Regulations. I have prepared this plan in compliance with those regulations and the Landscape Design Manual. I certify that the plan implements those regulations to provide efficient use of water."
 - (4) Demonstrate compliance with best management practices required by Chapters 8.31 & 8.32 of the Imperial Beach Municipal Code (*Watershed Protection, Stormwater Management and Discharge Control regulations*).
 - (5) Address fire safety issues and demonstrate compliance with applicable State and City of Imperial Beach requirements for defensible space around buildings and structures and shall avoid the use of fire prone vegetation.
- (b) The planting plan shall meet the following requirements:
- (1) The plan shall include a list of all vegetation by common and botanical plant name, which exists in the proposed landscaped area. The plan shall state what vegetation will be retained and what will be removed.
 - (2) The plan shall include a list of all vegetation by common and botanical plant name which will be added to each landscaped area. No invasive plant species shall be added to a landscaped area. The plan shall include the total quantities by container size and species. If the applicant intends to plant seeds, the plan shall describe the seed mixes and applicable purity and germination specifications.
 - (3) The plan shall include a detailed description of each water feature that will be included in the landscaped area.
 - (4) The plan shall be accompanied by a drawing showing on a page or pages, the specific location of all vegetation, retained or planted, the plant spacing and plant size, natural features, water features, and hardscape areas. The drawing

shall include a legend listing the common and botanical plant name of each plant shown on the drawing.

(5) All plants shall be grouped in hydrozones and the irrigation shall be designed to deliver water to hydrozones based on the moisture requirements of the plant grouping. A hydrozone may mix plants of moderate and low water use or mix plants of high water use with plants of moderate water use. No high water use plants shall be allowed in a low water use hydrozone. The plan shall also demonstrate how the plant groupings accomplish the most efficient use of water.

(6) The plan shall identify areas permanently and solely dedicated to edible plants.

(7) The plan shall demonstrate that landscaping when installed and at maturity will be positioned to avoid obstructing motorists' views of pedestrian crossings, driveways, roadways and other vehicular travel ways. If the landscaping will require maintenance to avoid obstructing motorist's views, the plan shall describe the maintenance and the frequency of the proposed maintenance.

(8) The plan shall avoid the use of landscaping with known surface root problems adjacent to a paved area, unless the plan provides for installation of root control barriers or other appropriate devices to control surface roots.

(9) Plants in a transitional area shall consist of a combination of site adaptive and compatible native and/or non-native species. No invasive species shall be introduced or tolerated in a transitional area. The irrigation in a transitional area shall be designed so that no overspray or runoff shall enter an adjacent area that is not irrigated.

(10) On a project other than a single-family residence, the plan shall identify passive and active recreational areas.

(c) The Irrigation Plan shall meet the following requirements:

(1) The plan shall show the location, type and size of all components of the irrigation system that will provide water to the landscaped area, including the controller, water lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices.

(2) The plan shall show the static water pressure at the point of connection to the public water supply and the flow rate in gallons, the application rate in inches per hour and the design operating pressure in pressure per square inch for each station.

- (3) The irrigation system shall be designed to prevent runoff, overspray, low-head drainage and other similar conditions where irrigation water flows or sprays onto areas not intended for irrigation. The plan shall also demonstrate how grading and drainage techniques promote healthy plant growth and prevent erosion and runoff.
- (4) The plan shall identify each area irrigated with recycled water.
- (5) The plan shall provide that any slope greater than 25 percent will be irrigated with an irrigation system with a precipitation rate of .75 inches per hour or less to prevent runoff and erosion. As used in this chapter, 25 percent grade means one foot of vertical elevation change for every four feet of horizontal length. An applicant may employ an alternative design if the plan demonstrates that no runoff or erosion will occur.
- (6) The plan shall provide that all wiring and piping under a paved area that a vehicle may use, such as a parking area, driveway or roadway, will be installed inside a PVC conduit.
- (7) The plan shall provide that irrigation piping and irrigation devices that deliver water, such as sprinkler heads, shall be installed below grade if they are within 24 inches of a vehicle or pedestrian use area. The Director may allow on-grade piping where landform constraints make below grade piping infeasible.
- (8) The plan shall provide that only low volume or subsurface irrigation shall be used to irrigate any vegetation within 24 inches of an impermeable surface unless the adjacent impermeable surfaces are designed and constructed to cause water to drain entirely into a landscaped area.
- (9) The irrigation system shall provide for the installation of a manual shutoff valve as close as possible to the water supply. Additional manual shutoff valves shall be installed between each zone of the irrigation system and the water supply.
- (10) The irrigation system shall provide that irrigation for any landscaped area will be regulated by an automatic irrigation controller.
- (11) The irrigation system shall be designed with landscape irrigation efficiency necessary to meet the MAWA.
- (12) The plan shall describe each automatic irrigation controller the system uses to regulate the irrigation schedule and whether it is a weather based system or moisture detection system. The plan shall depict the location of electrical service for the automatic irrigation controller or describe the use of batteries or solar power that will power valves or a smart controller.

16.12.100. Water Efficient Landscape Worksheet.

The water efficient landscape worksheet required by section 16.12.070 shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect or other person with similar professional training and shall contain the following:

(a) A hydrozone information table that contains a list of each hydrozone in the landscaped area of the project and complies with the following requirements:

1. For each hydrozone listed, the table shall identify the plant types and water features in the hydrozone, the irrigation methods uses, the square footage and the percentage of the total landscaped area of the project that the hydrozone represents.
2. The plant types shall be categorized as turf, high water use, moderate water use or low water use.

(b) Water budget calculations, which shall meet the following requirements:

1. The plant factor used shall be from WUCOLS III. The plant factor ranges from 0.1 for very low water use plants, 0.3 for low water use plants, 0.5 for moderate water use plants, and 0.8 for high water use plants. A plan that mixes plants in a hydrozone that require a different amount of water shall use the plant factor for the highest water using plant in the hydrozone. Turf shall have a plant factor of 1.0.
2. Temporarily irrigated areas shall be included in the low water use hydrozone. Temporarily irrigated as used in this chapter means the period of time when plantings only received water until they become established.
3. The surface area of a water feature shall be included in a high water use hydrozone.
4. The calculations shall use the formula for the MAWA in section 16.12.130 and for the ETWU in section 16.12.140.
5. Each special landscaped area shall be identified on the worksheet and the area's water use calculated using an ETAF of 1.0.

16.12.110. Grading Design Plan.

The grading design plan required by section 16.12.070 shall be prepared by a California licensed civil engineer, licensed landscape architect, licensed architect or person with similar professional training and shall comply with the following requirements:

(a) The grading on the project site shall be designed for the efficient use of water by minimizing soil erosion, runoff and water waste, resulting from precipitation and irrigation.

(b) The plan shall show the finished configurations and elevations of each landscaped area including the height of graded slopes, the drainage pattern, pad elevations, finish grade and any stormwater retention improvements.

16.12.120. Irrigation Schedule.

The irrigation schedule required by section 16.12.070 shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect or person with similar professional training and provide the following information.

(a) A description of the automatic irrigation system that will be used for the project.

(b) The evapotranspiration data relied on to develop the irrigation schedule, including the source of the data.

(c) The time period when overhead irrigation will be scheduled and confirm that no overhead irrigation shall be used between the hours of 10:00 a.m. and 8:00 p.m.

(d) The parameters used for setting the irrigation system controller for watering times for:

1. The plant establishment period.
2. Established landscaping.
3. Temporarily irrigated areas
4. Different seasons during the year.

(e) The consideration used for each station for the following factors:

1. The days between irrigation.
2. Station run time in minutes for each irrigation event, designed to avoid runoff.

3. Number of cycle starts required for each irrigation event, designed to avoid runoff.
4. Amount of water to be applied on a monthly basis.
5. The root depth setting.
6. The plant type setting.
7. The soil type.
8. The slope factor
9. The shade factor.

16.12.130. Maximum Applied Water Use.

(a) A landscape project subject to this chapter shall not exceed the MAWA. The MAWA for a landscape project shall be determined by the following calculation:

$$\text{MAWA} = (\text{ETo})(0.62)[0.7 \times \text{LA} + 0.3 \times \text{SLA}]$$

(b) The abbreviations used in the equation have the following meanings:

1. MAWA = Maximum Applied Water Allowance in gallons per year.
2. ETo = Evapotranspiration in inches per year.
3. 0.62 = Conversion factor to gallons per square foot.
4. 0.7 = ET adjustment factor for plant factors and irrigation efficiency
5. LA = Landscaped area includes special landscaped area in square feet.
6. 0.3 = the additional ET adjustment factor for a special landscaped area (1.0 – 0.7 = 0.3)
7. SLA = Portion of the landscaped area identified as a special landscaped area in square feet.

16.12.140. Estimated Total Water Use.

(a) An applicant for a project subject to this chapter shall calculate the ETWU for each landscaped area and the entire project using the following equation:

$$ETWU = (ETo)(0.62)(PF \times HA / IE + SLA)$$

(b) The abbreviations used in the equation have the following meanings:

1. ETWU = Estimated total water use in gallons per year.
2. ETo = Evapotranspiration in inches per year.
3. 0.62 = Conversion factor to gallons per square foot.
4. PF = Plant factor from WUCOLS
5. HA = Hydrozone Area in square feet. Each HA shall be classified based upon the data included in the landscape and irrigation plan as high, medium or low water use.
6. IE = Irrigation Efficiency (minimum 0.71).
7. SLA = Special landscaped area in square feet.

(c) The ETWU for a proposed project shall not exceed the MAWA.

16.12.150. Adjustment to Landscaped Area for Non-Vegetated Area.

Rock and stone or pervious design features, such as decomposing granite ground cover that are adjacent to a vegetated area may be included in the calculation of the MAWA and ETWU provided the features are integrated into the design of the landscape area and primary purpose of the feature is decorative.

16.12.160. New Single Family Residential Projects with Limited Landscaping.

An applicant for a building permit for a new single family residence subject to this chapter where the landscaped area of the project is less than 5,000 square feet shall, as a condition of obtaining a building permit, submit an application to establish a MAWA and/or a best landscape design practices checklist for the property on the form approved by the Director.

16.12.170. Cemeteries

(a) A person submitting an application for a Conditional Use Permit for a cemetery shall submit the following:

- (1) A concept plan, as described in section 16.12.050.

(2) A water efficient irrigation worksheet that calculated the MAWA for the project with the application that complies with section 16.12.100.

(3) A landscape irrigation and maintenance schedule that complies with 16.12.230.

16.12.180. Regulations Applicable to Use of Turf on Landscaped Areas.

The following regulations shall apply to the use of turf on a project subject to this chapter:

(a) Only low volume or subsurface irrigation shall be used for turf in a landscaped area:

1. On a slope greater than 25 percent grade where the toe of the slope is adjacent to an impermeable hardscape.

2. Where any dimension of the landscaped area is less than six feet wide.

(b) On a commercial, industrial or multi-family project, no turf shall be allowed on a center island median strip or on a parking lot island.

(c) A ball field, park, golf course, cemetery and other similar use shall be designed to limit turf in any portion of a landscaped area not essential for the operation of the facility.

(d) No turf shall be allowed in a landscaped area that cannot be efficiently irrigated, such as avoiding runoff or overspray.

16.12.190. Projects with Model Homes.

A person who obtains a permit to construct a single family residential development that contains a model home shall provide a summary of this chapter prepared by the Director of Community Development to each adult visitor that visits a model home. If an adult visitor is accompanied by one or more adults during the visit, only one set of written materials is required to be provided. Each model home shall provide an educational sign in the front yard of the model home visible and readable from the roadway that the home faces that states in capital black lettering at least two inches high on a white sign, "THIS MODEL HOME USES WATER EFFICIENT LANDSCAPING AND IRRIGATION."

16.12.200. Recycled Water.

(a) A person who obtains a permit for a project that is subject to this chapter shall use recycled water for irrigation when tertiary treated recycled water is available from

the water purveyor who supplies water to the property for which the City issues a permit.

(b) A person using recycled water shall install a dual distribution system for water received from a public water surveyor. Pipes carrying recycled water shall be purple.

(c) A person who uses recycled water under this section shall be entitled to an ETAF of 1.0.

(d) This section does not excuse a person using recycled water from complying with all State and local laws and regulations related to recycled water use.

16.12.210. Landscaping and Irrigation Installation.

A person issued a water use authorization for a project other than a single family residence where the landscaped area of the project is less than 5,000 square feet shall install the approved landscaping and irrigation system before final inspection of the project.

16.12.220. Landscaping and Irrigation Maintenance.

(a) A property owner using water on property subject to a landscape approval other than a single-family residence with a total landscaped area less than 5,000 square feet, shall prepare a maintenance schedule for the landscaping and irrigation system on the project. The schedule shall provide for (1) routine inspection to guard against runoff and erosion and to detect plant or irrigation system failure, (2) replacement of dead, dying and diseased vegetation, (3) eradication of invasive species, (4) repairing the irrigation system and its components, (5) replenishing mulch, (6) soil amendment when necessary to support and maintain healthy plant growth, (7) fertilizing, pruning and weeding and maintaining turf areas, and (8) maintenance to avoid obstruction of motorists' view. The schedule shall also identify who will be responsible for maintenance.

(b) After approval of a landscape plan, the owner is required to:

(1) Maintain and operate the landscaping and irrigation system on the property consistent with the MAWA.

(2) Maintain the irrigation system to meet or exceed an irrigation efficiency necessary to meet MAWA.

(3) Replace broken or malfunctioning irrigation system components with components of the same materials and specifications, their equivalent or better.

- (4) Ensure that when vegetation is replaced, replacement plantings are representative of the hydrozone in which the plants were removed and are typical of the water use requirements of the plants removed, provided that the replaced vegetation does not result in mixing high water use plants with low water use plants in the same hydrozone.

16.12.230. Certificate of Completion.

Each person issued a landscape approval, other than a single family residence with a total landscaped area of less than 5,000 square feet shall submit:

- (a) A signed certificate of completion, under penalty of perjury, on a form provided by the Director of Community Development within 10 days after installation.

- (1) The certificate shall include a statement verifying that the landscaping and irrigation were installed as allowed in the approved landscape and irrigation plan, all approved soil amendments were implemented, the installed irrigation system is functioning as designed and approved, the irrigation control system was properly programmed in accordance with the irrigation schedule, and the person operating the system has received all required maintenance and irrigation plans.

- (2) Where there have been significant changes to the landscape plan during the installation of landscaping or irrigation devices or irrigation system components, the professional of record for the landscape design shall submit "as built" plans that show the changes.

- (3) The certificate shall be signed by the professional of record for the landscape design.

- (b) An irrigation schedule that complies with section 16.12.120 that describes the irrigation times and water usage for the project.

- (c) A soil management report that complies with section 16.12.080, if the applicant did not submit the report with the landscape documentation package.

16.12.240. Waste Water Prevention.

- (a) No person shall use water for irrigation that due to runoff, low head drainage, overspray or other similar condition, water flows onto adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas.

- (b) No person whose landscape is subject to a landscape approval pursuant to this chapter shall apply water to the landscape in excess of the MAWA.

16.12.250. Enforcement

(a) This Chapter shall be enforced using the civil and criminal provisions found in Title I (General Provisions) of the Imperial Beach Municipal Code. All remedies are cumulative.

(b) Nothing herein prevents the City from inspecting properties, in a manner allowed by law, to determine if violations of this Chapter have occurred, including the use of water audit procedures as authorized by law.

16.12.260. Fees

An applicant for a project subject to this chapter shall include with the application, all fees established by Resolution by the City Council to cover the City's cost to review an application, any required landscape documentation package and any other documents the City reviews pursuant to the requirements of this chapter.

Item No. 4.1

Attachment 2
Available in the City Clerk's
Office for Review

You may also view the
document on our website:

www.cityofib.com



Imperial Beach
Redevelopment Agency

AGENDA ITEM NO. 6.1

**STAFF REPORT
IMPERIAL BEACH REDEVELOPMENT AGENCY**

TO: CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

FROM: GARY BROWN, EXECUTIVE DIRECTOR

MEETING DATE: DECEMBER 16, 2009

ORIGINATING DEPT.: PUBLIC WORKS *HAZ*

SUBJECT: SPORTS PARK SKATE PARK CIP (P07-101) BUDGET AMENDMENT ACCEPTING THE COMMUNITY DONATIONS, THE NON-PROFIT GRANTS AND ADDING \$200,000 RDA TAX INCREMENT (NON-HOUSING) TO THE PROJECT

BACKGROUND: On August 19, 2009 City Council was presented a review of the Sports Park Skate Park CIP (PROJECT) design plus provided a preliminary PROJECT construction and administration cost. City Council was presented with the PROJECT design concept which included constructing the Skate Park in "two phases" or constructing the project as "one complete project." Staff was directed to continue with the PROJECT design that included the potential for constructing the PROJECT in "two or more phases." This direction was predicated on building a park that remained within the adopted budget of \$135,000.

Grindline Skateparks, Inc. was awarded the PROJECT design in June 2009. Since the award date, Grindline Skateparks, Inc. has worked on the PROJECT design and the subsequent construction plans and specifications. In early November, 2009, the 60% drawings were delivered to the City. These were reviewed by City Staff and returned to Grindline Skateparks, Inc. to incorporate staff's comments. Grindline Skateparks, Inc. has been directed to prepare the 100% drawings as soon as possible – hopefully in December 2009.

At the November 2, 2009, City Council Work Shop, there was a sense of City Council that they would consider adding another \$200,000 to the PROJECT and that City Council would prefer completing the PROJECT construction in "one complete project" if the additional \$200,000 would likely cover the PROJECT cost from design through construction. This information was forwarded to Grindline Skateparks, Inc. Subsequent to the workshop, Grindline Skateparks, Inc. delivered a construction cost estimate of \$254,859.68 for the PROJECT being completed in "one complete project."

DISCUSSION: This staff report is prepared to recommend a budget amendment of \$200,000; plus the acceptance of the donations collected by the Community for an additional \$7,000. These funds would be added to the existing adopted CIP budget of \$135,000.

Of the original \$135,000 PROJECT budget adopted with the "Five-Year Capital Improvement

Program (CIP) Projects Budget for Fiscal Years 2009/2010 through 2013/1014” two grants were included that were never officially accepted by City Council. These grants were:

- \$50,000 received from the County of San Diego (Supervisor Cox) – second award
- \$10,000 received from the Tony Hawk Foundation.

Staff recommends City Council accept these additional funds and direct that they be added to the CIP P07-101 PROJECT budget.

In Staff’s review of the construction drawings, it was determined that this PROJECT met the Standard Urban Storm Water Mitigation Plan (SUSMP) criteria. This determination meant that the City must treat this project as a priority project, meaning that the water runoff from the skate park surface must be treated before discharge into the storm drain system. Grindline Skateparks, Inc. will need to add this feature to the 100% drawings. The added cost for this design and construction was not known at the time of the preparation of this staff report.

ENVIRONMENTAL DETERMINATION: On December 3, 2009 a Notice of Intent to adopt a Mitigated Negative Declaration (MND) was published and routed for public review pursuant to Section 15072 of Title 14, Chapter 3 of the California Code of Regulations (CEQA Guidelines). The proposed MND is available for review December 3, 2009 to January 4, 2010. It was also routed through the Clearinghouse (SCH#2009121003) for state agency review from December 2, 2009 through January 4, 2010. Public Hearings for the MND and the project entitlements are scheduled for the Design Review Board on December 17, 2009 and for the City Council on January 20, 2010.

FISCAL IMPACT:

Revenue:

- | | |
|--|------------------|
| • Available Funding through grants and donations | \$142,000 |
| • Proposed RDA Tax Increment (non-housing) | <u>\$200,000</u> |
| ○ Total Revenue | \$342,000 |

Expenditure:

- | | |
|--|------------------|
| • Grindline Skateparks, Inc. contract | \$ 27,360 |
| • Engineer’s Estimate of Construction Cost | \$254,860 |
| • Project Administration | <u>\$ 49,100</u> |
| ○ Total Expenditure | \$331,320 |

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Accept the community donations of \$7,000 and direct they be added to CIP P07-101 PROJECT budget.
3. Accept the County of San Diego (Supervisor Cox) donation (second award) of \$50,000 and direct it be added to CIP P07-101 PROJECT budget.
4. Accept the Tony Hawk foundation donation of \$10,000 and direct it be added to CIP P07-101 PROJECT budget.
5. Allocate \$200,000 RDA Tax Increment (non-housing) unallocated reserve to CIP P07-101 PROJECT budget.
6. Direct staff to continue with the PROJECT design as “one complete project.”

EXECUTIVE DIRECTOR’S RECOMMENDATION:

Approve Department recommendation.

Gary Brown

Gary Brown, Executive Director

Attachments:

1. Resolution No. R-09-201

RESOLUTION NO. R-09-201

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING THE SPORTS PARK SKATE PARK CIP (P07-101) BUDGET BY ACCEPTING THE COMMUNITY DONATIONS AND THE NON-PROFIT GRANTS AND BY ADDING \$200,000 RDA TAX INCREMENT (NON-HOUSING) TO THE PROJECT

WHEREAS, on August 19, 2009 City Council was presented a review of the Sports Park Skate Park CIP (PROJECT) design plus provided a preliminary PROJECT construction and administration cost; and

WHEREAS, City Council was presented with the PROJECT design concept which included constructing the Skate Park in "two phases" or constructing the PROJECT as "one complete project."; and

WHEREAS, staff was directed on to continue with the PROJECT design that included the potential for constructing the PROJECT in "two or more phases"; and

WHEREAS, this direction was predicated on building a park that remained within the adopted budget of \$135,000; and

WHEREAS, Grindline Skateparks, Inc. was awarded the PROJECT design in June 2009; and

WHEREAS, the PROJECT design and construction 60% drawings were reviewed by City Staff and returned to Grindline Skateparks, Inc. in November 2009; and

WHEREAS, at the November 2, 2009, City Council Work Shop, there was a sense of City Council that they would consider adding another \$200,000 to the PROJECT and that City Council would prefer completing the PROJECT construction in "one complete project" if the additional \$200,000 would likely cover the project cost from design through construction; and

WHEREAS, the Engineer's Estimate for the "one complete project" was \$254,859.68; and

WHEREAS, community collected an additional \$7,000 of donations which are available to be added to the existing adopted PROJECT budget of \$135,000; and

WHEREAS, of the original \$135,000 PROJECT budget adopted with the "Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009/2010 through 2013/1014" two grants were included that were never officially accepted by City Council as follows:

- \$50,000 received from the County of San Diego (Supervisor Cox) – second award
- \$10,000 received from the Tony Hawk Foundation; and

WHEREAS, with the acceptance of the Community Donations, two grants and the allocation of an additional \$200,000 RDA Tax Increment (non-housing) unallocated reserve, there is \$342,000 available for the Project; and

WHEREAS, the total Project expenditure is estimated at \$331,320.

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 accepts the community donations of \$7,000 and directs they be added to CIP P07-101 PROJECT budget.
3. This legislative body accepts the County of San Diego (Supervisor Cox) grant (second award) of \$50,000 and directs it be added to CIP P07-101 PROJECT budget.
4. This legislative body accepts the Tony Hawk foundation grant of \$10,000 and directs it be added to CIP P07-101 PROJECT budget.
5. This legislative body allocates \$200,000 RDA Tax Increment (non-housing) unallocated reserve to CIP P07-101 PROJECT budget.
6. This legislative body directs staff to continue with the Project design as "one complete project."

PASSED, APPROVED, AND ADOPTED by the Redevelopment Agency of the City of Imperial Beach at its meeting held on the 16th day of December 2009, by the following roll call vote:

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

JAMES C. JANNEY
CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, CMC
SECRETARY



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: December 16, 2009
ORIGINATING DEPT.: OFFICE OF THE CITY MANAGER
SUBJECT: MTS SERVICE CHANGES

BACKGROUND:

Due to a decline in revenues MTS is considering service reductions to balance its Fiscal Year 2010 and Fiscal Year 2011 budgets. Between November 15 and November 22 it held public outreach meetings to discuss the proposed changes. The Board will hold a public hearing on December 10 and a second Board meeting on January 7th. Changes will become effective on February 28, 2010 if approved by the Board. The Board is not considering fare increases. The bus routes that run through Imperial Beach are 933, 934 and 901, and the Blue Line Trolley is convenient.

Please note the changes for the Blue Line and Routes 933, 934, and 901 on the attachments.

DISCUSSION:

On January 7, 2010 the MTS Board is scheduled to decide on the service reductions. Council's discussion on December 16 is an opportunity to better understand MTS' fiscal constraints, the proposed service changes, and provide direction to Council's representatives on the MTS Board, Mayor Janney and Mayor Pro Tempore Lorie Bragg. An MTS staff person will be available to respond to questions.

ENVIRONMENTAL ANALYSIS:

This would be decided and managed by MTS.

FISCAL IMPACT:

MTS hopes the service changes will bring expenses more in line with revenues.

CITY MANAGER'S RECOMMENDATION:

Council review and comment on the proposed changes, and provide direction to Council's representatives on the MTS Board as Council deems necessary.



Gary Brown, City Manager

Attachments:

1. MTS Public Hearing Notice
2. MTS Proposed Change Schedule
3. MTS Bus Route Maps
4. MTS FY 2010 and FY 2011 Forecast Report
5. San Diego Union Tribune Article- As cost saver, Sunday buses could all but disappear.

Proposed Changes: Public Hearing Notice

MTS must reduce its operating budget due to a loss of State Transit Assistance funding and lower tax revenues. Almost half of the MTS operating budget comes from sales tax and other government subsidies. Over the past three years, this revenue has dropped by more than 43 million dollars. To balance its budgets, MTS has increased fares, increased advertising revenues, reduced service, eliminated about 20 percent of all management positions and reduced internal costs. Unfortunately sales tax revenues continue to drop and MTS must again reduce its operating costs by reducing its services.

SUMMARY OF PROPOSED SERVICE REDUCTIONS

Rather than raise fares or pass prices, the MTS Board of Directors will consider a proposal on December 10 to reduce the overall scope of transit services, primarily on Sunday. This will include the reduction of frequency on Sunday routes and the elimination of many Sunday routes. The proposal will also include some reductions in Saturday service, primarily to route frequencies and length, and some additional adjustments to weekday service. The goals of the proposal are to maintain the core network of weekday and Saturday service, retain service on the major corridors on Sunday, and impact as few riders as possible. Ridership on Sundays is about one-half that of weekdays. **If approved by the MTS Board of Directors, these changes would take effect starting February 28, 2010.**

MTS WANTS YOUR INPUT

Members of the public are invited to provide input on any of the proposals detailed below. The MTS Board of Directors will consider all public input prior to making a decision. There are several ways to provide comments:

- 1) Public Testimony at the **PUBLIC HEARING, Thursday, December 10, 2009, 9:00 a.m.:**
1255 Imperial Avenue, 10th Floor (at the 12th/Imperial Transit Center), San Diego, California 92101
- 2) Telephone Hotline Voicemail: (619) 595- 4912
- 3) E-mail: **mts.planning@sdmts.com**
- 4) U.S. Mail: **MTS Public Hearing Comments**, 1255 Imperial Avenue, Suite 1000, San Diego, California 92101

WEEKDAY PROPOSED CHANGES: Mostly minor reductions with low passenger impacts.

Route	Change summary	Annual Subsidy Savings
2	Reduce to 15-min. midday frequency; move Dwtm terminal to America Plaza.	\$326,777
20	Disc. midday express trips betw. dwtm & K. Mesa; and 60-min. north of Mira Mesa.	\$371,996
30	Discontinue service between Dwtm and Old Town after 7pm.	\$263,949
50	Reduce several trips at the periphery of the rush hours.	\$183,918
150	Minor scheduling efficiencies due to Route 50 reductions.	\$16,908
210	Move Dwtm terminal to America Plaza.	\$31,511
854	Every other trip runs directly between Amaya Trolley & Grossmont Coll., via SR-125.	\$58,943
860	Discontinue the last northbound trip.	\$29,979
874/875	No service to Granite Hills after 6pm.	\$12,269
880	Reroute to Dwtm instead of Sorrento Valley & UTC, with 2 roundtrips instead of 3.	\$0
906/907	New loop route (Iris Trolley-San Ysidro) replaces southern end of Routes 929, 932.	(\$1,259,445)
916/917	Discontinue half hour north side overlay except during peak hours.	\$103,480
929	Service south of Iris replaced by new Rt. 906/907. Move Dwtm terminal to City Coll.	\$737,996
932	Service south of Iris replaced by new Rt. 906/907.	\$612,549
992	Discontinue two last round trips at night.	\$19,666
→ Blue	Reduce span of peak to end earlier in the AM and start later in the PM.	\$321,785
→ Blue	End last four trips at America Plaza instead of Old Town.	
TOTAL WEEKDAY		\$1,832,280

SATURDAY PROPOSED CHANGES: Frequencies reduced on many core routes; routes shortened where possible.

Route	Change summary	Annual Subsidy Savings
2	Reduce to 20-min. frequency.	\$64,686
3	Discontinue first southbound half-trip.	\$1,585
7	Reduce to 15-min. frequency.	\$79,879
8.9	Reduce to 30-min. frequency during the non-summer months.	\$50,053
10	Reduce to 20-min. frequency and move eastern terminal to the City Hts. Transit Plaza.	\$101,103
11	Reduce to 30-min. frequency.	\$144,748
15	Reduce to 20-min. frequency.	\$102,147
20	Reduce to 60-min. frequency north of Fashion Valley.	\$76,739
27	Reduce to 90-min. frequency and move Kearny Mesa terminal to Balboa/Convoy.	\$21,894
30	Operate between Old Town and the VA Hospital only (extend to UTC after 10pm).	\$133,736
41	Move northern terminal to UTC instead of UCSD.	\$53,665
88	Reduce to 60-min. frequency.	\$32,397
105	Reduce to 60-min. frequency and move northern terminal to Clairemont Square.	\$108,634
874/875	Reduce to 60-min. frequency, and discontinue service to Granite Hills.	\$63,760
→ 901	Reduce to 60-min. frequency between 6pm and 7pm.	\$10,856
906/907	New loop route (Iris Trolley-San Ysidro) replaces southern end of Routes 929, 932.	(\$187,978)
929	Service south of Iris Trolley is replaced by new Route 906/907.	\$92,129
932	Service south of Iris Trolley is replaced by new Route 906/907.	\$92,039
955	Discontinue two early morning half-trips.	\$2,189
967/968	Reduce to 120-min. frequency.	\$29,710
992	Reduce to 30-min. frequency and discontinue two last round trips at night.	\$46,177
→ Blue	End last four trips at America Plaza instead of Old Town.	\$9,224
TOTAL SATURDAY		\$1,129,372

SUNDAY PROPOSED SERVICE NETWORK: Most service is hourly, some critical corridors more frequent; some routes slightly restructured for better coverage or connections; span is generally 6am-7pm, select corridors operate later.

Route	Current Frequency	Proposed Frequency	Current Span	Proposed Span	Routing change summary
1	30	30	6am-12mid	7am-8pm	Move eastern terminal to Dwtn La Mesa (no Grossmont or Amaya).
2	20	30	430am-1am	6am-10pm	Extend east on Adams Ave. through Normal Heights.
3	30	60	530am-1130pm	6am-8pm	Move western terminal to City College (no Bankers Hill or Hillcrest).
4	30	60	6am-1130pm	7am-7pm	No routing changes proposed.
5	30	30	5am-930pm	6am-8pm	No routing changes proposed.
6	30	----	630am-1030pm	----	Route would not operate on Sundays.
7	15	20	5am-2am	6am-12mid	Operate between City College and 69th only (no Broadway or La Mesa).
8/9	20	30	530am-1230am	6am-8pm	Operate between Old Town, Sea World, and Mission Blvd only.
10	20	30	5am-1230am	6am-8pm	Move eastern terminal to the City Hts. Transit Plaza.
11	30	30	5am-12am	6am-8pm	Operate between Euclid Trolley & Dwtn (1st/Broadway) only.
13	30	60	530am-10pm	6am-8pm	Change to Plaza Blvd. & D Ave. instead of 18th St. (National City).
15	20	30	5am-1am	6am-12mid	Move Dwtn terminal to City College.
20B	30/60	60	530am-10pm	6am-8pm	Add service to Kearny Villa Rd. between Balboa and Clairemont Mesa.
27	60	----	6am-830pm	----	Route would not operate on Sundays.
28	30	60	6am-11pm	6am-8pm	No routing changes proposed.
30	30	30	5am-130am	6am-11pm	Operate between Old Town and VA Medical Center only (no Dwtn or UTC).
35	30	30	630am-11pm	7am-8pm	Shortline of current route at Newport.
41	30	30	6am-11pm	6am-8pm	Serve central Linda Vista and move northern terminal to UTC (no UCSD).
44	30	60	6am-12mid	6am-8pm	Extend to serve Health Center Dr. (Sharp Hospital).
88	60	----	630am-9pm	----	Route would not operate on Sundays.
105	60	60	630am-9pm	6am-7pm	Move northern terminal to Clairemont Square; route change in Bay Park.
115	60	----	630am-9pm	----	Route would not operate on Sundays.
120	30	30	530am-1030pm	6am-10pm	Operate only between Broadway and Fashion Valley (no Kearny Mesa).
201/202	15	15	6am-1030pm	6am-1030pm	No changes proposed.
701	60	----	630am-930pm	----	Route would not operate on Sundays.
704	60	----	7am-930pm	----	Route would not operate on Sundays.
705	60	----	730am-730pm	----	Route would not operate on Sundays.
711	30	60	630am-930pm	7am-7pm	New route combines parts of 701, 704, 709 & 712 to serve E. Chula Vista.
712	60	----	630am-9pm	----	Route would not operate on Sundays.
815	30	60	530am-830pm	7am-6pm	No routing changes proposed.
832	60	----	9am-530pm	----	Route would not operate on Sundays.
833	60	----	9am-530pm	----	Route would not operate on Sundays.
845	60	----	730am-630pm	----	Route would not operate on Sundays.
848	60	----	7am-10pm	----	Route would not operate on Sundays.
854	60	----	8am-930pm	----	Route would not operate on Sundays.
855	60	----	6am-930pm	----	Route would not operate on Sundays.
856	60	----	530am-10pm	----	Route would not operate on Sundays.
864	30	60	5am-11pm	7am-6pm	Move east terminal to East Main & Broadway (no Alpine).
872A		----	8am-530pm	----	Route would not operate on Sundays.
874/875	30	60	630am-10pm	7am-6pm	No service to Granite Hills.
→ 901	30	60	5am-230pm	6am-8pm	Operate only between 12th/Imperial and Coronado City Hall.
904	60	----	10am-630pm	----	Route would not operate on Sundays.
905	60	----	530am-7pm	----	Route would not operate on Sundays.
906/907	---	60	----	6am-8pm	New loop route replaces southern end of Routes 929, 932.
916/917	60	----	6am-930pm	----	Route would not operate on Sundays.
921	60	----	7am-8pm	----	Route would not operate on Sundays.
923	60	----	6am-7pm	----	Route would not operate on Sundays.
928	60	----	630am-930pm	----	Route would not operate on Sundays.
929	20	20	5am-3am	6am-11pm	Operate only between Iris Ave. and 8th St. Trolley (National City).
932	20	60	430am-1am	6am-8pm	Operate only between Iris Ave. and E St. Trolley (Chula Vista).
→ 933/934	30	60	530am-130am	6am-8pm	Discontinue Satellite/Iris loop south of Coronado Ave.
936	30	30	530am-11pm	6am-8pm	No routing changes proposed.
955	30	30	5am-12mid	6am-8pm	No routing changes proposed.
961	60	60	7am-8pm	6am-8pm	Operate only 24th St. Trolley and Plaza Bonita.
962	60	----	7am-730pm	----	Route would not operate on Sundays.
965	45	----	7am-730pm	----	Route would not operate on Sundays.
967	120	----	7am-730pm	----	Route would not operate on Sundays.
968	120	----	8am-7pm	----	Route would not operate on Sundays.
992	15	30	5am-1230am	6am-11pm	No routing changes proposed.
→ Blue	15	15	430am-2am	430am-2am	End last four trips at America Plaza instead of Old Town.
Orange	15	30	530am-1230am	6am-10pm	Reduce freq to 30 min.
Green	15	30	430am-1am	6am-10pm	Reduce freq to 30 min.

TOTAL SUNDAY SUBSIDY SAVINGS \$4,082,227



Proposed Changes

Route	WEEKDAY				Other Weekday Changes	SAT.		SUNDAY		Current Span of Service APPROXIMATE	Proposed Span of Service APPROXIMATE	Other Weekend Changes
	Peak: Current Frequency	Peak: Proposed Frequency	MIDDAY: Current Frequency	MIDDAY: Proposed Frequency		Current Frequency	Proposed Frequency	Current Frequency	Proposed Frequency			
1	15	15	15	15		30	30	30	30	530a - 12mid	700a - 800p	Sunday: Hillcrest - El Cajon Blvd. - Downtown La Mesa (no Crossmont)
2	11	11	12	15	Downtown terminal changes to America Plaza	15	20	20	30	430a - 100a	600a - 1000p	Sunday: Extended east on Adams Ave. from 30th to 15 Freeway
3	15	15	15	15		30	30	30	60	530a - 1100p	600a - 800p	Sunday: City College - Euclid Trolley only (no Hillcrest or UCSD Medical Center)
4	30	30	30	30		30	30	30	60	600a - 1130p	700a - 700p	
5	15	15	15	15		30	30	30	30	500a - 930p	600a - 800p	
6	15	15	15	15		30	30	30	DISC	630a - 1030p	DISC	
7	6	6	12	12		12	15	15	20	500a - 200a	600a - 12mid	Sunday: City College Trolley - University/69th only (no Broadway or La Mesa)
8/9	15	15	15	15		20	30	20	30	530a - 1230a	600a - 800p	Sunday: P.B. via Sea World and Mission Blvd. only (no Ingraham or Garnet)
10	15	15	15	15		15	20	20	30	500a - 1230a	600a - 800p	Saturday/Sunday: Service east to 15 Freeway (City Heights Transit Plaza) only
11	15	15	15	15		20	30	30	30	500a - 12mid	600a - 800p	Sunday: Downtown - Euclid Trolley only (no Skyline/Hillcrest/Adams/SDSU)
13	15	15	15	15		30	30	30	60	530a - 12mid	600a - 800p	Sunday: Route change in National City to use Plaza & D instead of 18th St
14	60	60	60	60		---	---	---	---	---	---	
15	10	10	15	15		15	20	20	30	500a - 100a	600a - 12mid	Sunday: Downtown terminal moves to City College Trolley (no Broadway)
18	30	30	30	30		---	---	---	---	---	---	
20	15	15	15	30	Midday: Hourly north of Mira Mesa	30	60	30	60	600a - 1000p	600a - 800p	
25	60	60	60	60		---	---	---	---	---	---	
27	30	30	30	30		60	90	60	DISC	600a - 900p	DISC	Saturday: Eastern terminal moves to Convoy/Balboa (no Kearny Mesa Transit Center)
28	30	30	30	30		30	30	30	60	600a - 1100p	600a - 800p	
30	15	15	15	15	South terminal moves to Old Town after 7pm	30	30	30	30	500a - 130a	600a - 1100p	Saturday/Sunday: Old Town - VA Medical Center only (no Downtown or UTC)
31	30	30	---	---		---	---	---	---	---	---	
35	30	30	30	30		30	30	30	30	700a - 1100p	700a - 800p	Sunday: Ocean Beach terminal moves to Newport Ave. (no Point Loma Ave.)
41	15	15	15	15		30	30	30	30	600a - 1100p	600a - 800p	Saturday/Sunday: Service north only to UTC; Sunday: Serves Linda Vista via Ulric
44	15	15	15	15		30	30	30	60	600a - 12mid	600a - 800p	Sunday: Route change to serve Sharp Hospital/Health Center Dr.
50	15	15	60	60	Fewer trips	---	---	---	---	---	---	
83	60	60	60	60		---	---	---	---	---	---	
84	60	60	60	60		---	---	---	---	---	---	
88	30	30	30	30		30	60	60	DISC	630a - 900p	DISC	
105	30	30	30	30		30	60	60	60	630a - 900p	600a - 700p	Saturday/Sunday: Service north only to Clairemont Square (no UTC)
115	30	30	30	30		60	60	60	DISC	630a - 900p	DISC	
120	15	15	15	15		30	30	30	30	530a - 1030p	600a - 1000p	Sunday: Dwtm- Fashion Valley only, making LOCAL stops (no Linda Vista, Kearny Mesa)
150	15	15	60	60		---	---	---	---	---	---	
201/202	10	10	15	15		15	15	15	15	600a - 1030p	600a - 1030p	
210	30	30	---	---	Downtown terminal changes to America Plaza	---	---	---	---	---	---	
701	15	15	15	15		60	60	60	DISC	700a - 930p	DISC	
704	30	30	30	30		60	60	60	DISC	700a - 930p	DISC	
705	30	30	30	30		45	45	45	DISC	730a - 730p	DISC	
707	---	---	60	60		---	---	---	---	---	---	
709	15	15	15	15		30	30	60	DISC	630a - 930p	DISC	
712	8	8	15	15		60	60	60	DISC	630a - 900p	DISC	
810	15	15	---	---		---	---	---	---	---	---	
815	30	30	30	30		30	30	30	60	600a - 900p	700a - 600p	
816	30	30	30	30		---	---	---	---	---	---	
820	30	30	---	---		---	---	---	---	---	---	
832	60	60	60	60		60	60	60	DISC	830a - 500p	DISC	
833	60	60	60	60		60	60	60	DISC	900a - 530p	DISC	
834	60	60	60	60		---	---	---	---	---	---	
844	35	35	35	35		---	---	---	---	---	---	
845	30	30	30	30		90	90	90	DISC	800a - 700p	DISC	
848	30	30	30	30		60	60	60	DISC	700a - 1000p	DISC	
850	30	30	---	---		---	---	---	---	---	---	
851	60	60	60	60		---	---	---	---	---	---	
854	30	60	30	60		60	60	60	DISC	800a - 930p	DISC	
855	30	30	30	30		60	60	60	DISC	600a - 900p	DISC	
856	30	30	30	30		60	60	60	DISC	530a - 1000p	DISC	
860	30	30	---	---	Discontinue last evening north bound trip	---	---	---	---	---	---	
864	30	30	30	30		60	60	60	60	500a - 1100p	700a - 600p	Sunday: Service to Broadway/E Main only
870	2 trips	2 trips	---	---		---	---	---	---	---	---	
871/872	60	60	60	60		60	60	60	DISC	800a - 530p	DISC	
874/875	30	30	30	30	No service to Granite Hills after 6pm	30	60	30	60	630a - 1000p	700a - 600p	Saturday/Sunday: No service to Granite Hills
880	2 trips	2 trips	---	---	Route change: Downtown instead of Sorrento Valley, UTC	---	---	---	---	---	---	
888	RURAL ROUTE - No changes proposed.					---	---	---	---	---	---	
891	RURAL ROUTE - No changes proposed.					---	---	---	---	---	---	
892	RURAL ROUTE - No changes proposed.					---	---	---	---	---	---	
894	RURAL ROUTE - No changes proposed.					---	---	---	---	---	---	
901	15	15	30	30		30	30	30	60	500a - 230a	600a - 800p	Sunday: 12th/Imperial - Coronado only (no downtown, Strand, or Imperial Beach)
904	---	---	60	60		60	60	60	DISC	1000a - 630p	DISC	
905	15	15	60	60		60	60	60	DISC	530a - 700p	DISC	
906/907	---	15	---	15	New loop route between Iris & San Ysidro	---	---	---	30	---	600a - 800p	New loop route between Iris & San Ysidro, replacing 929, 932 south of Iris
916/917	30	60	30	60		60	60	60	60	DISC	600a - 930p	DISC
921	30	30	30	30		60	60	60	DISC	700a - 730p	DISC	
923	30	30	30	30		60	60	60	DISC	600a - 700p	DISC	
928	30	30	30	30		60	60	60	DISC	630a - 930p	DISC	
929	15	15	15	15	Downtown terminal changes to City College	20	20	20	20	500a - 300a	600a - 1100p	Sunday: Service north only to National City 8th St Trolley (no Main St. or Downtown)
932	15	15	15	15		20	20	20	30	430a - 100a	600a - 800p	Sunday: Service north only to Chula Vista E St Trolley (no National City)
933/934	10	10	12	12		20	20	30	30	530a - 130a	600a - 800p	Sunday: Route stays on Coronado/IB Blvd. (no 13th/Satellite/Saturn loop)
936	30	30	30	30		30	30	30	30	530a - 1100p	600a - 800p	
955	15	15	15	15		30	30	30	30	530a - 12mid	600a - 800p	
960	20	20	---	---		---	---	---	---	---	---	
961	15	15	15	15		60	60	60	60	700a - 800p	600a - 800p	Sunday: Service east only to Plaza Bonita (no Paradise Hills or Encanto)
962	30	30	30	30		60	60	60	DISC	700a - 730p	DISC	
963	30	30	30	30		---	---	---	---	---	---	
964	30	30	30	30		---	---	---	---	---	---	
965	35	35	35	35		35	35	35	DISC	700a - 800p	DISC	
967	60	60	60	60		60	120	120	DISC	700a - 700p	DISC	
968	60	60	60	60		60	120	120	DISC	800a - 630p	DISC	
992	15	15	15	15	Last two trips deleted	15	30	15	30	500a - 1230a	600a - 1100p	Saturday: Last two trips deleted
SVCC	30	30	---	---		---	---	---	---	---	---	
Blue	7.5	7.5	15	15	Late night & peak hour service reduced	15	15	15	15	430a - 200a	600a - 1100p	
Orange	15	15	15	15		15	15	15	30	430a - 1230a	600a - 1000p	
Green	15	15	15	15		15	15	15	30	430a - 100a	600a - 1000p	

CASH FARES / Tarifas en efectivo

Exact fare, please / Favor de pagar la cantidad exacta	
Day Pass (Regional) / Pase diario (Regional)	\$5.00
One-Way Fare / Tarifa de una dirección	\$2.25
Senior (60+)/Disabled/Medicare Mayores de 60 años/Discapacitados/Medicare	\$1.10*
Children 5 & under / Niños de 5 años o menores	FREE / GRATIS*
MONTHLY PASSES / Pases mensual	Effective July 2009
Adult / Adulto	\$72.00
Senior (60+)/Disabled/Medicare Mayores de 60 años/Discapacitados/Medicare	\$18.00*
Youths (18 and under) Jóvenes (18 años o menores)	\$36.00*

DAY PASS (REGIONAL) / Pase diario (Regional)

Valid for unlimited travel for one person on Trolley, most MTS buses, NCTD Breeze and SPRINTER. Valid for a discount on COASTER fares; not valid on Premium Express, Rural, or special service buses, or ADA paratransit.

Válidos para viajes ilimitados de una sola persona para: el Trolley, la mayoría de los autobuses de MTS, y los servicios del NCTD de BREEZE y SPRINTER. Válidos para acceder a descuentos en el COASTER, pero no para las rutas Premium Express ni rurales, ni los servicios especiales ni los servicios para discapacitados de ADA.

* I.D. required for discount fare or pass.
* Se requiere identificación para tarifas o pases de descuento.

DIRECTORY / Directorio

Regional Transit Information Información de transporte público regional	511 or/ó (619) 233-3004
TTY/TDD (teletype for hearing impaired) Teletipo para sordos	(619) 234-5005 or/ó (888) 722-4889
InfoExpress (24-hour info via Touch-Tone phone) Información las 24 horas (vía teléfono de teclas)	(619) 685-4900
Customer Service / Suggestions Servicio al cliente / Sugerencias	(619) 557-4555
SafeWatch	(619) 557-4500
Lost & Found Objetos extraviados	(619) 427-6438 or/ó (800) 409-3310
The Transit Store	(619) 234-1060 1st & Broadway, Downtown San Diego M-F 9am-5pm

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Thank you for riding MTS! ¡Gracias por viajar con MTS!

901

Iris Ave. Trolley –
Downtown SD
via Imperial Beach /
Coronado

904

Coronado City Hall –
Ferry Landing
via Hotel del Coronado

DESTINATIONS

- Coronado Cays (901)
- Coronado City Hall
- Coronado Hospital (904)
- Coronado Marriott Resort (904)
- Hotel del Coronado
- PETCO Park (901)



Iris Ave.
12th & Imperial
Downtown



Routes 901 and 904



Route 904 Monday through Sunday, and Holidays* / lunes a domingo, y días festivos*

Coronado City Hall → Ferry Landing					Ferry Landing → Coronado City Hall				
D	E	F	G	H	H	G	F	E	D
Strand Way at City Hall DEPART	Orange Ave. & RH Dana Pl. (Hotel del Coronado)	Orange Ave. & 4th St.	1st St. & B Ave. (Ferry Landing)	Coronado Island Marriott Resort ARRIVE	Coronado Island Marriott Resort DEPART	1st St. & B Ave. (Ferry Landing)	Orange Ave. & 4th St.	Orange Ave. & RH Dana Pl. (Hotel del Coronado)	Strand Way at City Hall ARRIVE
10:03a	10:05a	10:12a	10:15a	10:16a	10:20a	10:30a	10:32a	10:38a	10:42a
11:03	11:05	11:12	11:15	11:16	11:20	11:30	11:32	11:38	11:42
12:03p	12:05p	12:12p	12:15p	12:16p	12:20p	12:30p	12:32p	12:38p	12:42p
1:03	1:05	1:12	1:15	1:16	1:20	1:30	1:32	1:38	1:42
2:03	2:05	2:12	2:15	2:16	2:20	2:30	2:32	2:38	2:42
3:03	3:05	3:12	3:15	3:16	3:20	3:30	3:32	3:38	3:42
4:03	4:05	4:12	4:15	4:16	4:20	4:30	4:32	4:38	4:42
5:03	5:05	5:12	5:15	5:16	5:20	5:30	5:32	5:38	5:42
6:03	6:05	6:12	6:15	6:16	6:20	6:30	6:32	6:38	6:42

CASH FARES / Tarifas en efectivo

Exact fare, please / Favor de pagar la cantidad exacta	
Day Pass (Regional) / Pase diario (Regional)	\$5.00
One-Way Fare / Tarifa de una dirección	\$2.25
Senior (60+)/Disabled/Medicare Mayores de 60 años/Discapacitados/Medicare	\$1.10*
Children 5 & under / Niños de 5 años o menores	FREE / GRATIS*
MONTHLY PASSES / Pases mensual	Effective July 2009
Adult / Adulto	\$72.00
Senior (60+)/Disabled/Medicare Mayores de 60 años/Discapacitados/Medicare	\$18.00*
Youths (18 and under) Jóvenes (18 años o menores)	\$36.00*

DAY PASS (REGIONAL) / Pase diario (Regional)

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933/934

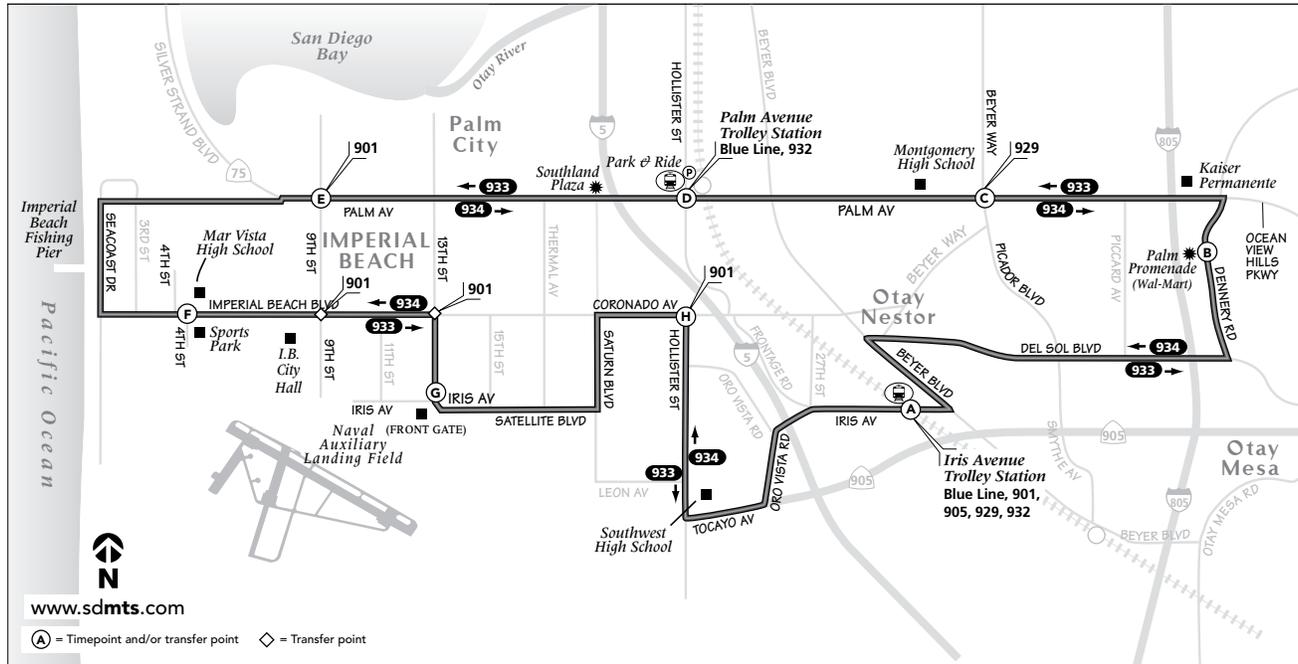
Iris Ave. Trolley – Seacoast
via Imperial Beach Blvd. or Palm Av.

DESTINATIONS

- Imperial Beach Pier
- Kaiser Permanente
- Mar Vista High School
- Montgomery High School
- Naval Aux. Field
- Palm Promenade (Wal-Mart)
- Southwest High School



Iris Ave.
Palm Ave.



The schedules and other information shown in this timetable are subject to change. MTS does not assume responsibility for errors in timetables nor for any inconvenience caused by delayed buses. Los horarios y información que se indican en este itinerario están sujetos a cambios. MTS no asume responsabilidad por errores en los itinerarios, ni por ningún perjuicio que se origine por los autobuses demorados.

Alternative formats are available upon request. Please call: / Formato alternativo disponible al preguntar. Favor de llamar: (619) 231-1466

Route 933 Sunday & Holidays* / domingo y días festivos*									
Otay Mesa → Palm City → Imperial Beach → Nestor → Otay Mesa									
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(A)	(A)
Iris Ave. Trolley Sta. DEPART	Demery Rd. @ Wal-Mart	Palm Ave. & Beyer Way	Palm Ave. Trolley Station	Palm Ave. & 9th St.	Imperial Beach Bl. & 4th St.	13th St. & Iris Ave.	Coronado Ave. & Hollister St.	Iris Ave. Trolley Sta. ARRIVE	
5:25a	5:34a	5:39a	5:45a	5:51a	5:58a	6:04a	6:10a	6:20a	
6:09	6:18	6:23	6:29	6:35	6:42	6:48	6:54	7:04	
6:39	6:48	6:53	6:59	7:05	7:12	7:18	7:24	7:34	
7:09	7:19	7:24	7:30	7:36	7:43	7:49	7:55	8:06	
7:39	7:49	7:54	8:00	8:06	8:13	8:19	8:25	8:36	
8:09	8:19	8:24	8:30	8:36	8:43	8:49	8:55	9:06	
8:38	8:48	8:53	9:00	9:07	9:14	9:20	9:27	9:39	
9:08	9:18	9:23	9:30	9:37	9:44	9:50	9:57	10:09	
9:38	9:49	9:55	10:02	10:10	10:18	10:24	10:31	10:43	
10:08	10:19	10:25	10:32	10:40	10:48	10:54	11:01	11:13	
10:38	10:49	10:55	11:02	11:10	11:18	11:24	11:31	11:43	
11:08	11:19	11:25	11:32	11:40	11:48	11:54	12:01p	12:13p	
11:38	11:49	11:55	12:02p	12:10p	12:18p	12:25p	12:32	12:45	
12:08p	12:19p	12:25p	12:32	12:41	12:49	12:56	1:03	1:16	
12:38	12:49	12:55	1:02	1:11	1:19	1:26	1:33	1:46	
1:08	1:19	1:25	1:32	1:41	1:49	1:56	2:03	2:16	
1:38	1:49	1:55	2:02	2:11	2:19	2:26	2:33	2:46	
2:08	2:19	2:25	2:32	2:41	2:49	2:56	3:03	3:16	
2:38	2:49	2:55	3:02	3:11	3:19	3:26	3:33	3:46	
3:08	3:19	3:25	3:32	3:41	3:49	3:56	4:03	4:16	
3:38	3:49	3:55	4:02	4:11	4:19	4:26	4:33	4:46	
4:08	4:19	4:25	4:32	4:41	4:49	4:56	5:03	5:16	
4:38	4:49	4:55	5:02	5:11	5:19	5:26	5:33	5:46	
5:08	5:19	5:25	5:32	5:41	5:49	5:56	6:03	6:16	
5:38	5:49	5:55	6:02	6:10	6:18	6:24	6:30	6:42	
6:08	6:19	6:25	6:32	6:40	6:48	6:54	7:00	7:12	
6:38	6:48	6:53	7:00	7:07	7:15	7:21	7:27	7:38	
7:08	7:18	7:23	7:30	7:37	7:45	7:51	7:57	8:08	
7:38	7:48	7:53	8:00	8:07	8:15	8:21	8:27	8:38	
8:08	8:18	8:23	8:30	8:37	8:45	8:51	8:57	9:08	
8:41	8:51	8:56	9:02	9:08	9:15	9:21	9:27	9:37	
9:41	9:51	9:56	10:02	10:08	10:15	10:21	10:27	10:37	
10:41	10:51	10:56	11:02	11:08	11:15	11:21	11:27	11:37	
11:41	11:51	11:56	12:02a	12:08a	12:15a	12:21a	12:27a	12:37a	
12:41a	12:51a	12:56a	1:02a	—	—	—	—	—	

Route 934 Sunday & Holidays* / domingo y días festivos*									
Otay Mesa → Nestor → Imperial Beach → Palm City → Otay Mesa									
(A)	(H)	(G)	(F)	(E)	(D)	(C)	(B)	(A)	(A)
Iris Ave. Trolley Sta. DEPART	Coronado Ave. & Hollister St.	13th St. & Iris Ave.	Imperial Beach Bl. & 4th St.	Palm Ave. & 9th St.	Palm Ave. Trolley Station	Palm Ave. & Beyer Way	Demery Rd. @ Wal-Mart	Iris Ave. Trolley Sta. ARRIVE	
5:24a	5:31a	5:38a	5:45a	5:51a	5:59a	6:03a	6:09a	6:19a	
6:09	6:16	6:23	6:30	6:36	6:44	6:48	6:54	7:04	
6:39	6:46	6:53	7:00	7:06	7:14	7:18	7:24	7:34	
7:09	7:16	7:23	7:30	7:36	7:44	7:48	7:54	8:04	
7:39	7:46	7:53	8:00	8:07	8:15	8:19	8:25	8:36	
8:08	8:16	8:23	8:30	8:37	8:46	8:51	8:57	9:08	
8:38	8:46	8:53	9:00	9:07	9:16	9:21	9:27	9:38	
9:08	9:16	9:23	9:31	9:38	9:47	9:52	9:58	10:09	
9:38	9:46	9:53	10:01	10:08	10:17	10:22	10:29	10:41	
10:08	10:16	10:23	10:31	10:38	10:47	10:52	10:59	11:11	
10:38	10:46	10:53	11:01	11:08	11:17	11:22	11:29	11:41	
11:08	11:16	11:23	11:31	11:38	11:47	11:52	11:59	12:11p	
11:38	11:47	11:54	12:02p	12:09p	12:18p	12:23p	12:30p	12:42	
12:08p	12:17p	12:24p	12:32	12:40	12:50	12:55	1:02	1:14	
12:38	12:47	12:54	1:02	1:10	1:20	1:25	1:32	1:44	
1:08	1:17	1:24	1:32	1:40	1:50	1:55	2:02	2:14	
1:38	1:47	1:54	2:02	2:10	2:20	2:25	2:32	2:44	
2:08	2:17	2:24	2:32	2:40	2:50	2:55	3:02	3:14	
2:38	2:47	2:54	3:02	3:10	3:20	3:25	3:32	3:44	
3:08	3:17	3:24	3:32	3:40	3:50	3:55	4:02	4:14	
3:38	3:47	3:54	4:02	4:10	4:20	4:25	4:32	4:44	
4:08	4:17	4:24	4:32	4:40	4:50	4:55	5:02	5:14	
4:38	4:47	4:54	5:02	5:10	5:20	5:25	5:32	5:44	
5:08	5:17	5:24	5:32	5:40	5:50	5:55	6:02	6:14	
5:38	5:46	5:53	6:01	6:08	6:17	6:22	6:28	6:40	
6:08	6:16	6:23	6:31	6:38	6:47	6:52	6:58	7:10	
6:38	6:46	6:53	7:00	7:07	7:16	7:21	7:27	7:38	
7:08	7:16	7:23	7:30	7:37	7:46	7:51	7:57	8:08	
7:38	7:46	7:53	8:00	8:07	8:16	8:21	8:27	8:38	
8:08	8:16	8:23	8:30	8:37	8:46	8:51	8:57	9:08	
8:38	8:46	8:53	9:00	9:07	9:16	9:21	9:27	9:38	
9:08	9:16	9:23	9:31	9:38	9:47	9:52	9:58	10:09	
10:38	10:46	10:52	10:59	11:05	11:14	11:18	11:24	11:34	
11:38	11:46	11:52	11:59	12:05a	12:14a	12:18a	12:24a	12:34a	
12:41a	12:49a	12:55a	1:02a	1:08	1:17	—	—	—	

* - Holiday service operates on: New Year's Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, & Christmas
Servicio de los días festivos está en vigor en: Año Nuevo, Presidents' Day, Memorial Day, Día de la Independencia (E.E.U.U.), Labor Day, Día de Acción de Gracias, y Navidad
PM times are in bold / Los horarios de la tarde (PM) están en negrita

Rider Information

Accessible Service

All Trolleys are equipped with wheelchair lifts or ramps so that passengers with disabilities can board safely and conveniently. Seats closest to the doors are set aside as a courtesy for senior and disabled riders.

Animals

A trained service animal may accompany a rider with disabilities. Non-service animals must be in enclosed carriers and transported by passengers without assistance by drivers or operators.

Bikes

Board Trolley and ride at the rear door of each car. Stay with bike to keep it secure. One bike is allowed per car during weekday rush hours, two bikes per car at all other times.

Random Fare Inspection Policy

Random fare inspections will be made. Passengers who do not provide proof of payment to the MTS fare inspectors may be removed from the train and/or fined. You must have a valid fare or be in the process of purchasing one while at the station.

To purchase your fare at a trolley ticket machine:

- Select the ticket or pass that will best meet your travel needs (one-way, round trip, number of tickets, Day Tripper, etc.).
- Choose the correct fare by identifying the letter designation (A - E) of your destination station on the Trolley route map.
- Insert payment. Deposit coins and/or bills according to the instructions on the ticket vending machine information panel, electronic screen, or audio menu.
- Most ticket machines accept coins, \$1, \$5, and \$10 bills; some also accept \$20 bills for multiple ticket purchases (NOTE: maximum change given is \$5). Selected machines also accept universal tokens.
- Take ticket and change from below.
- Keep your ticket ready for fare inspectors as you wait at the Trolley station and as you ride.

Fares

Fares are based on the number of stations traveled. All passengers six years and older must have a valid fare before boarding the Trolley.

Trolley Fares	One-Way*	Round-Trip**
1 Station	\$1.50	\$3.00
2 Stations	\$1.75	\$3.50
3 Stations	\$2.00	\$4.00
4-10 Stations	\$2.25	\$4.50
11-19 Stations	\$2.50	\$5.00
20+ Stations	\$3.00	\$6.00
DOWNTOWN ZONE	\$1.25	\$2.50
Senior/Disabled	\$1.00	\$2.00
Kids (5 and under)	FREE	FREE

Fares are subject to change.

*One-way tickets are valid for two hours from the time of purchase.

**On the Trolley, the return trip is allowed anytime during the operating day. On the Bus, the return trip must be made within two hours of ticket purchase.

Passes & Tokens

Day Tripper Pass

Provides unlimited rides on the Trolley and most MTS Bus routes only for days valid. Day Tripper passes purchased from a Trolley ticket machine expire at midnight of last day purchased. Cost is: 1-day for \$5.00, 2-days for \$9.00, 3-days for \$12.00, and 4-days for \$15.00.

Monthly Pass

Pass good for unlimited rides on the Trolley and all regular MTS and North County Transit District (NCTD) Bus routes during the calendar month.

Adult	\$60.00
Youth (ages 6-18)*	\$30.00
Seniors (60+)*	\$15.00
Disabled*	\$15.00

*Valid proof of age or disability is required, such as a current driver's license, Medicare Card, Department of Motor Vehicles (DMV) I.D., Senior I.D. Card, or MTS or NCTD Senior, Disabled, and Youth I.D. Card.

General Information

Service/Trip planning www.sdcommute.com
 Regional Telephone Information . . . (619) 233-3004
 Toll free 1-800-COMMUTE 1-800-266-6883
 TTY/TDD (619) 234-5005
 Toll free 1-888-722-4889
 24-Hour InfoExpress (619) 685-4900
 MTS Trolley, Inc. (619) 595-4949
 Emergencies/Security/
 Fare Machine Problems (619) 595-4960

Look Around. Be Aware.
 If something doesn't look right, let us know.
 Call: (619) 595-4960

The Transit Store

102 Broadway (at First Avenue)
 San Diego, CA 92101
 (619) 234-1060

Your store for passes, tokens, maps, timetables, and lost and found (articles held for 30 days).

Store hours: Monday - Friday 9:00 a.m. - 5:00 p.m.
 Closed on weekends and major holidays.

Safety Tips

- Wait for the Trolley behind the yellow line, away from the edge of the platform.
- Do not play, run, skateboard, or ride a bike on the platform.
- Always look both ways before crossing tracks.
- Walk across the tracks when safe to do so. Do not bike or skate across the tracks.
- Wait until the Trolley has come to a complete stop before you move toward it.
- Another Trolley will be along soon. Do not risk injury by running after a Trolley.



www.sdcommute.com

Promotions & Discounts

Groups

Day Tripper Passes for large groups offer unlimited trips on the Trolley and most MTS buses for the days valid. Group rates begin with advance orders of 100 passes. Visit www.sdcommute.com/groupsales or call (619) 231-1466 for details.

ECO Pass

Employers who make transit their newest benefit may be eligible for a discount when participating in our ECO Pass program! This program is for businesses with 25 or more employees who purchase MTS Bus and Trolley monthly passes for 12 months, and would be interested in an annual prepaid contract. Visit www.sdcommute.com/employerservices or call (619) 231-1466 for more information.

Classroom Day Tripper Program

Special discounted Day Trippers are available for school field trips. Single-day round-trip rates are just \$1.50 per person on all regularly scheduled MTS and NCTD Buses and the Trolley. Visit www.sdcommute.com, click on "Classroom Day Tripper" under the heading "Rider Information," or call (619) 233-9558 for more information.



September 2006



Family Weekends

Two children (12 and under) ride free Saturdays and Sundays with a fare-paying adult (18 or older).

Holiday Friends Ride Free

On the New Year's, Memorial, Independence, Labor, Thanksgiving, and Christmas Day holidays your friend may ride any MTS Bus or Trolley when you pay your regular fare using cash or pass.

Please, while on board

- | | |
|-----------------------|-----------------------------------|
| Do... Wear Headphones | Do Not... Smoke |
| Do... Cover Drinks | Do Not... Eat or have Open Drinks |
| Do... Stay with Bike | Do Not... Put Feet on Seat |

Half-priced Bus and Trolley Monthly Passes may be purchased from the 15th to the 24th of each month at The Transit Store only.

College Pass Program

College monthly and semester stickers sold at participating campuses. A current student picture ID required for purchase. Monthly stickers are \$45.00 a month. Semester stickers offer unlimited rides on all Trolleys and regular MTS Bus routes all semester long. Pass prices vary depending on number of days in semester. See your campus, or visit www.sdcommute.com for details.

Buy Pass by Mail or Online

An easy and convenient way to receive your monthly pass. Send check or money order payable to SANDAG to: SANDAG Pass Sales, 401 B Street, Suite 800, San Diego, CA 92101, or visit www.sdcommute.com, click on estore.

Transfers and Upgrades

A valid MTS Bus transfer or NCTD Coaster ticket may be used to transfer to the Trolley. An upgrade may be required if the Trolley fare is higher.

To transfer from the Trolley to an MTS Bus, give the bus driver your one-way ticket within the two-hour time frame. An upgrade may be required if the Bus fare is higher.

A Trolley ticket/pass is good for discount on a Coaster ticket. Consult Coaster ticket machine for the appropriate fare.

Universal Token

Select Trolley ticket vending machines accept MTS universal tokens. When using the Trolley, the ticket vending machine will dispense a \$2.25 one-way ticket when a token is deposited. For higher-priced Trolley trips, you must also purchase an additional upgrade ticket using cash (not a token) for the required upgrade amount.

Tokens are available for individual and bulk sale at The Transit Store: \$2.25 for one token, \$41.80 for 20 tokens and \$83.60 for 40 tokens. Packs of 20 tokens are also available at select locations (see www.sdcommute.com).

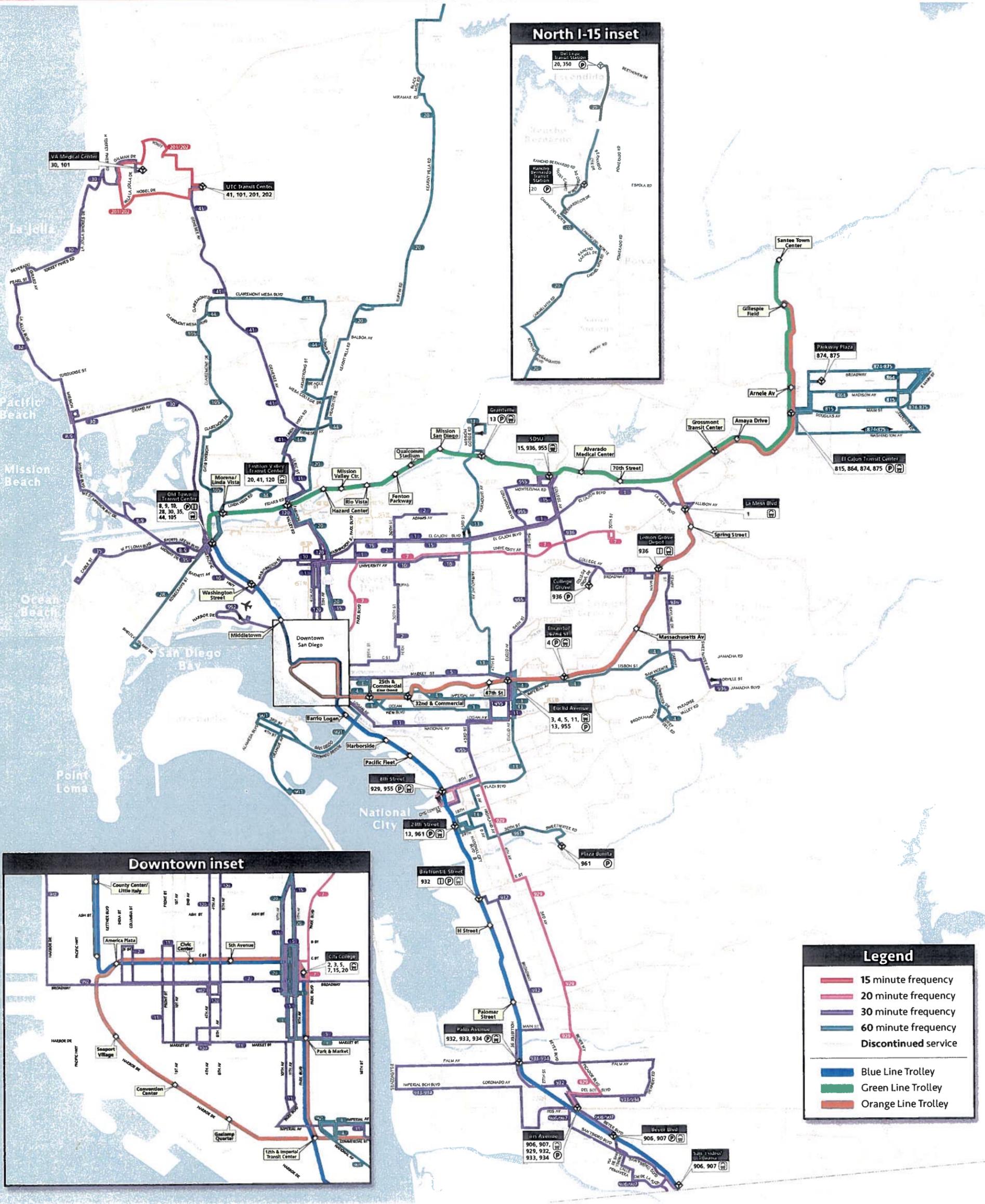
The universal token is also valid for \$2.25 one-way trip on all MTS Buses. For higher-priced bus trips, you must pay the difference using cash.



New Green Line Trolley Stations



Proposed Sunday Service Network



FINANCE WORKSHOP

AI No. 2, 11/12/09

Metropolitan Transit System FY 2010 & 2011 Forecast

MTS Board of Directors Meeting
November 12, 2009



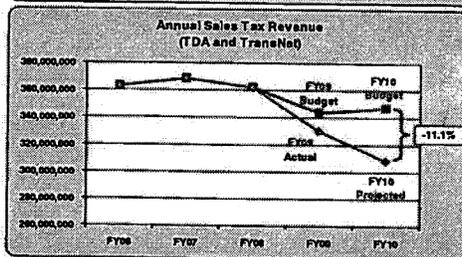
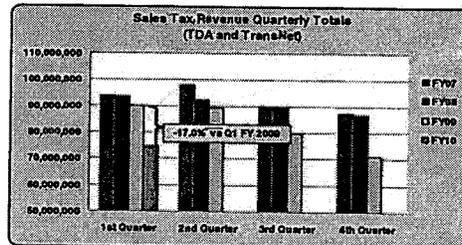
FY 2010 Budget Forecast - Sales Tax

FY 2010 Q1 Sales Tax Revenue

- Down 17.0% versus Q1 FY 2009
- \$15M drop in total sales tax revenue

SANDAG Revised FY 2010 Sales Tax Revenue Projections

- Presented to Transportation Committee Friday, November 6th
- FY 2010 Budget assumed -1.0% for TDA and +2.2% for TransNet from FY 2009 Budget
 - Consolidated 1.0% increase in sales tax revenue
- New projection is a reduction of -6.5% from FY 2009 Actual
 - Equates to -11.1% decrease in sales tax revenue from FY 2010 Budget



CONSOLIDATED MTS OPERATIONS COMPARISON TO BUDGET - FY 2010 (in \$000's)			
	FORECAST	BUDGET	VARIANCE
TDA	\$47,179	\$51,299	(\$4,120)
TransNet	19,834	22,769	(2,935)
Carry-over from FY 2009	1,754	1,754	0
Other	36,330	36,450	(119)
Total Non-Operating Activities	\$105,098	\$112,272	(\$7,174)



CONSOLIDATED MTS OPERATIONS COMPARISON TO BUDGET - FY 2010 (in \$000's)				
	FORECAST	BUDGET	VARIANCE	% VAR
Fare Revenue	\$86,218	\$93,680	(\$7,462)	-8.0%
Other Revenue	5,793	7,023	(1,230)	-17.5%
Total Operating Revenue	\$92,011	\$100,703	(\$8,692)	-8.6%

• Fare Revenue variance with Budget
 - Sept YTD Fare Revenue is \$1.9M (-7.7%) below Budget
 - Sept YTD Ridership: -9.0% versus Budget
 - Forecasted Ridership: -8.1% versus Budget

• Other Revenue variance due to Advertising and Interest Income
 - Sept YTD is \$231K below Budget



CONSOLIDATED MTS OPERATIONS COMPARISON TO BUDGET - FY 2010 (in \$000's)				
	FORECAST	BUDGET	VARIANCE	% VAR
Personnel Costs	\$100,350	\$101,263	\$914	0.9%
Purchased Transportation	54,063	56,076	2,013	3.6%
Other Outside Services	16,477	15,777	(700)	-4.4%
Energy	25,904	26,971	1,067	4.0%
Other Expenses	13,269	12,888	(381)	-3.0%
Total Expenses	\$210,064	\$212,976	\$2,912	1.4%

•Purchased Transportation
 - \$513K favorable Sept YTD
 - Primarily due to ADA service utilization 14.8% lower than Budget

•Energy
 - CNG forecasted at \$1.290 per therm vs. budget of \$1.350
 - Diesel forecasted at \$2.520 per gallon vs. budget of \$2.300
 - Additional favorable variance due to mix between Diesel and CNG



CONSOLIDATED MTS OPERATIONS COMPARISON TO BUDGET - FY 2010 (in \$000's)				
	FORECAST	BUDGET	VARIANCE	% VAR
Total Operating Revenue	\$92,011	\$100,703	(\$8,692)	-8.6%
Total Operating Expenses	\$210,064	\$212,976	\$2,912	1.4%
Net Operating Income	(\$118,053)	(\$112,272)	\$5,780	-5.1%
Total Non-Operating Activities	\$105,098	\$112,272	\$7,174	6.4%
Operating Income/(Loss)	(\$12,955)	(\$0)	\$12,955	



FY 2010 Budget Shortfall - Options

•Use of one time funding shifts from Capital Program:

ARRA - 10% Preventative Maintenance	\$	5,860
Compressed Natural Gas Credits		3,200
South Bay Maintenance Facility		2,000
MTDB TDA Capital Reserves		<u>1,521</u>
Total One Time Funding	\$	12,581

*An additional \$1.7M for FY 2009 Carry-forward already included in FY 2010 Budget

•FY 2010 shortfall after one time funding

Operating Income/(Loss)	\$	(12,955)
One Time Funding		<u>12,581</u>
Total Deficit	\$	(374)



**CONSOLIDATED MTS OPERATIONS
COMPARISON - FY 2010 vs FY 2011 (in \$000's)**

	FY10 FORECAST	FY11 FORECAST	VARIANCE	% VAR
TDA	\$47,179	\$47,571	\$392	0.8%
TransNet	19,834	20,629	\$795	4.0%
Carry-over from FY 2009	1,754	0	(\$1,754)	-100.0%
Other	36,330	38,330	<u>\$2,000</u>	5.5%
Total Non-Operating Activities	\$105,098	\$106,531	\$1,433	1.3%

- FY 2009 Carry-over used in FY 2010. No longer available.
- POB related expenses reduced by \$2M due to early payoff
- All other funding forecasted to remain flat
- Currently assumes no receipt of STA Funds



CONSOLIDATED MTS OPERATIONS COMPARISON - FY 2010 vs FY 2011 (in \$000's)				
	FY10 FORECAST	FY11 FORECAST	VARIANCE	% VAR
Fare Revenue	\$86,218	\$87,943	\$1,724	2.0%
Other Revenue	5,793	5,918	125	2.1%
Total Operating Revenue	\$92,011	\$93,861	\$1,849	2.0%

•Fare Revenue growth forecasted at 2.0%

- Assumes 2.0% growth in Passengers
- No increase in the average fares
- Presumes no changes in service or fares


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CONSOLIDATED MTS OPERATIONS COMPARISON - FY 2010 vs FY 2011 (in \$000's)				
	FY10 FORECAST	FY11 FORECAST	VARIANCE	% VAR
Personnel Costs	\$100,350	\$101,807	\$1,457	1.4%
Purchased Transportation	54,063	55,621	1,558	2.8%
Other Outside Services	16,477	16,836	359	2.1%
Energy	25,904	26,982	1,077	4.0%
Other Expenses	13,269	13,544	275	2.0%
Total Expenses	\$210,064	\$214,790	\$4,726	2.2%

•Personnel

- 2.6% increase in Transit wages due to contract

•Purchased Transportation - increase due to contracted rates

•Energy

- CNG: 12.8% increase in commodity cost, -5.0% in servicing costs, net of 7.8% increase
- Diesel: 9.3% increase in commodity cost
- Traction Power: anticipate -5.0% decrease in cost as part of new Direct Access program


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CONSOLIDATED MTS OPERATIONS COMPARISON - FY 2010 vs FY 2011 (in \$000's)				
	FY10 FORECAST	FY11 FORECAST	VARIANCE	% VAR
Total Operating Revenue	\$92,011	\$93,861	\$1,849	2.0%
Total Operating Expenses	\$210,064	\$214,790	\$4,726	2.2%
Net Operating Income	(\$118,053)	(\$120,930)	(\$2,877)	2.4%
Total Non-Operating Activities	\$105,098	\$106,531	\$1,433	1.3%
Operating Income/(Loss)	(\$12,955)	(\$14,399)	(\$1,444)	



	FY10 FORECAST	FY11 FORECAST
Operating Income/(Loss)	(\$12,955)	(\$14,399)
ARRA - 10% Preventative Maintenance	5,860	
Compressed Natural Gas Credits	3,200	3,200
South Bay Maintenance Facility	2,000	
MTDB TDA Capital Reserves	1,521	
TDA Available for Operations		5,000
Total One Time Funding	\$12,581	\$8,200
Remaining Deficit	(\$374)	(\$6,199)

- One time funding
 - \$3.2M in CNG Credits (pending program extension)
 - \$5.0M of TDA potentially available for Operations
- Operational Adjustments
 - Operating expense adjustments
 - Fare adjustments
 - Service adjustments



Option - Fare Adjustments

- Increase Monthly Pass Fares
 - Each additional \$1 = about \$500K in revenue
- Increase Day Pass Fares
 - From \$5 to \$5.50 = \$1.1M in revenue
 - From \$5 to \$6 = \$1.9M in revenue
- Charge for Day Pass Fare Media
 - Additional charge for Compass Card day pass to cover cost
 - Additional charge for paper day pass to discourage use
- Raise Senior eligibility to 65
 - Immediate switch = \$1.1M in revenue
 - Tiered implementation = No revenue increase in year 1, \$275K in revenue in year 2, etc.
- On Peak - Off Peak Rates



Option – Service Adjustments

\$7 million annual subsidy savings from service changes

- **Weekday** reductions on a few routes, mostly minor
- Reductions in **Saturday** frequency on some routes; one Saturday route discontinued.
- **Sunday** service would be reduced substantially:
 - Baseline level of service to primary corridors on the most heavily-used routes.
 - 28 of the current 60 Sunday routes would not operate on Sundays.
 - Of the 32 routes remaining, most would be shortened, operate at reduced frequency, and/or have a reduced span.



Results of Weekend Service Analysis

- Comprehensive review of weekend service completed
 - 2,556 total hours of onboard passenger counts on Saturdays and Sundays.
 - Data analysis
 - Surveyed Passengers (transit centers, special events, web)
 - GIS mapping
- Better understanding of weekend customers and demand
 - Saturday service carries 56% of the total number of weekday passengers, operates 58% of the total number of hours/miles of weekday service. (\$11.03 Million)
 - Sunday service carries 43% of the total number of weekday passengers, operates 55% of the total number of hours/miles of weekday service. (\$11.85 Million)



Why restructure Sunday?

- **Sunday is the lowest ridership day of the week:**
 - Average weekday: 274,000 passengers
 - Average Saturday: 184,000 passengers
 - Average Sunday: 145,000 passengers
- **Sunday is the lowest productivity day of the week:**
 - Average weekday: 49.1 riders/revenue hour
 - Average Saturday: 52.9 riders/revenue hour
 - Average Sunday: 43.8 riders/revenue hour
- **Surveys results** = Sunday has the highest percentage of discretionary trips
- Preserves most service other six days of the week



Sunday Restructure: Approach

- Retain as much Weekday & Saturday service as possible
- Start from scratch on Sunday: build up from 'no service' to a less frequent base service network 7am - 6pm
- Maintain service to highest ridership segments and corridors
- Include regional connectors to maintain network viability
- Add frequency and span as warranted by ridership



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Service Adjustments Schedule Based on Budget Development Committee Recommendation

- Nov/Dec: MTS Planning refines Sunday network and alternatives
- November: Public Outreach, Passenger Feedback
- December 10: Public Hearing
- January 7: Final Board decision on service changes
- February 28: Implementation of approved service changes



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FY 2011 Budget Shortfall - Options

	FY10 FORECAST	FY11 FORECAST
Operating Income/(Loss)	(\$12,955)	(\$14,399)
ARRA - 10% Preventative Maintenance	5,860	
Compressed Natural Gas Credits	3,200	3,200
South Bay Maintenance Facility	2,000	
MTDB TDA Capital Reserves	1,521	
TDA Available for Operations		5,000
Total One Time Funding	\$12,581	\$8,200
Remaining Deficit	(\$374)	(\$6,199)

- One time funding
 - \$3.2M in CNG Credits (pending program extension)
 - \$5.0M of TDA potentially available for Operations
- Operational Adjustments
 - Operating expense adjustments
 - Fare adjustments
 - Service adjustments



**Metropolitan Transit System
 FY 2010 & 2011 Forecast**

MTS Board of Directors Meeting
 November 12, 2009



ATTACHMENT 5



PRINT THIS

As cost saver, Sunday buses could all but disappear



By [Tanya Sierra](#), UNION-TRIBUNE STAFF WRITER

Thursday, December 10, 2009 at 1:36 a.m.

DETAILS

MTS Board Meeting

When: 9 a.m. today

Where: 1255 Imperial Ave., San Diego

What: Board members will discuss eliminating bus routes on Sundays.

Chula Vista could lose virtually all of its Sunday suburban bus service under a cost-saving measure the Metropolitan Transit System board of directors will discuss this morning.

Most cities will likely see a service drop on Sundays, but only Chula Vista will have nearly every bus route eliminated if the board approves the proposal.

MTS is trying to save about \$7 million with the cuts. The agency is hurting financially in part because of lower ridership, but also because of a decline in state and local tax revenue.

All of the city's east-west bus routes would be eliminated under the proposal, leaving two bus lines intact on the city's urban side. Route 929, which goes up and down Third Avenue every 15 minutes, and route 932, which serves bus stops on Broadway every 30 minutes, would continue.

Chula Vista Transit Manager Andy Trujillo said this is the first time in his career he has seen such a massive service reduction.

"You have to be realistic," Trujillo said. "I've also never seen the economic downturn this bad. I would love to keep Sunday service, but if anything is going to be cut, realistically you have to look at where it would have the least impact to the public, and that's on Sunday."

Sunday ridership in Chula Vista drops about 84 percent compared with weekday averages, Trujillo said.

On average, there are about 14,400 passenger trips per weekday versus 2,360 trips on a Sunday.

In other areas of the county, Sunday ridership goes down about 50 percent.

It costs more to subsidize Sunday riders than weekday riders, officials said. On Sunday, it costs \$2.90 per passenger mile versus \$1.57 on a weekday.

Over the past 18 months, MTS has raised fares twice and officials said they do not want to ask customers to pay more.

Although the board will discuss service cutbacks today, a final vote won't be made until the Jan. 10 board meeting. If the east-west bus routes are eliminated in Chula Vista, the changes would go into effect Feb. 28.

Tanya Sierra: (619) 293-1705; tanya.sierra@uniontrib.com

Find this article at:

<http://www.signonsandiego.com/news/2009/dec/10/cost-saver-sunday-buses-could-all-disappear>

Check the box to include the list of links referenced in the article.

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**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: December 16, 2009

ORIGINATING DEPT.: CITY ATTORNEY *gpl*

SUBJECT: FIRST STATUS REPORT ON INTERIM ORDINANCE NO. 2009-1091 ENACTING AN URGENCY MEASURE PROHIBITING COOPERATIVE, COLLECTIVE, OR OTHER FORMS OF MARIJUANA DISPENSARIES DURING A SPECIAL STUDY PERIOD OF ONE YEAR

BACKGROUND:

On August 19, 2009, the City Council enacted a moratorium for a forty-five day period to study Cooperatives, Collectives and other forms of Marijuana Collectives. During this period, the City staff and City Attorney's office have begun the review of these issues. The scope of a City's ability to regulate in this area is a subject of intense debate and several appellate court decisions on the scope of the law have come out in the last year. Currently, another decision involving the City of Anaheim, discussed below, is also pending. Due to the complexity of the issues and the lack of uniformity in regulations throughout the state, no ordinance is ready for presentation at this time.

Prior to the adoption of the first moratorium, the City Attorney's office received inquiries from City staff regarding enacting a moratorium on medical marijuana Collectives in the City of Imperial Beach. These requests came at a time when a number of local cities had passed similar moratoria, including Chula Vista, National City, Santee, Escondido, and Oceanside. These Cities have either extended their initial moratoria or are planning to do so in the near future.

On September 23, 2009, the City Council extended the Interim Moratorium for a period of Ten Months and Fifteen Days. With the extension, the Interim Moratorium will last for a period of one year, expiring on August 19, 2010. Under the California Government Code, the Moratorium can be extended up to one extra year if the City Council makes certain legally required findings. Absent Coastal Commission review, it is not likely that the City will need that length of time to study this matter. The Staff should be able to recommend a variety of actions that the Council may take prior to the expiration of the one year period.

Since the initial implementation of the Interim Moratorium several legal and policy developments have taken place that will assist the staff in drafting recommended actions. However, there are

several outstanding issues that the City Council may want to take into consideration prior to taking formal action on this issue.

This report briefly outlines the legal framework for regulating medical marijuana in California, the conflict between state and federal law, and how the conflict between the state and federal government can be dealt with by the Council. This Staff Report also incorporates information from the Courts and other cities that are going through the same process at the same time as Imperial Beach. The legal status of medical marijuana collectives is still the subject of intense debate. The Courts have issued some helpful guidance recently, but some large issues are still pending before the Courts as of the preparation of this Staff Report.

DISCUSSION:

Legal Framework

In 1996, the voters of the State of California passed Proposition 215, the Compassionate Use Act ("CUA"). Under the initiative, patients and their "primary caregivers" may possess or cultivate marijuana for the patient's medical use if the patient has an oral or written doctor's "recommendation." State law also prohibits doctors from being punished for making a "recommendation" for medicinal use of marijuana.

The initiative applies to people with cancer, AIDS, several other enumerated conditions, and "any other illness" that medicinal marijuana can relieve. People have asserted the right to use marijuana for everything from life-threatening cancer to minor injuries. Recently, one Court has given some guidance through its questioning of "attention deficit disorder" as unlikely to be within the scope of illnesses covered by the CUA. (*Bearman v. California Medical Board* (August 26, 2009) 176 Cal.App.4th 1588.)

The Legislature has attempted to clarify issues, but this effort only addressed a portion of the pending questions. In 2003, the Legislature enacted Senate Bill 420, the Medical Marijuana Program Act ("MMPA"). The MMPA created a voluntary identification card program, under which patients and qualified primary caregivers could apply for identification cards. Every county health department shall give these cards out under certain conditions. A person could still possess medicinal marijuana without a card, and people could possess marijuana illegally even if the person has a card, but the card could serve as an additional piece of evidence for police and prosecutors to consider when evaluating whether a person's marijuana possession is legal or not.

Collectives

The Legislature also passed laws allowing patients and qualified caregivers to grow marijuana "collaboratively or collectively" (Health & Safety Code section 11362.775) and the Legislature said it was permissible to have a qualified primary caregiver who "receives compensation for actual expenses, including reasonable compensation incurred for services provided to an eligible qualified patient or person with an identification card to enable that person to use marijuana under this article, or for payment for out-of-pocket expenses incurred in providing those services, or both..." (Health & Safety Code section 11362.765).

California's medical marijuana laws contain provisions showing the Legislature's intent to keep medical marijuana from being diverted to non-medical purposes. Attorney General Jerry Brown has issued guidelines about how a "cooperative" or "collective" can be operated. A copy of

these guidelines may be found in Attachment "1". The Attorney General has very strictly defined how a cooperative or collective can distribute medical marijuana to its members. Further, without opining on its legality, the Board of Equalization has held that marijuana sales are taxable.

Primary Caregiver

The Courts have interpreted the CUA's definition of a "primary caregiver" in a more limited way than most cities who allow collectives have interpreted the law. (*People v. Mentch* (2008) 45 Cal.4th 274, 283, Attachment "2".) In the *Mentch* case, the Supreme Court limited the definition of "primary caregiver" to the strict language found in the CUA Initiative. The Court stated as follows:

Three aspects of the structure of the responsibility clause are noteworthy. From these aspects, as we shall explain, we conclude a defendant asserting primary caregiver status must prove at a minimum that he or she (1) consistently provided caregiving, (2) independent of any assistance in taking medical marijuana, (3) at or before the time he or she assumed responsibility for assisting with medical marijuana.

First, the text requires that the primary caregiver have "consistently" assumed responsibility for the patient's care. "Consistently" suggests an ongoing relationship marked by regular and repeated actions over time. In (citation omitted) for example, the many customers of a marijuana club, the Cannabis Buyers' Club, executed pro forma designations of the club as their primary caregiver. The Court of Appeals correctly rejected the assertion that the buyers' club could qualify as a primary caregiver in these circumstances: "A person purchasing marijuana for medicinal purposes cannot simply designate seriatim, and on an ad hoc basis, drug dealers on street corners and sales centers such as the Cannabis Buyers' Club as the patient's 'primary caregiver.' The primary caregiver the patient designates must be one 'who has *consistently* assumed responsibility for the housing, health, or safety of [the patient].'" (citation omitted) One must consistently—"with persistent uniformity" (3 Oxford English Dict. (2d ed.1989) p. 773) or "in a persistent or even manner" (Webster's 3d New Internat. Dict. (2002) p. 484)-have assumed responsibility for a patient's housing, health, or safety, or some combination of the three. (45 Cal.4th @ pp. 283-284.)

This narrow definition of "primary caregiver" does not match the practices of most clinics in California Cities that adopted Marijuana Collective Ordinances between 1997 and 2008. The CUA has strict limits on who can qualify as a "primary caregiver" and only recent ordinances that the City Attorney's office has reviewed meet these standards. (See, City of Long Beach Staff Report and attached materials (Attachment "3"); City of Santa Barbara Staff Report and attached materials (Attachment "4"); and City of West Hollywood, Ordinance No. 09-833 (Attachment "5").) These Reports show some of the efforts other cities are going through to establish ordinances that comply with the laws and do not have secondary effects. The West Hollywood ordinance is an attempt to deal with secondary issues from loosely regulated collectives allowed under an older ordinance.

City Zoning Authority

Another question facing cities is the extent to which cities can use their zoning power to regulate the use. This question was partially answered in *City of Claremont v. Kruse* (August 27, 2009) 177 Cal.App.4th 1153. The *Kruse* case allowed the City of Claremont to stop a medical marijuana dispensary (collective) to operate during a moratorium. The case held that the zoning power of a city allowed it to establish a moratorium and prevent a collective from violating the terms of the moratorium. This is an example of the Courts interpreting the CUA to allow cities to use their zoning power to regulate the use even though allowed under the Initiative.

Now pending before the Court of Appeals in Los Angeles is another case that deals with the limits of local zoning authority. The City of Anaheim has enacted a limiting ordinance that presumably amounts to an outright ban. A decision must be issued by the Appeals Court by December 23, 2009. Many cities in San Diego County are awaiting the result of this case to see if they can ban collectives altogether. This case will hopefully also give general guidance on the limits of zoning authority under the CUA even if the Council does not consider an outright ban.

In summary, under state law, people may work cooperatively or in a collective to provide medical marijuana to patients, but under very narrow restrictions. Cities have the authority to zone this activity, but whether that authority extends to completely banning medical marijuana cooperatives or collectives approved by state law remains unsettled. The City Attorney's Office is looking at these developments and trying to bring forward a number of alternatives that will give the City Council as many options as the law allows.

Federal Law

Federal law generally prohibits the possession, sale, giving, or transportation of controlled substances, including marijuana. It does not include an exception for medical marijuana, and people using medical marijuana permitted by California law can still be prosecuted federally for possessing that marijuana.

Federal law supersedes local laws on marijuana that are inconsistent with federal law. In two cases, the United States Supreme Court has said as much, and has done so with lopsided majorities.

The current Attorney General, Eric Holder, has issued guidelines that address the issue. These are found in Attachment "3" as part of the Long Beach Staff Report. While the Federal Attorney General intends to enforce the law, with respect to illegal drugs, the Federal Prosecutors will not enforce federal law involving use of marijuana that is allowed under state laws.

The California Attorney General's guidelines (and one California appellate court) explain that California has avoided facing its conflict with federal law because medical marijuana in California is not, strictly speaking, legal; rather, it is just something the state will not prosecute. The federal government has followed this rationale with the issuance of its latest guidelines.

State Initiatives Potentially Legalizing Marijuana

At present, three initiatives involving the regulation and taxation of marijuana are pending review at the Attorney General's Office and proponents will soon start gathering signatures to place them on the ballot in 2010, although it is unclear whether they would be on the primary or general election ballot. If any of these initiatives pass, marijuana would be legalized under state

law, and not just for medical purposes. This will bring the conflict with federal law into starker relief, and probably in a manner that cannot be so easily ignored by the federal government.

What Can the City Do About Medical Marijuana?

There have been various ways that California cities have handled this issue. Since the passage of the CUA in 1996, most cities have not taken any steps to establish rules regarding marijuana collectives. Those cities that acted early on the subject have mostly drafted loosely worded ordinances that have created many negative secondary effects. The definition of "primary caregiver" has been applied in a liberal fashion and this has led to commercial enterprises that do not fit the definition in the CUA which limits who qualifies to grow or distribute marijuana for medical purposes. Since the Supreme Court's 2008 decision in *People v. Mentch*, the cities that have recently addressed the issue have generally developed tighter guidelines that are more closely akin to the actual language in the Initiative. Most of these cities have acted within the last three months to address the issue. The attached Staff Reports and Ordinances are some examples of this newer approach. Most cities that wish to ban the collectives from their jurisdictions have imposed moratoria and are waiting for guidance from the *Anaheim* case pending before the Second District Court of Appeals.

Initial Report on Progress

During the study period under the Interim Ordinances, the City staff and the City Attorney's office have consulted on the various options. As part of this process, the City Attorney's office has investigated the regulatory policies of many cities throughout the state. Of those Cities that regulate Marijuana Collectives, the scope of regulation varies.

The City Attorney's Office is looking at all possibilities from a ban to full regulation. If the regulatory path is chosen, there are several issues the Ordinance will have to address. The first issue will be draft an ordinance which follows the guidance of the Compassionate Use Act which is stricter than most of the municipal ordinances reviewed to date. The second issue is how to establish a regulatory program that does not place too big a burden on existing staff. Finally, the third issue deals with what form the City's rules will take (*i.e.* land use based regulations, health & safety oriented permit process or a combination of both). This third issue will determine whether Coastal Commission approval is necessary.

There are several options the City Council can take at this point. These are listed as follows:

1. The Council could direct Staff to continue reviewing options and bring back a full range of alternatives based on direction received from the Courts over the next several months;
2. The Council could direct Staff to pursue a particular course of conduct (*i.e. full regulation allowing for the establishment of collectives, a partial or full ban, or other alternatives*);
3. The Council could ask staff to halt its efforts and wait until it is determined whether one or more of the legalization measures qualifies for the ballot; or
4. Give other direction as deemed appropriate.

CONCLUSION:

This is the first report to the City Council on the status of the moratorium. The City Attorney's Office has developed some elements of an Ordinance allowing for the regulation of collectives. However, the rough draft has not been vetted by Staff and still has several legal elements under review. If the Council does desire to give direction on the direction of these issues, the City Attorney will be prepared to discuss various alternative approaches that may be considered.

ENVIRONMENTAL DETERMINATION:

This project is exempt from the California Environmental Quality Act (CEQA) because it is not a project as defined in Section 15378.

FISCAL IMPACT:

This ordinance has an unknown fiscal impact on the City.

DEPARTMENT RECOMMENDATION:

Staff Recommends the Mayor and City Council:

1. Receive this report;
2. Give direction to City Staff as the Council deems appropriate.
3. Set the date for the next Interim Report to the Council.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. California Attorney General Guidelines;
2. *People v. Mentch* (California Supreme Court);
3. City of Long Beach Staff Report and attached materials;
4. City of Santa Barbara Staff Report and attached materials;
5. City of West Hollywood, Ordinance No. 09-833

Item No. 6.3

Attachments 1-5
Available in the City Clerk's
Office for Review

You may also view the
document on our website:

www.cityofib.com



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: DECEMBER 16, 2009
ORIGINATING DEPT.: PUBLIC WORKS *HAL*
SUBJECT: RESOLUTION AUTHORIZING THE PURCHASE OF
REPLACEMENT GRAFFITI ABATEMENT VEHICLE (VEHICLE
NO. 652)

BACKGROUND:

The Fiscal Year 2009-10 Fleet Division Operating and Maintenance Capital Outlay Budget (501-1921-419-5004) included the purchase of a cab and chassis truck to replace Public Works Graffiti Abatement vehicle #652. Public works vehicle #652 is a specialty vehicle used on a daily basis by the Graffiti Maintenance Division for graffiti abatement. Staff is recommending replacing the cab and chassis of vehicle #652, and transfer the existing flatbed to the new chassis.

The budgeted allocation for the purchase of this replacement vehicle was \$25,000.00.

DISCUSSION:

The year, make, and model of the current Public Works Vehicle is:

- Vehicle #625 – 1999 Dodge Ram 2500

Staff has researched the bid list purchase options for the replacement vehicle. The City of San Diego Bid list did not include this truck, but did include an equivalent. The purchase price of this replacement vehicle (including flatbed transfer) through City of San Diego Bid #KO 08-09; Piggyback Reference #07855A, dated 7/29/09 is as follows:

- Vehicle #625 - \$25,745.74

ENVIRONMENTAL IMPACT

Not a project as defined by CEQA

FISCAL IMPACT:

The budgeted amount from the Fleet Division Operating and Maintenance Capital Outlay Budget (501-1921-419-5004) for Fiscal Year 2009-10 is **\$25,000.00**.

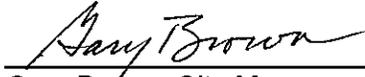
The proposed expenditure is **\$25,745.74**. The proposed expenditure exceeds the budgeted amount by \$745.74, however there are sufficient funds within the Fleet Vehicle Replacement Budget to fund the remaining balance of the new City vehicle.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Adopt Resolution 2009-6834 authorizing the City Manager to approve a purchase order for the purchase of the Graffiti Abatement vehicle (vehicle nr. 652) replacement (one cab and chassis) and flatbed transfer.
3. Authorize the expenditure of \$25,745.74 from the Fleet Vehicle Replacement Fund for this purchase.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution 2009-6834

RESOLUTION NO. 2009-6834

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE PURCHASE OF REPLACEMENT GRAFFITI ABATEMENT VEHICLE (VEHICLE NUMBER 652)

WHEREAS, the Fiscal Year 2009-10 Fleet Division Operating and Maintenance Capital Outlay Budget (501-1921-419-5004) included the purchase of a cab and chassis truck to replace Public Works Graffiti Abatement vehicle #652; and

WHEREAS, the existing truck is programmed for replacement; and

WHEREAS, Public works vehicle #652 is a specialty vehicle used on a daily basis by the Graffiti Maintenance Division for graffiti abatement; and

WHEREAS, staff is recommending replacing the cab and chassis of vehicle #652, and transfer the existing flatbed to the new vehicle; and

WHEREAS, the budgeted allocation for the purchase of this replacement vehicle is \$25,000.00; and

WHEREAS, the City of San Diego Bid list did not include this truck size, but did include an equivalent; and

WHEREAS, the purchase price of this replacement vehicle (including flatbed transfer) through City of San Diego Bid #KO 08-09; Piggyback Reference #07855A, dated 7/29/09 is \$25,745.74; and

WHEREAS, the proposed expenditure exceeds the budgeted amount by \$745.74, however there are sufficient funds within the Fleet Vehicle Replacement Budget to fund the remaining balance of the new City vehicle; and

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

1. The above recitals are true and correct.
2. The City Manager is authorized to approve a purchase order for the Graffiti Abatement truck at a price of \$25,745.74 for the purchase of a cab and chassis truck and flatbed transfer to the new chassis.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 16th day of December 2009, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: December 16, 2009

ORIGINATING DEPT.: PUBLIC SAFETY *js.*

SUBJECT: A REPORT TO THE CITY COUNCIL OF IMPERIAL BEACH, CALIFORNIA, ADVISING THEM OF CHANGES IN SHERIFF STAFFING LEVELS

BACKGROUND:

On May 21, 2008 the City Council of Imperial Beach approved a new 5 Year agreement with the County of San Diego for General and Specialized Law Enforcement Services. As per year 3 of the agreement, the financial plan, "Attachment B", identifies the fiscal cost for law enforcement services provided to the City of Imperial Beach by the San Diego County Sheriff's Department for FY 2009/2010.

On November 18, 2009 City Council adopted a resolution approving the contract for law enforcement known as the "Attachment B" for Fiscal Year 2009-2010. The 2009/2010 "Attachment B" cost is \$5,411,295.64 which represented an increase of \$130,469.64 for law enforcement services as compared to the 2008/09 costs of \$5,280,826. There is one deleted position in staffing levels for FY 2009/10. A traffic motor deputy was eliminated resulting in an annual savings of \$142,547.37.

DISCUSSION:

As of December 18, 2009, a Special Purpose Officer (SPO) position will be vacated due to transfer to another station. It is our recommendation this position be deleted from the City of Imperial Beach contract with the Sheriff's Department for cost savings purposes. Although traffics issues throughout the city may suffer slightly, steps will be taken by the Sheriff's Department to minimize the negative effects. Staff will monitor the situation and advise of any changes that result from this cut.

FISCAL IMPACT:

The cost savings to the city for deleting the SPO position from the contract will be approximately \$ 66,49.03 for Fiscal Year 2009-2010 and \$133,298.08 for Fiscal Year 2010-2011. Additional savings will be realized from the pooled overhead costs and will be determined in the 2010-2011 "Attachment B".

DEPARTMENT RECOMMENDATION:

Give staff direction not to fill the SPO vacancy and delete the Special Purpose Officer from the current staffing levels and the succeeding fiscal year budgets.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Memorandum from Captain Lisa Miller-
Impact of Potential Reduction in Contracted Services



COUNTY OF SAN DIEGO
INTER-DEPARTMENTAL CORRESPONDENCE

December 2, 2009

TO: Frank Sotelo, Director of Public Safety
City of Imperial Beach

FROM: Lisa Miller, Captain
Imperial Beach Sheriff's Station

IMPACT OF POTENTIAL REDUCTION IN CONTRACTED SERVICES

The City of Imperial Beach has requested a plan for potential reduction in contract services from the Sheriff's Department for FY10/11. The city is facing budget constraints and plans to reduce staffing and services, including Sheriff's services.

As of December 18, 2009, a Special Purpose Officer (SPO) position will be vacated due to a transfer to another station. It is our recommendation this position be deleted from the city contract for cost saving purposes in the current fiscal year.

Each potential cut will have an impact on the City of Imperial Beach and the services available from the Sheriff's Department. If the SPO position is deleted, the possible impacts to the city will be:

- Less enforcement of moving violations (citations),
- Less DUI enforcement when working nights (although unlike any other Sheriff's station, all IB patrol deputies are DUI trained),
- No relief to cover areas of shortage (to lessen this effect, we will be sending CSO's to Intermediate Traffic to assist with injury accidents).

In these difficult economic times, budget cuts are inevitable. The cost savings to the city for deleting the SPO position from the contract will be \$133,298.08.

Although traffic issues throughout the city may suffer slightly, steps have been taken to minimize the negative effects to the best of our ability. We will monitor the situation and advise of any changes that could result from these cuts.



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: DECEMBER 16, 2009
ORIGINATING DEPT.: JACQUELINE M. HALD, CITY CLERK *JMH*

SUBJECT: ANNUAL CITY COUNCIL REPRESENTATION ASSIGNMENTS

BACKGROUND & DISCUSSION:

Pursuant to Section 2.18.010.C of the Imperial Beach Municipal Code (I.B.M.C.), appointments to all commissions, boards and committees, except the planning commission and the personnel board, shall be made by the Mayor, with the approval of the City Council.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Not a project as defined by CEQA.

FISCAL IMPACT:

None.

DEPARTMENT RECOMMENDATION:

1. Mayor appoint/change City Council Representation Assignments for 2010 in accordance with Chapter 2.18.010.C of the I.B.M.C.
2. City Council approve Mayor's appointments and changes to City Council Representation Assignments for 2010.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown

Gary Brown, City Manager

Attachments:

1. 2009 City Council Representation Assignment List

**2009-2010 CITY OF IMPERIAL BEACH
CITY COUNCIL REPRESENTATION ASSIGNMENTS**

<p>SOUTH BAY MAYORS AND CITY MANAGERS COMMITTEE: National City, Chula Vista, Coronado, and San Diego meet to discuss mutual concerns relating to South Bay.</p> <p>Primary - Mayor Janney 1st Alternate – Mayor Pro Tem Bragg 2nd Alternate – Vacant</p>	<p>Contact: City of Chula Vista Natalie Flores, Secretary to the Mayor (619) 691-5044</p> <p>Meetings: Usually 4th Monday of each month by the host city (rotated) at 12:00 p.m. for approximately one hour.</p>
<p>SD DIVISION, LEAGUE OF CALIFORNIA CITIES: A coalition of California cities meeting on issues of statewide concern.</p> <p>Primary – Mayor Pro Tem Bragg 1st Alternate – Mayor Janney</p>	<p>Contact: City of National City Michael Dalla, City Clerk (619) 336-4226</p> <p>Location: Four Points Sheraton 8110 Aero Drive San Diego, CA 92123</p> <p>Meetings: 2nd Monday of each month at lunchtime</p>
<p>SD DIVISION, LEAGUE OF CALIFORNIA CITIES – LEGISLATIVE SUB-COMMITTEE: A coalition of San Diego County cities that reviews and provides direction to the San Diego Division membership on bills pending before the Legislature.</p> <p>Primary – Mayor Pro Tem Bragg 1st Alternate – Mayor Janney</p>	<p>Contact: Catherine Hill, Regional Affairs Manager (619) 295-8282</p> <p>Location: Four Points Sheraton 8110 Aero Drive San Diego, CA 92123</p> <p>Meetings: 2nd Monday of each month at lunchtime</p>
<p>LEAGUE OF CALIFORNIA CITIES - COASTAL CITIES INTEREST GROUP A coalition of California cities meeting on statewide coastal issues.</p> <p>Primary – Mayor Janney 1st Alternate – Councilmember McCoy</p>	<p>Contact: Mary Creasey, Public Affairs Analyst League of California Cities 1400 K Street Sacramento, CA 95814 (916) 658-8243</p> <p>Location: TBD (2 meetings by conference call: 1 meeting at Annual Conference in September)</p> <p>Meetings: TBD</p>
<p>METROPOLITAN TRANSIT SYSTEMS BOARD: Public transportation issues.</p> <p>Primary – Mayor Janney 1st Alternate – Mayor Pro Tem Bragg</p>	<p>Contact: Gail WilliamsVicki Rogers, Clerk of the Board (619) 557-4515</p> <p>Location: 1255 Imperial Ave., Ste. 1000 San Diego, CA 92101-7490 (619) 231-1466</p> <p>FAX: (619) 234-3407</p> <p>Meetings: Typically 2nd & 4th 1st and 3rd or 2nd Thursdays of each month at 9:00 a.m. (Revised mMeeting schedule available) (\$150/meeting -- not to exceed eight meetings)</p>
<p>SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) BOARD: The regional council of governments, which fosters cooperation on solving regional issues, such as transportation.</p> <p>Primary – Mayor Janney 1st Alternate – Councilmember McCoy 2nd Alternate – Councilmember King</p>	<p>Contact: Deborah Gunn, Clerk of the Board (619) 699-1912</p> <p>Location: 401 B Street, Ste. 800 First Interstate Plaza San Diego, CA 92101</p> <p>FAX: (619) 699-6905</p> <p>Meetings: Executive Committee: 2nd Friday of each month at 9:00 a.m. Policy-Dev.-MtgBoard Policy/Business : 2nd Friday of each month at 10:00 a.m. Business-MtgBoard Business : 4th Friday of each month at 9:00 a.m. (\$1050/meeting Executive Committee meetings / \$100/meeting Policy Committee Board meetings)</p>
<p>SANDAG – SHORELINE PRESERVATION WORKING GROUP: To advise SANDAG on issues related to the adopted Shoreline Preservation Strategy and opportunities for beach replenishment.</p> <p>Primary – Mayor Janney 1st Alternate – Mayor Pro Tem Bragg</p>	<p>Contact: Shelby Tucker, SANDAG (619) 699-1916</p> <p>Location: 401 B Street, Ste. 800 First Interstate Plaza San Diego, CA 92101</p> <p>FAX: (619) 699-1905</p> <p>Meetings: 1st Thursday of every other month from 11:30 a.m. to 1:00 p.m.</p>

**2009-2010 CITY OF IMPERIAL BEACH
CITY COUNCIL REPRESENTATION ASSIGNMENTS**

<p>CHAMBER OF COMMERCE LIAISON: Primary – Vacant 1st Alternate – Mayor Janney</p>	<p>Contact: Stacey LongKim Palkovic, Executive Assistant (619) 424-3151 Location: APS Marine Services & Equipment 706-A Seacoast Drive Meetings: 2nd Wednesday of each month at 5:00 p.m.</p>
<p>METRO WASTEWATER COMMISSION/JPA: Oversees the sewage system for the San Diego area and makes decisions regarding financial expenditures relating to the sewage system. Primary – Councilmember McCoy Alternate – Mayor Janney AFFORD (Padre Dam) – Amy – (619) 258-4614</p>	<p>Contact: Lori Anne Peoples, City of Chula Vista (619) 476-2557 Location: 9192 Topaz Way, MOC II Auditorium San Diego, CA 92123 Meetings: 1st Thursday of each month from 12:00 p.m. to 1:30 p.m. (\$150/day)</p>
<p>BAYSHORE BIKEWAY WORKING GROUP: Purpose is to promote improvements to the 26-mile bikeway around San Diego Bay. Primary – Vacant Alternate – Mayor Janney</p>	<p>Contact: Stephan Vance, SANDAG (619) 699-1924 Location: TBD Meetings: Quarterly, as needed</p>
<p>JOB CORPS LIAISON: Community Relations Council Primary – Mayor Pro Tem Bragg Alternate – Mayor Janney</p>	<p>Contact: Frank Buttino, Business Community Liaison (619) 429-8500 x216 Location: 1325 Iris Ave., Building 60 Imperial Beach, CA 91932 Meetings: Once every quarter (notified in advance) at Culinary Arts Center at 11:30 a.m.</p>
<p>SOUTH COUNTY ECONOMIC DEVELOPMENT COUNCIL: To encourage private investment in the South San Diego County region as well as to promote the cultural, educational, social, and geographic opportunities of the area. Primary – Councilmember King 1st Alternate – Councilmember McLean</p>	<p>Contact: Cindy Gomper Graves, Exec. Director (619) 424-5143 Location: South County EDC 1111 Bay Blvd., Ste. E Chula Vista, CA 91911 Meetings: 1st Tuesday of each month at 7:30 a.m. at the South County Regional Education Center 800 National City Blvd., National City</p>
<p>HEARTLAND COMMUNICATIONS FACILITY AUTHORITY JPA BOARD: A Joint Powers Authority between the Cities of El Cajon, Imperial Beach, La Mesa, Santee and Lemon Grove, and Fire Protection Districts San Miguel, Lakeside, East County, and Alpine. Primary – Mayor Pro Tem Bragg 1st Alternate – Mayor Janney</p>	<p>Contact: Valerie Nellis (619) 441-1623 vnellis@heartlandfire.net Location: Ronald Reagan Community Center 200 East Douglas Ave. El Cajon, CA 92020 Meetings: Quarterly: 4th Thursday of January, April, July and October at 4:00 p.m. (\$100/meeting)</p>
<p>OTAY RIVER WATERSHED MANAGEMENT PLAN POLICY COMMITTEE: A Joint Exercise of Powers Agreement among the County of San Diego and the Cities of Chula Vista and Imperial Beach and the San Diego Unified Port District for the development of a watershed management plan for the Otay River. The Policy Committee shall provide direction to the Project Team for administering the JPA. Appointment to the Policy Committee shall be for a term not to exceed the appointee's current term in office. Primary – Vacant 1st Alternate – Councilmember King</p>	<p>Contact: Tracy Cline (858) 495-5513 tracy.cline@sdcounty.ca.gov Location: TBD Meetings: As needed basis 12/2/09 Per Tracy Cline, Committee on hold and not recommending assignment of any Councilmembers at this point</p>

CITY COUNCIL STANDING COMMITTEES

Military Affairs Subcommittee

Mayor Janney
Councilmember McCoy



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: DECEMBER 16, 2009
ORIGINATING DEPT.: JACQUELINE M. HALD, CITY CLERK

SUBJECT: ROTATION OF MAYOR PRO TEMPORE DUTIES

BACKGROUND:

Imperial Beach Municipal Code 2.10.010 states the City Council shall, at the next meeting after the first meeting in December, choose one of its members as Mayor Pro Tempore. The Mayor Pro Tempore shall serve on a rotating basis and be seated at the first meeting in January as provided in Council Policy 112.

DISCUSSION:

If the Mayor is absent or unable to act, the Mayor Pro Tempore shall serve until the Mayor returns or is able to act. The Mayor Pro Tempore has all of the powers and duties of the Mayor (Imperial Beach Municipal Code Section 2.10.020).

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Not a project as defined by CEQA.

FISCAL IMPACT:

None.

DEPARTMENT RECOMMENDATION:

Appoint Councilmember Jim King as Mayor Pro Tempore for a one-year period pursuant to rotational requirements and be seated at the first Council meeting in January pursuant to requirements as stated under Council Policy No. 112.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

A handwritten signature in black ink, appearing to read 'Gary Brown', is written over a horizontal line.

Gary Brown, City Manager

Attachments:

1. I.B.M.C. 2.10.010 and 2.10.020
2. City Council Policy No. 112

Imperial Beach Municipal Code

ATTACHMENT 1

[Up](#) [Previous](#) [Next](#) [Main](#) [Collapse](#) [Search](#) [Print](#) [No Frames](#)[Title 2. ADMINISTRATION AND PERSONNEL](#)**Chapter 2.10. MAYOR PRO TEMPORE**

2.10.010. Selection of Mayor pro tempore—Term.

The City Council shall, at the next meeting after the first meeting in December, choose one of its members as Mayor pro tempore. The Mayor pro tempore shall serve on a rotating basis as provided in City Council policy, or until the expiration of the normal term as set forth in this title. (Ord. 829 (part), 1990)

2.10.020. Duties of Mayor pro tempore.

If the Mayor is absent or unable to act, the Mayor pro tempore shall serve until the Mayor returns or is able to act. The Mayor pro tempore has all of the powers and duties of the Mayor. (Ord. 829 (part), 1990)

**CITY OF IMPERIAL BEACH
COUNCIL POLICY**

SUBJECT:	POLICY NUMBER	EFFECTIVE DATE	PAGE
Rotation of Mayor Pro Tempore Duties	112	3/4/92	1 of 1

ADOPTED BY: Resolution 92-4085 **DATED:** March 4, 1992

On March 4, 1992, the City Council resolved to establish the following policy:

1. The mayor pro tempore will be selected, and have the powers and duties, as specified in Section 2.10 of the Imperial Beach Municipal Code.
2. The mayor pro tempore will be seated at the first council meeting in January.
3. The mayor pro tempore shall serve on a rotating basis so that each councilmember serves one (1) year as mayor pro tempore during his/her four (4) year term.
4. The councilmember chosen to be mayor pro tempore each year will be the councilmember on the top of the rotation list, which will be established and maintained as follows:
 - a. After each election, the rotation list will be established as follows (in line to serve as mayor pro tempore from top to bottom):
 - (1) Current councilmember (One who has not served as mayor pro tempore).
 - (2) Councilmember Elect (One with most votes from previous election).
 - (3) Councilmember Elect.
 - (4) Current councilmember (One who just completed one (1) year as mayor pro tempore).
 - b. After a councilmember serves one (1) year as mayor pro tempore, he/she will go to the bottom of the list and the others will move up one (1) spot.
 - c. Newly elected/re-elected councilmembers will be placed on the list, after the current councilmember who has not served as mayor pro tempore, in order of votes received.



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: DECEMBER 16, 2009
ORIGINATING DEPT.: JACQUELINE M. HALD, CITY CLERK *JMH*

SUBJECT: 2010 CITY COUNCIL MEETING AND WORKSHOP CALENDAR

BACKGROUND AND DISCUSSION:

After review of the calendar and holiday schedule for the year 2010, staff recommends the following:

- Schedule City Council Workshops on:

January 12, 2010 – City Council Workshop	9:00 a.m.
April 13, 2010 – City Council Workshop	9:00 a.m.
July 13, 2010 – City Council Workshop	9:00 a.m.
October 12, 2009 – City Council Workshop	9:00 a.m.
- Reschedule the May 5, 2010 City Council meeting to Tuesday, May 4, 2010 due to a conflict with the League of California Cities – City Attorneys Spring Conference scheduled for May 5-7, 2010.
- Reschedule the September 15, 2010 City Council meeting to September 22, 2010 due to a conflict with the League of California Cities Annual Conference scheduled for September 15-18, 2010.
- Cancel the January 5, 2011 City Council meeting due to the City Furlough scheduled for December 27, 2010 through December 30, 2010 and New Year's holiday.

Please note: The January 6, 2010 City Council meeting was cancelled by previous Council action on December 17, 2008.

FISCAL IMPACT:

None related to this report.

DEPARTMENT RECOMMENDATION:

Approve the attached 2010 City Council Calendar which includes City Council quarterly workshops on January 12, April 13, July 13, and October 12, 2010. Staff further recommends rescheduling of the May 5, 2010 City Council meeting to May 4, 2010 and the September 15, 2010 City Council meeting to September 22, 2010 and canceling the January 5, 2011 City Council meeting.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown

 Gary Brown, City Manager

Attachments:

1. Draft 2010 City Council Meeting Calendar
2. 2009/2010 City of Imperial Beach Holiday Schedule

2010

CITY OF IMPERIAL BEACH

2010

825 Imperial Beach Boulevard
Imperial Beach, CA 91932

January						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February						
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21	22	23	24	25	26	27
28						

March						
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28	29	30	31			

April						
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May						
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30	31					

June						
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July						
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29	30	31				

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October						
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31						

November						
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December						
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

■ Council Meetings

■ Council Workshops

---- City Hall Closed

■ City Holidays

SPECIAL EVENTS

Sandcastle
IB Birthday
League Conference

August 6-8, 2010
July 18, 2010
September 15-18, 2010



**City of Imperial Beach
Holiday Schedule
2009/2010**

2009 Holiday Schedule

Wednesday, November 11	Veterans Day
Thursday, November 26	Thanksgiving Day
Friday, November 27	Day After Thanksgiving
Thursday, December 24	Christmas Eve
Friday, December 25	Christmas Day
December 28 thru 30	Furlough
Thursday, December 31	New Year's Eve

2010 Holiday Schedule

Friday, January 1, 2010	New Year's Day
Monday, January 18	Martin Luther King, Jr. Day
Monday, February 15	President's Day
Wednesday, March 31	Cesar Chavez Day
Monday, May 31	Memorial Day
Sunday, July 4	Independence Day
Monday, September 6	Labor Day
Thursday, November 11	Veterans Day
Thursday, November 25	Thanksgiving Day
Friday, November 26	Day After Thanksgiving
Friday, December 24	Christmas Eve
Saturday, December 25	Christmas Day
December, 27-30	Furlough
Friday, December 31	New Year's Eve
Saturday, January 1	New Year's Day



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

FROM: GARY BROWN, CITY MANAGER/EXECUTIVE DIRECTOR

MEETING DATE: DECEMBER 16, 2009 – TIME SPECIFIC FOR 7:00 PM

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

SUBJECT: COMMERCIAL ZONING REVIEW

BACKGROUND:

On June 24, 2009, a combined City Council and Design Review Board (DRB) workshop was held to present the results and recommendations of the City's Commercial Zoning Review. At this workshop, the consultant team headed by EDAW/AECOM Inc. (EDAW), presented specific recommendations for zoning amendments based upon the review of the City's commercial zones. During the workshop, concerns were raised about the extensive amount of information provided and about some of the specific recommendations being presented, particularly those involving proposed increases to building height and residential densities. As such, the City Council and Design Review Board (DRB) requested that additional workshops be conducted to go over the information in more detail and to allow for additional input from the City Council, DRB and the public.

On July 28, 2009, another City Council/DRB Workshop was held. This workshop was attended by over 70 members of the community many of whom raised concerns about the Commercial Zoning Review and, more specifically, about the process for reviewing the potential draft zoning amendments to the City's Commercial Zoning and General Plan.

On September 23, 2009, staff presented to the City Council options for the review process moving forward for this effort. The City Council directed staff to schedule a special meeting at which the Council could discuss the Commercial Zoning Review recommendations prior to establishing a community outreach and review process.

On October 26, 2009, the City Council held a Special Meeting to discuss the Commercial Zoning Review recommendations. At beginning of this meeting, the City Council voted to eliminate the following potential zoning amendment recommendations from consideration:

1. A 60-foot height overlay zone along Palm Avenue from Emory westward to Rainbow Drive.
2. Minimum residential density requirements.
3. A 40-foot height limit on the east side of Seacoast Drive and along Old Palm Avenue from Seacoast Drive to 3rd Street, subject to incentive criteria.
4. Elimination of the Mixed-Use Overlay Zone (MU-2 Zone) west of Ocean Lane.

After discussion, a majority of the City Council voted to consider and discuss the possibility of allowing building of up to 35 feet, not 36 feet as proposed in the potential amendments, on the east side of Seacoast Drive and along Old Palm. This increased height would be permitted only if a proposed project met specific development incentive criteria. The development incentives were one of the items identified by the City Council to be discussed in more detail at the meeting on November 18, 2009.

DISCUSSION:

On November 18, 2009, staff and the consultant team made another presentation to the City Council on the Commercial Zoning Review recommendations. While the City Council had anticipated discussing the parking requirements, performance-based incentives, floor area ratios (FAR's), setbacks and stepbacks, and maximum residential densities, due to time constraints and the depth of discussion, the City Council was only able to cover the parking requirements. The City Council was generally supportive of the proposed recommended parking amendments which included:

- 1) Reducing the overall parking ratios/requirements for commercial development
- 2) Allowing a 25% parking reduction for vertical (taller than one story) development
- 3) Allowing a parking waiver for commercial uses of less than 1,000 square feet
- 4) Allowing a shared parking reduction, subject to a project-specific study

The City Council also suggested that some additional study of existing parking might be necessary, particularly along Seacoast Drive and Old Palm Avenue, in order to support the recommended parking regulation amendments. This will be particularly important as any amendments approved by the City Council must then be certified and approved by the Coastal Commission.

On Wednesday, December 16, 2009, it is intended that the following items will be presented to and discussed by the City Council:

- Maximum Residential Densities
- Setbacks and step-backs
- Floor Area Ratios (FARs)
- Performance-based incentives

Staff and members of the consultant team will be present at the meeting on December 16th to discuss the above-listed items and to respond to questions from the City Council.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

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

FISCAL IMPACT:

A contract amendment for additional services to complete this Commercial Zoning Review was approved by the City Council/Redevelopment Agency on September 23, 2009.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council receive staff's report and presentation and provide direction and input on the specific recommendations presented. Staff further recommends that the City Council identify any additional items for consideration and discussion and schedule them for at an upcoming City Council meeting and/or provide direction on the next steps for consideration of the proposed recommendations.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager