



REVISED AGENDA



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

OCTOBER 15, 2008

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

**CLOSED SESSION MEETING – 5:15 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: 735 Palm Avenue, APN 626-250-03
Agency Negotiator: City Manager
Negotiating Parties: North Island Federal Credit Union
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 741-849 Palm Avenue, APN 626-250-04, 05, & 06
Agency Negotiator: City Manager
Negotiating Parties: Sam & Sandra Dimenstein
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

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

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

PRESENTATIONS (1.1)

1.1* PRESENTATION OF PROCLAMATION TO JOSE NESTOR MARTINEZ. (0410-30)

* No Staff Report.

CONSENT CALENDAR (2.1 - 2.8) - *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 RATIFICATION OF WARRANT REGISTER. (0300-25)

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 67238 through 67322 with the subtotal amount of \$318,497.55; and Payroll Checks 40241 through 40294 for the pay period ending 09/25/08 with the subtotal amount of \$149,838.35; for a total amount of \$468,335.90.

2.2 RESOLUTION NO. 2008-6680 – AUTHORIZING THE CITY OF IMPERIAL BEACH TO PARTICIPATE IN A REGIONAL WASTE TIRE ENFORCEMENT PROGRAM. (0270-70)

City Manager's Recommendation: Adopt resolution.

2.3 LETTER OF SUPPORT FOR THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) APPLICATION FOR PROPOSITION 84 FUNDING TO STUDY SAND RETENTION STRUCTURES. (0220-70 & 0460-20)

City Manager's Recommendation: Authorize the Mayor to sign the letter of support.

2.4 RESOLUTION NO. 2008-6684 – AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN DIEGO OFFICE OF HOMELAND SECURITY AND THE CITY OF IMPERIAL BEACH REGARDING URBAN AREA SECURITY INITIATIVE (UASI) GRANT FUNDING. (0390-88)

City Manager's Recommendation: Adopt resolution.

2.5 RESOLUTION NO. 2008-6682 – APPROVAL OF COUNCIL POLICY 408: INVESTMENT POLICY. (0350-95)

City Manager's Recommendation: Adopt resolution.

2.6 CASH AND INVESTMENT REPORTS FOR THE QUARTER ENDED JUNE 30, 2008. (0350-90)

City Manager's Recommendation: Receive and file.

2.7 RESOLUTION NO. 2008-6687 – SUPPORTING THE 2010 CAMPAIGN FOR ACTIVE TRANSPORTATION. (0460-20 & 0680-85)

City Manager's Recommendation: Adopt resolution.

2.8 RESOLUTION NO. 2008-6685 – OPPOSING PROPOSITION 7 (THE SOLAR AND CLEAN ENERGY ACT OF 2008) ON THE NOVEMBER 2008 BALLOT. (0460-20)

City Manager's Recommendation: Adopt resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3.1)

3.1 ORDINANCE NO. 2008-1076 – TO AMEND CHAPTER 1.18 (ADMINISTRATIVE APPEAL PROCEDURES AND TIME LIMITS FOR APPEAL) OF THE IMPERIAL BEACH MUNICIPAL CODE REGARDING APPEALS PROCEDURES FOR CERTAIN ADMINISTRATIVE DECISIONS. (0600-95)

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2008-1076, an ordinance of the City Council of the City of Imperial Beach, California, to amend Chapter 1.18 (Administrative Appeal Procedures and Time Limits for Appeal) of the Imperial Beach Municipal Code regarding Appeals Procedures for Certain Administrative Decisions;
3. City Clerk reads title of Ordinance No. 2008-1076; and
4. Motion to dispense first reading and introduce Ordinance No. 2008-1076 by title only, set the matter for adoption at the next regular City Council meeting of November 5, 2008, and authorize the publication in a newspaper of general circulation.

INTERIM ORDINANCE EXTENDING URGENCY MEASURE – READING & ADOPTION (4.1)

4.1 ORDINANCE NO. 2008-1078 – AN INTERIM ORDINANCE EXTENDING AN URGENCY MEASURE PROHIBITING ADDITIONAL RETAIL ESTABLISHMENTS SELLING TOBACCO PRODUCTS AND TOBACCO PARAPHERNALIA DURING AN EXTENDED SPECIAL STUDY PERIOD FOR AN ADDITIONAL ONE YEAR. (0240-35)

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2008-1078, an interim ordinance extending an urgency measure prohibiting additional retail establishments selling tobacco products and tobacco paraphernalia during an extended special study period for an additional one year;
3. City Clerk to read title of Ordinance No. 2008-1078; and
4. Motion to introduce, read, pass, and adopt Ordinance 2008-1078 by title only.

ORDINANCES – SECOND READING & ADOPTION (4.2 - 4.3)

4.2 ORDINANCE NO. 2008-1074 – AMENDING SECTIONS 19.04.415 OF THE ZONING ORDINANCE CHANGING THE DEFINITION OF “HOUSEHOLD PETS” AND AMENDING CHAPTER 6.04 OF THE ANIMALS ORDINANCE ALLOWING HEN CHICKENS WITH RESTRICTIONS AMENDING SECTIONS 6.04.020, 6.04.030, AND 6.04.130 AND ADDING SECTION 6.04.035. (0200-95)

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2008-1074, an ordinance of the City Council of the City of Imperial Beach, California, amending Sections 19.04.415 of the Zoning Ordinance, changing the definition of “Household Pets,” amending Chapter 6.04 of the Animals Ordinance, allowing hen chickens with restrictions by amending Sections 6.04.020, 6.04.030, and 6.04.130 and adding Section 6.04.035; and
3. City Clerk reads title of Ordinance No. 2008-1074;
4. Motion to dispense second reading of Ordinance No. 2008-1074 by title only; and
5. Motion to adopt Ordinance No. 2008-1074 by title only.

Continued on Next Page

ORDINANCES – SECOND READING & ADOPTION (Continued)

- 4.3 ORDINANCE NO. 2008-1077 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTER 13.04 BY AMENDING SECTIONS 13.04.030, 13.04.040, AND 13.04.170, AND ADDING SECTIONS 13.04.180 AND 13.04.190 – SEWERS TO COMPLY WITH STATE WATER RESOURCES CONTROL BOARD ORDER NO. 2006-0003-DWQ. (0830-95)**

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2008-1077 ; and
3. City Clerk reads the title of Ordinance No. 2008-1077, an ordinance of the City Council of the City of Imperial Beach, California, amending Imperial Beach Municipal Code Chapter 13.04 by amending Sections 13.04.030, 13.04.040, and 13.04.170, and adding Sections 13.04.180 and 13.04.190 – SEWERS to comply with State Water Resources Control Board Order No. 2006-0003-DWQ;
4. Motion to dispense second reading of Ordinance No. 2008-1077 by title only; and
5. Motion to adopt Ordinance No. 2008-1077 by title only.

PUBLIC HEARINGS (5.1 - 5.2)

- 5.1 JIM KENNEDY, PARSONS CORP. FOR OMNIPOINT/T-MOBILE (APPLICANT)/ TORREY PINE MERZIOTIS PROPS. (OWNER); REGULAR COASTAL PERMIT (CP 080015), CONDITIONAL USE PERMIT (CUP 080016), DESIGN REVIEW CASE (DRC 080017), AND SITE PLAN REVIEW (SPR 080018) TO INSTALL A TELECOMMUNICATIONS FACILITY ON A MONOPALM FAUX TREE STRUCTURE LOCATED AT 933 SEACOAST DRIVE IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 974. (0600-20)**

City Manager's Recommendation:

1. Declare the continued public hearing open;
2. Receive public testimony;
3. Close the public hearing; and
4. Adopt Resolution No. 2008-6681, approving Regular Coastal Permit (CP 080015), Conditional Use Permit (CUP 080016), Design Review Case (DRC 080017), and Site Plan Review (SPR 080018), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

- 5.2 PROPOSED PROJECT PROPOSALS FOR THE FISCAL YEAR 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM. (0650-05)**

City Manager's Recommendation:

1. Declare the continued public hearing open;
2. Receive public testimony;
3. Close the public hearing; and
4. Adopt Resolution No. 2008-6686, requesting allocation of the fiscal year 2009-2010 Community Development Block Grant funds.

REPORTS (6.1 - 6.3)

6.1 RESOLUTION NO. 2008-6683 – APPROVING THE SEWER SYSTEM MANAGEMENT PLAN – LEGAL AUTHORITY, OPERATIONS AND MAINTENANCE PROGRAM, OVERFLOW EMERGENCY RESPONSE PROGRAM, AND FATS, OIL, AND GREASE (FOG) CONTROL PROGRAM ELEMENTS – AS REQUIRED BY THE STATE WATER RESOURCES CONTROL BOARD ORDER NO. 2006-0003 STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS. (0830-95)

City Manager's Recommendation:

1. Receive report;
2. Review and discuss the Legal Authority, Operations and Maintenance Program, Overflow Emergency Response Program, and FOG Control Program SSMP elements; and
3. Adopt resolution.

6.2 ITEM REMOVED.

6.3 RESOLUTION NO. R-08-163 – APPROVING THE PURCHASE OF VETERANS PARK MONUMENT SIGNS – VETERANS PARK MASTER PLAN – RDA (CIP P03-502). (0910-10 & 0920-70)

City Manager's Recommendation:

1. Receive report;
2. Observe the Civic Center Entrance Monument and confirm that City Council is satisfied with the quality of the work; and
3. Adopt resolution.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

MAYOR/COUNCIL REPORTS ON ASSIGNMENTS AND COMMITTEES

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 October 9, 2008 to the City Council, San Diego Union-Tribune, I.B. Eagle & Times, and I.B. Sun.

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

AFFIDAVIT OF POSTING

I, Jacqueline M. Hald, City Clerk of the City of Imperial Beach, hereby certify that the Revised 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 October 9, 2008. Said meeting to be held at 5:15 p.m. October 15, 2008, in the Council Chambers, 825 Imperial Beach Boulevard, Imperial Beach, California. Said notice was posted at the entrance to the City Council Chambers on October 9, 2008 at 12:30 p.m.

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: October 15, 2008

ORIGINATING DEPT.: Michael McGrane *MM*
Finance Director

SUBJECT: RATIFICATION OF WARRANT REGISTER

BACKGROUND:

None

DISCUSSION:

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

Vendor	Warrant	Amount	Explanation
Portillo Concrete Inc	67263	\$188,010.00	Progress Payment-Old Palm Avenue Project

ENVIRONMENTAL IMPACT

Not a project as defined by CEQA.

The following registers are submitted for Council ratification.

WARRANT # DATE AMOUNT

Accounts Payable:

67238-67239	Voided	
67240-67279	09/25/08	269,607.21
67280-67322	10/03/08	48,890.34
		<u>\$ 318,497.55</u>

Payroll Checks:

40241-40294	P.P.E. 09/25/08	<u>149,838.35</u>
		<u>149,838.35</u>
	TOTAL	\$ <u>468,335.90</u>

FISCAL IMPACT:

Warrants are issued from budgeted funds.

DEPARTMENT RECOMMENDATION:

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

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation



Gary Brown, City Manager

Attachments:

1. Warrant Registers

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	00	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
<i>VOIDED # 67238-67240</i>						
09/25/2008	67240	ADT SECURITY SERVICES, INC.	103			70.44
101-6010-451.21-04	09/06/2008	OCTOBER 2008	78868866	090103	03/2009	70.44
09/25/2008	67241	ALL TEAM STAFFING, INC	1801			1,220.00
101-6040-454.21-01	09/16/2008	SHEPARD, B W/E 09/14/2008	5000256	090023	03/2009	61.00
101-6040-454.21-01	09/16/2008	SHEPARD, B W/E 09/14/2008	5000256	090023	03/2009	183.00
101-6040-454.21-01	09/16/2008	SHEPARD, B W/E 09/14/2008	5000256	090023	03/2009	122.00
101-6040-454.21-01	09/16/2008	SHEPARD, B W/E 09/14/2008	5000256	090023	03/2009	854.00
09/25/2008	67242	ALLIANT INSURANCE SERVICES	1193			2,471.61
101-0000-209.01-13	08/21/2008	PPE 8/14/08	20080821		02/2009	327.20
101-0000-209.01-14	08/21/2008	PPE 8/14/08	20080821		02/2009	555.88
101-0000-209.01-13	09/04/2008	PPE 8/28/08	20080904		03/2009	327.20
101-0000-209.01-14	09/04/2008	PPE 8/28/08	20080904		03/2009	552.56
101-1010-411.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	17.55
101-1020-411.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	38.26
101-1110-412.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	91.27
101-1130-412.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	22.81
101-1210-413.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	54.06
101-1230-413.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	26.33
101-3070-427.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	.70
101-3080-428.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	.70
101-1910-419.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	7.02
101-3010-421.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	12.21
101-3020-422.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	49.63
101-3030-423.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	42.75
101-3040-424.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	24.57
101-5020-432.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	56.16
101-5010-431.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	17.55
101-5040-434.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	3.16
101-6020-452.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	7.02
101-6010-451.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	7.02
101-6040-454.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	17.55
245-1240-413.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	7.02
405-1260-413.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	127.77
405-5030-433.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	7.02
601-5060-436.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	17.55
601-5050-436.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	17.90
501-1921-419.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	7.02
502-1922-419.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	6.67
503-1923-419.11-04	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	23.16
101-0000-209.01-14	09/01/2008	SEPTEMBER 2008 / LIFE &	09-01-2008		03/2009	1.66-
09/25/2008	67243	BDS ENGINEERING INC	372			887.50
101-6010-551.20-06	08/20/2008	VET PK-SOCCER FIELD	08-14B	081162	02/2009	887.50
09/25/2008	67244	CALIF ELECTRIC SUPPLY	609			61.61
101-6040-454.30-02	09/22/2008	BLANKET PURCHASE ORDER	1069-574411	090094	03/2009	61.61
09/25/2008	67245	CARL WARREN & COMPANY	685			605.09
502-1922-419.20-06	08/29/2008	CLOSING BILL-DUFFY, RACHE	1104472	090325	02/2009	605.09

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
09/25/2008	67246	CERASOLI STAFFORD MEDIA MANAGE	2008				1,299.00
405-1260-413.28-07	09/03/2008	TRAFFIC RADIO-FIESTA DEL	4911	090397	03/2009	1,299.00	
09/25/2008	67247	CORPORATE TRANSLATION SERVICES	1766				430.00
101-1020-411.21-06	09/19/2008	2008 NOTICE OF NOMINEES	51423	090400	03/2009	430.00	
09/25/2008	67248	COUNTY RECORDER	1818				50.00
101-0000-221.01-02	09/22/2008	NOTICE OF EXEMPTION FEE	MF 961		03/2009	50.00	
09/25/2008	67249	COUNTY RECORDER	1818				50.00
101-0000-221.01-02	09/23/2008	NOTICE OF EXEMPTION FEE	MF 963		03/2009	50.00	
09/25/2008	67250	D.A.R. CONTRACTORS	1122				347.00
101-3050-425.20-06	08/04/2008	JULY 2008	0007059	090401	02/2009	347.00	
09/25/2008	67251	EAGLE NEWSPAPER	1204				185.35
101-1130-412.28-07	08/20/2008	EMP ADVRTSNG-BLDG/CC SPEC	43153	090107	02/2009	29.28	
101-1130-412.28-07	08/21/2008	EMP ADVRTSNG-BLDG/CC SPEC	43263	090107	02/2009	23.52	
101-1130-412.28-07	08/27/2008	EMP ADVRTSNG-BLDG/CC SPEC	43335	090107	02/2009	29.28	
101-1130-412.28-07	08/28/2008	EMP ADVRTSNG-BLDG/CC SPEC	43449	090107	02/2009	23.52	
101-1130-412.28-07	05/07/2008	EMP ADVRTSNG-LIFEGUARD I	40063	090107	01/2009	15.84	
101-1130-412.28-07	05/08/2008	EMP ADVRTSNG-LIFEGUARD I	40179	090107	01/2009	10.56	
101-1130-412.28-07	05/21/2008	EMP ADVRTSNG-FIREFIGHTER	40463	090107	01/2009	29.56	
101-1130-412.28-07	05/22/2008	EMP ADVRTSNG-FIREFIGHTER	40574	090107	01/2009	23.79	
09/25/2008	67252	ENVIRONMENTAL SYSTEMS RESEARCH	1413				7,003.75
408-5020-432.30-22	09/09/2008	GEOCOLLECTOR SUBFOOT	91844486	081251	03/2009	7,003.75	
09/25/2008	67253	GOOGLE, INC.	2009				846.63
503-1923-419.20-06	09/05/2008	AUG/SEPT 2008	534876	090399	03/2009	846.63	
09/25/2008	67254	HORIZON HEALTH EAP	90				405.87
101-1130-412.20-06	09/08/2008	SEPTEMBER 2008	030576	090029	03/2009	405.87	
09/25/2008	67255	JESSOP & SON LANDSCAPING	479				3,052.83
101-6010-451.21-04	09/23/2008	SEPTEMBER 2008	SEPT 2008	090148	03/2009	3,052.83	
09/25/2008	67256	KEYSER MARSTON ASSOC INC	620				934.49
245-1240-413.20-01	09/11/2008	AUGUST 2008	0019516	090394	03/2009	934.49	
09/25/2008	67257	MICHAL PIASECKI CONSULTING	1795				6,817.50
101-5010-431.20-06	09/04/2008	AUGUST 2008	67	090068	03/2009	45.00	
405-1260-513.20-06	09/04/2008	AUGUST 2008	67	090068	03/2009	6,682.50	
101-3020-422.20-06	09/04/2008	AUGUST 2008 PUBLIC SAFETY	69	090068	03/2009	90.00	
09/25/2008	67258	MOFFATT & NICHOL	1995				3,660.40
405-1260-413.20-06	09/02/2008	7/27-8/23/2008 BEACH FILL	45609	090321	03/2009	3,660.40	
09/25/2008	67259	NASLAND ENGINEERING	1656				4,270.50
408-1920-519.20-06	08/31/2008	AUGUST 08-ST IMPRVMT P3	86421	071139	02/2009	4,270.50	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	INVOICE	PO #	PER/YEAR	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION					TRN AMOUNT
09/25/2008	67260	OFFICETEAM	1266				332.48
101-1010-411.10-01	09/09/2008	TEOFILO, J W/E	09/05/2008	22332968	090186	03/2009	83.11
101-1110-412.10-01	09/09/2008	TEOFILO, J W/E	09/05/2008	22332968	090186	03/2009	66.50
405-1260-413.10-01	09/09/2008	TEOFILO, J W/E	09/05/2008	22332968	090186	03/2009	149.62
502-1922-419.10-01	09/09/2008	TEOFILO, J W/E	09/05/2008	22332968	090186	03/2009	33.25
09/25/2008	67261	PACIFICA GLASS COMPANY INC.	1985				1,708.52
408-1920-519.20-06	08/31/2008	SLIDING WINDOW INSTALLATI		5173	090324	02/2009	1,708.52
09/25/2008	67262	PARTNERSHIP WITH INDUSTRY	1302				982.89
101-6040-454.21-04	09/03/2008	PERIOD ENDING 08/31/2008		SBG01379	090086	03/2009	982.89
09/25/2008	67263	PORTILLO CONCRETE INC	1485				188,010.00
101-1260-595.20-10	08/26/2008	OLD PALM STREETSCAPE IMPV		0807-1502	090317	02/2009	71,190.00
408-1920-519.20-06	08/26/2008	OLD PALM STREETSCAPE IMPV		0807-1502	090317	02/2009	79,065.00
101-1260-595.20-10	08/26/2008	OLD PALM STREETSCAPE IMPV		0807-1502	090317	02/2009	28,467.27
408-1920-519.20-06	08/26/2008	OLD PALM STREETSCAPE IMPV		0807-1502	090317	02/2009	9,287.73
09/25/2008	67264	PREFERRED BENEFIT INS ADMIN IN	37				2,233.17
101-0000-209.01-12	07/24/2008	PPE 7/17/08		20080724		01/2009	1,107.31
101-0000-209.01-12	09/04/2008	PPE 8/28/08		20080904		03/2009	1,107.31
101-0000-209.01-12	09/01/2008	SEPTEMBER 2008 DENTAL		09-01-2008		03/2009	18.55
09/25/2008	67265	SAN DIEGO DAILY TRANSCRIPT	1453				2,000.00
405-1260-413.20-06	09/12/2008	DAILY TRANSCRIPT		111883	090395	03/2009	2,000.00
09/25/2008	67266	SHARP REES-STEALY MEDICAL CNTR	390				94.00
101-1130-412.21-04	09/13/2008	MALYS, DARIUSZ		204	090105	03/2009	94.00
09/25/2008	67267	SMART STAFF	427				624.38
101-3020-422.21-01	09/10/2008	ROCHER, J W/E	09/07/2008	3030	090202	03/2009	297.00
101-3020-422.21-01	09/16/2008	ROCHER, J W/E	09/14/2008	3035	090202	03/2009	327.38
09/25/2008	67268	SOUTH BAY COMMUNITY SVCS	472				1,476.92
248-1920-519.20-06	09/12/2008	CASA ESTABLE I-HEMLOCK		2	081176	03/2009	1,476.92
09/25/2008	67269	SOUTH COAST PRINTING & SIGN	1704				1,634.10
101-5020-432.25-03	09/08/2008	PW T-SHIRTS		0788	090327	03/2009	1,634.10
09/25/2008	67270	TERRY TRACY	2005				1,337.50
248-1920-519.20-06	07/29/2008	573 12TH ST/CLEAN & GREEN		07-29-2008	090396	01/2009	1,337.50
09/25/2008	67277	U.S. BANK	1873				33,382.17
101-3030-423.30-02	04/17/2008	MEDICAL SUPPLIES		469247	090178	01/2009	94.99
101-3030-423.30-02	04/28/2008	MEDIACAL BAG CLOSURES		3240198	090178	01/2009	50.62
408-5020-432.30-01	06/24/2008	OFFICE SUPPLIES		434762261	090124	01/2009	286.93
408-5020-432.30-01	06/24/2008	OFFICE SUPPLIES		434790826	090124	01/2009	164.85
405-5030-433.30-02	06/24/2008	PRESSURE WASHER PARTS		06-24-2008	090125	01/2009	86.09
405-5030-433.30-02	06/26/2008	GRAFFITI PAINT SUPPLIES		06-26-2008	090125	01/2009	133.45

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
101-5010-431.21-23	06/24/2008	UNIV FLUORESCENT	1069569162	090127 01/2009 90.03
101-5010-431.30-02	06/25/2008	PORTLAND CONCRETE	06-25-2008	090127 01/2009 38.93
101-5020-432.30-02	06/28/2008	BLK BERY CHGER/HEADSET	06-28-2008	090128 01/2009 66.78
101-5020-432.30-01	06/24/2008	INK CARTIDGES	06-24-2008	090138 01/2009 94.80
501-1921-419.30-02	06/23/2008	SERVICE STICKER	1571	090141 01/2009 45.07
501-1921-419.28-01	06/26/2008	A/C WORK	06-26-2008	090141 01/2009 50.78
101-3070-427.28-04	06/25/2008	CODE ENF TRAINING/LUNC	06-25-2008	090153 01/2009 45.70
101-1230-413.30-02	06/23/2008	RETURN STAMP-PLANNING	1570	090157 01/2009 19.40
101-1230-413.30-02	06/25/2008	INK CART G.WADE	434942682	090157 01/2009 89.42
101-1230-413.30-02	06/30/2008	MICROFICHE BOX	435332779	090157 01/2009 27.39
101-1230-413.30-02	06/19/2008	INK CART &DRUM 4 PTR	434336585	090159 01/2009 426.65
101-1010-411.28-04	06/23/2008	MTHLY LUNCHEON CM/CC	656577	090163 01/2009 71.90
101-1110-412.28-04	06/23/2008	MTHLY LUNCHEON CM/CC	656577	090163 01/2009 71.90
101-6030-453.30-01	06/23/2008	PRINTER SENIOR CTR	LCK8923	090168 01/2009 223.64
101-3060-426.21-04	06/27/2008	TELEVIDEO SD	533200	090174 01/2009 625.00
101-3030-423.28-04	06/22/2008	LG SUMMER MTNG	655415	090176 01/2009 179.40
101-3020-422.28-09	06/24/2008	UPS-UNI MED-SHIPPIG	06-24-2008	090177 01/2009 31.58
101-3020-422.30-02	06/25/2008	FIRE REVIEW TABLE	06-25-2008	090177 01/2009 45.13
101-3060-426.30-02	06/26/2008	BAGELS	24794	090177 01/2009 37.93
101-3020-422.30-01	06/30/2008	OFFICE SUPPLIES	1796	090177 01/2009 338.95
101-3020-422.30-01	06/30/2008	OFFICE SUPPLIES	180	090177 01/2009 24.21
101-3030-423.28-01	06/24/2008	HARDWARE LG PRJ	06-24-2008	090178 01/2009 11.64
101-3030-423.30-02	06/25/2008	PWCS 91 OCT FUEL	061387	090178 01/2009 51.12
101-3030-423.30-02	06/22/2008	91 OCT FUEL	96000710616	090180 01/2009 45.80
101-3035-423.30-02	06/24/2008	JG TRAILER	5719708	090180 01/2009 749.54
101-3035-423.25-03	06/30/2008	JG UNIFORM ITEMS	12X75YL	090180 01/2009 273.61
101-3035-423.25-03	06/30/2008	JG UNIFORM ITEMS	12X75YL	090180 01/2009 312.55
101-3030-423.30-02	06/11/2008	SOLBAR SUNSCREEN-12	68913A	090181 01/2009 88.07
503-1923-419.28-04	06/30/2008	IT REGIST 4 QUESTYS	CS-741	090182 01/2009 215.00
601-5060-436.28-01	07/07/2008	PRESS SWITCH MERC	02705958	090121 01/2009 470.86
601-5060-436.28-01	07/16/2008	PRESS SWITCH MERC	02710772	090121 01/2009 470.86
101-5010-431.30-02	07/03/2008	REFUND PALLET FEE	07-03-2008	090122 01/2009 16.17
101-5010-431.30-02	07/03/2008	PALLET OF CONCRETE	07-03-2008	090122 01/2009 165.81
405-5030-433.30-02	07/11/2008	WORK BOOTS	3/1014/18722	090125 01/2009 135.74
405-5030-433.30-02	07/17/2008	SAFETY GLOVES/PAINT	07/17/2008	090125 01/2009 55.83
501-1921-419.29-04	07/07/2008	CAR WASH	07-07-2008	090128 01/2009 8.00
101-6040-454.30-02	07/02/2008	IRRIGATION PARTS	07-02-2008	090131 01/2009 48.66
101-6040-454.30-02	07/15/2008	SPRINKLER HEADS	5571668	090131 01/2009 142.01
101-6040-454.30-02	07/22/2008	HOSE NOZZLES/SAW BLADES	07-22-2008	090131 01/2009 81.70
601-5060-436.28-01	07/09/2008	FITTING 4 CAUGE LINES	07-09-2008	090133 01/2009 131.84
601-5060-436.30-02	07/15/2008	FLASHLIGHTS	07-15-2008	090133 01/2009 66.72
101-5020-432.30-01	07/10/2008	RUBBER STAMPS	1573	090138 01/2009 45.26
101-5020-432.30-01	07/15/2008	FOLDERS/LABELS	07-15-2008	090138 01/2009 59.52
101-5020-432.30-01	07/15/2008	TELEPHONE CARD	07-15-2008	090138 01/2009 3.18
101-1910-419.28-01	07/01/2008	BATTERY CHGR 4 FIRE DPT	07-01-2008	090141 01/2009 132.75
101-1020-411.28-07	07/03/2008	UNION TRB ADV-ORD 08-1070	10039289	090144 01/2009 153.60
101-3070-427.30-01	07/10/2008	CELLPH HANDS FREE/CASE	07-10-2008	090153 01/2009 80.88
101-3040-424.28-12	07/17/2008	CA BUILD MEMBERSHP	07-17-2008	090154 01/2009 215.00
405-1260-413.20-06	07/09/2008	LIGHTBLUB EXG POSTER	74146	090155 01/2009 38.74
101-1230-413.28-04	07/17/2008	CHRISTY'S GOIN AWAY LUNCH	07-17-2008	090157 01/2009 215.66

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
101-1110-412.28-04	07/16/2008	CM/ATT MGT LUNCHEON	278566	090163 01/2009 43.50
101-3030-423.30-02	07/04/2008	PWC FUEL 91 OCT	083570	090176 01/2009 41.65
101-3030-423.30-02	07/06/2008	PWC FUEL 91 OCT	GOR7816	090176 01/2009 44.90
101-3030-423.25-03	07/07/2008	LG UNIFORMS/JACKETS	05356495	090176 01/2009 536.59
101-3035-423.30-02	07/07/2008	JG TRAILER KEYS	07-07-2008	090176 01/2009 6.34
101-3035-423.30-02	07/15/2008	JG ICE CREAM	36001	090176 01/2009 70.00
101-3035-423.30-02	07/17/2008	JG ICECREAM	07-17-2008	090176 01/2009 20.00
101-3035-423.30-02	07/21/2008	JG ICECREAM	07-21-2008	090176 01/2009 20.00
101-3020-422.28-11	07/01/2008	BUS CARDS-CISNEROS	16960	090177 01/2009 68.83
101-3020-422.30-02	07/03/2008	MEDICAL SUPP	0142177	090177 01/2009 98.36
101-3020-422.50-04	07/03/2008	COFFEE MAKER	07-03-2008	090177 01/2009 86.19
101-3020-422.30-01	07/03/2008	OFFICE SUPPLIES	3224	090177 01/2009 188.50
101-3020-422.28-11	07/11/2008	NOTICE OF VIOLATION LTR	16051	090177 01/2009 81.36
101-3020-422.30-02	07/14/2008	CLEANING SUPPLIES	134800	090177 01/2009 184.02
101-3020-422.30-02	07/17/2008	COFFEE	07-17-2008	090177 01/2009 6.99
101-3020-422.28-01	07/17/2008	BRAKE PADS/ADB KIT	978132	090177 01/2009 605.33
101-3060-426.21-04	07/22/2008	DIASTER PREP MTH INFO	825591826	090177 01/2009 34.99
101-3030-423.30-02	07/01/2008	LG WETSUIT HANGERS	07-01-2008	090178 01/2009 5.39
101-3030-423.30-02	07/07/2008	PWCS FUEL 91 OCT	GOR6976	090178 01/2009 46.29
101-3030-423.30-02	07/07/2008	MEDICAL SUPPLIES	8080411	090178 01/2009 185.01
101-3030-423.30-02	07/08/2008	RHINO ACCESORIES	40591277	090178 01/2009 116.67
101-3030-423.30-02	07/11/2008	BUCKETS/ADHESIVE PWC	07-11-2008	090178 01/2009 71.88
101-3030-423.25-03	07/14/2008	T-SHIRTS	47000	090178 01/2009 800.04
101-3030-423.30-02	07/15/2008	PWC FUEL 91 OCT	064476	090178 01/2009 46.94
101-3030-423.25-03	07/15/2008	PATCHES 4 UNIFORMS	07-15-2008	090178 01/2009 52.50
101-3030-423.30-02	07/15/2008	PAPER-OFFICE SUPPLIES	07-15-2008	090178 01/2009 62.28
101-3030-423.28-11	07/15/2008	INCIDENT REPORT CARDS	2842	090178 01/2009 133.60
101-3030-423.30-02	07/15/2008	ASSCES 4 RHINO	40593882	090178 01/2009 116.66
101-3030-423.30-02	07/20/2008	PWC FUEL 91 OCT	GOR7298	090178 01/2009 41.68
101-3020-422.30-02	07/17/2008	CPR PROTECTION BAGS	07-17-2008	090179 01/2009 82.15
101-3030-423.30-02	07/09/2008	PWC FUEL 91 OCT	1D06597751	090180 01/2009 66.47
101-3030-423.30-02	07/09/2008	JG RHINO COVER	40591709	090180 01/2009 164.81
101-3030-423.28-01	07/09/2008	PWC REPAIR/GLASS WK	4870	090180 01/2009 200.00
101-3030-423.28-11	07/11/2008	LG LOGS-SANDCASTLE 08	2752	090180 01/2009 3.45
101-3035-423.28-04	07/17/2008	JG CAPTAINS CERTS	000742371	090180 01/2009 100.00
101-3030-423.30-02	07/31/2008	91 OCT FUEL	1D06597751	090180 01/2009 44.92
101-3030-423.30-02	07/31/2008	PWC FUEL 91 OCT	19789	090180 01/2009 36.21
101-3030-423.30-02	07/08/2008	SUNSCREEN	07-08-2008	090181 01/2009 22.61
101-3030-423.30-02	07/15/2008	HANDS FREE HDSET/CHGR	00243461	090181 01/2009 34.98
101-3030-423.30-02	07/15/2008	BLACKBERRY ACCESORIES	48998	090181 01/2009 70.80
101-3030-423.28-01	07/17/2008	NISSAN TRK REPAIR	R04221739	090181 01/2009 95.00
101-3030-423.30-02	07/17/2008	4 REPLACEMENT DESK PHNS	21106	090181 01/2009 454.95
503-1923-419.28-13	07/01/2008	RNW SRV 12 WIN	KXP4485	090182 01/2009 160.55
503-1923-419.21-04	07/01/2008	IT PRO 5 PACK PHONE	2001010311	090182 01/2009 1,388.90
503-1923-419.30-02	07/02/2008	4GB UPGRADE KIT	KXK5002	090182 01/2009 560.60
503-1923-419.30-02	07/02/2008	HP 1GB DIM	KXK5587	090182 01/2009 61.50
503-1923-419.28-13	07/09/2008	RNW AGT EXCH 12 ESS	KZJ7094	090182 01/2009 171.33
503-1923-419.28-13	07/09/2008	SYG BE SRV 12 WIN V/U+ESS	KZJ7192	090182 01/2009 549.00
503-1923-419.28-13	07/16/2008	SYG GHOST SOL STE 2.5	LBV3211	090182 01/2009 96.98
101-1210-413.28-04	07/09/2008	RDA WKSHP BUANGAN	19962	090183 01/2009 495.00

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101-1210-413.28-04	07/09/2008	RDA WKSHOP MCGRANE	19963	090183 01/2009 495.00
101-1210-413.28-04	07/09/2008	RDA WKSHOP MCGRANE	19964	090183 01/2009 455.00
101-0000-209.01-03	06/25/2008	COMPUTER LOAN HLOPEZ	BBY01-257086900	01/2009 377.11
101-1130-412.30-02	06/18/2008	ROSETTA STONE-SPANISH	28444080	090162 01/2009 547.63
101-1130-412.30-02	06/25/2008	PARKING	2280102	090162 01/2009 12.00
101-1010-411.30-01	06/26/2008	OFFICE SUPPLIES	0312	090162 01/2009 81.56
101-1110-412.30-01	06/26/2008	OFFICE SUPPLIES	0312	090162 01/2009 81.56
101-1130-412.30-01	06/26/2008	OFFICE SUPPLIES	0312	090162 01/2009 81.56
101-1130-412.30-01	06/26/2008	PRINTER INK	0315	090162 01/2009 404.04
101-1130-412.30-01	06/26/2008	PRINTER INK	0316	090162 01/2009 463.30
504-1924-419.28-01	06/05/2008	BATH MIRROR	06052008-5	090165 01/2009 77.45
504-1924-419.50-03	06/26/2008	BUILDING SUPPLIES	098882	090165 01/2009 8.11
101-3030-423.30-02	06/21/2008	PWC FUEL 91 OCTANE	017142	090173 01/2009 48.63
101-3035-423.30-02	06/28/2008	JR LG REC EQUIPMENT	007312	090173 01/2009 84.29
101-3030-423.30-02	06/29/2008	PWC FUEL 91 OCTANE	GOR8582	090173 01/2009 44.73
101-3035-423.30-02	06/30/2008	JR LG EQUIPIT/SUNSCREEN	019759	090173 01/2009 199.57
101-3035-423.30-02	06/30/2008	JR LG EQUIPMENT	7414	090173 01/2009 51.68
101-3020-422.30-02	06/23/2008	DIESEL GASOLINE	432377	090175 01/2009 75.00
101-3020-422.30-02	06/23/2008	GASOLINE-DIESEL	432419	090175 01/2009 51.85
101-3020-422.30-02	06/24/2008	DIESEL GASOLINE	084410	090175 01/2009 164.56
101-3020-422.30-02	06/30/2008	CLMN 70 QT XT	06-30-2008	090175 01/2009 40.82
101-6010-451.28-01	07/09/2008	PADLOCK FOR GATES	092670	090165 01/2009 26.93
101-6010-451.30-02	07/10/2008	CLEANING SUPPLIES	008032	090165 01/2009 60.89
101-6010-451.30-02	07/18/2008	CLEANING SUPPLIES	015277	090165 01/2009 53.14
504-1924-419.50-03	07/30/2008	BASKETBALL RIMS	167826	090165 01/2009 351.20
101-3030-423.30-02	07/08/2008	TOW HITCH FOR # 603	009437	090173 01/2009 37.70
101-3035-423.30-02	07/08/2008	EZ UP CANOPY JR LG	1560747	090173 01/2009 215.49
101-3030-423.28-01	07/10/2008	STOMP PAD 4 RESCUE BOARD	121598	090173 01/2009 41.99
101-3030-423.28-11	07/10/2008	YELLOW CARDS-LG	2701	090173 01/2009 136.29
101-3030-423.28-11	07/10/2008	LG LOGOS-SANDCASTLE	2702	090173 01/2009 88.36
101-3030-423.30-02	07/12/2008	PWC FUEL 91 OCTANE	069894	090173 01/2009 75.00
101-3030-423.30-02	07/12/2008	PWC FUEL 91 OCTANE	081722	090173 01/2009 35.05
101-3020-422.30-02	07/01/2008	DIESEL GAS	004875	090175 01/2009 100.00
101-3020-422.30-02	07/01/2008	DIESEL GAS	024659	090175 01/2009 6.27
101-3020-422.30-02	07/02/2008	SMOKE JUMPER	110044	090175 01/2009 213.35
101-3020-422.30-02	07/08/2008	DIESEL GAS	4620630	090175 01/2009 50.81
101-3020-422.30-02	07/09/2008	DIESEL GAS	KG61900	090175 01/2009 30.93
101-3020-422.30-02	07/09/2008	REGULAR GAS	090100	090175 01/2009 27.54
101-3020-422.50-04	07/15/2008	MICROWAVE	2587520000093	090175 01/2009 204.71
101-5010-431.30-02	06/27/2008	CONCRETE TOOLS	15012002	090136 01/2009 612.82
101-5010-431.30-02	06/27/2008	CONCRETE TOOLS	596236	090136 01/2009 138.31
101-6020-452.28-01	06/23/2008	IRRIGATION SUPPLIES	17670104	090143 01/2009 248.88
101-6020-452.30-02	06/24/2008	SPRAY WAX, CLOTHS	232724	090143 01/2009 17.22
101-6020-452.30-22	06/26/2008	SMALL TOOLS FOR PARKS	051121	090143 01/2009 339.02
101-1020-411.30-01	06/30/2008	OFFICE SUPPLIES	435390435	090145 01/2009 142.77
101-5010-431.30-02	07/10/2008	RUST CONVERSON CTG	4485-6	090136 01/2009 26.22
101-5010-431.25-02	07/11/2008	RENTAL WTR TRK-SANDCASTLE	4253259	090136 01/2009 408.78
101-5010-431.21-23	07/17/2008	TRAFFIC PAINT BOYS/GIRLS	658131	090136 01/2009 90.94
101-5010-431.30-02	07/18/2008	SIGNAL FLAGS 13TH/IRIS	893	090136 01/2009 276.06
101-6020-452.30-02	07/07/2008	VALVE PARTS-REAMA	17868704	090143 01/2009 48.73

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
101-6020-452.30-02	07/07/2008	EXCHANGE VALVE PARTS	17868748	090143 01/2009 42.03-
101-6020-452.30-02	07/07/2008	VALVE PARTS	17868748	090143 01/2009 42.03
101-6020-452.30-02	07/08/2008	MULCH- 5 YARDS	99498	090143 01/2009 317.86
101-1020-411.30-01	07/01/2008	OFFICE SUPPLIES-FOLDERS	1742097	090145 01/2009 175.15
101-1110-412.30-01	07/01/2008	OFFICE SUPPLIES-FOLDERS	1742097	090145 01/2009 29.19
101-1130-412.30-01	07/01/2008	OFFICE SUPPLIES-FOLDERS	1742097	090145 01/2009 29.19
101-1010-411.30-02	07/03/2008	FLOWERS FOR LINDA	431002929190	090145 01/2009 58.16
101-1020-411.21-06	07/08/2008	OFFICE SUPPLES	436051307	090145 01/2009 42.18
101-1020-411.30-01	07/08/2008	OFFICE SUPPLES	436051307	090145 01/2009 17.01
101-1020-411.30-01	07/16/2008	KEYCHAINS	2975	090145 01/2009 1.82
101-1910-419.21-04	05/22/2008	A/C SERVICE	256269	090123 01/2009 531.00
405-5030-433.30-02	06/24/2008	PRESSURE WASH COILS	50030	090123 01/2009 979.34
405-5030-433.30-02	06/25/2008	GRAFFITI PAINT-TEEPL	5011445	090123 01/2009 71.06
101-5020-432.28-04	06/26/2008	HATS FOR PW	31895	090123 01/2009 400.83
101-6020-452.30-02	06/27/2008	4 US FLAGS	32012	090123 01/2009 262.69
101-1910-419.28-01	06/23/2008	REGROUT FIREHOUSE	072666	090126 01/2009 11.70
101-1910-419.28-01	06/25/2008	REGROUT FIREHOUSE	073057	090126 01/2009 19.25
101-1910-419.28-01	06/26/2008	REGROUT FIREHOUSE	084858	090126 01/2009 13.98
101-1910-419.28-01	06/30/2008	PARTS FOR PW TABLE	55985	090126 01/2009 40.94
101-6040-454.30-02	06/23/2008	GRAFFITI REMOVER	15485	090130 01/2009 215.36
101-6040-454.30-02	06/24/2008	PLAZA UP-LIGHT BULBS	S2942871.002	090130 01/2009 326.43
101-6040-454.30-02	06/24/2008	IRRIGATION LINE CAPS	05540678	090130 01/2009 11.53
101-6040-454.30-02	06/24/2008	2 CYCLE OIL MIX	135171	090130 01/2009 57.79
101-6040-454.30-02	07/01/2008	CUSTODIAL SUPPLIES	NU2EM-00	090130 01/2009 608.00
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101-6040-454.30-02	07/01/2008	CUSTODIAL SUPPLES	276413	090130 01/2009 58.27
101-6040-454.30-02	06/26/2008	TIDELANDS DOOR KEYS	56446877	090130 01/2009 16.16
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101-6020-452.30-02	07/01/2008	HAND SANITIZER/PAINT	6076940748	090123 01/2009 20.10
101-6020-452.30-02	07/08/2008	SAFETY GLASSES	6077413630	090123 01/2009 24.32
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405-5030-433.30-02	07/11/2008	PAINT FOR RESTRM	014524	090123 01/2009 81.70
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101-1910-419.28-01	07/02/2008	DOOR PART-FLEET	081462	090126 01/2009 13.47
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101-6020-452.30-02	07/17/2008	BLK CAP FOR B&G CLUB	1702820	090126 01/2009 6.47
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101-6040-454.30-02	07/07/2008	LATEX GLOVES	0142264	090130 01/2009 313.56
101-6040-454.30-02	07/07/2008	CONTAINERS/IRRIGATION PRT	036235	090130 01/2009 15.65
101-6040-454.30-02	07/07/2008	CUSTODIAL SUPPLIES	276665	090130 01/2009 151.42
101-3030-423.30-02	07/07/2008	RESPIRATORS,TOOLS,BOLTS	6077320452	090130 01/2009 26.63
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101-6040-454.30-22	07/07/2008	RESPIRATORS,TOOLS,BOLTS	6077320452	090130 01/2009 13.46
101-6040-454.30-02	07/08/2008	PLASTIC TRASH BAGS	NW442-00	090130 01/2009 859.18
101-6040-454.30-02	07/10/2008	GARDEN HOSE	028296	090130 01/2009 55.97
206-6025-552.28-01	07/02/2008	CONCRETE STAIN/SP PK GYM	S406656	090171 01/2009 1,061.11
101-1110-412.29-02	07/12/2008	EMPLOYEE RECOGNITION/LEVI	136051	090171 01/2009 100.00
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09/25/2008	67278	VISION PLAN OF AMERICA	785	
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101-6040-454.21-01	09/23/2008	SHEPARD, B W/E 09/21/08	5000268	090023 03/2009 76.25
101-6040-454.21-01	09/23/2008	SHEPARD, B W/E 09/21/08	5000268	090023 03/2009 1,067.50
10/03/2008	67284	AMERICAN MESSAGING	1759	98.38
601-5060-436.27-04	10/01/2008	10/01/2008-12/31/2008	L1252241IJ	04/2009 32.79
101-1910-419.27-04	10/01/2008	10/01/2008-12/31/2008	L1252241IJ	04/2009 32.79
601-5060-436.27-04	10/01/2008	10/01/2008-12/31/2008	L1252241IJ	04/2009 32.80
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101-1920-532.20-06	06/12/2008	SWITCH INSTALL-CONSLT HRS	276-308238	080871 13/2008 1,275.00
101-1920-532.20-06	06/30/2008	SWITCH INSTALL COORDINATI	276-309622	080871 13/2008 310.00
101-1920-532.20-06	06/30/2008	SWITCH INSTALL	276-309623	080871 13/2008 1,969.00
10/03/2008	67286	BDS ENGINEERING INC	372	3,230.00
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101-0000-221.01-02	09/05/2008	AUGUST 2008 PLAN CHECK	08-02G	03/2009 665.00
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101-0000-221.01-02	09/05/2008	AUGUST 2008 PLAN CHECK	08-02G	03/2009 185.00
101-0000-221.01-02	09/05/2008	AUGUST 2008 PLAN CHECK	08-02G	03/2009 310.00
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10/03/2008	67287	BIG BEND COMMUNITY ACTION	COMM 1	100.00
101-1010-411.29-04	09/29/2008	MEMORIAL CONTRIBUTION	09-29-2008	04/2009 100.00
10/03/2008	67288	CALIF ELECTRIC SUPPLY	609	1,712.04
101-6040-454.30-02	09/22/2008	EXT	1069-571819	090094 03/2009 45.26
101-6040-454.30-02	10/01/2008	FIBERSTAR BALLASTS/COLOR	1069-573457	090094 04/2009 1,043.42
101-6040-454.30-02	10/01/2008	FIBERSTAR LAMPS	1069-574950	090094 04/2009 623.36
10/03/2008	67289	CALIFORNIA COUNTERTOP, INC.	2012	2,441.70
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10/03/2008	67292	COUNTY RECORDER	1818				50.00
101-0000-221.01-02	10/01/2008	NOE 128-130 DATE AVENUE	MF 980		04/2009		50.00
10/03/2008	67293	CRAIG WEAVER	1088				411.00
101-3020-422.30-01	08/06/2008	CA EMT/PARAMEDIC LICENSE	P04394		03/2009		180.00
101-3020-422.30-01	08/29/2008	ACLS CERFIFICATION W/AHA	08-29-2008		03/2009		214.00
101-3020-422.30-01	09/02/2008	PARAMEDIC CERTIFICATION	389174		03/2009		17.00
10/03/2008	67294	CREATIVE BENEFITS INC FSA	1108				310.50
101-0000-209.01-11	10/02/2008	PR AP PPE 09/25/08	20081002		04/2009		310.50
10/03/2008	67295	CULLIGAN WATER CO. OF SAN DIEG	1112				18.00
101-1210-413.30-02	09/17/2008	OCTOBER 2008	01474516	090147	03/2009		18.00
10/03/2008	67296	D.A.R. CONTRACTORS	1122				347.00
101-3050-425.20-06	09/04/2008	AUGUST 2008	0008059	090401	03/2009		347.00
10/03/2008	67297	DESIGNER BOTANICALS	1792				3,251.09
408-1920-519.20-06	09/10/2008	DEPOSIT RDA LANDSCAPE PRO	2253	090415	03/2009		3,251.09
10/03/2008	67298	ALLIANT INSURANCE SERVICES, IN	1194				613.56
101-0000-221.01-04	09/19/2008	JULY - SEP 2008 SPECIAL	10-01-2008		04/2009		548.63
101-0000-221.01-04	10/01/2008	JULY - SEP 2008 SPECIAL	10-01-2008		04/2009		64.93
10/03/2008	67299	FEDERAL EXPRESS CORP.	911				176.27
101-5020-432.28-09	04/11/2008	STATE COSTAL CONSERVANCY	2-641-32347	090192	03/2009		24.11
101-1110-412.28-09	08/08/2008	SANDPIPA	2-853-87054	090192	02/2009		15.57
101-1110-412.28-09	08/08/2008	PORT OF SAN DIEGO	2-854-98853	090192	02/2009		26.03
101-0000-221.01-02	05/02/2008	STATE CLEARINGHOUSE	2-680-00433		02/2009		110.56
10/03/2008	67300	FESSEL INTERNATIONAL, INC.	2014				2,141.98
405-1260-413.20-06	08/15/2008	IB PIER RESTAURANT STUDY	902-918-002	090411	02/2009		2,141.98
10/03/2008	67301	GREGORY J SMITH, COUNTY ASSESS	1064				125.00
101-1920-419.29-04	09/30/2008	QUARTERLY MPR EXTRACT	2008095	090224	03/2009		125.00
10/03/2008	67302	HANSON AGGREGATES INC.	48				894.03
101-5010-431.30-02	09/24/2008	2500PSI 6.77SK PUMP 3" LI	472004	090015	03/2009		894.03
10/03/2008	67303	I B FIREFIGHTERS ASSOCIATION	214				222.00
101-0000-209.01-08	10/02/2008	PR AP PPE 09/25/08	20081002		04/2009		222.00
10/03/2008	67304	ICMA RETIREMENT TRUST 457	242				5,276.43
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10/03/2008 101-1130-412.28-04	67306 10/01/2008	IPMA/ SAN DIEGO CHAPTER LEICHTLE L/CEJA E SEMINAR	402	60.00 60.00	
10/03/2008 101-0000-322.73-01	67307 09/19/2008	JENNIFER A COLE REFUND BUILDING PERMIT	2	102.25 102.25	
10/03/2008 101-1010-411.28-07	67308 09/09/2008	KIWANIS INTERNATIONAL CALENDAR ADVERTISING	639	325.00 325.00	
10/03/2008 101-6020-452.30-02 101-6020-452.30-02	67309 09/22/2008 08/18/2008	MASON'S SAW & LAWNMOWER LADE ASSY. BLADE SET / BLADE ASSY.	923	420.72 113.47 307.25	
10/03/2008 408-1920-519.20-06	67310 09/15/2008	NASLAND ENGINEERING OLD PALM AVE-P/E 09/15/08	1656	6,957.50 6,957.50	
10/03/2008 101-5010-431.21-23	67311 09/10/2008	PERVO PAINT CO. REV/SPRAY TIP #215	8	107.53 107.53	
10/03/2008 101-6040-454.30-02	67312 09/15/2008	PMI PROTECTIVE GLOVES	23	272.60 272.60	
10/03/2008 601-5060-436.20-23	67313 08/20/2008	PROTECTION ONE SEPTEMBER 2008	69	264.18 264.18	
10/03/2008 504-1924-419.50-03	67314 09/12/2008	SAN DIEGO UPHOLSTERY LLC. CUT AND REPAIR PADS	1285	736.24 736.24	
10/03/2008 101-0000-209.01-08	67315 10/02/2008	SEIU LOCAL 221 PR AP PPE 09/25/08	1821	1,324.56 1,324.56	
10/03/2008 101-1130-412.21-04	67316 09/13/2008	SHARP REES-STEALY MEDICAL SERRANO, A 08/20/08	CNTR 390	95.00 95.00	
10/03/2008 248-1920-519.20-06	67317 09/25/2008	SIERRA WINDOW CONCEPTS, LTD DUAL PANE WNDWS-CLEAN&GRE	2011	2,175.00 2,175.00	
10/03/2008 101-3020-422.21-01	67318 09/23/2008	SMART STAFF ROCHER, J W/E 09/21/08	427	310.50 310.50	
10/03/2008 408-1920-519.20-06	67319 09/23/2008	STANFORD SIGN & AWNING DEPOSIT- 13TH/IB BLVD FAC	1532	7,643.00 7,643.00	
10/03/2008 101-3030-423.20-06	67320 09/01/2008	THYSSENKRUPP ELEVATOR SEPTEMBER 2008	663	191.85 191.85	
10/03/2008 601-5060-436.21-04	67321 10/01/2008	UNDERGROUND SERVICE ALERT SEPTEMBER 2008	OF 731	21.00 21.00	

PREPARED 10/07/2008, 8:07:37
PROGRAM: GM350L
CITY OF IMPERIAL BEACH

A/P CHECKS BY PERIOD AND YEAR
FROM 09/25/2008 TO 10/03/2008

PAGE 11
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CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #			CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
10/03/2008	67322	UNITED WAY OF SAN DIEGO COUNTY	1483			25.00
101-0000-209.01-09	10/02/2008	PR AP PPE 09/25/08	20081002		04/2009	25.00
DATE RANGE TOTAL *						318,497.55 *



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: OCTOBER 15, 2008

ORIGINATING DEPT.: PUBLIC WORKS DEPARTMENT

**SUBJECT: RESOLUTION AUTHORIZING THE CITY OF IMPERIAL BEACH
TO PARTICIPATE IN A REGIONAL WASTE TIRE
ENFORCEMENT PROGRAM**

BACKGROUND:

In early June 2006, the City of Imperial Beach was invited by the City of Chula Vista to partner with the Cities of Chula Vista and San Diego in a regional grant application for enforcement of waste tire manifesting regulations. The invitation from the City of Chula Vista stated in part:

“The City of Chula Vista is working with the City of San Diego on a grant for a Waste Tire Enforcement Program. The Local Enforcement Agency [LEA] for San Diego has a strong program for performing initial inspections and follow-up inspections for all tire facilities and sites in San Diego. Chula Vista and San Diego discussed becoming joint applicants in the next grant cycle because Chula Vista does not have a Waste Tire Enforcement Program and many of the locations the City of San Diego checks are near Chula Vista tire businesses.

... the question is would you [City of Imperial Beach] be willing to partner on this grant with us? Chula Vista could operate the tire enforcement the same way we do Used Oil and working with the Certified Used Oil Centers. You [City of Imperial Beach] supply the letters of support and the list of tire facilities in your jurisdictions and between the City of San Diego and Chula Vista – we will do the work.”

On July 5, 2006, City Council adopted Resolution No. 2006-6371, authorizing City to partner with the Cities of Chula Vista and San Diego in a Waste Tire Enforcement Program grant application to ensure tires are being properly purchased, disposed and transported by the City's businesses engaged in the tire market.

DISCUSSION:

The City of San Diego – LEA has been operating a Tire Enforcement Program for some time. Since the Cities of Chula Vista and Imperial Beach do not meet all the eligibility requirements to apply for the funding on their own, the City of San Diego invited the South Bay jurisdictions to partner with San Diego for this grant funding. The City of San Diego LEA staff performs the initial inspections and follow-up inspections for all waste tire facilities and sites and will include the facilities and sites located with the partner jurisdictions. If there were an issue of non-

compliance, LEA staff would notify the City of Imperial Beach and the California Integrated Waste Management Board (CIWMB), with enforcement activities pursued at the state level.

The City of San Diego has invited the City of Imperial Beach to continue to partner with them and the City of Chula Vista in the Waste Tire Enforcement (TEA) Grant for FY 2008-09, which is due October 31, 2008.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

No financial impact on the City's resources.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Adopt Resolution No. 2008-6680, authorizing the City Manager to forward a letter of support to the City of San Diego for the Waste Tire Enforcement (TEA) Grant application as a partner in the FY 2008/09 regional program.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2008-6680

RESOLUTION NO. 2008-6680

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY OF IMPERIAL BEACH TO PARTICIPATE IN A REGIONAL WASTE TIRE ENFORCEMENT PROGRAM

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

WHEREAS, the City of Imperial Beach was invited by the City of San Diego to partner with the Cities of Chula Vista and San Diego in the Waste Tire Enforcement (WTE) Grant for FY 2008/09; and

WHEREAS, the City of San Diego Local Enforcement Agency (LEA) would be doing the inspections and enforcement; and

WHEREAS, the LEA for San Diego has a strong program for performing initial inspections and follow up inspections for all tire facilities and sites in San Diego; and

WHEREAS, only businesses that sell tires, generate tire waste or transport waste tires would be subject to the program; and

WHEREAS, partnering in a regional program would provide an assurance that tire selling and disposal businesses within the City of Imperial Beach are properly manifesting their tire program without any out direct cost to the City of Imperial Beach.

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

1. The above recitals are true and correct.
2. This legislative body desires to partner with the Cities of Chula Vista and San Diego in a Waste Tire Enforcement (WTE) grant application for FY 2008/09 to ensure tires are being properly purchased, disposed and transported by the City's businesses engaged in the tire market.
3. The City Manager is authorized and directed to send a letter of support to the City of San Diego to partner in the Waste Tire Enforcement (WTE) grant application for FY 2008/09.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 15th day of October 2008, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2008-6680 – A Resolution of the City Council of the City of Imperial Beach, California Authorizing The City Of Imperial Beach To Participate In A Regional Waste Tire Enforcement Program

CITY CLERK

DATE



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: OCTOBER 15, 2008
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, DIRECTOR *GW*

SUBJECT: LETTER OF SUPPORT FOR THE SAN DIEGO ASSOCIATION
OF GOVERNMENTS (SANDAG) APPLICATION FOR
PROPOSITION 84 FUNDING TO STUDY SAND RETENTION
STRUCTURES

BACKGROUND:

SANDAG has been actively managing San Diego County's shoreline for over a decade. In 1993, SANDAG adopted the *Regional Shoreline Preservation Strategy* (Shoreline Preservation Strategy). Sand retention strategies are recognized in the Shoreline Preservation Strategy as one of a number of tactics that can be used to complement the placement of sand on the region's beaches. Sand retention has the potential to increase the cost effectiveness of beach replenishment activities, and may even help to reduce potential environmental effects of beach filling by protecting sensitive resources, such as reefs and lagoons from sedimentation, and possibly providing new habitat areas and can also create enhanced recreational opportunities such as surfing and SCUBA diving.

SANDAG is seeking funding from the Ocean Protection Council (OPC) and the California Coastal Conservancy for studying the possibility of building and maintaining up to three pilot sand retention structures at locations that will support such structures. SANDAG has secured grant funding to contribute to the implementation of another regional beach sand project that will replicate, to the extent possible given new conditions, the 2001 Regional Beach Sand Project (2001 Project). The 2001 Project placed 2.1 million cubic yards (MCY) of sand at beaches serving all of the region's coastal jurisdictions, from Oceanside to Imperial Beach within the County of San Diego. There were measurable benefits associated with the 2001 Project. SANDAG would like to see if increased benefits would be seen by also constructing sand retention structures to retain the sand placed on specific beaches as part of the larger replenishment project. This could include up to three such structures placed in strategic locations in the region. It may be determined, however, that fewer structures or, perhaps, one structure would be more beneficial. The consultant team chosen to work on the project will assist SANDAG to study the potential sand retention structures.

DISCUSSION:

In pursuing this funding, SANDAG is proposing a three-phase approach. First, SANDAG will review all retention options in detail, including submerged reefs and other retention structures, such as artificial headlands, groins, naturalized breakwaters, and modified piers. The consultant

team would develop rigorous empirical relationships to estimate the amount of “new” beach that would be retained in the region, referenced to the size and cost of all types of retention structures (based on their function, for example, sediment-blocking, wave-blocking and diffraction, wave dissipation and refraction, and combinations thereof). This would be an expansion of, and more detailed analysis of, the southern California natural and artificial beach retention structures already completed on behalf of the Conservancy by the SANDAG sand retention consultant, Everts Coastal. An extension of that work would be to do a field study of natural reefs (rocky stream deltas which are excellent beach retainers and outstanding surf sites). It is understood that if a design cannot meet the conditions of natural structures it is not likely to be successful.

Second, this work would build on the existing *San Diego Regional Beach Sand Retention Strategy* (Retention Strategy), prepared in 2001, by using empirical, numerical, and physical models to refine the various favored sand retention concepts identified in the strategy. These models would aid in gauging the effectiveness of all concepts, including submerged reefs. This would include more detailed analyses of the most promising beach retention structures at each site.

Numerical models, similar to those being used by SANDAG consultants in Solana Beach and Oceanside, would support the functional design of the structures and help define other benefits and impacts. The physical model, conducted in a state-of-the-art wave tank, would further verify whether the design is adequate to achieve the stated goals. Construction of the pilot project would not commence until the best tools available suggest a high probability of success. A similar process is ongoing at Goleta Beach in Santa Barbara County by SANDAG’s prime consultant. As we know from the experience at Pratt’s reef, project design is extremely important. There must be sufficient funding to ensure that the size and shape of the retention structures are appropriate to achieve the goals of the project.

Third, based on technical pros and cons and local needs, the local community along with all funding sources would select the beach retention structure or system that is most in line with community desires and overall budget. This work would include the preliminary engineering phase of the project.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The support of this grant application is not considered a project as defined by CEQA.

FISCAL IMPACT:

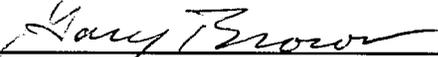
None with this action.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council authorize the Mayor to sign the attached letter in support of Proposition 84 Funding to study sand retention structures.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

- 1. Draft Letter of Support for Proposition 84 Funding

[date], 2008

Mr. Sam Schuchat
California Ocean Protection Council, Secretary
State Coastal Conservancy, Executive Officer
1330 Broadway, Suite 1100
Oakland, CA 94612

Dear Mr. Schuchat:

SUBJECT: Letter in Support of SANDAG's Application for Proposition 84 Funding

This letter is to express the support of the City of Imperial Beach for SANDAG's Proposition 84 funding proposal for the planning and construction of retention structures offshore of San Diego County. As part of the Regional Beach Sand Replenishment Project 2 (RBSP2), the retention structure will be designed to help reduce persistent coastal erosion, provide biological enhancements, and increase recreational opportunities for the residents and visitors of the region.

The region's beaches are a valuable economic resource and key part of the area's positive image and overall quality of life. The region has been highly involved in shoreline management and the design and planning of retention structures will bring this work to a new level.

In 2001, SANDAG spearheaded the highly successful Regional Beach Sand Replenishment Project (RBSP), which placed 2.1 million cubic yards of sand on the region's highly eroded beaches. An extensive monitoring program showed that many beaches widened significantly for several years, while others did not retain sand for extended periods. The project also did not cause significant adverse environmental impacts. This effort was deemed a successful pilot project and paved the way for additional similar future efforts to benefit the region's beaches.

The coastal cities in the San Diego region and SANDAG have now embarked on a second round of replenishments, the RBSP2. The region is committed to the successful planning and construction of the RBSP2 and has provided funding for the preliminary planning activities, which include an investigation of offshore resources and preliminary design/engineering. SANDAG is pursuing funding from the California Department of Boating and Waterways for the engineering, environmental analysis, and construction of the project. Proposition 84 funds from the Coastal Conservancy and Ocean Protection Council will be used for the planning and construction of the retention structures, as well as the replenishment activities that occur as part of the project.

SANDAG has been at the forefront of shoreline management issues because of the significant tourism and recreational functions that our beaches provide. In 1993, the Board of Directors approved the *Shoreline Preservation Strategy for the San Diego Region*. The strategy recognized sand retention as one of a number of tactics that can be used to complement the placement of sand on the region's beaches. Retention structures have the potential to increase the cost effectiveness of beach sand replenishment activities and may help to reduce the environmental effects of beach filling.

With the benefits of the original RBSP clear, a similar project that enhances what was done in 2001 by including retention structures will clearly be beneficial to the region and the state. The proposed project will help retain sand in up to three of the most erosive spots in the region in a cost-effective and

environmentally sensitive manner. The continued monitoring program will help verify the effectiveness of the project and will help to expand the understanding of sediment transport, bringing benefits beyond the locations of the retention structures.

The City of Imperial Beach encourages the allocation of Proposition 84 funds so that the San Diego region and the coast of California can benefit from the latest erosion control technology and enjoy the recreational and environmental benefits it provides.

Sincerely,

Jim Janney
Mayor

cc: Shelby Tucker, SANDAG



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: OCTOBER 15, 2008 Y

ORIGINATING DEPT.: PUBLIC SAFETY

SUBJECT: APPROVAL AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN DIEGO OFFICE OF HOMELAND SECURITY AND THE CITY OF IMPERIAL BEACH REGARDING URBAN AREA SECURITY INITIATIVE (UASI) GRANT FUNDING

BACKGROUND:

The City of San Diego has been identified by the Federal Department of Homeland Security (DHS) as the "core city" for the San Diego Urban Area's participation in the FY07-08 Urban Area Security Initiative Grant Program (UASI). The Urban Area has been defined as the eighteen incorporated cities in San Diego County, the County and the related special districts. As the core city, San Diego will be the grantee and administrator of a homeland security grant to the San Diego Urban Area. The FY 07-08 UASI program provides financial assistance to address the unique equipment, training, planning and exercise needs of large, high-threat urban areas, and to assist them in building an enhanced and sustainable capacity to prevent, respond to and recover from threats or acts of terrorism. The City of Imperial Beach will receive up to \$5,000 to continue National Incident Management System (NIMS) training and meet the State compliance requirements.

DISCUSSION:

As a participating agency, the City of Imperial Beach is obligated to enter into a Memorandum of Understanding with the grantee and administrator of the UASI grant, the City of San Diego, under the following terms and conditions:

1. The City of Imperial Beach agrees to comply with the Grant Assurances for the Urban Area Security Initiative.
2. The Participating Agency agrees to submit a Reimbursement Request Form by the 10th day of each month to request reimbursement for costs incurred in accordance with the UASI grant program guidelines.

3. The Participating Agency agrees to submit at the time of signing of this MOU, and on October 1 of each year thereafter, a verified confirmation of its public safety personnel by category and within the definitions provided.
4. The Participating Agency agrees to maintain all documentation supporting all expenditures reimbursed from grant funds, and ensure all expenditures are allowable under grant requirements.
5. The Participating Agency agrees that all its expenditures shall be in accordance with the pre-approved expenditure details as submitted to the City of San Diego and approved by the State of California Office of Homeland Security (CA-OHS) and the U.S. Department of Homeland Security Office of Domestic Preparedness (ODP). Any deviations from the pre-approved list shall be submitted to the City of San Diego for approval before making such expenditures.
6. The Participating Agency agrees to defend, indemnify, and hold harmless the City of San Diego, its agents, officers, and employees, from and against all liability arising out of the Participating Agency's acts or omissions under this MOU.
7. The City of San Diego agrees to defend, indemnify, and hold harmless the Participating Agency, its agents, officers, and employees, from and against all liability arising out of the City of San Diego's acts or omissions under this MOU.

ENVIRONMENTAL IMPACT:

Not a project as defined by CEQA.

FISCAL IMPACT:

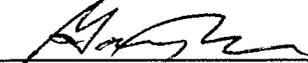
There is no cost-share or match requirements for this grant. The City of Imperial Beach will receive up to \$5,000 from this grant.

DEPARTMENT RECOMMENDATION:

Staff recommends the City Council adopt the resolution

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary R. Brown, City Manager

Attachments:

1. Resolution 2008-6684
2. M.O.U. Between the City of San Diego Office of Homeland Security and the City of Imperial Beach Regarding Urban Area Security Initiative (UASI) Grant Funding
3. Grant Assurances for Urban Area Security Initiative

RESOLUTION NO. 2008-6684

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN DIEGO OFFICE OF HOMELAND SECURITY AND THE CITY OF IMPERIAL BEACH REGARDING URBAN AREA SECURITY INITIATIVE (UASI) GRANT FUNDING

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

WHEREAS, the City desires to be a participating agency in the Urban Area Security Initiative Grant Program, and

WHEREAS, the City of San Diego has been identified as the grantee and administrator of the Urban Area Security Initiative Grant Program for the San Diego Urban Area, and

WHEREAS, participating agencies are required to enter into a Memorandum of Understanding with the grantee and administrator of the Urban Area Security Initiative, and

WHEREAS, the UASI grant is dedicated to providing cities approved personal protection equipment and training to respond to threats or acts of terrorism; and

NOW, THEREFORE, BE IT RESOLVED that the City of Imperial Beach authorizes the City Manager to enter into a Memorandum of Understanding with the City of San Diego Office of Homeland Security regarding Urban Area Initiative (UASI) Grant Funding.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 15th day of October 2008, by the following roll call vote:

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

James C. Janney

JIM JANNEY
MAYOR

ATTEST:

Jacqueline M. Hald

JACQUELINE M. HALD
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2008-6684 – A Resolution Authorizing the City Manager to enter into a Memorandum of Understanding Between the City of San Diego Office of Homeland Security and the City of Imperial Beach Regarding Urban Area Security Initiative (UASI) Grant Funding.

CITY CLERK

DATE

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF SAN DIEGO OFFICE OF HOMELAND SECURITY
AND THE IMPERIAL BEACH
REGARDING URBAN AREA SECURITY INITIATIVE (UASI) GRANT FUNDING**

THIS MEMORANDUM OF UNDERSTANDING (MOU) is effective October 4, 2008, between THE CITY OF SAN DIEGO OFFICE OF HOMELAND SECURITY and the City of Imperial Beach under the following terms and conditions:

1. The Participating Agency agrees to comply with the Grant Assurances for Urban Area Security Initiative (**Attachment A**).
2. The Participating Agency agrees to submit a Reimbursement Request Form (**Attachment B**) by the 10th day of each month to request reimbursement for costs incurred in accordance with the UASI grant program guidelines.
3. The Participating Agency agrees to submit at the time of signing of this MOU, and on October 1 of each year thereafter, a verified confirmation of its public safety personnel by category and within the definitions provided in item 3.1 below for each of those categories (**Attachment C**). Public safety personnel shall only be counted in one category and one job classification even if they have multiple disciplines, such as Fire Fighter and Paramedic. The required listing of public safety personnel shall be by job classification from personnel, payroll and/or budgetary records by category in the format below.
 - 3.1 Public safety personnel categories and definitions shall be as follows (civilian personnel shall not be counted):

Fire Services (FS) - Personnel at the urban area jurisdiction level who are in personnel classifications which provide services as first responders and meet the Hazmat First Responder Operations level requirements of the Code of Federal Regulations (CFR) 291910.120 Section Q and Title 8 California Code of Regulations (CCR) Section 5192.

Law Enforcement (LE) – Personnel, in accordance with the provisions of California Penal Code Sections 830-832.16, who work for agencies at the local and municipal level with responsibility as sworn law enforcement officers.

Emergency Medical Services (EMS) – Personnel and contractors who, on a full-time or part-time basis serve as first responders, Emergency Medical Technician (EMT) I, II or Paramedic on ground-based and aero-medical services to provide pre-hospital care, through ambulance service, rescue squad, or medical engine company. Personnel must meet the requirements set forth in the California Code of Regulations Title 22.

Memorandum of Understanding - Urban Area Security Initiative Grant Funding

Social Security, Division 9. Pre-hospital Emergency Medical Services
Chapter 2, 3 or 4.

HazMat (HZ) – Personnel, full-time or part-time, who identify, characterize, or provide risk assessment, and mitigate/control the release of a hazardous substance or potentially hazardous substance as Hazardous Materials Specialists or Technicians and members of the Hazardous Incident Response Team.

4. The Participating Agency agrees to maintain all documentation supporting all expenditures reimbursed from grant funds, and ensure all expenditures are allowable under grant requirements. Recipients that expend \$300,000 or more of federal funds during their respective fiscal year agree to submit an organization-wide financial and compliance audit report. The audit shall be performed in accordance with the U. S. General Accounting Office Government Auditing Standards and OMB Circular A-133 (Federal Grantor Agency: U. S. Department of Homeland Security; Pass-Through Agency: Office of Homeland Security; Program Title: Public Assistance Grants; Federal CFDA Number: 97.008). The records shall be maintained and retained in accordance with UASI grant requirements and shall be available for audit and inspection by the City and designated grant agent personnel.
5. The Participating Agency agrees that all its expenditures shall be in accordance with the pre-approved expenditure details as submitted to the City and approved by the State of California Office of Homeland Security (CA-OHS) and the U.S. Department of Homeland Security Office of Domestic Preparedness (ODP). Any deviations from the pre-approved list shall be submitted to the City for approval before making such expenditures.
6. The Participating Agency agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from and against all liability arising out of the Participating Agency's acts or omissions under this MOU.
7. The City agrees to defend, indemnify, and hold harmless the Participating Agency, its agents, officers, and employees, from and against all liability arising out of the City's acts or omissions under this MOU.

Memorandum of Understanding - Urban Area Security Initiative Grant Funding

IN WITNESS WHEREOF, this Memorandum of Understanding is entered into by the City of San Diego Office of Homeland Security and the City of Imperial Beach, by and through their authorized representatives.

CITY OF SAN DIEGO

By: _____
Title: _____

City of Imperial Beach

By: Gary Brown
Title: City Manager

I HEREBY APPROVE the form and legality of the foregoing Memorandum of Understanding this 4th day of October, 2008.

MICHAEL AGUIRRE, City Attorney

By: _____
Deputy City Attorney

Office of Homeland Security
FY07 Urban Area Security Initiative
Grant Assurances
(All Applicants)

Name of Applicant: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: (____) _____

Fax Number: (____) _____

E-Mail Address: _____

As the duly authorized representative of the applicant, I certify that the applicant named above:

1. Has the legal authority to apply for federal assistance, and has the institutional, managerial and financial capability to ensure proper planning, management and completion of the grant provided by the federal Department of Homeland Security and sub-granted through the State of California.
2. Will assure that grant funds are only used for allowable, fair, and reasonable costs
3. Will give the federal government, the General Accounting Office, the Comptroller General of the United States, the State of California, through any authorized representative, access to and the right to examine all paper or electronic records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or awarding agency directives.
4. Will provide progress reports and such other information as may be required by the awarding agency.
5. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
6. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain for themselves or others, particularly those with whom they have family, business or other ties.

7. Will comply, if applicable, with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures. Will comply with all federal statues relating to nondiscrimination. These include but are not limited to:
 - a. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended, which prohibits discrimination on the basis of race, color or national origin;
 - b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex;
 - c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibits discrimination on the basis of handicaps;
 - d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age;
 - e. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255) as amended, relating to nondiscrimination on the basis of drug abuse;
 - f. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - g. §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - h. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
 - i. Title 28, Code of Federal Regulations, Part 42, Subparts C, D, E and G;
 - j. Title 28, CFR, Part 35;
 - k. Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made, and
 - l. The requirements on any other nondiscrimination statute(s) which may apply to the application.
8. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601 et seq. (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs. These requirements apply to all interested in real property acquired for project purposes regardless of federal participation in purchases.
9. Will comply, if applicable, with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

10. Will comply with environmental standards which may be prescribed pursuant to the following:
 - a. institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - b. notification of violating facilities pursuant to EO 11738;
 - c. protection of wetlands pursuant to EO 11990;
 - d. evaluation of flood hazards in floodplains in accordance with EO 11988;
 - e. assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - f. conformity of federal actions to State (Clean Air) Implementation Plans under Section FY06 Homeland Security Grant Program Page 45 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.);
 - g. protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and
 - h. protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
 - i. California Environmental Quality Act (CEQA). California Public Resources Code Sections 21080-21098. California Code of Regulations, Title 14, Chapter 3 Section 15000-15007.
11. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
12. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq).
13. Will comply with Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19, Sections 2445, 2446, 2447 and 2448.
14. Has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the applicant's application for federal assistance. Will, after the receipt of federal financial assistance, through the State of California, agree to the following:
 - a. Promptly return to the State of California all the funds received which exceed the approved, actual expenditures as accepted by the federal or state government.
 - b. In the event the approved amount of the grant is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.

- c. Separately account for interest earned on grant funds, and will return all interest earned, in excess of \$100 per federal fiscal year.
15. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. Sections 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
16. Will comply with provisions of the Hatch Act (5 U.S.C. Sections 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.
17. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
18. Will comply, if applicable, with the Laboratory Animal Welfare Act of 1966 (P. L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance. FY06 Homeland Security Grant Program Page 46
19. Will comply with the minimum wage and maximum hour provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.
20. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. Section 276a to 276a-7), the Copeland Act (40 U.S.C. Section 276c and 18 U.S.C. Sections 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 327-333), regarding labor standards for federally assisted construction sub-agreements.
21. Will not make any award or permit any award (subgrant or contract) to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12689, "Debarment and Suspension."
22. Agrees that:
 - a. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement;
 - b. If any other funds than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or an employee of Congress, or employee of a Member of Congress in connection with the federal grant or

- cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
- c. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers including subgrants, contracts under grants and cooperative agreements, and subcontract(s) and that all sub recipients shall certify and disclose accordingly.
 - d. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
23. Agrees that equipment acquired or obtained with grant funds:
- a. Will be made available under the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant.
 - b. Is consistent with needs as identified in the State Homeland Security Strategy and will be deployed in conformance with that Strategy.
 - c. Will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.
24. Agrees that funds awarded under this grant will be used to supplement existing funds for program activities, and will not supplant (replace) non-federal funds.
25. Will comply with all applicable Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars A-21, A-87, A102, A-110, A-122, and A-133, E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements contained in Title 28, Code of Federal Regulations, Part 66 or 70, that govern the application, acceptance and use of Federal funds for this federally-assisted project.
26. Will comply, and assure the compliance of all its subgrantees and contractors, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provision of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1, and all other applicable Federal laws, orders, circulars, or regulations.
27. Will comply with provisions of 28 CFR applicable to grants and cooperative agreements, including:
- a. Part 18, Administrative Review Procedures;
 - b. Part 20, Criminal Justice Information Systems;

- c. Part 22, Confidentiality of Identifiable Research and Statistical Information;
 - d. Part 23, Criminal Intelligence Systems Operating Policies;
 - e. Part 30, Intergovernmental Review of Department of Justice Programs and Activities;
 - f. Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services;
 - g. Part 38, Equal Treatment of Faith-based Organizations;
 - h. Part 63, Floodplain Management and Wetland Protection Procedures;
 - i. Part 42, Nondiscrimination/Equal Employment Opportunities Policies and Procedures;
 - j. Part 61, Procedures for Implementing the National Environmental Policy Act;
 - k. Part 64, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.
 - l. Part 66, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
 - m. Part 67, Government-Wide Debarment and Suspension (Non-Procurement)
 - n. Part 69, New Restrictions on Lobbying
 - o. Part 70, Uniform Administrative Requirements for Grants and Cooperative Agreements (including sub-awards) with Institutions of Higher Learning, Hospitals and other Non-Profit Organizations.
 - p. Part 83, Government-Wide Requirements for a Drug Free Workplace (grants)
28. Will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of this project are not listed in the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal Grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
29. Will comply with Subtitle A, Title II of the Americans with Disabilities Act (ADA) 1990.
30. Will, in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds or race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs.
31. Will provide an Equal Employment Opportunity Plan, if applicable, to the Department of Justice Office of Civil Rights within 60 days of grant award.
32. Will comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
33. Will comply, if applicable, with the provision of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

34. Will comply with all applicable requirements of all other federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.
35. Understands that failure to comply with any of the above assurances may result in suspension, termination or reduction of grant funds.
36. As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

37. As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

- (b) Establishing an on-going drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to:

Department of Justice, Office of Justice Programs,
ATTN: Control Desk,
633 Indiana Avenue, N.W., Washington, D.C. 20531.

Notice shall include the identification number(s) of each affected grant;

- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

The undersigned represents that he/she is authorized by the above named applicant to enter into this agreement for and on behalf of the said applicant.

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: _____

Title: _____ Date: _____

**Governing Body Resolution
(For Operational Areas and Urban Area's)**

BE IT RESOLVED BY THE _____
(Governing Body)

OF THE _____ *THAT*
(Name of Applicant)

_____, *OR*
(Name or Title of Authorized Agent)

_____, *OR*
(Name or Title of Authorized Agent)

_____,
(Name or Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California.

Passed and approved this _____ day of _____, 20_____

Certification

I, _____, duly appointed and
(Name)

_____ of the _____
(Title) (Governing Body)

do hereby certify that the above is a true and correct copy of a resolution passed and approved by the _____ of the _____ on the
(Governing body) (Name of Applicant)
_____ day of _____, 20_____.

(Official Position)

(Signature)



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: OCTOBER 15, 2008

ORIGINATING DEPT.: FINANCE DEPARTMENT

SUBJECT: ANNUAL REVIEW OF CITY'S INVESTMENT POLICY

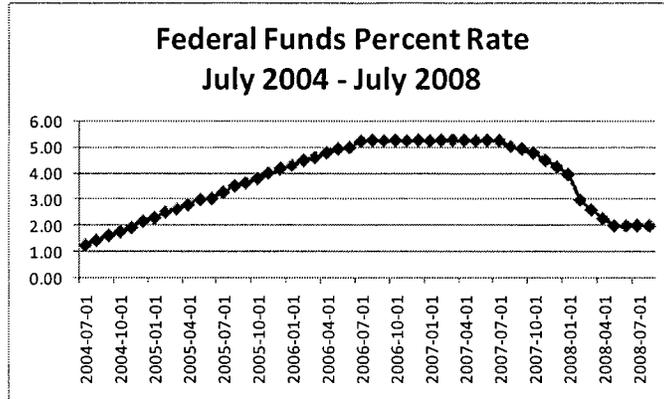
BACKGROUND:

The City has an investment policy to effectively utilize all resources available to provide funds for City services and to provide guidelines for insuring the safety of funds invested while maximizing the efficiency of the City's cash management system. The policy is in compliance with the California Government Code, Sections 53600 et seq. and 53635 et seq., and takes into consideration the principles of safety, liquidity and yield of public funds. The policy is reviewed annually. There has been no change to the investment policy from the 2007 review.

DISCUSSION:

This policy should be reviewed on an annual basis to allow for any Council comments or concerns. The City primarily holds a minimum amount of cash to allow for the payment of bills and payroll. The City's main checking account earns interest at a nominal rate. The investment policy details what type of conservative investments can be held by the City such as: Certificates of Deposit, Government Agency bonds, Treasury Bills, Local Agency Investment Fund, County of San Diego Treasury Pool, Bankers Acceptances, Commercial Paper, etc. The current portfolio invests excess cash into either the State of California's Local Agency Investment Fund (LAIF) (66%) or Government Agency Bonds. As of June 30, 2008, the City has investments totaling \$50,916,530. LAIF earned 3.11% during the quarter. The average yield on our government agency investments as of June 30, 2008 was 4.77%. Since, June 30, 2008 interest rates have fallen. Consequently, several of our government agency investments have recently been called. LAIF average rate is approximately 2.8%.

The City's investment policy has been to lock in higher yields with government agency 5 year investments when interest rates are falling and to remain more liquid when interest rates are rising. In the past, interest rates have changed gradually and predictably (see chart below). The current interest rate direction is unclear. Most analysts believe that in the short run, the Federal Reserve will lower the discount rate to stimulate the economy. However, economists also believe the financing of the recent \$700 billion bailout plan will put pressure on interest rates to rise. Given this uncertainty, it is recommended that the City invest in shorter term investments such as LAIF and government agency bonds with maturities less than 2.5 years.



FISCAL IMPACT:

Interest earnings are significant revenues to the City totaling over \$2.2 million in Fiscal Year 2007-08.

DEPARTMENT RECOMMENDATION:

Staff recommends Council approval of Resolution 2008-6682 that continues the existing approved investment policy.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown, City Manager

Attachments:

1. Resolution 2008-6682
2. Investment Policy 408, 10/15/2008

RESOLUTION NO. 2008-6682

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVAL OF COUNCIL POLICY 408: INVESTMENT POLICY

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

WHEREAS, the City desires to review the policies and regulations governing the investment of public funds; and

WHEREAS, the City desires to make these policies and regulations reflect the California Government Code, Sections 53600 et seq. and 53635 et seq.

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

1. The attached Council Policy 408 be approved and become an administrative policy 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 15th day of October 2008, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

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

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy of Resolution No. 2008-6682 – A Resolution of the City Council of the City of Imperial Beach, California, APPROVAL OF COUNCIL POLICY 408: INVESTMENT POLICY.

CITY CLERK

DATE

**CITY OF IMPERIAL BEACH
COUNCIL POLICY**

ATTACHMENT 2

SUBJECT: INVESTMENT POLICY UPDATE	POLICY NUMBER	EFFECTIVE DATE	PAGE
	408	10/15/08	1 of 4

ADOPTED BY: Council Action

DATED: 06/18/97

AMENDED BY: Resolution No. 2008-6682

DATED: 10/15/08

PURPOSE

Effective cash flow management and cash investment practices are recognized as essential to good fiscal management. This Statement is intended to provide guidelines for the prudent investment of the City's temporarily idle cash in all Funds, and outline the policies for maximizing the efficiency of the City's cash management system.

OBJECTIVE

The objective of the investment policy is to provide guidelines for insuring the safety of funds invested while maximizing investment interest income to the City.

INVESTMENT POLICY

- A.** The Finance Director is responsible for investing the cash balances in all City Funds in accordance with the California Government Code, Sections 53600 et seq. and 53635 et seq. This policy does not include Long Term Debt Reserve Funds and Deferred Compensation Funds, which are exceptions covered by other more specific Government Code sections and the legal documents unique to each debt transaction. Investment practices shall conform to the prudent man rule (Civil Code Sect. 2261, et seq.) which states, in essence, that "in investing... property for the benefit of another, a trustee shall exercise the judgment and care, under the circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs..."
- B.** Investments are normally purchased to be held to maturity. However, market conditions may dictate the purchase of investments with higher yields that may have an early call date. It is realistically anticipated that market prices of securities purchased as investments will vary depending on economic conditions, interest rate fluctuations, or individual security credit factors. In a well diversified investment portfolio, such temporary variations in market value will inevitably result in measurable losses at any specific point in time. From time to time, changes in economic or market conditions may dictate that it is in the City's best interest to sell a security prior to maturity.
- C.** The three principle factors of Safety, Liquidity and Yield are to be taken into consideration, in the specific order listed, when making investment decisions.

 - 1. **Safety** of principal is the foremost factor to be considered during each investment transaction. Safety in investing refers to minimizing the potential for loss of principal, interest or a combination of the two due to the two types of risk, Credit Risk and Market Risk.

 - a. Credit Risk, defined as the risk of loss due to failure of the issuer of a security, shall be mitigated by only investing in very safe, or "investment grade" securities and

diversifying where feasible.

- b. Market Risk, defined as market value fluctuations due to overall changes in interest rates shall be mitigated by limiting the average maturity of the investment portfolio to less than 3 years, with a maximum maturity of any one security of 5 years without prior Council approval. Also, the portfolio will be structured based on liquidity needs so as to avoid the need to sell securities prior to maturity.
2. **Liquidity** refers to the ability to convert an investment to cash promptly with minimum risk of losing some portion of principal or interest. The investment portfolio will be structured based on historic cash flow analysis in order to provide the necessary liquidity as investments routinely mature. A portion of the portfolio will be maintained in liquid short term securities which can be converted to cash if necessary to meet unforeseen disbursement requirements.
 3. **Yield** is the average annual return on an investment based on the interest rate, price, and length of time to maturity. The City attempts to obtain the highest yield possible, provided that the basic criteria of safety and liquidity have been met.

AUTHORIZED INVESTMENT INSTRUMENTS

The City may invest in the following instruments under the guidelines as provided herein:

- A. **Certificates of Deposit.** Time Certificates of Deposit will be made only in FDIC or FSLIC insured accounts. For deposits in excess of the insured maximum of \$100,000, approved collateral shall be required in accordance with California Government Code Section 53652 and/or 53651 (m) (1). No more than 25% of the investment portfolio may be invested in this investment type.
- B. **Securities of the U.S. Government or its Agencies.** Includes obligations issued by Federal Home Loan Banks, Government National Mortgage Association, the Farm Credit System, the Federal Home Loan Bank, the Federal Home Loan Mortgage Association, the Federal National Mortgage Association, the Student Loan Marketing Association, or obligations or other instruments of or issued by a federal agency or a United States Government sponsored enterprise.
- C. **Treasury Bills and Notes.** US Treasury Bills, Notes, Bonds or Certificates of Indebtedness, or those for which the full faith and credit of the United States are pledged for the payment of principal and interest.
- D. **Local Agency Investment Fund (LAIF).** Investment of funds in the California LAIF which allows the State Treasurer to invest through the Pooled Money Investment Account. Maximum investment is subject to state regulation.
- E. **County of San Diego Treasury Pool.** Investment of funds in the County of San Diego Treasury which allows the County Treasurer-Tax Collector to invest local funds through a pooled concept.
- F. **Bankers Acceptance.** Bills of Exchange or Time Drafts drawn on and accepted by a

commercial bank, otherwise known as Bankers Acceptances, both domestic and foreign, which are eligible for purchase by the Federal Reserve System. Purchases of Bankers Acceptances may not exceed 180 days maturity or total more than 40% of the cost value of the City's investment portfolio.

- G. Commercial Paper. Paper of the highest rating as provided by Moody's Investors Service, Inc. (P1), or Standard and Poor's Corporation (A1+). Eligible paper is further limited to issuing corporations that are organized and operating within the United States and having total assets in excess of five hundred million dollars (\$500,000,000). Purchases of eligible commercial paper may not exceed 270 days maturity, represent more than 10% of the outstanding paper of the issuer, or total more than 25% of the cost value of the City's investment portfolio.
- H. Negotiable Certificates of Deposit. Issued by a nationally or state chartered bank or a state or federal savings and loan association or by a state licensed branch of a foreign bank. Purchases of Negotiable Certificates of Deposit may not total more than 30% of the cost value of the City's investment portfolio.
- I. Repurchase Agreements. A purchase of securities by the City pursuant to a Master Repurchase Agreement by which the seller will repurchase such securities on or before a specified date, or on demand of either party, and for a specified amount. Investments in repurchase agreements will be used solely as short term investments not to exceed 90 days and be collateralized by securities having a market value of at least 102% of the value of the repurchase agreement at all times during the term of the investment.
- J. Medium Term Corporate Notes. Corporate obligations shall be rated A or better by Moody's and or Standard and Poor's rating agencies. Purchases of corporate medium term notes shall not total more than 30% of the cost value of the City's investment portfolio, nor for any one corporation, when combined with any Commercial Paper issued by the same corporation, total more than 15% of the cost value of the City's investment portfolio.
- K. Various daily cash funds administered for or by Trustees, Paying Agents, or Custodian Banks contracted by the City may be purchased as allowed under California Government Code. Only those funds holding US Treasury or Government Agency obligations shall be purchased.

DIVERSIFICATION

Investments shall be diversified among institutions, types of securities and maturities to maximize safety and yield with changing market conditions. Local financial institutions will be given preferential consideration for investment of City funds consistent with the City's objective of attaining market rates of return, and consistent with constraints imposed by its safety objectives, cash flow considerations and State laws.

SAFEKEEPING

All investments of the City shall have the City of Imperial Beach as registered owner and shall be held in safekeeping by a third party bank trust department, acting as agent for the City under the terms of a custody agreement.

INVESTMENT REPORTS

A. The Finance Director shall submit a quarterly investment report to the City Manager and City Council in accordance with Government Code Section 16481.2 containing the following information for each individual investment:

- Financial institution
- Type of investment
- Purchase Price of investment
- Rate of interest
- Purchase date
- Maturity date
- Current market value for securities
- Other data as required by the City

In addition, the report shall include a statement of compliance of the portfolio with the Council approved Investment Policy and a statement indicating the ability of the City to meet its expenditure requirements for the next six months.

B. The Finance Director shall submit copies of the second and fourth quarter calendar year investment reports to the California Debt and Advisory Commission (CDAIC) in accordance with AB 943. Also a copy of the City's Investment Policy shall be sent to CDAIC annually.

POLICY REVIEW

This investment policy and guidelines shall be adopted by resolution of the City Council on an annual basis after being reviewed to ensure its consistency with the overall objectives of preservation of principal, liquidity, and yield, and its relevance to current law and financial and economic trends.



STAFF REPORT CITY OF IMPERIAL BEACH

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

MEETING DATE: October 15, 2008

ORIGINATING DEPT.: FINANCE DEPARTMENT

SUBJECT: CASH AND INVESTMENT REPORTS FOR THE QUARTER
ENDED JUNE 30, 2008

BACKGROUND:

The attached reports summarize the City's cash and investment position at June 30, 2008. The reports include the pooled investments for all funds. The cash and investment total for the end of this period (2nd quarter of 2008) is \$50,916,530.

DISCUSSION:

California law requires that staff submit an investment report to the City of Imperial Beach City Council after each quarter that consists of the following information:

- Type of investment or description
- Issuers (bank or institution)
- Date of maturity
- Dollar amount
- Interest rate
- Current market valuation as of the date of the report
- Source of the valuation of each investment

Additionally, a statement indicating the agency's ability, or lack thereof, to meet the next six (6) months cash flow requirements is required.

The source of market valuations has been quoted from documents received from the bank or institution that is the issuer of each of the investments. If staff did not receive this information from the bank or institution, market value has been listed as equal to the original purchase amount.

The City of Imperial Beach invests most of its funds in government securities and in the California Treasurer's Local Agency Investment Fund (LAIF). LAIF is a liquid investment pool, which allows participants to earn market rate returns of large investments, while retaining access to funds within 24 hours of a withdrawal request. The quarterly interest

rate for LAIF for the quarter ended in June was 3.11%. Government securities consist of the following agency bonds:

- Federal Home Loan Bank ("FHLB")
- Federal National Mortgage Association ("Fannie Mae"), bonds not stocks
- Federal Farm Credit Bank

FISCAL ANALYSIS:

The City of Imperial Beach has invested funds of \$50,916,530, which is more than the entire annual operating budget for both the City and the Redevelopment Agency. For the quarter ending June 30, 2008, the City invested approximately 2/3 of its funds in LAIF (the state investment pool) and 1/3 in government agencies. LAIF earned 3.11% during the quarter. The average yield on our government agency investments as of June 30, 2008 was 4.77%.

DEPARTMENT RECOMMENDATION:

It is respectfully requested that the City Council:

- (1) Receive and file the attached Quarterly Investment Reports for the quarter ending June 30, 2008

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

ATTACHMENTS: Cash & Investment Schedule, Investment listing and Certification for June, 2008

**CITY OF IMPERIAL BEACH
CASH AND INVESTMENT SCHEDULE
June 30, 2008**

Date of Purchase	Broker's Name	Description	Investment Type	Cost Basis (Where Appropriate)	Market Value (Where Appropriate)	Coupon Rate	Date of Maturity	GASB 31 Adjustment	Carrying Amount/ Fair Value
Various	UBOC	Various	Gov't Securities	15,060,000.00	15,064,076.40		Various		\$ 15,064,076
	LAIF	State of California	Investment Pool	33,712,321.12	33,712,321.12				\$ 33,712,321
NA	UBOC	Bank/Petty Cash/Sweep	Demand Accts	563,338.44	563,338.44		NA	-	\$ 563,338
NA	WFB	Reserve Fund-RDA TAB	Gov't Securities	1,576,794.49	1,576,794.49	NA		Various	\$ 1,576,794
				<u>50,912,454.05</u>	<u>50,916,530.45</u>				<u>\$ 50,916,530</u>

SUMMARY OF CITY CASH & INVESTMENTS:

LAIF (State Investment Pool)	33,712,321.12	33,712,321.12	-	\$	33,712,321
Union Bank Investment Account	15,060,000.00	15,064,076.40	-	\$	15,064,076
Checking Account/Petty Cash	563,338.44	563,338.44	-	\$	563,338
Reserve Fund-RDA TAB	1,576,794.49	1,576,794.49			Various \$ 1,576,794
		<u>50,912,454.05</u>			<u>\$ 50,916,530</u>

NOTE:
UBOC - Union Bank of California
LAIF - Local Agency Investment Fund


 Mike McGrane, Finance Director/Treasurer



SWEEP SERVICE STATEMENT
FROM 05/30/08 THROUGH 06/27/08

H

UNION BANK OF CALIFORNIA, N.A.
P.O. BOX 60691, V02-456
LOS ANGELES, CA 90061-0691

CITY OF IMPERIAL BEACH
825 IMPERIAL BEACH BL
IMPERIAL BEACH

CA 92932

PAGE: 1 OF 1
 CHECKING ACCT NO: 2170012243
 TAX ID: 95-6006475
 BROKERAGE ACCT NO: A4T167800
 TARGET COLLECTED BALANCE: 275,000.00
 MAX GUARANTEED INVESTMENT: 1,000,000.00

BROKERAGE SWEEP ACCOUNT FINANCIAL STATEMENT

Total Market Value	Dividends This Period
284,000.01 06/27/08	77.61

CHECKING SWEEP SUMMARY--ACCOUNT HELD AT UNION BANK OF CALIFORNIA

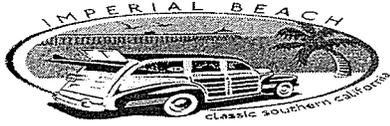
Activity	Debit Volume	Debit Dollars	Credit Volume	Credit Dollars
HIGHMARK 100% U.S. TREASURY FU	10	5,131,000.00	8	4,847,077.61

CHECKING ACCOUNT SWEEP ACTIVITY

Date	Collected Balance	Transaction Amount	Description	Net
06/02	768,091.27	493,000.00DR	INVESTMENT PURCHASE	275,091.27
06/03	-259,043.19	493,000.00CR	INVESTMENT REDEMPTION	233,956.81
06/04	296,535.94	21,000.00DR	INVESTMENT PURCHASE	275,535.94
06/05	364,320.54	89,000.00DR	INVESTMENT PURCHASE	275,320.54
06/06	2,257,500.41	1,982,000.00DR	INVESTMENT PURCHASE	275,500.41
06/09	224,551.32	51,000.00CR	INVESTMENT REDEMPTION	275,551.32
06/10	558,604.40	283,000.00DR	INVESTMENT PURCHASE	275,604.40
06/12	149,246.67	126,000.00CR	INVESTMENT REDEMPTION	275,246.67
06/13	268,415.47	7,000.00CR	INVESTMENT REDEMPTION	275,415.47
06/16	331,697.83	56,000.00DR	INVESTMENT PURCHASE	275,697.83
06/17	-1,934,395.64	2,210,000.00CR	INVESTMENT REDEMPTION	275,604.36
06/18	280,043.05	5,000.00DR	INVESTMENT PURCHASE	275,043.05
06/19	214,417.97	42,077.61CR	INVESTMENT REDEMPTION	256,495.58
06/23	2,063,751.47	1,788,000.00DR	INVESTMENT PURCHASE	275,751.47
06/24	-1,719,202.38	1,788,000.00CR	INVESTMENT REDEMPTION	68,797.62
06/25	586,930.77	311,000.00DR	INVESTMENT PURCHASE	275,930.77
06/26	145,163.53	130,000.00CR	INVESTMENT REDEMPTION	275,163.53
06/27	378,204.73	103,000.00DR	INVESTMENT PURCHASE	275,204.73

Sweep investments are not insured by the FDIC.

- They are not deposits or obligations of, or guaranteed by, Union Bank of California, N.A. or any affiliate.
 - They are subject to investment risks, including possible loss of principal invested.
 - HighMark Funds are distributed by SEI Investment Distribution Company, which is unaffiliated with the adviser, its parent or any affiliates.
- HighMark Capital Management, Inc. is a subsidiary of Union BanCal Corporation and serves as investment adviser for HighMark Funds. Union Bank of California, N.A., a subsidiary of Union BanCal Corporation, provides certain services to the funds and is compensated for these services.



CITY OF IMPERIAL BEACH
FINAL BASED ON TOTAL BALANCE SHEET FOR FUND 950
June 30, 2008

TOTAL PER BOOKS:		
950-0000-101-0000		34,275,659.56
Add:		<u>-</u>
Less:		<u>-</u>
TOTAL PER BOOKS		<u><u>34,275,659.56</u></u>

TOTAL PER BANK:		
Operating Account [2170012243]	411,762.09	
LAIF Account [98-37-384]	33,712,321.12	
Investment Services Account [2170012243]	284,000.01	
Payroll Account [2170012308]	-	
		<u>34,408,083.22</u>
Add:		
Deposit(s) in Transit (DIT)	16,845.91	
Wire Transfer ALS	2,251.68	
		<u>19,097.59</u>
Less:		
Outstanding checks	(151,521.25)	
		<u>(151,521.25)</u>
TOTAL PER BANK		<u><u>34,275,659.56</u></u>
Unreconciled Balance		<u>-</u>



Account Number
 6736300140
Account Name
 CITY OF IMPERIAL BEACH CU

Account Statement

Statement Period

June 1, 2008 through June 30, 2008

Asset Detail - Principal Portfolio (continued)

Government Obligations

Asset Name	CUSIP	Shares/ Units Held	Cost Basis	Market Value	Share/ Unit Price	Percentage of Portfolio	Current Yield	Estimated Annual Income
Federal Govt Agency								
FEDERAL NATL MTGE ASSN NOTES DTD 06/24/2008 STEP CPN 06/24/2013 CPN RT=4% TO 6/10;THEREAFTER 5.50%	3136F9TN3	2,000,000.000	2,000,000.00	2,003,120.00	100.1560	13.30%	3.99%	80,000.00
Total Government Obligations			\$15,052,570.00	\$15,064,076.40		100.00%	4.77%	\$718,620.00
Total Principal Portfolio			\$15,052,570.00	\$15,064,076.40		100.00%	4.77%	\$718,620.00
Total Account Values			\$15,052,570.00	\$15,064,076.40		100.00%	4.77%	\$718,620.00

Maturity Summary

	Face Value	Par Value	Cost Basis	Market Value	Percentage of Market Value
2008					
2009		2,500,000.000	2,494,700.00	2,514,850.00	16.69%
2010					
2011					
2012		7,140,000.000	7,140,000.00	7,170,956.20	47.61%
2013		5,420,000.000	5,417,870.00	5,378,270.20	35.70%
2014					
2015					
2016					
2017					
Ten-to-Fourteen Years					
Fifteen-to-Nineteen Years					
Twenty Years and Over					
Total	\$0.00	15,060,000.000	\$15,052,570.00	\$15,064,076.40	100.00%



STATEMENT OF ASSETS
AS OF JUNE 30, 2008

IMPERIAL BEACH PFA 03-RESERVE FUND
ACCOUNT NUMBER 15318903

STATEMENT OF ASSETS

PAR VALUE/SHARES	DESCRIPTION	COST VALUE / UNIT COST	MARKET VALUE / UNIT PRICE	UNREALIZED GAIN/LOSS	ACCRUED INCOME
CASH EQUIVALENTS					
1,576,794.49	WELLS FARGO ADVANTAGE 100% TREASURY MONEY MARKET FUND - #008	1,576,794.49 1.000	1,576,794.49 1.000	0.00	1,570.30
TOTAL CASH EQUIVALENTS		1,576,794.49	1,576,794.49	0.00	1,570.30
TOTAL INVESTMENTS		1,576,794.49	1,576,794.49	0.00	1,570.30



OFFICE OF THE TREASURER

SACRAMENTO

Local Agency Investment Fund
 PO Box 942809
 Sacramento, CA 94209-0001
 (916) 653-3001
 www.treasurer.ca.gov/pmia-laif



June, 2008 Statement

Account Number : 98-37-384

CITY OF IMPERIAL BEACH

Attn: CITY TREASURER

825 IMPERIAL BEACH BLVD

IMPERIAL BEACH CA 91932

Transactions

<u>Effective Date</u>	<u>Transaction Date</u>	<u>Tran Type</u>	<u>Confirm Number</u>	<u>Authorized Caller</u>	<u>Amount</u>
06-02-2008	05-30-2008	RW	1173537	EVELYN C. BUANGAN	- 500,000.00 ✓
06-10-2008	06-10-2008	RW	1174460	MICHAEL McGRAINE	- 300,000.00 ✓
06-17-2008	06-16-2008	RD	1175061	EVELYN C. BUANGAN	2,200,000.00 ✓
06-23-2008	06-16-2008	RW	1175062	EVELYN C. BUANGAN	- 2,000,000.00 ✓
06-25-2008	06-25-2008	RW	1176011	EVELYN C. BUANGAN	- 500,000.00 ✓

Account Summary

Total Deposit :	2,200,000.00	Beginning Balance :	34,812,321.12
Total Withdrawal :	- 3,300,000.00	Ending Balance :	33,712,321.12



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: OCTOBER 15, 2008
ORIGINATING DEPT.: CITY MANAGER
SUBJECT: RESOLUTION SUPPORTING THE 2010 CAMPAIGN FOR ACTIVE TRANSPORTATION

BACKGROUND:

Chairman Greg Cox briefed South Bay Mayors and City Managers about efforts to receive \$50 Million from the next round of federal transportation funds to build bicycle transportation projects such as the Bayshore Bikeway, The Coastal Rail Trail, and the Sweetwater Trail. Mr. Cox asked each city for a resolution in support of efforts to secure the federal funds. San Diego Council President Scott Peters and Stephen Vance from SANDAG briefed the San Diego and Imperial County League of Cities members about this opportunity at the League conference in Long Beach.

DISCUSSION:

If the region could capture the federal funding it would, at least, help build bikeways that would facilitate bicycling to and from Imperial Beach. The funds may also connect our city to nearby ecological attractions and enhance ecotourism.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

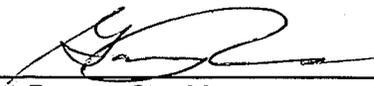
The resolution of support has no impact. The building of bikeways could have a positive fiscal impact.

DEPARTMENT RECOMMENDATION:

Staff recommends adoption of the attached resolution.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2008-6687

RESOLUTION NO. 2008-6687**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, IN SUPPORT OF THE 2010 CAMPAIGN FOR ACTIVE TRANSPORTATION.**

WHEREAS, the County of San Diego has one of the most ambitious trail programs in the State of California with a targeted build out of over 1600 miles of non-motorized multi-use trails and pathways; and

WHEREAS, the City of Imperial Beach is located adjacent to the Bayshore Bikeway, one of the County's best bikeways; and

WHEREAS, Imperial Beach is an ideal location for enhancing bicycling and pedestrian access to the coast and other ecological treasures such as the Tijuana Estuary, the Silver Strand and the South Bay; and

WHEREAS, there are 879.71 miles of bicycle transportation projects in the County of San Diego, and 315 miles of multi-use trails; and

WHEREAS, nearly half of all trips for personal transportation in the United States are three miles or less in length; and

WHEREAS, bicyclists and pedestrians represent 9% of all personal trips nationwide and 14% of all traffic fatalities in the United States, yet receive less than 1% of all federal road spending; and

WHEREAS, the above disparity indicates an opportunity to produce a substantial shift to these healthy, non-motorized transportation modes; and

WHEREAS, federal legislation, SAFETEA-LU, created the Non-motorized Transportation Pilot Program for the construction of a network of non-motorized transportation infrastructure facilities in urban communities to demonstrate the extent to which bicycling and walking can carry a significant part of the transportation load and play a major role in transportation solutions; and

WHEREAS, a national non-profit multi-modal transportation advocacy organization, the Rails-To-Trails Conservancy, seeks to expand this program in the next federal transportation reauthorization to include at least 40 communities with \$50 million per community over six years to promote "active transportation" (multi-use trails and bicycle transportation facilities) for mobility; and

WHEREAS, additional funding is required to construct an additional 200 miles of Priority 1 bicycle transportation projects including the Bayshore Bikeway, Coastal Rail Trail, Inland Rail Trail, San Diego River Trail and Sweetwater Trail; and

WHEREAS, the City of Imperial Beach City Council would like a portion of the Non-Motorized Transportation Pilot Program funds used to create and improve bicycle access throughout Imperial Beach, connections to the Bayshore Bikeway, and connections to the ecological resources near our city in order to promote ecotourism; and

WHEREAS, Rails-To-Trails Conservancy has identified San Diego County area as a potential candidate for the expanded program, called the 2010 Campaign for Active Transportation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial that this Council does hereby support and endorse the City of Imperial Beach's participation in the 2010 Campaign for Active Transportation which has a goal of doubling federal funding for multi-use trails and bicycle transportation facilities in the next federal transportation reauthorization.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 15th day of October 2008, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy of Resolution No. 2008-6687 – A Resolution of the City Council of the City of Imperial Beach, California, Resolution in Support of the 2010 Campaign for Active Transportation.

CITY CLERK

DATE



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: OCTOBER 15, 2008
ORIGINATING DEPT.: CITY MANAGER

SUBJECT: OPPOSE PROPOSITION 7 – THE SOLAR AND CLEAN ENERGY ACT OF 2008

BACKGROUND & DISCUSSION:

Proposition 7, the Solar and Clean Energy Act is a measure that has qualified for the November 4, 2008 General Election Ballot through a successful signature circulation process.

Proposition 7 is opposed by the League of California Cities, the California State Association of Counties, the California Municipal Utilities Association, California Special Districts Association and many other diverse organizations because it strips local governments of some of their land use authority and control of their energy resource mix, and will lead to higher electricity costs. Proposition 7 is also opposed by renewable power companies and environmental organizations who warn the measure is flawed and will actually retard renewable energy development in California.

FISCAL IMPACT:

Total fiscal impact on local governments is uncertain but it may increase costs for electricity.

DEPARTMENT RECOMMENDATION:

Approve Resolution No. 2008-6685 a resolution opposing Proposition 7 on the November, 2008 Ballot.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments

1. Resolution No. 2008-6685
2. Priority Focus dated June 13, 2008
3. List of Organizations opposed to Proposition 7
4. No on Proposition 7 Information Sheets
5. Organization or Business Member Form

RESOLUTION NO. 2008-6685

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, OPPOSING PROPOSITION 7 ON THE NOVEMBER 2008 BALLOT

WHEREAS, Prop. 7 is so poorly drafted that renewable energy and environmental experts warn the initiative will not achieve its goals and, instead, will actually “slam the brakes” on renewable energy development in California; and

WHEREAS, Prop. 7 strips existing permitting authority away from cities and counties for the approval of certain renewable energy plants and related infrastructure, and gives that authority to the California Energy Commission (CEC); and

WHEREAS, Prop. 7 also authorizes the state to cut down the time to 100 days in which local governments can file comments on certain proposed power plant projects in their communities and it’s questionable whether the CEC even has to accept or respond to local concerns; and

WHEREAS, the initiative will also negatively impact local governments, community choice aggregates and municipal utilities in California by imposing new statewide, top-down mandates for renewable power that are inflexible and greatly erode local officials’ ability to determine the right energy resource mix for their customers; and

WHEREAS, Prop. 7 also contains a “competition elimination” provision that forces small renewable energy companies out of California’s market, by excluding power from small, renewable plants under 30 megawatts from counting toward the new renewable requirements; and

WHEREAS, Prop. 7 contains a provision that artificially increases the cost of power and virtually guarantees that electricity consumers will pay 10% above market rates for renewable power even when the costs of solar and wind sources become more competitive.

WHEREAS, if and when the initiative is fully implemented, it’s estimated that Prop. 7 will increase electricity costs for local governments by \$704 million annually; and

WHEREAS, California recently announced a world-leading plan to combat global climate change that includes strong new requirements already resulting in the use of more renewable power sources and we need to give this plan time to work; and

WHEREAS, a broad coalition of environmental organizations, local governments, business organizations, taxpayer groups, organized labor and others have come together in opposition to Prop. 7, and have formed a coalition called “Californians Against Another Costly Energy Scheme”.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach that we hereby oppose Proposition 7 on the November 2008 ballot.

BE IT FURTHER RESOLVED that we hereby authorize the listing of the City of Imperial Beach in formal opposition of Prop. 7 and as a member of Californians Against Another Costly Energy Scheme.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 15th day of October 2008, by the following roll call vote:

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

James C. Janney

JAMES C. JANNEY, MAYOR

ATTEST:

Jacqueline M. Hald

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy of Resolution No. 2008-6685 – A Resolution of the City Council of the City of Imperial Beach, California, opposing Proposition 7 on the November 2008 ballot.

CITY CLERK

DATE

PRIORITY FOCUS



2008 Issue #23

June 13, 2008

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Software Makes Reporting Affordable Housing Funding Easy

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League Opposes Energy Initiative on November Ballot "Solar and Clean Energy Act" Could Thwart Efforts to Secure More Renewable Power and Would Undermine Local Control

A growing coalition that includes local governments, renewable energy providers, environmentalists, business and labor leaders have opposed the Solar and Clean Energy Act of 2008. The initiative qualified June 2 for the November 2008 ballot. For cities, one of the most significant issues is that, if passed, this measure would significantly erode local control over the permitting of new power plants. The measure could also undermine the ability of municipal and local government-run utilities to determine the power portfolio appropriate for their customers.

The League's board of directors voted unanimously to oppose the initiative at its April meeting in Sacramento.

While all these groups, including the League, support efforts to move to more renewable supplies of power, environmental and energy experts warn that significant drafting flaws could actually thwart clean power development by locking into law barriers to renewable development, and could result in rate increases for all consumers.

The initiative would require all utilities, including municipal utilities, to provide 50 percent of power from renewable sources by 2025, without truly addressing existing barriers to renewable development, including transmission development.

Current California law provides for the most aggressive targets in the nation, requiring that by 2010, 20 percent of electricity must come from a renewable source. State agencies and Gov. Arnold Schwarzenegger have established a 33 percent target by 2020.

Some of the key problems the League has identified with the Solar and Clean Energy Act of 2008 are:

Preempts Local Land Use Authority: The initiative would reassign permitting authority from local governments to the California Energy Commission (CEC) to approve solar and clean energy plants and related facilities. Local agencies would have 100 days after a project application is filed with CEC to provide final

Committee, or Ask
League Leg Staff

comments, determinations, or opinions to CEC. It is unclear whether the Commission has any obligation to defer to a city's determination, for example, what happens when a plant location does not comply with the city's General Plan.

Removes Local Control Over Resource Mix: Existing law in the Public Utilities Code encourages municipalities who own utilities to consider renewable energy, while taking into consideration rates, reliability, financial resources, and the goal of environmental improvement. The initiative would remove local control over local decisions on resource mix and may impact a utility's financial resources. Also, as technologies become cheaper and more efficient, there is nothing in this existing code section that would prevent a government-owned utility from making the decision to switch technologies or pursue a different resource mix.

The diverse group of organizations that oppose this measure include: the Natural Resources Defense Council, the California League of Conservation Voters, the California Small Business Association, California Municipal Utilities Association, Coalition of California Utility Employees, International Brotherhood of Electrical Workers, Locals 47, 1245 and 9th District, California Chamber of Commerce, PG&E, Sempra, Southern California Edison and the California Solar Energy Industries Association.

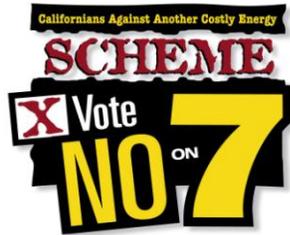
The League will continue to monitor the Solar and Clean Energy Act of 2008 and will provide updates through the League's Web site and *Priority Focus*.

[PRINTER FRIENDLY VERSION]

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E-MAIL TO A COLLEAGUE

RSS



www.NoProp7.com

We Oppose Proposition 7! (Member list as of 9.19.08)

Members of Separate and Independent Environmental Coalition Formed to Defeat Prop. 7:

California League of Conservation Voters
Center for Energy Efficiency and Renewable Technologies
Environmental Defense Fund
Natural Resources Defense Council
Union of Concerned Scientists

Members of Californians Against Another Costly Energy Scheme:

RENEWABLE ENERGY PROVIDERS

California Solar Energy Industries Association
California Wind Energy Association
The Solar Alliance
Large-Scale Solar Association
Independent Energy Producers Association
Bright Source Energy
First Solar
Sun Light & Power
POCO Solar Energy Inc.
Pure Energy Systems, Inc.
Solahart All Valley
Solarecity Electric
Solar MW Energy Inc.
Solar Power Partners, Inc.
Phat Energy
Solel Inc.
SPG Solar, Inc.
American Sun Solar Corporation
Apex Solar, Inc.
California Solar Electric
ESE Power Corporation
PW Ice Manufacturing Plant Corporation
Ecosystem Solar Electric Corp.
REC Solar, Inc.
Super Peaker, LLC (SP1-4)
BAH, LLC Baja el Agua y el Hielo Miembro de
Propiedad Privada de Cooperacion

ENVIRONMENTAL

Acterra: Action for a Sustainable Earth
Alliance for Responsible Energy Policy
Orange County Coastkeeper
San Jose Conservation Corps

ENVIRONMENTAL (CONT.)

Trees for Seal Beach
World Wide Green Corps

TAXPAYER GROUPS

California Taxpayers' Association
The California Taxpayer Protection Committee
Sacramento County Taxpayers League
Kern County Taxpayers Association
Alliance of Contra Costa Taxpayers
Orange County Taxpayers Association
Contra Costa Taxpayers Association
Humboldt Taxpayer's League
Inland Empire Taxpayers Association
Lafayette Taxpayers Association
League of Placer County Taxpayers
San Diego Tax Fighters
Sutter County Taxpayers Association
Valley Taxpayers' Coalition, Inc.
Ventura County Taxpayers Association
Waste Watchers, Inc.

GOOD GOVERNMENT

League of Women Voters of California

SENIOR

California Alliance for Retired Americans
California Senior Advocates League
Congress of California Seniors

STATEWIDE BUSINESS GROUPS

California Small Business Association
California Small Business Roundtable
Small Business Action Committee

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a coalition of environmentalists, renewable energy companies, taxpayers, and labor
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(MORE)

STATEWIDE BUSINESS GROUPS (CONT.)

California Chamber of Commerce
California Council for Environmental
and Economic Balance
California Manufacturers & Technology
Association
California Retailers Association
California Business Properties Association
California Business Roundtable
California Grocers Association
National Association of Industrial & Office
Properties, California Chapter
Society of Petroleum Engineers

LABOR

California Labor Federation
American Federation of State, County and
Municipal Employees
Coalition of California Utility Employees
State Building and Construction Trades Council
of California
International Brotherhood of Electrical Workers,
Local 47
International Brotherhood of Electrical Workers,
Local 1245
International Brotherhood of Electrical Workers,
9th District
Los Angeles County Federation of Labor
San Mateo County Central Labor Council

CONSUMER GROUPS

California Alliance for Consumer Protection
Consumers Coalition of California
Consumers First, Inc.
Citizens Against Regulatory Excesses

POLITICAL ORGANIZATIONS

California Democratic Party
California Republican Party
Libertarian Party of California
California Republican Assembly
California Republican League
California Young Democrats
California Log Cabin Republicans
Alice B. Toklas LGBT Democratic Club
Los Angeles County Lincoln Clubs
Placer County Republican Party
Republican Party of Los Angeles County
Republican Party of Tulare County
Solano County Republican Party
Young Republican Federation of California,
Sacramento Chapter

ETHNIC

California Black Chamber of Commerce
Mexican American Political Association
Latin Business Association
American GI Forum of California
Hermandad Mexicana Latino Americana
Vietnamese American Chamber of Commerce in
Orange County
African American Cultural Complex
Asian Business Association, Los Angeles
Asian Business Association of Orange County
Asian Community Development, Santa Ana
Black Business Association of Los Angeles
Black Chamber of Commerce of Orange County
Chinese Christian Business Women Fellowship
Filipino American Chamber of Commerce of
Orange County
Global Federation of Chinese Business Women,
Southern California Chapter
Greater Corona Hispanic Chamber of
Commerce
Mexican Chamber of Commerce, Los Angeles
National Council of Negro Women – High Desert
Section
Orange County Hispanic Chamber of Commerce
Overseas Chinese Business Exchange
Republican National Hispanic Assembly of
Greater L.A.
Tri-Counties Black American Political
Association of California
Asian Americans in Commercial Real Estate
Barstow Hispanic Chamber of Commerce
Korean Health Education Information and
Research Center
Regional Hispanic Chamber of Commerce
Tulare Kings Hispanic Chamber of Commerce
United Cambodian Community, Inc.
Victor Valley African American Chamber of
Commerce

CIVIC AND COMMUNITY ORGANIZATIONS

East Los Angeles Boys & Girls Club
GrassRoots Community Network Connecting
Communities
Rosamond Community Services District
San Francisco Planning and Urban Research
Southeast Community Development Corporation
Southeast Rio Vista Family YMCA
Total Education Solutions, South Pasadena

PUBLIC SAFETY

California State Firefighters Association
Los Bomberos de Los Angeles

(MORE)

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FAITH BASED ORGANIZATIONS

Bishop Theo Frazier, Voice of Pentecost Church, San Francisco
Reverend Eric P. Lee, Southern Christian Leadership Conference, Los Angeles
Minister Eddie Pierson, Academic Uprise, Signal Hill
Dr. H.L. Pierre, Pilgrim Community Leadership Conference, Los Angeles
Cosmopolitan Baptist Church, San Francisco
Metropolitan Baptist Church, San Francisco
Progressive Jewish Alliance
Raoul Wallenberg Jewish Democratic Club
The Salvation Army, Southeast Corps
True Hope Church of God in Christ, San Francisco

LOCAL GOVERNMENT

League of California Cities
California State Association of Counties
Regional Council of Rural Counties
California Special Districts Association
Association of Water Agencies of Ventura County
Santa Clara County Board of Supervisors
City of Agoura Hills
City of Blythe
City of Cathedral City
City of Claremont
City of Clovis
City of El Monte
City of Indian Wells
City of La Puente
City of La Verne
City of Montebello
City of Monterey Park
City of Morgan Hill
City of Pasadena
City of Porterville
City of Rosemead
City of Seal Beach
City of Tustin

LOCAL BUSINESS GROUPS

Bay Area Council
North Orange County Legislative Alliance
Orange County Business Council
Silicon Valley Leadership Group
Valley Industry and Commerce Association
Ventura/Santa Barbara Counties Regional Legislative Alliance
American Association of Business Persons with Disabilities
Antelope Valley Board of Trade

LOCAL BUSINESS GROUPS (CONT.)

Elite Small Disabled Veteran Owned Businesses, Los Angeles Chapter
Alhambra Chamber of Commerce
Antelope Valley Chambers of Commerce
Bell Chamber of Commerce
Camarillo Chamber of Commerce
Carson Chamber of Commerce
Cerritos Regional Chamber of Commerce
Compton Chamber of Commerce
Costa Mesa Chamber of Commerce
Covina Chamber of Commerce
Culver City Chamber of Commerce
Downey Chamber of Commerce
Duarte Chamber of Commerce
East Los Angeles Chamber of Commerce
El Centro Chamber of Commerce and Visitors Bureau
El Monte/South El Monte Chamber of Commerce
Fillmore Chamber of Commerce
Fullerton Chamber of Commerce
Fremont Chamber of Commerce
Fresno Chamber of Commerce
Gardena Valley Chamber of Commerce
Garden Grove Chamber of Commerce
Gateway Regional Chambers Alliance
Goleta Valley Chamber of Commerce
Glendora Chamber of Commerce
Greater Huntington Park Area Chamber of Commerce
Greater Lakewood Chamber of Commerce
Hanford Chamber of Commerce
Huntington Beach Chamber of Commerce
Inglewood/Airport Chamber of Commerce
Irvine Chamber of Commerce
Irwindale Chamber of Commerce
La Mirada Chamber of Commerce
La Verne Chamber of Commerce
LAX Coastal Area Chamber of Commerce
Lakeport Regional Chamber of Commerce
Lawndale Chamber of Commerce
Lomita Chamber of Commerce
Los Alamitos Area Chamber of Commerce
Los Angeles Area Chamber of Commerce
Malibu Chamber of Commerce
Manhattan Beach Chamber of Commerce
Montebello Chamber of Commerce
Monterey Park Chamber of Commerce
Moorpark Chamber of Commerce
Newport Beach Chamber of Commerce
Norwalk Chamber of Commerce
Orange Chamber of Commerce
Oxnard Chamber of Commerce

LOCAL BUSINESS GROUPS (CONT.)

Palmdale Chamber of Commerce
Palm Desert Chamber of Commerce
Pico Rivera Chamber of Commerce
Pomona Chamber of Commerce
Port Hueneme Chamber of Commerce
Porterville Chamber of Commerce
Greater Riverside Chamber of Commerce
Rosemead Chamber of Commerce
Shafter Chamber of Commerce
San Diego East County Chamber of Commerce
San Diego Regional Chamber of Commerce
San Dimas Chamber of Commerce
San Fernando Chamber of Commerce
Santa Fe Springs Chamber of Commerce and Industrial League, Inc.
Santa Monica Chamber of Commerce
South Bay Association of Chambers of Commerce
South Gate Chamber of Commerce
South Orange County Regional Chambers of Commerce
South Pasadena Chamber of Commerce
Temple City Chamber of Commerce
Thousand Oaks - Westlake Regional Chamber of Commerce
Torrance Area Chamber of Commerce
Tulare Chamber of Commerce
Tustin Chamber of Commerce
United Chambers of Commerce of the San Fernando Valley
Ventura Chamber of Commerce
Visalia Chamber of Commerce
West Covina Chamber of Commerce
Whittier Area Chamber of Commerce
Yucca Valley Chamber of Commerce
Economic Development Corporation of Southwest California
Greater Antelope Valley Economic Alliance
San Gabriel Valley Economic Partnership
San Mateo County Economic Development Association
San Diego Regional Economic Development Corporation
Tulare County Economic Development Corporation
Ventura County Economic Development Association

AGRICULTURE

California Farm Bureau Federation
Kings County Farm Bureau

THINK TANKS

Reason Foundation

UTILITIES

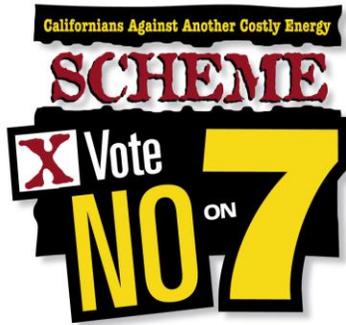
California Municipal Utilities Association
Sacramento Municipal Utility District
Board of Directors
PG&E Corporation
Sempra Energy
Southern California Edison Company

STATE AND LOCAL ELECTED OFFICIALS

Congressman Mike Honda – D
Assembly Speaker Emeritus Fabian Núñez – D
Senator Sam Aanestad – R
Senator Jim Battin – R
Senator Dave Cox – R
Senator Robert Dutton – R
Senator Dennis Hollingsworth – R
Senator George Runner – R
Assemblyman Chuck DeVore – R
Assemblyman Bill Maze – R
Assemblyman Hector De la Torre – D
Assemblywoman Sharon Runner – R
Assemblywoman Mimi Walters – R
City of Alhambra Mayor, Luis Ayala
City of Hesperia Mayor, Mike Leonard
City of La Puente Mayor, Louie Lujan
City of Ojai Mayor, Sue Horgan
City of San Gabriel Mayor, Harry Baldwin
City of Calimesa Mayor Pro Tem,
James O. Hyatt
City of Hesperia Mayor Pro Tem,
Thurston E. Smith
City of San Gabriel Vice-Mayor, Juli Costanzo
City of South El Monte Mayor Pro Tem,
Hector Delgado
City of Westminster Mayor Pro Tem,
Andy Quach
City of Alhambra Councilmember,
Barbara Messina
City of Alhambra Councilmember,
Stephen Sham
City of Alhambra Councilmember,
Gary Yamauchi
City of Aliso Viejo Councilmember, Phil Tsunoda
City of Aliso Viejo Councilmember, Greg Ficke
City of Aliso Viejo Councilmember, Carmen Cave
City of Chino Councilmember, Glenn Duncan
City of Cypress Councilmember, Phil Luebben
City of Fontana Councilmember,
Janice Rutherford

ELECTED OFFICIALS (CONT.)

City of La Palma, Councilmember,
Christine Barnes
City of Lomita, Councilmember, Don Suminaga
City of Montclair Councilmember,
Leonard Paulitz
City of Montebello Councilmember,
Robert Urteaga
City of Rancho Cucamonga Councilmember,
Salvatore Spagnolo
City of Rosemead Councilmember, John Nuñez
City of San Gabriel Councilmember,
Albert Huang
City of San Gabriel Councilmember,
Kevin Sawkins
City of South El Monte Councilmember,
Luis A. Aguiñaga
City of South El Monte Councilmember,
Angelica Garcia
City of Stanton Councilmember, David John
Shawver
City of Tustin Councilmember, Lou Bone
City of Ventura Councilmember,
James Monahan
City of West Covina Councilmember,
Steve Herfert
Town of La Crescenta Valley Councilmember,
Bruce Campbell
Town of La Crescenta Valley Councilmember,
Stephen Pierce



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NO on Proposition 7 Measure Bad for Local Governments and Their Residents

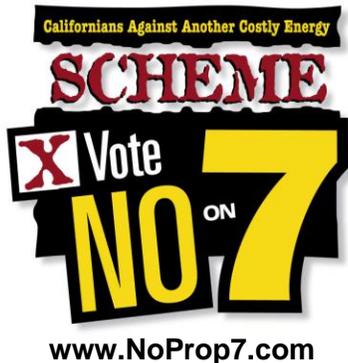
Prop. 7 is opposed by the League of California Cities, the California State Association of Counties, the California Municipal Utilities Association, California Special Districts Association and many other diverse organizations because it strips local governments of some of their land use authority and control of their energy resource mix, and will lead to higher electricity costs. Prop. 7 is also opposed by renewable power companies and environmental organizations who warn the measure is “fatally flawed” and will actually “slam the brakes” on renewable energy development in California. Prop. 7 was placed on the November ballot by an Arizona billionaire with no expertise in renewable power issues. Local governments oppose Prop. 7 because it will:

- **Usurp local land use authority.** Prop. 7 strips local governments of certain land-use authority relating to power plant siting and approval and hands it to the California Energy Commission (CEC). Additionally, Prop. 7 authorizes the state to cut down the time to 100 days in which local governments can file comments with the CEC on certain proposed power plant projects in their communities. Without sufficient time to submit comments, cities and counties could be forced to move forward with a project that doesn't coincide with their general plan. And since the CEC has exclusive jurisdiction over the siting of certain plants anyway, it's unclear whether they will have to consider local comments at all.
- **Eliminate local control over the best resource mix.** Publicly owned municipal utilities will be subjected to the renewable targets under this initiative, curtailing local control over the best resource mix for a municipal utility's customers. Municipal utilities currently evaluate renewable resources and how to best balance them with rates, reliability and financial resources.
- **Lead to higher electric bills for local governments.** Prop. 7 contains a provision that artificially increases the cost of power and virtually guarantees that electricity consumers will pay 10% above market rates for renewable power forever -- even when the costs of solar and wind sources become more competitive. The cost of energy is one of the largest expenses for local governments. **Economists estimate that by 2025, when the initiative is fully implemented, Prop. 7 will increase electricity costs for state and local governments by \$874 million annually and lead to a loss of revenue for local governments of \$216.4 million annually.** Furthermore, the non-partisan Legislative Analyst cautions that, “...the prospects for higher electricity rates are more likely in the short term...” and the initiative might “...also lead to higher long-run electricity rates.” In addition, nothing in the text of Prop. 7 limits increases in electric bills to 3% like proponents claim. Even the Legislative Analyst warns that “*the measure includes no specific provisions to implement or enforce this declaration.*”
- **Force small wind and solar companies out of the market.** Prop. 7 contains a “competition elimination” provision that forces smaller renewable energy companies out of California's market. It excludes power from renewable plants smaller than 30 megawatts from counting toward the new requirements. Today, nearly 60% of contracts under California's renewable requirements are with these small providers. That's why the California Solar Energy Industries Association warns: “*Proposition 7 would devastate California's small solar businesses by forcing us out of the market – eliminating a major source of clean power and thousands of jobs.*”

California Needs More Renewable Energy, NOT Higher Bills & Another Energy Crisis.

California leads the nation with tough, clean energy standards that require utilities to use significantly more renewable power. Prop. 7 will jeopardize this progress and disrupt renewable power development. What's worse, if passed by voters, no changes can be made to this law without another vote of the people or 2/3 of the legislature. Further, Prop. 7 creates new market conditions ripe for manipulation, much like those that caused the last energy crisis. Electricity consumers are still paying almost \$1 billion each year – nearly \$100 for every electricity customer – to pay off the last energy crisis. The last thing we need is a poorly written measure that will lead to higher electric bills and possibly even another energy crisis.

Paid for by Californians Against Another Costly Energy Scheme - No on 7,
major funding from PG&E Corporation and Southern California Edison Company,
a coalition of environmentalists, renewable energy companies, taxpayers, and labor
Phone 866-811-9255 Fax 866-811-9258 www.NoProp7.com



NO on Proposition 7

Prop. 7 Will Bring Higher Electric Bills and Disrupt Renewable Power Development

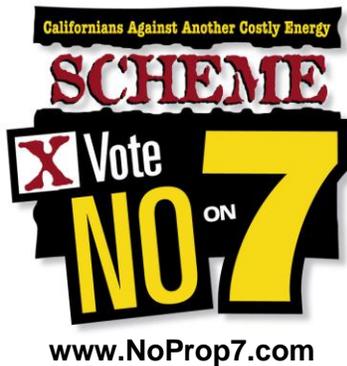
An unprecedented and diverse coalition of solar, wind and renewable energy companies, consumer, taxpayer, senior, labor, small businesses, local governments and environmental organizations all oppose Proposition 7 on the November ballot. Prop. 7 was placed on the ballot by an Arizona billionaire with no expertise in renewable power issues. The measure purports to increase the percent of renewable power utilities must purchase. However, it is so poorly drafted that renewable energy and environmental experts warn Prop. 7 will not achieve its goals and, instead, will actually “slam the brakes” on renewable energy development in California, result in significant increases in our electric bills and could result in another energy crisis. Prop. 7:

- **Will force small wind and solar companies out of the market.** Prop. 7 contains a “competition elimination” provision that forces smaller renewable energy companies out of California’s market. It excludes power from renewable plants smaller than 30 megawatts from counting toward the new requirements. Today, nearly 60% of contracts under California’s renewable requirements are with these small providers. The California Solar Energy Industries Association warns: *“Proposition 7 would devastate California’s small solar businesses by forcing us out of the market – eliminating a major source of clean power and thousands of jobs.”*
- **Contains a provision that virtually guarantees that electricity consumers will pay 10% above market rates for renewable power forever -- even when the costs of solar and wind sources become more competitive.** And nothing in the text of Prop. 7 limits increases in our electric bills to 3% like proponents claim. Even the non-partisan Legislative Analyst warns that *“the measure includes no specific provisions to implement or enforce this declaration”*.
- **Will cost consumers and taxpayers hundreds of millions per year in higher electric rates – a \$300 increase per household per year.** Economists predict that the average California household will see its utility bill increase by more than \$300 dollars a year because of Prop. 7. By eliminating competition from smaller renewable providers and creating a seller’s market that forces customers to pay 10% above market for renewable energy, Prop. 7 will increase costs to electricity consumers and taxpayers by hundreds of millions of dollars per year. That’s why the non-partisan Legislative Analyst cautions that, *“...the prospects for higher electricity rates are more likely in the short term...”* and the initiative might *“...also lead to higher long-run electricity rates.”*
- **Will slam the brakes on renewable energy development.** Prop. 7 locks into law many flaws that are currently stifling renewable power development in California and creates new roadblocks to renewable development. For instance, Prop. 7 arbitrarily shifts authority over the renewables market from the California Public Utilities Commission to the California Energy Commission, which could lead to significant delays, added bureaucracy and costly lawsuits. That’s why leading environmental groups and renewable power companies all OPPOSE Prop. 7.

California Needs More Renewable Energy, NOT Higher Bills & Another Energy Crisis.

California leads the nation with tough, clean energy standards that require utilities to use significantly more renewable power. Prop. 7 will jeopardize this progress and disrupt renewable power development. What’s worse, if passed by voters, no changes can be made to this law without another vote of the people or 2/3 of the legislature. Further, Prop. 7 creates new market conditions ripe for manipulation, much like those that caused the last energy crisis. Electricity consumers are still paying almost \$1 billion each year – nearly \$100 for every electricity customer – to pay off the last energy crisis. The last thing we need is a poorly written measure that will lead to higher electric bills and possibly even another energy crisis.

Paid for by Californians Against Another Costly Energy Scheme - No on 7,
major funding from PG&E Corporation and Southern California Edison Company,
a coalition of environmentalists, renewable energy companies, taxpayers, and labor
Phone 866-811-9255 Fax 866-811-9258 www.NoProp7.com



NO on Proposition 7

Q&A

What is Prop. 7 and what will it do?

Prop. 7 is a deeply flawed measure, written by a handful of lobbyists and ex-politicians and funded by an out-of-state billionaire, which purports to increase the amount of renewable energy used in California. However, the measure is so poorly written that it is opposed by solar, wind and other renewable power providers, leading environmental groups, business, labor, taxpayers and consumer groups. They warn Prop. 7 will:

- NOT achieve its stated goals and will actually *disrupt* renewable power development.
- Shut small renewable energy companies out of California's market.
- Unnecessarily increase electric bills and taxpayer costs by hundreds of millions of dollars, without achieving its stated goals.
- Create market conditions that could lead to another energy crisis.

Who supports Prop. 7?

Prop. 7 was placed on the ballot by an Arizona billionaire with no expertise in renewable power issues. A team of lawyers and lobbyists with no long-standing experience in the renewable energy market helped draft the initiative and they refused to accept input and advice from renewable and environmental experts who have been leading the charge on these issues in California. As a result, the measure is supported by only a handful of individuals, but no prominent statewide organizations are on record supporting the measure.

Who opposes Prop. 7?

Prop. 7 is opposed by solar, wind and other renewable power developers and leading environmental groups throughout the state. These very groups that have led efforts to greatly increase renewable power development in the state are adamantly opposed to Prop. 7. Even renewable power developers who arguably could stand to benefit under the initiative are opposed.

Specifically, Prop. 7 is opposed by: the California Solar Energy Industries Association, California Wind Energy Association, League of Women Voters, California Taxpayers' Association, California Small Business Association, California Labor Federation, California Chamber of Commerce, Consumers Coalition of

California, the California Democratic AND Republican Parties, League of California Cities, California Municipal Utilities Association and dozens of others.

A separate coalition of environmental organizations has also been formed to oppose Prop. 7 that includes the California League of Conservation Voters, Natural Resources Defense Council, Environmental Defense Fund, Union of Concerned Scientists, Center for Energy Efficiency and Renewable Technology and many others.

Why are environmental organizations and renewable power providers opposing a measure that is supposed to increase renewable power?

Virtually every leading environmental organization opposes Prop. 7 because the measure will result in less, not more, renewable power. In fact, environmental organizations and renewable power providers warn that the initiative could “slam the brakes” on renewable power development in the state. Among the key concerns posed by these groups include:

- Prop. 7 shuts small renewable power companies out of the market, eliminating a major source of clean power and thousands of “green collar” jobs.
- Prop. 7 imposes market conditions that will prevent many renewable power companies from participating in the market.
- Prop. 7 creates excessive new bureaucratic hurdles, such as creating duplicative oversight between the California Energy Commission and California Public Utilities Commission, that will stall the development of renewable power.
- Prop. 7 significantly reduces public input and comment on certain power plant and transmission line approvals. For instance, in some cases local governments, interested organizations and individuals only have 100 days or less to comment on proposed power plants or transmission line approvals, despite potential negative impacts on the environment or a local community.
- Prop. 7’s flaws can only be fixed with an unlikely 2/3 vote of the legislature or another expensive ballot initiative that would have to go before voters.

Why are small wind, solar and other renewable power companies opposing Prop. 7? Won't they benefit from more renewable power?

It's telling that the very companies and groups that would stand to benefit most from more renewable power are all OPPOSING Prop. 7.

Every leading organization representing wind, solar and other renewable power companies all OPPOSE Prop. 7. These organizations warn that Prop. 7 is fatally flawed and will result in less, not more renewable power.

Most concerning, Prop. 7 will shut small providers out of California's market by specifically excluding power from plants smaller than 30 megawatts from counting toward the new renewable goals.

Proponents say the argument that small renewable providers are ineligible is false.

A Superior Court judge recently ruled to uphold the claim that Prop. 7 could shut small renewable energy providers out of the market. Proponents filed a lawsuit in an attempt to strike these arguments from the ballot pamphlet and lost.

Will Prop. 7 increase electric rates?

Yes. Prop. 7 contains a provision that virtually guarantees that electricity consumers will pay 10% above market rates for renewable power forever -- even when the costs of solar and wind sources become more competitive. Eliminating competition from smaller renewable providers and creating a seller's market that forces customers to pay 10% above market for renewable energy will actually increase costs to electricity consumers and taxpayers by hundreds of millions of dollars per year.

According to an economic analysis prepared in part by the former chief economist for the California Office of Planning and Research:

- Prop. 7 will increase electric bills by more than \$300 per residential customer per year, which totals more than \$11 billion in increased electric bills statewide.
- Prop. 7 will increase electricity costs to state and local governments – and thus taxpayers – by a combined \$874 million annually by 2025.

And California's independent, non-partisan Legislative Analyst cautions that, "...*the prospects for higher electricity rates are more likely in the short term...*" and the initiative might "...*also lead to higher long-run electricity rates.*"

Proponents say that Prop. 7 guarantees rates won't increase by more than 3%. Is this true?

No. The text of Prop. 7 contains nothing to cap rate increases by 3%. Proponents included introductory language that makes this claim, but since there is no language in the actual text of Prop. 7 this language is nothing more than a PR ploy and is completely unenforceable by law.

The independent Legislative Analyst said that "*the measure includes no specific provisions to implement or enforce this declaration.*"

How exactly does Prop. 7 allow electric customers to always be charged rates that are 10% above the market rate?

Prop. 7 contains a provision that forces utilities to purchase all proposals for renewable power so long as that power is priced no more than 10% above the market price of power. This provision will eliminate any incentive for power providers to offer bids at market rate or lower, since they're guaranteed to have contracts purchased at the inflated price. The 10% above market price will become the new "floor" for prices, artificially increasing electricity costs for all consumers.

Don't we need to do something to decrease dependence on foreign oil and protect us against global warming?

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a coalition of environmentalists, renewable energy companies, taxpayers, and labor
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Absolutely and the organizations opposing Prop. 7 are leading the fight to combat global warming and to increase our use of renewable energy in the state. However, if we're going to address global warming, we have to get the solutions right. Prop. 7 gets it all wrong. That's why environmental organizations and renewable power companies warn that Prop. 7 will lead to less, not more, clean power.

If we reject Prop. 7, won't that just increase our reliance on dirty fossil fuels?
California is the nation's (and some say world) leader in fighting global warming and increasing our use of renewable energy. In fact, a recent bi-partisan agreement increased the percent of renewable power that utilities much purchase.

We all agree we need to increase the amount of renewable power used in this state and are taking great strides to make that a reality.

Unfortunately, Prop. 7 was written by a few lobbyists and ex-politicians with very little energy expertise, and the measure is so poorly drafted that it could disrupt our progress and take us backward.

Prop. 7 may not be perfect, but isn't it still better than doing nothing?
No. Unfortunately, Prop. 7 is so poorly drafted it will result in less, rather than more renewable energy. California is the world leader in pushing for cleaner sources of power quickly. We all agree more needs to be done. There are many barriers to renewable power development in this state, and we need serious and well crafted policy proposals to remove those barriers and increase clean power. Prop. 7 does the exact opposite, and erects new barriers. That's why leading environmental organizations, renewable power companies, and so many others urge a NO vote on Prop. 7.

Proponents say Prop. 7 will create hundreds of thousands of jobs. Isn't that a good thing?

According to economists, Prop. 7 is likely lead to the loss of *174,000 jobs across all sectors of the California economy by 2025*, because the measure will result in higher electric rates that would will job creation and economic growth. Furthermore, there isn't a single provision in the text of Prop. 7 that prevents renewable power plants from being located out of state or even out of the country, which leads some to worry that the initiative could lead to out-migration of jobs.

Isn't the coalition opposing just a front for utility companies?

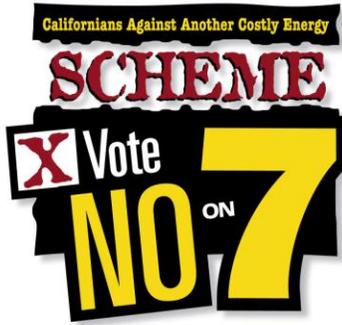
No. Hundreds of broad and diverse organizations oppose Prop. 7 because it is so poorly written. Many of these organizations disagree with utilities on other issues, but have reached the same conclusion about Prop. 7. The fact that the state's utilities also oppose Prop. 7 is less concerning than the fact that only a handful of individuals have agreed to support the measure.

Why is all the money coming from utilities?

Hundreds of diverse organizations oppose Prop. 7 and these groups are spending their time, resources and, in some cases, money to oppose the measure. Every group opposing Prop. 7 is doing what they can to educate their members and the voters to oppose. As stakeholders and experts in the energy market, utilities have a responsibility to educate their customers about any poorly written energy policy that will increase their energy bills and result in less, not more renewable power. We expect a number of organizations, businesses and individuals to contribute money or resources toward defeating this measure, including utilities, renewable power companies, small businesses, environmentalists and many others.

Is it possible for Prop. 7's technical problems to be easily fixed?

No. In fact, it would take an unlikely 2/3 vote of the legislature to change ANY language in Prop. 7, and even then there are extreme restrictions on what could be changed. Or, it would take another costly ballot measure and vote of the people to fix the many flaws in Prop. 7. The best bet is to reject this deeply flawed, costly and anti-renewable measure at the ballot and work toward responsible, well-drafted measures that will actually result in more renewable power.



www.NoProp7.com

WE OPPOSE PROPOSITION 7, THE COSTLY ENERGY SCHEME ON THE NOVEMBER BALLOT!

Organization or Business Member Form

You may list us publicly as a member of the coalition of organizations, businesses and citizens urging a no vote on Proposition 7, the costly energy scheme on the November 2008 ballot. We support clean energy and the move to more renewable power, but renewable energy and environmental experts warn that Prop. 7 will take us backward. It will thwart clean energy projects already underway, increase energy rates and increase the risk for another energy crisis in the state.

Name of group or business

Name of authorized person signing (please print)

Title of authorized person signing

Signature

Date signed

Email address

Daytime phone number

Daytime fax number

How many members or employees do you have?

Mailing address

City

State

Zip

- Check this box if the authorizing signer can also be listed as an individual supporter, along with his/her official organizational title (Example: First Name and Last Name, President of XYZ Organization.)**

Please fax this completed form to us at 866-811-9258.

About joining the coalition...

Signing the member form simply confirms that you can be listed as a member of our coalition. It does not obligate you to contribute time or money.

Lists or partial lists of our members – with the titles they provide – will be used in campaign materials, such as fact sheets, on our website and possibly in ads and mail.

All published member lists will note that titles and affiliations provided by individual members are for identification purposes only. This is the customary disclaimer used to make it clear that showing a person's current or former title does not mean or imply that the organization mentioned in that title has taken a position on this issue.

Members' addresses, phone numbers and email addresses will be kept confidential. We will only use this information to contact you if needed and to send you occasional member updates.



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER

MEETING DATE: OCTOBER 15, 2008

ORIGINATING DEPT.: CITY ATTORNEY

SUBJECT: INTRODUCTION OF ORDINANCE NO. 2008-1076 TO AMEND CHAPTER 1.18 (ADMINISTRATIVE APPEAL PROCEDURES AND TIME LIMITS FOR APPEAL) OF THE IMPERIAL BEACH MUNICIPAL CODE REGARDING APPEALS PROCEDURES FOR CERTAIN ADMINISTRATIVE DECISIONS

BACKGROUND:

On September 17, 2008, the City Council introduced Ordinance No. 2008-1076 by a unanimous vote. After introduction, staff suggested some technical changes that are now incorporated into the body of the proposed Ordinance.

Over recent years, several instances have arisen in which many of the thresholds placed on development projects requiring the triggering of alley improvements, sidewalks and undergrounding requirements have created perceived inequities in which the property owner has to pay a large percentage of project costs for public improvements.

In addition to development issues, it has come to the attention of the City Attorney that the City does not have a default appeal mechanism for issues such as permits and other matters in which First Amendment or other constitutional conduct may be regulated without a clearly defined appeal process to allow an expedited review of individual administrative determinations.

This ordinance is an attempt to address both issues. It establishes an administrative appeals process on those matters that must be resolved quickly in order to allow citizens quick access to a policy determination regarding individual rights and responsibilities.

DISCUSSION:

The attached ordinance is intended to establish an appeals process that can be administered quickly to resolve perceived statutory or constitutional violations with regards to permits, entitlements and licensing conditions. It gives administrative authority to City staff to adjust certain development standards that exceed legally required standards under constitutional or statutory law. This chapter would apply to projects where a property owner is required to install curbs, gutters, sidewalks, streets or alleys, underground utilities, sewer line extensions or similar projects where specific findings can be made by staff that property owner will be specifically harmed.

This process will require that a person who receives written notice of a potentially unconstitutional permit condition or licensing requirement must file an appeal within fifteen days. This appeal will be heard by the City Manager or his or her designee. The hearing process would be expedited and individuals who are indigent could receive a fee waiver based on actual showing of indigency. Once the decision is issued, the condition will either be imposed or removed depending on the findings of the hearing officer.

For instance, this would allow a person receiving a permit or license to conduct certain expressive activities to seek quick review of a condition that is claimed to violate First Amendment rights. Once the administrative determination is made, the procedure also allows for quick judicial review if the applicant is dissatisfied with the result. Federal constitutional law requires that cities put in place expedited hearing processes for certain types of First Amendment conduct. This ordinance would accomplish that purpose. The ordinance is also intended to allow a property owner to seek a quick resolution of any fee issue or condition of approval such as undergrounding, based on constitutional grounds, quickly. Nothing in the ordinance prevents the person from seeking remedies under the State Fee Mitigation Act, which is intended to give developers in California the ability to challenge fees or exactions in court after they are imposed by a city. Under the Fee Mitigation Act, a suit must be brought after approval of an allegedly illegal condition by a City. The purpose of this administrative process is to give one more avenue to cut off issues before they reach the court.

The changes recommended on re-introduction are shown in redline form. They deal with procedural issues for the hearing officer and do not impact the substance of the measures. To fully implement this Ordinance, the Council will need to establish a fee for the hearing process under the City's Uniform Fee Resolution. The establishment of the appropriate fees will be done at a later date during the normal uniform fee process.

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:

There may be some minor fiscal impacts for hearings conducted for indigent persons seeking permits or entitlements.

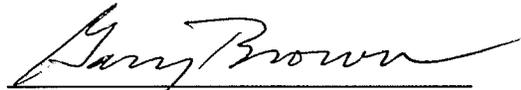
DEPARTMENT RECOMMENDATION:

City Attorney Recommends the Mayor and City Council:

1. Receive report;
2. Mayor calls for the reading of the title of amended Ordinance No. 2008-1076, An Ordinance of The City Council Of The City Of Imperial Beach, California, to Amend Chapter 1.18 (Administrative Appeal Procedures And Time Limits For Appeal) of the Imperial Beach Municipal Code Regarding Appeals Procedures for Certain Administrative Decisions
3. City Clerk to read Ordinance 2008-1076; and
4. Motion to dispense the first reading and introduce Ordinance No. 2008-1076 by title only.

CITY MANAGER RECOMMENDATION:

To approve Staff Recommendation:



Gary Brown, City Manager

Attachments:

1. Redlined Ordinance 2008-1076

ORDINANCE NO. 2008-1076

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, TO AMEND CHAPTER 1.18 (ADMINISTRATIVE APPEAL PROCEDURES AND TIME LIMITS FOR APPEAL) OF THE IMPERIAL BEACH MUNICIPAL CODE REGARDING APPEALS PROCEDURES FOR CERTAIN ADMINISTRATIVE DECISIONS

WHEREAS, the City has fees, conditions and other entitlement requirements that in rare instances may result in a statutory or constitutional deprivation if applied uniformly to all circumstances; and

WHEREAS, the City Council desires to establish an administrative process to allow applicants to quickly determine the applicability of conditions, fees or other entitlement restrictions which may violate specific statutory or constitutional requirements; and

WHEREAS, the City Council desires to establish an administrative review process that allows for pre-approval review of questions involving certain applications of conditions, fees or other entitlement restrictions in a way that supplements the Fee Mitigation Act (Government Code Section 66000–66025, as amended), but does not replace the State procedure or the public hearing development review process.

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

Section 1: Section 1.18.010 (Appeals of Administrative Decisions) is hereby repealed.

Section 2: Chapter 1.18 (Administrative Appeal Procedures and Time Limits for Appeal) is hereby readopted to read as follows:

Section 1.18. Administrative Appeal Procedures and Time Limits for Appeal.

Section 1.18.010 Purpose (Administrative Authority To Adjust Certain Development Standards).

The Directors of Community Development and Public Works shall have the authority to adjust certain standards applicable to building and development that, if applied in a strict manner, would result in a deprivation of vested property rights due to the lack of a sufficient nexus between the condition to be imposed and the purpose of the project being proposed. This administrative discretion shall also apply to situations in which the condition of approval of the building or development exceeds the proportion

of benefit received by the property owner in seeking the approval to such an extent that the imposition of the condition would amount to a legally compensable constitutional or statutory claim. This Chapter shall apply to conditions of project approval found in Imperial Beach Municipal Code Sections 12.08.040 (installation of curbs, gutters, sidewalks, streets and alleys), 12.08.085 (alley improvements), 13.08.060 (underground utilities), 15.44.010 (sewer line extensions) and other sections in which specific findings can be made of probable compensable harm.

For conditions of a non-development or building-related permit, entitlement, fee or other requirement that is alleged to violate a statutory or constitutional requirement, this Chapter shall provide a review process for any matter not otherwise provided for in this code or under other applicable laws. The initial determination of the department head with primary responsibility over the matter shall be subject to the appeal process established in this Chapter.

1.180.020 Appeal of administrative action not otherwise addressed in the Municipal Code.

A. Any person who is an applicant for a permit, entitlement or license secured under this Municipal Code shall have the right to contest the application of a condition, fee or other licensing requirement (administrative determination) that the person claims exceeds statutory or constitutional requirements for which no other remedy is applicable under this Municipal Code. The Applicant for a permit, entitlement or other right may contest that there is a legal right to require the condition, fee or other licensing requirement covered by this Municipal Code by completing a request for hearing form and returning it to the City Clerk within ~~shall be~~ 15 days from receiving notice of the Permit, entitlement or license containing the alleged invalid fee, condition or requirement. The "issuance date" of the condition being challenged shall be the date that the Applicant receives written notice of the condition, fee or other licensing requirement from the City. The request for hearing shall be accompanied by a deposit in the amount established by the City's Fee Resolution for appeals or by a sworn declaration together with documentation demonstrating to the satisfaction of the City Manager the person's actual financial inability to deposit the amount of the deposit in advance of the hearing ("hardship waiver"). Any deposit shall be refunded within 10 days of a determination, after a hearing, that the person appealing hereunder was not responsible for the condition, fee or other licensing requirement. If the administrative determination is a partial modification of the condition, fee or other licensing requirement, the hearing officer shall determine whether the deposit shall be refunded, wholly or in part. If the Permit, entitlement or license must be approved by the City Council or other City Commission, the request for hearing must be filed within 15 days notice of the written condition of approval is submitted by staff to the applicant for issues in which this Code does not establish either an appeal process or authority for the City Council or Commission to waive the requirement.

B. The City Manager or appointed hearing officer shall issue a letter to the person submitting a hardship waiver declaration granting or denying the waiver. If

waiver is denied, the appeal shall be dismissed unless the deposit is made within five days of the date of the letter. The determination of the City Manager or appointed hearing officer shall be final and shall not be subject to appeal ~~or judicial review.~~

1.18.030 Hearing officer.

The Imperial Beach City Manager shall designate the hearing officer for the administrative determination hearing. The City Manager shall serve as the hearing officer if no delegation is made. The City, if any, shall pay the compensation of the hearing officer. Compensation shall not be directly or indirectly conditioned upon whether or not conditions, fees or other licensing requirements are upheld by the hearing officer.

1.18.040 Hearing procedure.

A. No hearing to appeal an administrative determination shall be held unless and until a request for hearing form has been completed and submitted in accordance with the administrative policies established by the City Manager, and the deposit has been made or hardship waiver granted.

B. A hearing before the hearing officer shall be set for a date that is not sooner than 15 and not more than 60 days from the date that the request for hearing is filed in accordance with the provisions of this chapter. If the appellant asserts that First Amendment rights are impaired by the administrative determination and requests an earlier hearing, the hearing shall be within five days from the date of such request. The appellant shall be notified of the time and place set for the hearing at least 10 days prior to the date of the hearing unless the hearing date has been expedited.

C. The hearing officer shall only consider evidence that is relevant to whether the condition, fee or licensing requirement exceeds the authority of the City under the authority granted to the City by the applicable legislation or by the minimum standards established in the United States and/or California Constitution. In the case of land use, building or subdivision exaction requirements, the administrative determination must demonstrate a lack of a direct nexus and or rough proportionality between the administrative determination and the burden placed on the public by the private action. ~~property by the public resources.~~ In all other matters, the standard of review shall be based upon the statutory or constitutional requirements being asserted. Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify if the hearing officer determines that the evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing officer in accordance with the fundamentals of due process. The hearing officer may limit the total length of the hearing to one hour, and shall allow the appellant at least as much time to present its case as is allowed by the City.

D. The appellant shall be given the opportunity to testify and present witnesses and evidence concerning the administrative determination. The City's case

shall be presented by ~~an enforcement officer~~ the Department Head making the decision, his or her designee or by the City Attorney's office. Legal counsel may represent the appellant.

E. The failure of the appellant to appear at the hearing shall constitute a forfeiture of the deposit and a failure to exhaust administrative remedies.

F. The administrative determination and any additional documents prepared by the City in connection with the administrative determination(s) may be submitted by the enforcement officer and shall constitute prima facie evidence of the respective facts contained in those documents.

G. If the appellant so requests, the City shall provide to the appellant copies of all documents that it intends to introduce at the hearing. Such copies shall be provided to the appellant within five days of the request. If, after copies of documents have been provided to appellant, the City determines to submit to the hearing officer additional documents then, whenever possible, a copy of such documents shall be provided to the appellant prior to the hearing.

H. The hearing officer may continue the hearing and request additional information from the enforcement officer or the appellant prior to issuing a written decision.

1.18.050 Hearing officer's decision.

A. After considering all of the testimony and evidence submitted at the hearing, the hearing officer may announce a decision orally, but in any event, shall prepare a written decision. The decision shall be provided to the parties within 10 days of the hearing and shall either affirm the issuance of the administrative determination as issued, modify -or dismiss the administrative determination. The decision shall briefly state the reasons for the conclusion of the hearing officer. The City shall serve the decision on the appellant by mail. The written decision shall be mailed to the responsible person designated by the appellant to receive the decision by certified mail, postage prepaid with a requested return receipt. Simultaneously, the decision shall be sent by first class mail. If the decision is sent by certified mail and returned unsigned, then service shall be deemed effective pursuant to first class mail, provided the decision sent by first class mail is not returned. The decision of the hearing officer shall be final. If the hearing officer determines that First Amendment rights are involved, the decision shall be issued orally at the conclusion of the hearing and shall be effective immediately. A written decision shall thereafter be issued as provided herein below.

B. If the hearing officer affirms the administrative determination, then the City shall retain the deposit. If a hardship waiver was granted, the decision shall set forth a payment schedule for the hearing fee.

C. If the hearing officer dismisses the administrative determination, then the City shall promptly refund the deposit. If the hearing officer either reduces or modifies the administrative determination, the hearing officer shall determine if all or part of the deposit is to be returned to the appellant.

D. The decision of the hearing officer shall be final.

1.18.060 Time Limits for Imperial Beach Administrative Determinations.

The provisions of Section 1094.6 of the Code of Civil Procedure are applicable to all final administrative determinations made under the authority of the Imperial Beach Municipal Code. Notwithstanding the foregoing, all decisions related to First Amendment conduct shall be subject to the appeal process set out under Code of Civil Procedure Section 1094.8.

1.18.060 Fee Mitigation Act Procedure.

Nothing herein shall prevent any person from seeking remedies under the Fee Mitigation Act (Government Code Section 66000-66025, as amended). All remedies in this Municipal Code related to fees, conditions of approval and/or exactions for "development", including administrative appeal procedures set out under Chapter 1.18 herein, shall be subject to applicable limitations of actions and claims procedures set out in Government Code Section 66020-66025, as amended, upon any final action taken under this Municipal Code. The remedies in this Municipal Code are cumulative and do not supplant any other remedies under California law.

1.18.070 Time Limits.

The provisions of Section 1094.6 of the California Code of Civil Procedure, as amended, are applicable to the City of Imperial Beach. The time limits contained in Section 1094.6 of the California Code of Civil Procedure shall be applicable to decisions of the City Council or any other final decision rendered under the authority of this Municipal Code by any officer or body.

Section 3: Severability. If the title, or any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this Ordinance and title and each section, subsection, clause or phrase hereof irrespective of the fact that the title or any one or more sections, subsections, clauses or phrases be declared invalid or unconstitutional.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, held the ___th day of _____ 2008; and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California held on the _____ day of _____, 2008 by the following roll call vote:

AYES:
NOES:
ABSENT:

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CITY CLERK

APPROVED AS TO FORM:

JAMES P. LOUGH, CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of the Ordinance No. 2008 -10XX; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, TO AMEND CHAPTER 1.18 (ADMINISTRATIVE APPEAL PROCEDURES AND TIME LIMITS FOR APPEAL) OF THE IMPERIAL BEACH MUNICIPAL CODE REGARDING APPEALS PROCEDURES FOR CERTAIN ADMINISTRATIVE DECISIONS

CITY CLERK

DATE



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: OCTOBER 15, 2008

ORIGINATING DEPT.: CITY ATTORNEY

SUBJECT: ORDINANCE NO. 2008-1078: AN INTERIM ORDINANCE
EXTENDING AN URGENCY MEASURE PROHIBITING
ADDITIONAL RETAIL ESTABLISHMENTS SELLING
TOBACCO PRODUCTS AND TOBACCO
PARAPHERNALIA FOR AN ADDITIONAL ONE YEAR

BACKGROUND/DISCUSSION:

Currently, the City's zoning regulations do not specifically address tobacco retailers: i.e. business establishments that are dedicated to the sale of tobacco products and tobacco-related paraphernalia, or businesses that derive a substantial portion of their revenue from the sale of such products. These types of businesses, also commonly referred to as "smoke shops," are not specifically listed as permitted uses in the C-1 General Commercial Zone (Imperial Beach Municipal Code (Code) chapter 19.26), C-2 Seacoast Commercial Zone (Code chapter 19.27), or C-3 Neighborhood Commercial Zone (Code chapter 19.28). Nor are tobacco retailers included on the list of prohibited uses in the C-2 zone. See Code section 19.27.030.

The proliferation of tobacco and tobacco paraphernalia retailers in the commercial areas of the city, particularly along Seacoast Drive, has the potential to have a deleterious effect on the vitality of a strong central business area and remove from the stock of commercial properties those properties that could be utilized for local retail operations that would better complement the existing and future commercial activities.

Given the interests in maintaining the city's character, the diversity and vitality of the community's commercial areas, and the quality of life for the city's residents, as well as protecting the health and safety of its residents, the adoption of an interim urgency measure would be prudent in order to provide City staff time to study proposed regulation of the location and operation of tobacco retailers within the commercial zones of the city.

On October 17, 2007, the City Council adopted Interim Ordinance No. 2007-1058 as an

urgency measure, prohibiting the permitting, licensing, or approving of additional retail establishments that sell tobacco products or tobacco paraphernalia for a 45-day period in order to allow the City to study the effects of such businesses and potential regulation of the location and operation of such businesses within the commercial zones of the city.

On November 21, 2007, the City Council adopted Interim Ordinance No. 2007-1059, which added ten months and fifteen days to the original moratorium period. During the intervening period, City staff studied various aspects of the issue, including the following: the experiences of other municipalities and jurisdictions regarding retailers of tobacco and tobacco-related products; regulations and ordinances of other jurisdictions regarding tobacco and tobacco-related retailers; and state law concerning drug and marijuana paraphernalia and its applicability to tobacco-related products.

The staff time spend during the study period has led to the preparation of permanent Ordinances that are scheduled for hearing at the November 5, 2008 and November 19, 2008 meetings. One of these measures will amend the City's Zoning Code and, therefore, requires Coastal Commission review. Since the Coastal Commission could take actions requiring further study and potential modifications, this Interim measure must be extended to allow the City time to conduct these potential studies. Also, the Zoning Code amendments would not be effective until approved by the Coastal Commission action. In the meantime, the City would be without regulations to protect against the risk to health and safety identified previously by the City Council. Government Code Section 65858 allows a city or county to adopt an interim ordinance that prohibits certain land uses for a period of 45 days. It allows an extension of the interim ordinance by a four-fifths vote for an additional period of 10 months and 15 days. It also allows one final extension of the interim ordinance by a four-fifths vote for an additional one year.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

The cost of the study is unknown at this time.

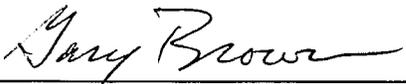
DEPARTMENT RECOMMENDATION:

Staff Recommends the Mayor and City Council:

1. Receive this report
2. Introduce, read, pass, and adopt the proposed ordinance extending the current moratorium for an additional one year to allow further study

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

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

Gary Brown, City Manager

Attachment:

1. Ordinance 2008-1078

ORDINANCE NO. 2008-1078

AN INTERIM ORDINANCE EXTENDING AN URGENCY MEASURE PROHIBITING ADDITIONAL RETAIL ESTABLISHMENTS SELLING TOBACCO PRODUCTS AND TOBACCO PARAPHERNALIA DURING AN EXTENDED SPECIAL STUDY PERIOD FOR AN ADDITIONAL ONE YEAR

THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings and Determination. The City Council ("Council") of the City of Imperial Beach ("City") does hereby find and determine that:

- (a) The City, pursuant to the police powers delegated to it by the California Constitution, has the authority to enact laws which promote, preserve and protect the public health, safety and general welfare of its citizens; and
- (b) There is concern over the proliferation of retail establishments whose primary business, or at least a significant percentage of that business, is the sale of tobacco products and tobacco paraphernalia, which include establishments commonly referred to as "head shops" or "smoke shops", and the potential impacts of such businesses to the health, safety, and general welfare of the citizens of Imperial Beach; and
- (c) There is concern that the City's existing land use and zoning regulations do not sufficiently control the location and operation of the retail establishments referenced above and as a consequence do not adequately protect the health, safety, and general welfare of the citizens of Imperial Beach from the actual and potential impacts arising from those retail establishments; and
- (d) The Council wishes to study the potential effects of further restricting the operation of retail establishments whose primary business, or at least a significant percentage of that business, is the sale of tobacco products and tobacco paraphernalia within the city limits; and
- (e) The Council has determined that there is a current and immediate threat to the public health, safety, or general welfare of the City's citizens in allowing additional retail establishments whose primary business, or at least a significant percentage of that business, is the sale of tobacco products and tobacco paraphernalia to obtain licenses and operate within the City and that granting permits to such additional establishments would result in a threat to public safety, health, and general welfare during the term of the study of additional regulations regarding retail establishments

whose primary business, or at least a significant percentage of that business, is the sale of tobacco products and tobacco paraphernalia; and

- (f) The current ten month and fifteen day study period is inadequate to allow for the necessary study of the effects of tobacco products and tobacco paraphernalia retailers on the commercial areas of the City and of proposed regulatory measures, and therefore an extension of the moratorium in order to provide additional time for study and review of the issues is required. The City Council needs additional time to consider the proposed amendments scheduled for the City Council meeting of November 5, 2008 with additional time for consideration of some of the elements by the California Coastal Commission including potential referrals back to the City Council for further study and analysis.

SECTION 2. Emergency Measures.

- (a) No business licenses, use permits, or zoning approvals for Tobacco Retailers within the City shall be approved or granted, until such time as the City Council of the City of Imperial Beach has conducted an appropriate study of the effect of Tobacco Retailers on the character of commercial areas of the City and their visitor-serving aspects and the effect they may have on property values, density and effective utilization of commercially-zoned areas in Imperial Beach, which study is intended to occur within a reasonable time.
- (b) The following words and phrases, whenever used in this Interim Ordinance, shall have the meanings defined in this subdivision:
 - (1) "Tobacco paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of tobacco products.
 - (2) "Tobacco product" means (i) any product containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; and (ii) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any product specifically

approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

- (3) "Tobacco Retailer" means (i) any person, entity, or business that sells, offers for sale, exchanges or offers to exchange for any form of consideration, tobacco, tobacco products and/or tobacco paraphernalia, and (ii) devotes a substantial portion of its display area (i.e. fifteen percent (15%) or more of floor space to tobacco, tobacco products and/or tobacco paraphernalia, or devotes more than sixteen (16) cubic feet of shelf space, for the display or sale of tobacco, tobacco products, or tobacco paraphernalia to purchasers for consumption or use.

- (c) Applications for Tobacco Retailers that have been submitted to the City but are not deemed complete, as of the effective date of this Interim Ordinance, shall be subject to this Interim Ordinance.

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

SECTION 4. Effective Date; Expiration; Extension. Pursuant to California Government Code Section 65858, this interim ordinance is an urgency measure of the City Council of the City of Imperial Beach and shall take effect immediately upon passage. This Interim Ordinance shall remain in force and effect for a period of one (1) year from the date of the expiration of the time period established in Ordinance No. 2007-1059, adopted on November 21, 2007 and shall, thereafter, expire, all in accordance with Section 65858. The immediate effective date of this Interim Ordinance is necessary to preserve and protect the public health, safety, or welfare of the residents of the City of Imperial Beach.

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INTRODUCED, READ, PASSED AND ADOPTED at a regular meeting of the City Council of the City of Imperial Beach held on October 15, 2008 by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

APPROVED AS TO FORM:

JAMES P. LOUGH
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Ordinance No. 2008-1078 – AN INTERIM ORDINANCE EXTENDING AN URGENCY MEASURE PROHIBITING ADDITIONAL RETAIL ESTABLISHMENTS SELLING TOBACCO PRODUCTS AND TOBACCO PARAPHERNALIA DURING AN EXTENDED SPECIAL STUDY PERIOD FOR AN ADDITIONAL ONE YEAR

CITY CLERK

DATE



STAFF REPORT CITY OF IMPERIAL BEACH

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

MEETING DATE: OCTOBER 15, 2008
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, DIRECTOR
DAVID GARCIAS, CODE COMPLIANCE OFFICER

SUBJECT: SECOND READING AND ADOPTION: PROPOSED ORDINANCE 2008-1074 AMENDING SECTIONS 19.04.415 OF THE ZONING ORDINANCE CHANGING THE DEFINITION OF "HOUSEHOLD PETS" AND AMENDING CHAPTER 6.04 OF THE ANIMALS ORDINANCE ALLOWING HEN CHICKENS WITH RESTRICTIONS AMENDING SECTIONS 6.04.020, 6.04.030, AND 6.04.130 AND ADDING SECTION 6.04.035.

BACKGROUND / DISCUSSION:

On August 20, 2008, the City Council introduced Ordinance No. 2008-1074 and voted to set the matter for adoption at the City Council meeting scheduled for October 15, 2008, and to authorize the publication in a newspaper of general circulation. Further, the City Council directed staff to amend the ordinance to limit the number of chickens to a maximum of three.

Staff is continuing to research the City Council's questions pertaining to slaughtering and vaccinating of chickens. By the time of the October 15, 2008 City Council Meeting staff may have additional information on these issues to provide.

FISCAL ANALYSIS / STAFF IMPACT:

If the ordinance is modified to allow for poultry and fowl within residential zones, this may create additional staff service calls beyond our current levels, and may impact service response times.

DEPARTMENT RECOMMENDATION:

Staff Recommends that the Mayor and City Council:

1. Receive the report;
2. Mayor calls for the reading of the title of Ordinance No. 2008-1074, Amending Sections 19.04.415 of the Zoning Ordinance Changing the definition of "Household Pets" and amending Chapter 6.04 of the Animals Ordinance Allowing Hen Chickens with Restrictions amending sections 6.04.020, 6.04.030, and 6.04.130 and adding section 6.04.035; and
3. City Clerk reads title of Ordinance No. 2008-1074; and
4. Motion to dispense second reading and adopt Ordinance No. 2008-1074 by title only.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachment:

1. Draft Ordinance No. 2008-1074

ORDINANCE NO. 2008-1074

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING SECTIONS 19.04.415 OF THE ZONING ORDINANCE CHANGING THE DEFINITION OF "HOUSEHOLD PETS" AND AMENDING CHAPTER 6.04 OF THE ANIMALS ORDINANCE ALLOWING HEN CHICKENS WITH RESTRICTIONS AMENDING SECTIONS 6.04.020, 6.04.030, AND 6.04.130 AND ADDING SECTION 6.04.035

WHEREAS, Section 19.04.415. Defines household pets but defines hens as not being a household pet; and

WHEREAS, Section 6.04.030 Prohibits owning, keeping, harboring, or maintaining livestock, poultry, or fowl within the City; and

WHEREAS, the City Council has reviewed the City's ordinance relative to prohibiting chickens, hens, and roosters and reviewed comparable data from other local communities and has determined that hen chickens may be allowed, but with restrictions;

THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 19.04.415 of Chapter 19.04 of Title 19 of the Imperial Beach Municipal Code is hereby amended as follows:

19.04.415. Household pet

"Household pet" means any domesticated animal generally accepted as a pet, such as dogs, cats, rabbits and fish, but not including, roosters, ducks, geese, goats, sheep and hogs.

SECTION 2. Section 6.04.020 of Chapter 6.04 of Title 6 of the Imperial Beach Municipal Code is amended to add the definitions as follows:

6.04.020. Definitions

"Rooster" means a male chicken regardless of age.

"Hen Chicken" means a female chicken.

"At large" or "run at large" means to be untethered, unleashed or not confined to the limits of the owner's or handler's property by a fence or enclosure capable of containment or not under the physical control of an owner or handler when the animal is upon any property other than that of the owner or person responsible for the animal.

"Confine" means to hold within a location.

SECTION 3. Section 6.04.030 of Chapter 6.04 of Title 6 of the Imperial Beach Municipal Code is hereby amended to add the sections as follows:

6.04.030. Keeping animals or fowl prohibited—Ownership.

A. No owner/guardian shall own, keep, harbor, or maintain livestock, poultry, or fowl within the City in violation of the provisions of this code, except as provided in section 6.04.035;

B. Prohibited animals shall include any rooster regardless of size or whether it has been surgically de-crowed;

SECTION 4. Chapter 6.04 of Title 6 of the Imperial Beach Municipal Code is hereby amended to add section 6.04.035 as follows:

6.04.035. Keeping Hen Chickens – Restrictions.

(A) It is unlawful to keep, possess or maintain hen chickens prohibited by Section 6.04.030, except with the following restrictions:

1. A maximum of ~~four (4)~~ three (3) hen chickens may be kept on any residential property zoned R-1-6000 Single-Family Residential as defined in Chapter 19.12 of this code, provided it has a minimum of five thousand (5,000) square feet ~~therein in size~~ and contains not more than one single-family dwelling unit ~~thereon~~.
2. All hen chickens shall be confined and properly caged in a pen, coop, or cage and must be kept in their enclosures at all times.
3. All pens, coops, cages, or enclosures constructed for housing and confining hen chickens shall not exceed one hundred twenty (120) square feet in size, the exterior perimeter of the enclosure shall consist of a fence or suitable fencing material on all sides, including a top or ceiling to keep the hen chickens contained and confined within a location.
4. All hen chickens shall be kept within an enclosure that is at least fifteen (15) feet distant from any property line. Enclosures shall be situated in the rear yard, and shall not encroach into any side yard or rear yard setback required in this code. Enclosures shall not obstruct or partially obstruct any required egress exits from any dwelling structures.
5. All pens, coops, cages and other enclosures for hen chickens shall at all times be maintained in a clean, sanitary condition, free from offensive odors. An odor is offensive if it can be detected at the adjoining property line.
6. No hen chickens shall be allowed to run at large.
7. No hen chickens shall be allowed to create a noise disturbance across a residential or commercial real property line.
8. All dead hen chickens and all manure, feces, feathers, skins and related detritus shall be removed and disposed of in a sanitary manner within twenty-four hours of death or occurrence. Pending disposal, the materials shall be stored in fly-tight, air-tight containers.

(B) The authority granted by subsection A of this section to keep or maintain hen chickens shall not apply on any property, including a mobile home park, condominium association or apartment where other restrictions or prohibitions on the keeping of animals or birds exist, either by regulation, lease, zoning or restrictive covenants.

SECTION 5. Section 6.04.130 of Chapter 6.04 of Title 6 of the Imperial Beach Municipal Code is hereby amended as follows:

6.04.130. Violation—Penalty.

It is unlawful to fail to comply with any requirements or restrictions imposed under this chapter. A violation of this chapter constitutes a misdemeanor and is punishable as provided in Chapter 1.12 of this code.

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 20th day of August 2008; and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, held on the 15th day of October 2008, by the following roll call vote:

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

James C. Janney

JAMES C. JANNEY, MAYOR

ATTEST:

Jacqueline M. Hald

JACQUELINE M. HALD, CMC
CITY CLERK

APPROVED AS TO FORM:

James P. Lough

JAMES P. LOUGH
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy of Ordinance No. 2008-1074 – An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING SECTIONS 19.04.415 OF THE ZONING ORDINANCE CHANGING THE DEFINITION OF “HOUSEHOLD PETS” AND AMENDING CHAPTER 6.04 OF THE ANIMALS ORDINANCE ALLOWING HEN CHICKENS WITH RESTRICTIONS AMENDING SECTIONS 6.04.020, 6.04.030, AND 6.04.130 AND ADDING SECTION 6.04.035

CITY CLERK

DATE



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: OCTOBER 15, 2008

ORIGINATING DEPT.: PUBLIC WORKS

SUBJECT: ORDINANCE NO. 2008-1077 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTER 13.04 BY AMENDING SECTIONS 13.04.030, 13.04.040, AND 13.04.170, AND ADDING SECTIONS 13.04.180 AND 13.04.190 – SEWERS TO COMPLY WITH STATE WATER RESOURCES CONTROL BOARD ORDER NO. 2006-0003-DWQ

BACKGROUND:

On May 2, 2006, the State Water Resources Control Board (SWRCB) adopted and implemented Order No. 2006-0003 Statewide General Waste Discharge Requirements (WDR) for Sanitary Sewer Systems. The WDR provides a regulatory mechanism for a consistent statewide approach to reduce sanitary sewer overflows (SSOs). The WDR required municipalities to prepare a Sewer System Management Plan (SSMP). The SSMP was to document a program to properly manage, operate and maintain all parts of the sanitary sewer system to reduce and prevent SSOs, as well as mitigate any SSOs that do occur. It consisted of 12 separate elements, plus a Development Plan and a Schedule. The schedule provided a timeline for the completion of the 12 elements with the last of the elements completed no later than May 2, 2009.

On September 19, 2007 City Council adopted Resolution No. 2007-6541 approving the Sewer System Management Plan – Development Plan and Schedule as required by the SWRCB. On October 17, 2007 City Council adopted Resolution No. 2007-6549 approving the Sewer System Management Plan Goals and Organization Elements. Not later than November 2, 2008, the following elements are required to be completed:

- Legal Authority – requires the City's Ordinance to provide for the legal authority to enforce the components of the SSMP.
- Operations and Maintenance Program
- Overflow Emergency Response Program
- FOG Control Program (FOG = Fats, Oils & Greases)

The remaining elements are due to be completed no later than May 2, 2009.

DISCUSSION:

This staff report and ordinance is prepared to forward the necessary changes and additions and modifications to the Imperial Beach Municipal Code (I.B.M.C.) sufficient to ensure the City's legal authority to enforce the components of the SSMP. The change incorporated in the ordinance (Attachment 1) are highlighted.

On February 21, 2007, City Council adopted resolution 2007-6449 awarding a professional services contract with RBF Consulting, for a "Sewer System Capacity Study." As part of that study RBF Consulting was required to evaluate the City's Sewer System Management Plan relative to SWRCB Order No. 2006-0003. That study was completed and reported to City Council at the June 18, 2008, regular City Council meeting.

RBF Consulting identified 14 legal authority conditions necessary to comply with SRWCB Order No. 2006-0003. Of those, RBF Consulting found that the I.B.M.C. was consistent with 6 conditions and one condition was not required for the City of Imperial Beach. The remaining 7 conditions were recommended for inclusion into the Imperial Beach Municipal Code. The attached ordinance was prepared to bring the City's I.B.M.C. consistent with the SRWCB Order No. 2006-0003.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

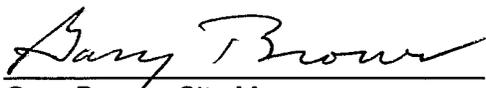
The work effort to modify the I.B.M.C. consisted of approximately 20 person-hours of City Attorney time and 10-hours of City staff time.

DEPARTMENT RECOMMENDATION:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2008-1077, An Ordinance of the City Council of the City of Imperial Beach, California, Amending Imperial Beach Municipal Code Chapter 13.04 by amending Sections 13.04.030, 13.04.040, and 13.04.170, and adding Sections 13.04.180 and 13.04.190 – SEWERS to comply with State Water Resources Control Board Order No. 2006-0003-DWQ;
3. City Clerk to read title of Ordinance No. 2008-1077; and
4. Dispense second reading of Ordinance No. 2008-1077 by title only.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Ordinance No. 2008-1077

ORDINANCE NO. 2008-1077

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTER 13.04 BY AMENDING SECTIONS 13.04.030, 13.04.040 AND 13.04.170 AND ADDING SECTIONS 13.04.180 AND 13.04.190 - SEWERS TO COMPLY WITH STATE WATER RESOURCES CONTROL BOARD ORDER NO. 2006-0003-DWQ

WHEREAS, The State Water Resources Control Board issued Order No. 2006-003-DWQ hereafter requiring that all sewer systems larger than one mile long comply with certain standards; and

WHEREAS, the City of Imperial Beach, which administers a sewer system covered by Order No. 2006-0003-DWQ, has hired RBF Consulting to evaluate the City's sewer system for compliance with the Order; and

WHEREAS, changes adopted in this Ordinance, based on the recommendations to RBF Consulting, should ensure that the City is in compliance.

NOW, THEREFORE, the City Council of the City of Imperial Beach, California does hereby ordain as follows:

SECTION 1: Sections 13.04.030, 13.04.040, and 13.04.170 are amended to add the following:

13.04.030. Prohibited Discharges

A. It is unlawful for any person to discharge into the city sewer facility groundwater, surface water, stormwater, or solid or liquid matter from roof downspouts, roof drains, or area drain connections except as authorized by the City Council of the City of Imperial Beach and the wastewater treatment facility receiving the water for treatment.

B. It is unlawful to place, throw, or deposit, or cause or permit to be placed, thrown, or deposited, in any public or building sewer any dead animal, offal or garbage, fish, fruit or vegetable waste, or other solid matters or materials or obstructions of any kind whatever of such nature as shall clog, obstruct, or fill such sewer, or which shall interfere with or prevent the effective use or operation thereof. No person shall cause or permit to be deposited or discharged into any such sewer any water or sewage or liquid waste of any kind containing chemicals, greases, oils, tars, or other matters in solution or suspension which may be reason of chemical reaction or precipitation, clog, obstruct or fill the same, or which may in any way damage or interfere with or prevent the effective use thereof, or which may necessitate or require frequent repair, cleaning out or flushing of such sewer to render the same operative or which may obstruct or cause an unwarranted increase in the cost of treatment of the sewage.

13.04.040. Connection to Public Sewer Required; Design Specifications.

A. No person whose premises are so located that a public sewer is within two hundred feet of the place of origin of sewage on the premises shall install any septic tank or use any means of disposing of such sewage other than through a connection with the city sewer facility. Each such person shall be required to connect such premises with the sewer system and to pay all costs and charges provided for under this chapter.

B. All persons whose premises are connected to the public sewer shall be responsible for the installation, maintenance and upkeep of the building sewer and the sewer lateral to the point where the lateral attaches to the saddle connection on the public sewer or sewer main.

C. New sewers and connections to the sewer system will meet all requirements of the Uniform Plumbing Code, copies of which are on file with the Department of Public Works and the Building Department; the standard plans and specifications of the city for construction in the public right-of-way; and shall also meet the design requirements as established from time to time by the City Engineer.

D. Except as expressly provided in this Code, all work performed and all plans and specifications required under the provisions of this chapter shall conform to the requirements prescribed by the the editions of "The San Diego Area- Regional Standard Drawings" and "The Standard Specifications for Public Works Construction" and associated supplements, and "Standard Plans for Public Works Construction" in effect as of November 2, 2008, unless exempted or modified by the City Council of the City of Imperial Beach. To the extent possible, all designs and plans shall provide for vehicular access to all manholes and cleanouts in the sewer main system.

E. All Building Permit plans or designs submitted after November 2, 2008 shall comply with Section 1014.0 of the 2007 California Plumbing Code to eliminate or minimize the sewer system impacts due to Fats, Oils, and Grease discharge.

13.04.070. Connection Permit - Application- Inspection.

A. A person desiring a permit to make a connection to a sewer lateral, sewer saddle connection or pubic sewer shall file with the city an application in writing on a form furnished by the city.

B. When applying for a building sewer connection to the public sewer, the city shall have not less than two full working days for inspection of the property and research of the maps and records to determine the possible existence of any unusual excavation problems which may require special equipment or pose difficulties as regards to obstruction, traffic control, underground water flow, etc. Permits will not be issued until after this inspection has been performed.

C. Within 30 days after any parcel of real property in the City of Imperial Beach containing one or more sewer laterals is sold or ownership of the property is otherwise trasfered, the seller or transferor shall submit proof to the City of Imperial Beach that all sewer laterals on the property have been inspected and are in proper working order.

SECTION 2. Sections 12.04.180 and 13.04.190 are added as follows:

Section 13.04.180. Public Sewer Easements

A. A public sewer easement must be recorded over any public sewer constructed after November 2, 2008, that is not in the public right-of-way.

B. A public sewer easement must be recorded over any existing public sewer system that transits an adjacent property and not in the public right-of-way after November 2, 2008, for any property development or redevelopment building permit submitted for approval that had not been previously recorded.

Section 13.04.190. Right of Entry for Inspection.

A. For any inspection authorized or maintenance or repair required by this code or any federal or state law, city employees or their designees have the right of entry to the sewer or any property upon which there is the City's sewer system infrastructure, for purposes of inspection or maintenance or for repair of sewer facilities or connections.

B. Notwithstanding any other provision of law, the City of Imperial Beach retains all necessary rights to access for maintenance, inspection, or repairs for portions of any sewer main owned or maintained by the City.

SECTION 4: This ordinance shall become effective no sooner than thirty (30) days following its passage and adoption by the City Council.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, held the 1st day of October 2008; and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, held on the 15th day of October 2008, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

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

APPROVED AS TO FORM:

JAMES P. LOUGH, City Attorney

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Ordinance No. 2008-1077 - Amending Imperial Beach Municipal Code Chapter 13.04 By Amending Sections 13.04.030, 13.04.040 And 13.04.170 And Adding Sections 13.04.180 And 13.04.190 - Sewers To Comply With State Water Resources Control Board Order No. 2006-0003-DWQ

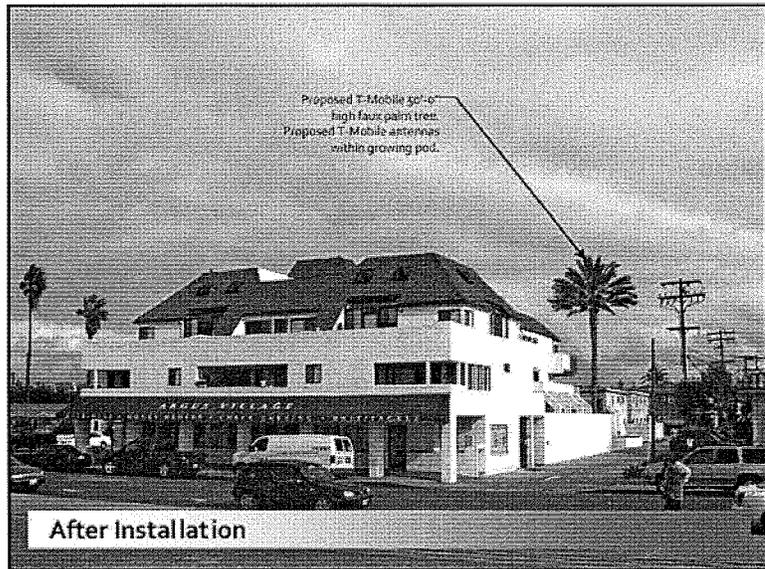
CITY CLERK

DATE

design review by the Design Review Board because the project is located along one of the eight design corridors in the City, Seacoast Drive, and because the project requires a conditional use permit.

PROJECT EVALUATION/DISCUSSION:

Visual Quality Issues: The proposed telecommunications facility will consist of six panel antennae mounted on a proposed 52'-6" faux palm tree (measured from surrounding grade; it is 56'-5" from underground garage grade) installed inside of a concrete walled area directly on the southeast corner of the building. In addition, base station equipment will be installed next to the faux palm tree structure. The faux tree and equipment will replace an existing landscaped area with a palm tree. Electric and telephone services are required and will be extended to the project area via underground conduits.



The 52'-6" faux palm tree structure concealing the antennae would be the most conspicuous aspect of this proposal. The structure would be built in a concrete walled area in a landscaped area where a palm tree is located (the palm tree will be removed). Wireless facilities use transmitting antennae to communicate with mobile handsets and other wireless devices. The applicant states that the height of the antenna is critical to the facilities performance because the signal must be elevated above ground level at a height that provides a clear line-of-sight to clear any topographical barriers and existing natural and building environment. The antennas would not be functional at a lower height because the signal would be significantly reduced to an inadequate level. Imperial Beach Municipal Code (IBMC) 19.90.070.C states that wireless facilities must meet the height requirement of the underlying zone (C-2), which requires a maximum height limit of 30 feet. However, the code also states that a greater height may be permitted through the conditional use permit; the applicant is requesting such a deviation. A 30 foot tall monopalm would equate to an antenna centerline of 25 feet, and would be infeasible because it would not provide for sufficient radio frequency (RF) coverage, and because antennas would be completely blocked to the north and partially blocked to the south. The faux palm tree structure would conceal the antennae and would blend in with the surrounding area because it is replacing an existing tree, and there are palm trees in the area. Staff initially requested that the antennas be located on the building. However, placing the antenna on the building is not feasible because of the building's irregular shape, lack of flat plains for the conduit and antenna sectors, and owner objection to additional conduits on the building. The only flat plain on the building is located on the north façade, and is already utilized by a cell provider. Even if the north façade were vacant, it would provide limited antenna space and would not allow for "full site" capabilities (broadband network). In addition, placing the antenna on the building would require the base station equipment to be located in the under-ground garage, where there is no adequate space for such equipment.

Another criterion that was examined was the location of the telecommunication facility. Other locations were explored: 714 Seacoast Drive, co-locating at a potential Verizon telecom light standard at 911 Seacoast Drive (still in staff review), Reama Park, Elder Seacoast Condominiums (southwest corner of Elder Avenue and 2nd Street), co-locating at an existing wireless facility at Sports Park, and the Elkwood parking lot.

714 Seacoast Drive: An RF Engineer conducted a site assessment for 714 Seacoast Drive and found it would not be acceptable because of the building's location near the north edge of the project search ring. The location would not provide adequate coverage to the south. The building's southern building element would block signal, and the Argus Village building would also block signal.

Co-locating with Verizon at 911 Seacoast Drive: Co-locating would not be possible because the smaller size and height of the proposed Verizon facility (30-foot tall light standard). A vertical separation of at least 5-7 feet would be required between the two carriers' antennas, which is not feasible/optimal for design quality standards. In addition, there would not be adequate space for base station equipment for both providers. Staff also requested that the proposed monopalm provide for co-location; however, this would not be feasible because there is no space for another provider's base equipment, the additional antennas would not be stealth, and the height of the monopalm would significantly increase to provide for the 5-7 feet vertical separation of carrier antennas, losing the ability to remain stealth.

Reama Park: This site would provide poor coverage to the seacoast area. A significant gap in service would still be present.

Elder Seacoast Condominiums: This site would provide poor coverage to the seacoast area, there was a lack of landlord interest, and it is a residential zone, which is not allowed if other alternatives exist that would provide the same/better coverage.

Sports Park: Co-locating with the existing monopalm facility in Sports Park would not provide sufficient coverage to the seacoast area. A significant coverage gap would remain, requiring an additional facility to the north.

Elkwood Parking Lot along Seacoast Drive: This location is not optimal because the facility would lose much of its ability to remain stealth because there would not be an existing building with similar height. Also, the base equipment would likely remove existing parking spaces; which would conflict with IBMC 19.90.070.A (may not reduce existing parking).

All other sites were not considered feasible because they could not provide for sufficient coverage.

T-Mobile is working to install wireless communication facilities in three areas in Imperial Beach that lack sufficient coverage. The other proposed locations are near 15th Street and Grove Avenue and along Seacoast Drive (both were approved by City Council on August 20, 2008).

General Plan/Zoning Consistency: The proposed development is subject to Chapter 19.90, "Wireless Communications Facilities," Ordinance 2002-983 and Ordinance 2003-997. The purpose of the chapter is to establish standards for the siting, development and maintenance of wireless communications facilities and antenna throughout the city. The chapter is also intended to protect and promote the public health, safety and welfare, as well as the aesthetic

quality of the city as set forth in the goals, objectives and policies of the General Plan. The proposed development meets the Development and Design Standards as outlined in Chapter 19.90. The project is located in the C-2 (Seacoast Commercial) Zone. The purpose of the C-2 Zone is to meet the demand for goods and services required by the tourist population and local residents who use the beach area. Providing a telecommunication services to an area providing insufficient service would be consistent with the General Plan and Zoning.

Imperial Beach Municipal Code 19.90.070 requires all wireless facilities to meet the following development and design standards (followed by the project's compliance):

- A. The installation of wireless communications facilities may not reduce the number of required spaces on a proposed site.

Project meets the code. No parking spaces will be removed.

- B. Wireless communications facilities and accessory equipment must meet the required setbacks of the underlying zone, except that in a residential zone, the minimum setback for an antennae or equipment building from any property line is twenty feet.

Project meets the code. The project is located in the Seacoast Commercial zone, where there are no setbacks. No portion of the project site is located in a residential zone.

- C. Wireless communications facilities must meet the height requirement of the underlying zone, unless a greater height is approved through the conditional use permit.

Project meets the code. The height limit in the Seacoast Commercial zone is 30 feet. A greater height may be permitted through the conditional use permit. The applicant is requesting greater height so that the entire seacoast area and area to the east is adequately covered.

- D. A service provider with a wireless communications facility in the City must obtain a City business license.

Project meets the code. This is a condition of approval.

- E. The visual impact of wireless communications facilities must be minimized to the maximum extent feasible, taking into consideration technological requirements, through the use of placement, screening, camouflage and landscaping, so that the facility is compatible with adjacent uses, existing architectural elements, topography, neighborhood landscaping, building materials and other site characteristics.

Project meets the code. The project is located on an alley at the most easterly area for this site. The project proposes a monopalm that will replace an existing palm tree. The monopalm's height will be compatible with the existing building, nearby palm trees, and utility poles. All other equipment will be screened by an existing wall and will not be seen.

- F. The colors and materials of wireless communications facilities must blend into their backgrounds.

Project meets the code. There are many palm trees in the area. All colors and materials would be required to blend in with other palm trees.

- G. Facade-mounted antennae must be integrated architecturally into the style and character of the structure to which they are attached; they must be painted and textured to match the existing structure; and they may not project more than eighteen inches from the face of the building or other support structure unless approved by a conditional use permit.

Project meets the code. The facility cannot be located on the building. There are no open flat plains to locate the antennas and conduit. The building has many architectural pop-outs that do not allow for the facility to be located on the building. In addition, locating the facility on the building would require the base equipment to be located in the underground garage, where there is no room unless a parking space is removed, which would not comply with IBMC 19.90.070.A (no existing parking spaces may be removed).

- H. Roof-mounted antennae may not exceed the minimum height necessary to serve the operator's service area, while complying with the building height requirements of this title; they must be designed to minimize their visibility from surrounding areas; and they must be painted and textured to match the existing structure or building.

Project meets the code. The facility cannot locate on the roof. Locating the facility on the building would require the base equipment to be located in the underground garage, where there is no room unless a parking space is removed, which would not comply with IBMC 19.90.070.A (no existing parking spaces may be removed).

- I. Freestanding facilities, including towers, lattice towers and monopoles, are discouraged unless no reasonable alternative is possible. If a freestanding facility is necessary, it may not exceed the minimum functional height and width required to support the proposed wireless facility.

Project meets the code. There are no reasonable alternatives. The proposed coverage area is to support the entire seacoast area and areas to the east. The proposed height provides for the minimum functional height required to support the proposed service.

- J. Proposed freestanding facilities must be stealth facilities; they must be painted and designed to blend in with the surrounding area; and they must be landscaped, if necessary, to minimize visual impacts.

Project meets the code. The project proposes a monopalm that would blend in with nearby palm trees. The height would be shorter than the existing building, nearby palm trees, and nearby utility poles. The proposed site is approximately 150 feet east of Seacoast Drive.

- K. Wireless facility support structures, such as equipment buildings, cabinets, cables, air conditioning units and fencing, must be painted and textured to match the surrounding physical area and screened with landscaping in order to minimize visual impacts.

Project meets the code. All support equipment will be located within an existing walled area and would not provide any visual impacts.

- L. No advertising signs may be placed on any facility or equipment.

Project meets the code. No signs are proposed, and none would be allowed.

- M. Wireless communications facilities located between the first public roadway and the ocean, San Diego Bay, or the Tijuana Estuary must be visually undetectable from Seacoast Drive, Imperial Beach Boulevard, public paths, bikeways, beaches and public recreational facilities, and must not require the construction of shoreline protective devices. If there is no feasible alternative that can comply with this requirement without resulting in a significant gap in communication coverage, then the alternative that would result in the fewest or least significant impacts to public views, public access and recreation, and shoreline processes shall be selected. (Ord. 2003-997 § 2 (part), 2003: Ord. 2002-983 § 30 (part), 2002).

Project meets the code. The proposed facility would be located approximately 150 feet east of the first public roadway (Seacoast Drive).

However, the proposed development would be removing existing landscaping from the site, which is not allowed for new developments at existing commercial properties. Typically landscaping is used to provide aesthetic appeal and drainage relief. The only aspect that can be viewed from ground-level is the palm tree, which will be replaced with a faux palm tree; all other landscaping proposed for removal is ground cover, and can only be viewed from the underground garage or aerial view. A landscape plan shall be provided at building permit submittal showing that replacement landscaping will be provided to mitigate for any landscaping that is being removed. The drainage would remain un-affected and contained by the proposed development.

Design Review Standards

Provided/Proposed

The installation of wireless communications facilities may not reduce the number of required parking spaces on a proposed site.	No parking demand to be generated and the facility will not reduce existing parking.
Wireless communications facilities and accessory equipment must meet the required setbacks of the underlying zone, except that in a residential zone, the minimum setback for an antenna or equipment building from any property line is twenty feet.	There are no setbacks for the C-2 Zone.
Wireless communications facilities must meet the height requirement of the underlying zone, unless a greater height is approved through the conditional use permit.	There is a 30 foot height limit in the C-2 zone. The applicant has requested a deviation through the CUP process to allow for the antennas to exceed no taller than 52'-6" above surrounding grade, 56'-5" from underground garage grade.

A service provider with a wireless communications facility in the city must obtain a city business license.	This will be a condition of approval for the CUP.
The visual impact of wireless communications facilities must be minimized to the maximum extent feasible, taking into consideration technological requirements, through the use of placement, screening, camouflage, and landscaping, so that the facility is compatible with adjacent uses, existing architectural elements, topography, neighborhood landscaping, building materials, and other site characteristics.	The proposed antennae will be concealed in a faux palm tree stealth structure, not discernable as antennae. The vault will be concealed in a pre-existing, concrete walled area.
The colors and materials of wireless communications facilities must blend into their backgrounds.	The housing for the antennae will be concealed on a faux palm tree stealth structure. The color and materials used for the monopalm structure will match the existing palm tree.
Facade-mounted antennae must be integrated architecturally into the style and character of the structure to which they are attached; they must be painted and textured to match the existing structure; and they may not project more than eighteen inches from the face of the building or other support structure unless approved by a conditional use permit.	There are no proposed façade-mounted facilities.
Roof-mounted antennae may not exceed the minimum height necessary to serve the operator's service area, while complying with the building height requirements of this title; they must be designed to minimize their visibility from surrounding areas; and they must be painted and textured to match the existing structure or building.	There are no proposed roof-mounted facilities.
Freestanding facilities, including towers, lattice towers, and monopoles, are discouraged unless no reasonable alternative is possible. If a freestanding facility is necessary, it may not exceed the minimum functional height and width required to support the proposed wireless facility.	The freestanding antenna will be concealed in a faux palm tree structure designed to blend in with the surrounding area. The proposed 52'-6" faux palm tree is the desired functional height for the transmitting antennae.
Proposed freestanding facilities must be stealth facilities; they must be painted and designed to blend in with the surrounding area; and they must be landscaped, if necessary, to minimize visual impacts.	The freestanding antenna will be concealed on a faux palm tree structure designed to blend in with the surrounding area.
Wireless facility support structures, such as equipment buildings, cabinets, cables, air conditioning units, and fencing, must be painted and textured to match the surrounding physical area and screened with landscaping in order to minimize visual impacts	The base station equipment will be concealed next to the faux tree within an existing concrete walled area where an existing palm tree is located. Electric and telephone services are required to be extended to the project area via underground conduits.
No advertising signs may be placed on any facility or equipment.	There are no proposed advertising signs.

Surrounding Zoning and Land Use

North:	C-2	Commercial
South:	C-2	Commercial
East:	R-2000	Residential
West:	PF	Public Facility (Pier Plaza)

ENVIRONMENTAL STATUS: This project may be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15302(c) (Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity).

COASTAL JURISDICTION: The project is located in the Coastal Zone and the City will need to consider evaluating the project with respect to conformity with coastal permit findings.

FISCAL ANALYSIS:

The applicant has deposited \$8,500.00 in Project Account Number 080015 to fund the processing of this application.

DESIGN REVIEW BOARD (DRB) RECOMMENDATION:

On July 17, 2008, the Design Review Board recommended approval of the project as proposed.

DEPARTMENT RECOMMENDATION:

1. Open the public hearing and entertain testimony.
2. Close the public hearing.
3. Adopt Resolution No. 2008-6681, approving Regular Coastal Permit (CP 080015), Conditional Use Permit (CUP 080016), Design Review Case (DRC 080017), and Site Plan Review (SPR 080018), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown
City Manager

Attachments:

1. Resolution No. 2008-6681
2. Plans
3. Citizen Opposition Letters
4. FCC Compliance
5. Applicant Site Analysis and Design Justification

c: file MF 974
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92101
Torrey Pines Merziotis Props., Attn. Andy Parashos, P.O. Box 2306, La Jolla, CA 92038
Hank Levien, Public Works Director
Ed Wilczak, Building Official
Frank Sotelo, Public Safety
California Coastal Commission, Diana Lilly, Coastal Program Analyst, 7575 Metropolitan
Drive, Suite 103, San Diego, CA 92108-1735
Senate District 40, Senator Ducheny via Johnathan Hardy, Chula Vista District Office,
637 3rd Avenue, Suite A-1, Chula Vista, CA 91910

Return to Agenda

RESOLUTION NO. 2008-6681

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING A REGULAR COASTAL PERMIT (CP 080015), CONDITIONAL USE PERMIT (CUP 080016), DESIGN REVIEW CASE (DRC 080017), AND SITE PLAN REVIEW (SPR 080018) TO INSTALL A TELECOMMUNICATIONS FACILITY ON A MONOPALM FAUX TREE STRUCTURE LOCATED AT 933 SEACOAST DRIVE IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 974

APPLICANT: OMNIPOINT INC., A SUBSIDIARY OF T-MOBILE USA, INC.

WHEREAS, on September 17, 2008, and October 15, 2008, the City Council of the City of Imperial Beach held a duly noticed public meeting to consider the merits of approving or denying an application for a Regular Coastal Permit (CP 080015), Conditional Use Permit (CUP 080016), Design Review Case (DRC 080017), and Site Plan Review (SPR 080018) to install a telecommunications facility on a monopalm faux tree structure located at 933 Seacoast Drive (APN 625-352-27-00) in the C-2 (Seacoast Commercial) Zone, a site legally described as follows:

Lots 13 thru 15, Block 20, of Parcel Map No. 1139, in the City of Imperial Beach, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County; and

WHEREAS, on July 17, 2008, the Design Review Board adopted DRB Resolution No. 2008-04 recommending conditional approval of the project design; and

WHEREAS, the project design of a telecommunications facility on a monopalm faux tree structure is compatible in use and appearance with other structures in the vicinity because it would be hidden; and, therefore, would be consistent with Policy D-8 of the Design Element of the General Plan and with Ordinance Nos. 2002-983 and 2003-997; and

WHEREAS, this project consisting of one stealth antennae structure complies with the Application Requirements of Section 19.90.050, the Development and Design Standards of Section 19.90.070 and will be required to comply with the Operations and Maintenance Standards of Section 19.90.080 of Chapter 19.90 "Wireless Communication Facilities" of the zoning ordinance; and

WHEREAS, the City Council of the City Of Imperial Beach hereby finds that necessity compels placement of this facility in this location to avoid a significant gap in wireless communications coverage; and

WHEREAS, the City Council of the City Of Imperial Beach hereby finds that the proposed conditions are consistent with the Federal Telecommunications Act of 1996; and

WHEREAS, this project complies with the requirements of the California Environmental Quality Act (CEQA) as this project shall be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15302(c) (Replacement of reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity); and

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

CONDITIONAL USE PERMIT FINDINGS:

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

The proposed wireless telecommunication facility at 933 Seacoast Drive will provide expanded communication services to the City of Imperial Beach commercial and residential development, avoiding gaps in wireless communications coverage and therefore contribute to the general well being of the neighborhood or community. The structure will be disguised as a monopalm faux tree structure. The project is subject to Chapter 19.90, "Wireless Communications Facilities," Ordinance No. 2002-983 and Ordinance No. 2003-997, which establishes the standards for siting, development and maintenance of wireless communications facilities and antenna throughout the city.

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

The proposed development, installation of a telecommunications facility concealed on a monopalm faux tree structure and equipment vault in an existing landscaped area at 933 Seacoast Drive, will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity as it will be required to comply with Chapter 19.90, "Wireless Communications Facilities," which is to provide for the public safety, health and welfare, as well as for the aesthetic quality as set forth in the goals, objectives and policies of the General Plan. In the Conditions of Approval, specific conditions have been set forth by the Community Development Department and the Public Works Department to mitigate the concerns such a development project may create. The 1996 Federal Telecommunications Act preempts local jurisdictions from addressing any health effects of the facilities.

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

The proposed use will comply with the regulations and conditions specified in the title for such use and for other permitted uses for wireless communication facilities (Chapter 19.90). Compliance is demonstrated by the following:

Standards	Provided/Proposed
The installation of wireless communications facilities may not reduce the number of required parking spaces on a proposed site.	No parking demand to be generated and the facility will not reduce existing parking.

Standards	Provided/Proposed
<p>Wireless communications facilities and accessory equipment must meet the required setbacks of the underlying zone, except that in a residential zone, the minimum setback for an antenna or equipment building from any property line is twenty feet.</p>	<p>There are no setbacks for the C-2 Zone.</p>
<p>Wireless communications facilities must meet the height requirement of the underlying zone, unless a greater height is approved through the conditional use permit.</p>	<p>There is a 30 foot height limit in the C-2 zone. The applicant has requested and will receive a deviation through the CUP process to allow for the antennas to exceed no taller than 52'-6" above surrounding grade, 56'-5" from underground garage grade.</p>
<p>A service provider with a wireless communications facility in the city must obtain a city business license.</p>	<p>This will be a condition of approval for the CUP.</p>
<p>The visual impact of wireless communications facilities must be minimized to the maximum extent feasible, taking into consideration technological requirements, through the use of placement, screening, camouflage, and landscaping, so that the facility is compatible with adjacent uses, existing architectural elements, topography, neighborhood landscaping, building materials, and other site characteristics.</p>	<p>The proposed antennae will be concealed in a faux palm tree stealth structure, not discernable as antennae. The vault will be concealed in a pre-existing, concrete walled area.</p>
<p>The colors and materials of wireless communications facilities must blend into their backgrounds.</p>	<p>The housing for the antennae will be concealed on a faux palm tree stealth structure. The color and materials used for the monopalm structure will match the existing palm tree.</p>
<p>Facade-mounted antennae must be integrated architecturally into the style and character of the structure to which they are attached; they must be painted and textured to match the existing structure; and they may not project more than eighteen inches from the face of the building or other support structure unless approved by a conditional use permit.</p>	<p>There are no proposed façade-mounted facilities.</p>

Standards	Provided/Proposed
Roof-mounted antennae may not exceed the minimum height necessary to serve the operator's service area, while complying with the building height requirements of this title; they must be designed to minimize their visibility from surrounding areas; and they must be painted and textured to match the existing structure or building.	There are no proposed roof-mounted facilities.
Freestanding facilities, including towers, lattice towers, and monopoles, are discouraged unless no reasonable alternative is possible. If a freestanding facility is necessary, it may not exceed the minimum functional height and width required to support the proposed wireless facility.	The freestanding antenna will be concealed in a faux palm tree structure designed to blend in with the surrounding area. The proposed 52'-5" faux palm tree is the desired functional height for the transmitting antennae.
Proposed freestanding facilities must be stealth facilities; they must be painted and designed to blend in with the surrounding area; and they must be landscaped, if necessary, to minimize visual impacts.	The freestanding antenna will be concealed on a faux palm tree structure designed to blend in with the surrounding area.
Wireless facility support structures, such as equipment buildings, cabinets, cables, air conditioning units, and fencing, must be painted and textured to match the surrounding physical area and screened with landscaping in order to minimize visual impacts	The base station equipment will be concealed next to the faux tree within an existing concrete walled area where an existing palm tree is located. Electric and telephone services are required to be extended to the project area via underground conduits.
No advertising signs may be placed on any facility or equipment.	There are no proposed advertising signs.

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

The granting of the conditional use permit to install one telecommunication antennae concealed on a stealth structure at 933 Seacoast Drive, will be in harmony with the purpose and intent of the zoning code (Chapter 19.90) and with the adopted general plan as the potential visual impacts of the proposal have been mitigated by design; i.e., the antennae shall be mounted to a new monopalm faux-tree structure, and the proposed equipment vault will be located in an existing walled area.

COASTAL PERMIT FINDINGS:

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

Shore Processes and Shore Protection

This finding does not apply since the project site is not adjacent to the oceanfront that would require shore protection.

Public Access

The subject site is not located between the ocean and the first public road, which, in most cases, is Seacoast Drive. No issue regarding public access to the beach is identified for this project.

Coastal/Scenic View

The proposed antennae shall be mounted to a new 48'-5" broadleaf faux tree structure and equipment vault in a walled landscaped area. The potential visual impacts of the proposal have been mitigated by design; no scenic or coastal view impacts are identified.

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

The subject site is not located between the ocean and the first public road, which, in most cases, is Seacoast Drive. No issue regarding public access to the beach is identified for this project.

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

The project has complied with the application requirements for telecommunications facilities pursuant to Section 19.90.050, with the development and design standards of Section 19.90.070, and will be required to comply with the operations and maintenance standards of Section 19.90.080 of the City's Wireless Communication Facilities Ordinance. Additionally, this project is consistent with the certification order of the Coastal Commission regarding the City's Wireless Communication Facilities Ordinances (Nos. 2002-983 and 2003-997) in that this project proposes to blend in with the existing development.

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

This finding does not apply since the project site is not adjacent to the oceanfront that would require shore protection.

NOW, THEREFORE, BE IT RESOLVED that Regular Coastal Permit (CP 080015), Conditional Use Permit (CUP 080016), Design Review Case (DRC 080017), and Site Plan Review (SPR 080018) to install a telecommunications facility on a monopalm faux tree structure located at 933 Seacoast Drive (APN 625-352-27-00) in

the C-2 (Seacoast Commercial) Zone is hereby **approved** by the City Council of the City of Imperial Beach subject to the following:

CONDITIONS OF APPROVAL

PLANNING

1. Final building plans and project development shall be in substantial accordance with the revised approved conceptual plans dated September 17, 2008 on file in the Community Development Department and with the conditions required herein.
2. Provide a landscape plan at building permit submittal showing that replacement landscaping will be provided on the property to mitigate for any landscaping that is being removed.
3. Colors and materials for the monopalm faux tree structure are subject to staff review upon building permit submittal, and shall match the photosimulations.
4. Antennae are to be located on or in the faux tree stealth structure, and shall be hidden.
5. Appropriate BMP's shall be in place during any maintenance of base station equipment to prevent any materials to enter storm drain conveyance system.
6. Drainage shall be maintained in the project location.
7. Noise from the equipment shall not have a negative effect on the existing neighborhood. If the facility receives any noise complaints, the applicant shall investigate said complaint and mitigate any issues to meet Imperial Beach Municipal Code noise requirements.
8. Any electric and telephone services shall be connected via underground conduits extended to the project area.
9. Applicant must annually submit a statement that the wireless communications facility conforms with the current FCC safe-exposure standards to the director of community development.
10. Applicant shall obtain a city business license prior to issuance of building permit.
11. Approval of this request shall not waive compliance with any portion of the International Building Code and Municipal Code in effect at the time a building permit is issued.
12. All negative balances in the project account (080015) shall be paid prior to building permit issuance and final inspection.
13. Approval of Regular Coastal Permit (CP 080015), Conditional Use Permit (CUP 080016), Design Review Case (DRC 080017), and Site Plan Review (SPR 080018) for this project is valid for a one-year **vesting** period from the date of approval, to **expire on October 15, 2009**. Conditions of approval must be satisfied, building permits issued, and substantial construction must have commenced prior to this date, or a time extension is granted by the City prior to expiration. This expiration date is separate from the sunset expiration date of 10 years for the life of the conditional use permit.

14. The applicant or applicant's representative shall read, understand, and accept the conditions listed herein and shall, within 30 days, return a signed statement accepting said conditions.
15. Conditional use permits for wireless communication facilities have a maximum term of ten (10) years, with an automatic review in five (5) years at a public hearing (IBMC 19.90.090). The applicant will be required to renew the Conditional Use Permit (060382) prior to the **expiration** date, **October 15, 2018**, in accordance with Chapter 19.82.

PUBLIC WORKS

16. No building roof or landscape water drains may be piped to the street or onto impervious surfaces that lead to the street. A design that has these water discharges directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01.
17. If it is necessary to cut into the alley pavement as part of this project, all concrete cuts in the alley must be replaced with #4 rebar dowels positioned every 1 foot on center. Concrete specification must be 560-C-3250. Concrete cuts must also comply with item 6 above and cuts parallel to the alley drainage must be at least 1-foot from the alley drain line.
18. Curb sections that have been replaced shall be painted (red, green, etc.) to match existing conditions.
19. For alley, sidewalk or curb & gutter replacement ensure compliance with San Diego Regional Standard Drawing G-11 in that, the "Area to be removed [must be] 5' or from joint to joint in panel, whichever is less." The distance between joints or score marks must be a minimum of 5-feet. Where the distance from "Area to be removed", to existing joint, edge or score mark is less than the minimum shown, "Area to be removed" shall be extended to that joint, edge or score mark.
20. For any work to be performed in the street or alley, submit a traffic control plan for approval by Public Works Director a minimum of 5 working days in advance of street work. Traffic control plan is to be per Regional Standard Drawings or Caltrans Traffic Control Manual.
21. All street work construction requires a Class A contractor to perform the work. Street repairs must achieve 95% sub soil compaction. Asphalt repair must be a minimum of four (4) inches thick asphalt placed in the street trench. Asphalt shall be AR4000 ½ mix (hot).
22. For any project that proposes work within the public right-of-way (i.e., driveway removal/construction, sidewalk removal/construction, street or alley demolition/reconstruction, landscaping and irrigation, fences, walls within the public right-of-way, etc.), a Temporary Encroachment Permit (TEP) shall be applied for and approved either prior to or concurrent with issuance of the building permit required for the project. Application for a Temporary Encroachment Permit shall be made on forms available at the Community Development Department Counter.

23. All street work construction requires a Class A contractor to perform the work. All pavement transitions shall be free of tripping hazards.
24. Any disposal/transportation of solid waste/construction waste in roll-off containers must be contracted through the City's waste removal and recycling provider unless the hauling capability exists integral to the prime contractor performing the work.
25. The existing parcel impervious surfaces are required to not increase beyond the current impervious services as a post-conversion condition in order to maximize the water runoff infiltration area on the parcel in compliance with Municipal Storm Water Permit – Order 2001-01. All landscape areas, including grass and mulch areas, must be improved to consist of at least 12-inches of loamy soil in order to maximize the water absorption during wet weather condition and minimize irrigation runoff.
26. Preserve existing or install new survey monuments on southwest and southeast property lines in alley. Record same with county office of records.
27. In accordance with I.B.M.C. 12.32.120, applicant must place and maintain warning lights and barriers at each end of the work, and at no more than 50 feet apart along the side thereof from sunset of each day until sunrise of the following day, until the work is entirely completed. Barriers shall be placed and maintained not less than three feet high.
28. Require applicant to provide verification of post construction Best Management Practice (BMP) maintenance provisions through a legal agreement, covenant, CEQA mitigation requirement, and/or Conditional Use Permit. Agreement is provided through the Community Development Department.
29. Property owner must institute "Best Management Practices" to prevent contamination of storm drains, ground water and receiving waters during both construction and post construction. The property owner or applicant BMP practices shall include but are not limited to:
 - Contain all construction water used in conjunction with the construction. Contained construction water is to be properly disposed in accordance with Federal, State, and City statutes, regulations and ordinances.
 - All recyclable construction waste must be properly recycled and not disposed in the landfill.
 - Water used on site must be prevented from entering the storm drain conveyance system (i.e., streets, gutters, alley, storm drain ditches, storm drain pipes).
 - All wastewater resulting from cleaning construction tools and equipment must be contained on site and properly disposed in accordance with Federal, State, and City statutes, regulations, and ordinances.
 - Erosion control - All sediment on the construction site must be contained on the construction site and not permitted to enter the storm drain conveyance system. Applicant is to cover disturbed and exposed soil areas of the project with plastic-like material (or equivalent product) to prevent sediment removal into the storm drain system.

30. Applicant must underground all utilities in accordance with I.B.M.C. Title 13.08. This project is within the Seacoast Drive Utility Underground District, thus no new above ground utilities are permitted therein either on Seacoast Drive or the alley.

APPEAL PROCESS UNDER THE CALIFORNIA CODE OF CIVIL PROCEDURE (CCP):

The time within which judicial review of a City Council decision must be sought is governed by Section 1094.6 of the CCP. A right to appeal a City Council decision is governed by CCP Section 1094.5 and Chapter 1.18 of the Imperial Beach Municipal Code.

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

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 15th day of October 2008, by the following roll call vote:

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

James C. Janney

JAMES C. JANNEY, MAYOR

ATTEST:

Jacqueline M. Hald

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

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2008-6681 - A Resolution of the City Council of the City of Imperial Beach, California, APPROVING A REGULAR COASTAL PERMIT (CP 080015), CONDITIONAL USE PERMIT (CUP 080016), DESIGN REVIEW CASE (DRC 080017), AND SITE PLAN REVIEW (SPR 080018) TO INSTALL A TELECOMMUNICATIONS FACILITY ON A MONOPALM FAUX TREE STRUCTURE LOCATED AT 933 SEACOAST DRIVE IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 974.

CITY CLERK

DATE

V:\Projects\2007\20070211\20070211 - Argus - Morgan\Drawings\20070211\20070211 - ARGUS - LARA.dwg, Plot Date: 07/19/2007, Plot Scale: 1/8"=1'-0", Plot Size: 11.00 x 17.00

GENERAL NOTES

1. WORK SHALL COMPLY WITH ALL APPLICABLE CODES, ORDINANCES, AND REGULATIONS. ALL NECESSARY LICENSES, CERTIFICATES, ETC., REQUIRED BY THE AUTHORITY HAVING JURISDICTION SHALL BE PROCURED AND PAID FOR BY THE CONTRACTOR.
2. MORRISON HERSHFIELD CORPORATION HAS NOT CONDUCTED, NOR DOES IT INTEND TO CONDUCT ANY INVESTIGATION AS TO THE PRESENCE OF HAZARDOUS MATERIAL, INCLUDING, BUT NOT LIMITED TO, ASBESTOS WITHIN THE CONFINES OF THIS PROJECT. MORRISON HERSHFIELD CORPORATION DOES NOT ACCEPT RESPONSIBILITY FOR THE IDENTIFICATION, THE REMOVAL, OR ANY EFFECTS FROM THE PRESENCE OF THESE MATERIALS. IF EVIDENCE OF HAZARDOUS MATERIALS IS FOUND, WORK IS TO BE SUSPENDED AND THE OWNER NOTIFIED. THE CONTRACTOR IS NOT TO PROCEED WITH FURTHER WORK UNTIL INSTRUCTED BY THE OWNER IN WRITING.
3. ALL MATERIAL FURNISHED UNDER THIS CONTRACT SHALL BE NEW UNLESS OTHERWISE NOTED. ALL WORK SHALL BE GUARANTEED AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP. THE CONTRACTOR SHALL REPAIR OR REPLACE AT HIS EXPENSE ALL WORK THAT MAY DEVELOP DEFECTS IN MATERIALS OR WORKMANSHIP WITHIN SAID PERIOD OF TIME OR FOR ONE YEAR AFTER THE FINAL ACCEPTANCE OF THE ENTIRE PROJECT, WHICHEVER IS GREATER.
4. THE GENERAL CONTRACTOR AND EACH SUBCONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS AND UTILITIES AT THE JOB SITE BEFORE WORK IS STARTED. NO CLAIMS FOR EXTRA COMPENSATION FOR WORK WHICH COULD HAVE BEEN FORESEEN BY AN INSPECTION, WHETHER SHOWN ON THE CONTRACT DOCUMENTS OR NOT, WILL BE ACCEPTED OR PAID.
5. THE GENERAL CONTRACTOR AND EACH SUBCONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING DIMENSIONS AND CONDITIONS AT THE JOB SITE WHICH COULD AFFECT THE WORK UNDER THIS CONTRACT. ALL MANUFACTURERS RECOMMENDED SPECIFICATIONS, AND THOSE SPECIFICATIONS HEREIN, WHICH EVER IS THE MOST STRINGENT, SHALL BE COMPLIED WITH.
6. THE CONTRACTOR SHALL VERIFY AND COORDINATE SIZE AND LOCATION OF ALL OPENINGS FOR STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING, CIVIL, OR ARCHITECTURAL WORK.
7. THE CONTRACTOR SHALL VERIFY THAT NO CONFLICTS EXIST BETWEEN THE LOCATIONS OF ANY AND ALL MECHANICAL, ELECTRICAL, PLUMBING, OR STRUCTURAL ELEMENTS, AND THAT ALL REQUIRED CLEARANCES FOR INSTALLATION AND MAINTENANCE ARE MET. NOTIFY MORRISON HERSHFIELD CORP. OF ANY CONFLICTS. MORRISON HERSHFIELD CORP. HAS THE RIGHT TO MAKE MINOR MODIFICATIONS IN THE DESIGN OF THE CONTRACT WITHOUT THE CONTRACTOR GETTING ADDITIONAL COMPENSATION.
8. DO NOT SCALE THE DRAWINGS. DIMENSIONS ARE EITHER TO THE FACE OF FINISHED ELEMENTS OR TO THE CENTER LINE OF ELEMENTS, UNLESS NOTED OTHERWISE. CRITICAL DIMENSIONS SHALL BE VERIFIED WITH MORRISON HERSHFIELD CORP.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DAILY CLEAN UP OF ALL TRADES AND REMOVAL OF DEBRIS FROM THE CONSTRUCTION SITE. AT THE COMPLETION OF THE PROJECT, THE CONTRACTOR SHALL THOROUGHLY CLEAN THE BUILDING, SITE, AND ANY OTHER SURROUNDING AREAS TO A LIKE NEW CONDITION.
10. THE CONTRACTOR IS RESPONSIBLE FOR ADEQUATELY BRACING AND PROTECTING ALL WORK DURING CONSTRUCTION AGAINST DAMAGE, BREAKAGE, COLLAPSE, ETC. ACCORDING TO APPLICABLE CODES, STANDARDS, AND GOOD CONSTRUCTION PRACTICES.
11. THE CONTRACTOR SHALL MEET ALL OSHA REQUIREMENTS FOR ALL INSTALLATIONS.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGES TO THE EXISTING CONSTRUCTION AND REPAIR ALL DAMAGES TO LIKE NEW CONDITION. THE CONTRACTOR SHALL NOTIFY MORRISON HERSHFIELD CORP. OF ANY DAMAGE TO THE BUILDING SITE OR ANY ADJACENT STRUCTURES AROUND THE PROJECT. MORRISON HERSHFIELD CORP. SHALL BE SOLE AND FINAL JUDGE AS TO THE QUALITY OF THE REPAIRED CONSTRUCTION. ANY ADDITIONAL MODIFICATIONS WHICH MUST BE MADE SHALL BE MADE AT THE CONTRACTOR'S EXPENSE.
13. WHERE ONE DETAIL IS SHOWN FOR ONE CONDITION, IT SHALL APPLY FOR ALL LIKE OR SIMILAR CONDITIONS, EVEN THOUGH NOT SPECIFICALLY MARKED ON THE DRAWINGS OR REFERRED TO IN THE SPECIFICATIONS, UNLESS NOTED OTHERWISE.
14. WHERE NEW PAVING, CONCRETE SIDEWALKS OR PATHS MEET EXISTING CONSTRUCTION, THE CONTRACTOR SHALL MATCH THE EXISTING PITCH, GRADE, AND ELEVATION SO THE ENTIRE STRUCTURE SHALL HAVE A SMOOTH TRANSITION.
15. IF ALL EXISTING DIMENSIONS PRIOR TO PERFORMING WORK.
16. VERIFY LOCATION OF ALL BURIED UTILITIES PRIOR TO ANY EXCAVATION.

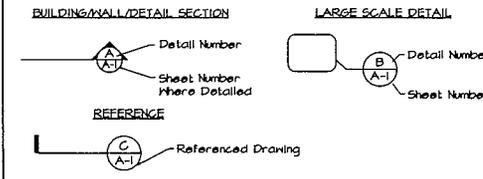
PROJECT INFORMATION

1. THIS IS AN UNMANNED AND RESTRICTED ACCESS TELECOMMUNICATION SITE AND WILL BE USED FOR THE TRANSMISSION OF RADIO SIGNALS FOR THE PURPOSE OF PROVIDING PUBLIC CELLULAR SERVICE.
2. T-MOBILE CERTIFIES THAT THIS TELEPHONE EQUIPMENT FACILITY WILL BE SERVICED ONLY BY T-MOBILE EMPLOYEES AND THE WORK ASSOCIATED WITH ANY EQUIPMENT CANNOT BE PERFORMED BY HANDICAPPED PERSONS. THIS FACILITY WILL BE FREQUENTED ONLY BY SERVICE PERSONNEL FOR REPAIR PURPOSES. PURSUANT TO CHAPTER 503 PART 5A OF THE CALIFORNIA STATUTES, THIS FACILITY IS EXEMPT FROM THE REQUIREMENTS OF THAT STATUTE. PURSUANT TO THE AMERICANS WITH DISABILITIES ACT (ADA), APPENDIX B, SECTION 411. (5)(B), THIS FACILITY IS EXEMPT FROM THAT ACT.
3. THIS FACILITY WILL CONSUME NO UNRECOVERABLE ENERGY AND IS EXEMPT FROM THE CALIFORNIA ENERGY REVIEW CODE.
4. NO POTABLE WATER SUPPLY IS TO BE PROVIDED AT THIS LOCATION.
5. NO WASTE WATER WILL BE GENERATED AT THIS LOCATION.
6. NO SOLID WASTE WILL BE GENERATED AT THIS LOCATION.
7. T-MOBILE MAINTENANCE CREW (TYPICALLY ONE PERSON) WILL MAKE AN AVERAGE OF ONE TRIP PER MONTH AT ONE HOUR PER VISIT.

ABBREVIATIONS

AC	AIR CONDITIONER	LA	LAYER
ACF	ACROUSTICAL CEILING PANEL	LAM	LAMINATED
AL.F.	ALUMINUM FINISH FLOOR	LF	LINEAL FOOT
ALT.	ALTERNATE	MANUF.	MANUFACTURER
A.M.S.L.	ABOVE MEAN SEA LEVEL	MATER.	MATERIAL
ALUM.	ALUMINUM	M.H.	MASONRY
ANG.	ANGLE	M.H.S.C.	MECHANICAL HANDS
ARCH.	ARCHITECTURAL	M.H.S.	MASONRY
AT	ARCHITECTURAL	MIDM	MILLIMETER
B.	BOARD	M.S.	MISCELLANEOUS
B.F.	BELOW FINISH FLOOR	M.O.	MASONRY OPENING
B.L.D.S.	BUILDINGS	M.P.H.	MILES PER HOUR
B.C.	BLOCKS	M.S.L.	MEAN SEA LEVEL
B.H.	BEAM	M.T.L.	METAL
B.O.T.	BOTTOM	N.S.V.P.	NAT. GEODETIC VERT. DATUM
BUR.	BUILT-UP ROOF	N.U.	NOT IN CONTRACT
CER.	CERAMIC	NOK	NORMAL
C.J.	CONTROL JOINT	N.T.S.	NOT TO SCALE
C.L.	CENTER LINE	O.C.	ON CENTER
C.L.G.	CEILING	O.D.	OUTSIDE DIAMETER
C.L.F.	CLEAR	O.H.	OVERHEAD
CHU	CONCRETE MASONRY UNIT	O.L.	OPENING
CPT.	CARPET	O.P.S.	OPPOSITE
COL.	COLUMN	OP.	OPPOSITE
CON.	CONCRETE	O.Z.	OUNCE
CONSTR.	CONSTRUCTION	P.L.	PLATE
CONT.	CONTINUOUS	RTU	ROOF TOP UNIT
DIAM.	DIAMETER	RAN	RIGHT OF WAY
DN.	DOWN	SCHED.	SCHEDULE
D.O.	DOWNPOUT	SECT.	SECTION
DTL.	DETAIL	S.F.	SQUARE FOOT
EA.	EACH	SHL.	SHIMLAR
E.P.S.	EXTERIOR INSULATION FINISH SYSTEM EXPANSION JOINT	S.P.	SPRICE POINT
ELEC.	ELECTRICAL/ELECTRICAL	SOFT.	SQUARE FOOT
EL.	ELEVATION	S.S.	STAINLESS STEEL
E.P.	ELECTRICAL PANEL	STD.	STANDARD
EQ.	EQUAL	STL.	STEEL
EXP.	EXPANSION	STOR.	STORAGE
EXT.	EXTERIOR	STRUC.	STRUCTURAL
F.D.	FLOOR DRAIN	SUSP.	SUSPENDED
F.E.G.	FIRE EXTINGUISHER SHELTER	TEMP.	TEMPORARY
F.F.G.	FIRE FLOOR EQUIPMENT	THICK.	THICKNESS
FIN.	FINISH FLOOR	T.O.	TOP OF
FINFLUR.	FINISH FLOOR	T.O.S.	TOP OF STEEL
FLR.	FLOOR	TYP.	TYPICAL
FTG.	FOOTING	UNQ.	UNLESS NOTED OTHERWISE
GA.	GAUGE	VCT	VINYL COMPOSITION TILE
GA.V.	GALVANIZED	VIF	VERIFY IF FIELD
GEN.	GENERAL	VERT.	VERTICAL
G.P.P.	GYPSUM BOARD	W	WALL
GS.	GYPSUM BOARD	W.D.	WELDED WIRE MESH
H.C.	HANDICAPPED	W	WALL
H.M.	HOLLOW METAL	W.H.	WELDED WIRE MESH
HOR.	HORIZONTAL		
H.S.	HORIZONTAL		
HT.	HEIGHT		
INSUL.	INSULATION		
INT.	INTERIOR		
JO.	JOINT		

LEGEND



IMPORTANT NOTICE

THE EXISTING CONDITIONS REPRESENTED HEREIN ARE BASED ON VISUAL OBSERVATIONS AND INFORMATION PROVIDED BY OTHERS. MORRISON HERSHFIELD CORPORATION CANNOT GUARANTEE THE CORRECTNESS NOR COMPLETENESS OF THE EXISTING CONDITIONS SHOWN AND ASSUMES NO RESPONSIBILITY THEREOF. THE CONTRACTOR AND HIS SUB-CONTRACTORS SHALL VISIT THE SITE AND VERIFY ALL EXISTING CONDITIONS AS REQUIRED FOR PROPER EXECUTION OF THE PROJECT. REPORT ANY CONFLICTS OR DISCREPANCIES TO MORRISON HERSHFIELD CORPORATION PRIOR TO CONSTRUCTION.

DO NOT SCALE DRAWINGS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND ADVISE CONSULTANTS OF ANY ERRORS OR OMISSIONS. NO PART OF THE OR RECORD OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MORRISON HERSHFIELD CORPORATION. NEITHER MORRISON HERSHFIELD NOR THE ARCHITECT WILL BE PROVIDING CONSTRUCTION REVIEW OF THIS PROJECT.



MORRISON HERSHFIELD
 Two South University Drive, Suite 2145,
 Plantation, FL 33324
 Tel: 954.577.4655 Fax: 954.577.4656
 State of Florida Lic. No. 00000508
 www.morrisonhershfield.com

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	0	OUTSIDE
	A	OUTSIDE

No. Date Action
 A 07/24/07 FOR SUBMITTAL-ZONING

Parsons
 110 WEST A STREET, SUITE 1000
 SAN DIEGO, CA 92101
 TEL (619) 597-0400 FAX (619) 597-0401

T-Mobile
 10150 TELLES COURT, SUITE 333
 SAN DIEGO, CA 92121-2741

Project:
 ARGUS VILLAGE
 SD07447A
 433 SEACOAST DRIVE
 IMPERIAL BEACH, CA 91932

Drawing Title:
 GENERAL NOTES

Project No. 12/24/07	Date 12/24/07
Designer RL	Checked By RL
Drawn By MA	Client Approval
PM Review MS	
Issue No. 1	Drawing No. G-2

1. WORK OUTSIDE OF THE PROPERTY LINE INCLUDED IN THIS SET OF DRAWINGS SHALL BE, BUT NOT LIMITED TO, REPAIR OF DAMAGED DRIVEWAYS, SODDING, ROADS, LANDSCAPING AND UTILITY CONNECTIONS.
2. CONTRACTOR AND SUB-CONTRACTORS SHALL VERIFY ALL UTILITY SERVICE CONNECTION LOCATIONS PRIOR TO SUBMITTING BID AND PROCEEDING WITH WORK. IT IS RECOMMENDED THAT THE CONTRACTOR VISIT THE SITE AND VERIFY ALL DIMENSIONS AND NOTES BEFORE SUBMITTING BID AND PROCEEDING WITH WORK.
3. SOIL AT THIS SITE IS UNDISTURBED SAND ADEQUATE OF SUPPORTING THE DESIGN LOAD OF 2000 P.S.F. IF OTHER CONDITIONS ARE ENCOUNTERED, NOTIFY ARCHITECT BEFORE PROCEEDING WITH WORK. THIS VALUE IS CONSIDERED SAFE WITH RESPECT TO ACTUAL FAILURE OF THE SUPPORTING GROUND, BUT DOES NOT NECESSARILY ENSURE THE PREVENTION OF EXCESSIVE FOUNDATION MOVEMENTS.
4. BURY PHONE, AND ELECTRIC SERVICE NO LESS THAN 24" BELOW FINISH GRADE WITH 1'-0" RADII SAND BACKFILL AROUND PIPES. COORDINATE W/ ELECTRICAL DRAWINGS.
5. IN ORDER TO AVOID ANY CONFLICTS, CONTRACTOR SHALL COORDINATE ALL HIS PRACTICAL TRADES.
6. WARNING SIGNS (SEE BELOW) TO BE POSTED AT EVERY ACCESS POINT TO THE EQUIPMENT AREA.
7. ACCESS TO COMMUNICATION EQUIPMENT IS RESTRICTED TO AUTHORIZED USERS ONLY.
8. CONTRACTOR TO FIELD VERIFY CLEARANCES FOR THE COAX ROUTING AND SUPPORTS.

COMPOUND NOTES	SCALE	2
NTS		

WHERE REMOVED OR DAMAGED BY CONSTRUCTION, ALL CURB, GUTTER & SIDEWALK SHALL BE REPLACED IN ENTIRE SECTIONS BETWEEN EXPANSION JOINTS. NO SAW CUTTING & PARTIAL PATCHING SHALL BE PERMITTED; ALL CONSTRUCTION DETAILS FOR REPLACEMENT SECTIONS SHALL BE PER CITY/COUNTY STANDARD.

REMOVE DIG-ALERT MARKINGS. THE GENERAL CONTRACTOR SHALL REMOVE ALL DIG-ALERT MARKINGS MADE FOR THIS PROJECT (PRESSURE MASH) AT COMPLETION OF WORK

CONC. REPLACEMENT NOTE	SCALE	3
NTS		

PARCEL A:
LOT 13 IN BLOCK 20 OF IMPERIAL BEACH, IN THE CITY OF IMPERIAL BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1134, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 16, 1908.

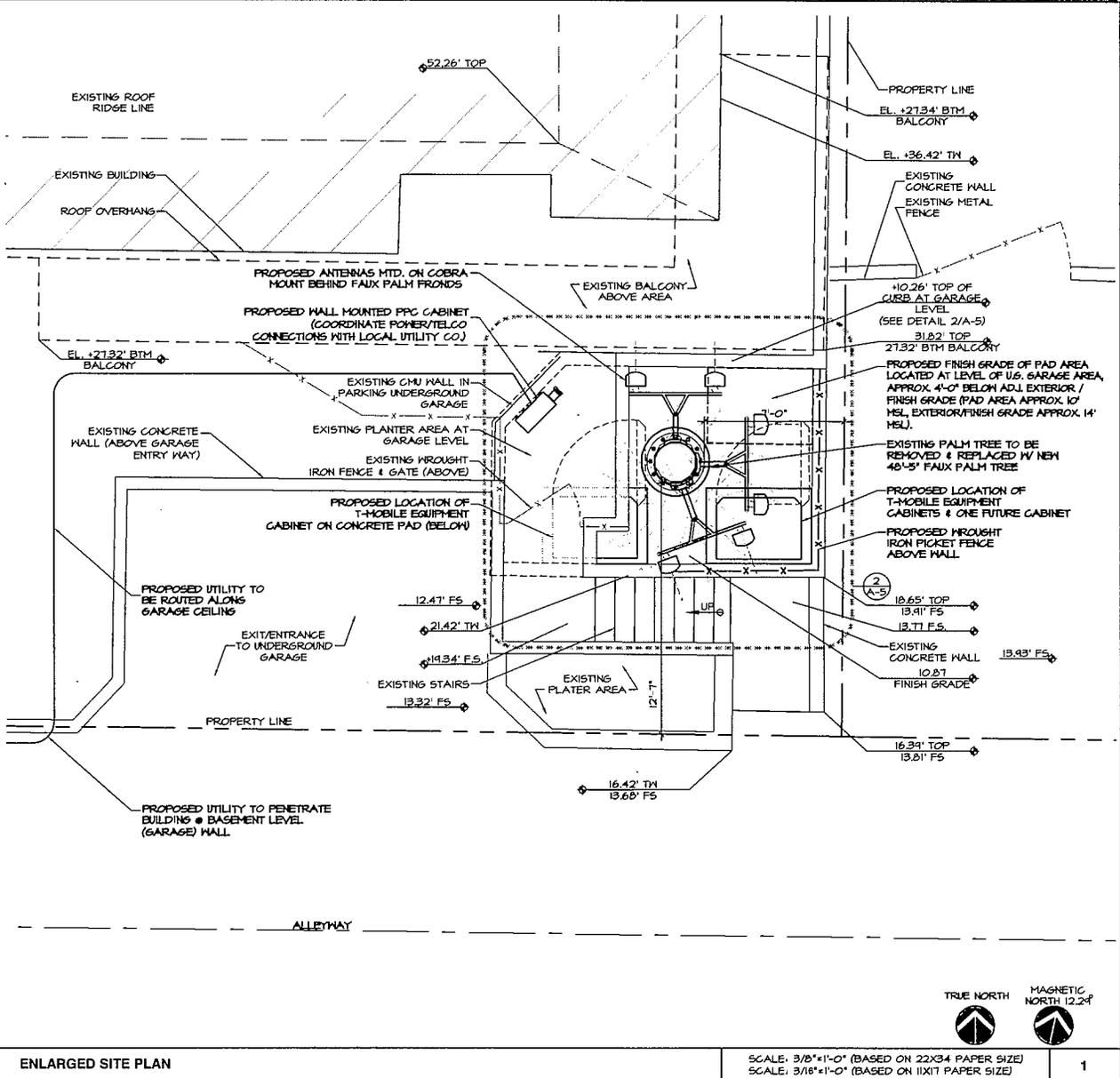
EXCEPTING THEREOF THAT PORTION THEREOF CONVEYED TO THE CITY OF IMPERIAL BEACH, A MUNICIPAL CORPORATION IN DEED RECORDED JULY 11, 1918 AS INSTRUMENT NO. 78-288982, OFFICIAL RECORDS BEING MORE PARTICULARLY DESCRIBED AS THAT PORTION OF SAID LOT 13 LYING NORTHWESTERLY OF THE FOLLOWING DESCRIBED LINE.

BEGINNING AT A POINT IN THE WESTERLY BOUNDARY LINE OF SAID LOT 13 FROM WHICH THE NORTHWESTERLY CORNER OF SAID LOT 13 LINES 10 FEET DISTANT; THENCE FROM THE POINT OF BEGINNING ALONG THE ARC OF A 14 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST A DISTANCE OF 15.1 FEET TO A POINT IN THE NORTHERLY LINE OF SAID LOT 13.

PARCEL B:
LOT 14 IN BLOCK 20 OF IMPERIAL BEACH, IN THE CITY OF IMPERIAL BEACH, COUNTY OF SAN DIEGO, ACCORDING TO MAP THEREOF NO. 1134, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 16, 1908.

PARCEL C:
LOT 15 IN BLOCK 20 OF IMPERIAL BEACH, IN THE CITY OF IMPERIAL BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1134, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 16, 1908.

LEGAL DESCRIPTION	SCALE	4
NTS		



SCALE: 3/8"=1'-0" (BASED ON 22X34 PAPER SIZE)
SCALE: 3/16"=1'-0" (BASED ON 11X17 PAPER SIZE)

THESE DRAWINGS ARE CONTRACT DOCUMENTS. THEY ARE THE PROPERTY OF MORRISON HERSHFELD AND NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MORRISON HERSHFELD CORPORATION. THE ARCHITECT SHALL BE PROVIDED CONSTRUCTION REVIEW OF THIS PROJECT.



ROBERT J. LARA
LICENSED ARCHITECT
STATE OF CALIFORNIA
Lic. # C-30334

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0	ISSUED FOR ZONING	
A	FOR SUBMITTAL - ZONING	
No.	Date	Action

M
MORRISON HERSHFELD
Two South University Drive, Suite 245,
Plantation, FL 33324
Tel: 954.577.4655 Fax: 954.577.4656
State of Florida CO# 00080808
www.morrisonhersfeld.com

Implementation Team:
P **PARSONS**
110 WEST A STREET, SUITE 1050
SAN DIEGO, CA 92101
Tel: (619) 597-0400 Fax: (619) 597-0401

Client:
T-Mobile
10180 TELESCOP COURT, SUITE 333
SAN DIEGO, CA 92121-2741

Project:
ARGUS VILLAGE
SD07447A
933 SEACOAST DRIVE
IMPERIAL BEACH, CA 91932

Drawing Title:
ENLARGED ROOF PLAN

Project No. ACT0111	Date 12/24/07
Designer RL	Checked By RL, ES
Drawn By MA	Client Approval
PM Review ES	
Issue No. 1	Drawing No. A-2

September 4, 2008

Leslie McCollum

Imperial Beach, CA 91932

Via Fax (429-9770) and U. S. Mail

City of Imperial Beach
Community Development Dept.
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

Attention: Tyler Foltz, Associate Planner

Re: Proposed Telecomm facility by Ominpoint/T-Mobile at 933
Seacoast Drive, Imp. Beach, CA. - MF974
Public Hearing: 9/17/08 @ 6 p.m.
Proposed site: Immediately adjacent to residences at 933
Seacoast Drive and at 124 Elder, etc.

Dear Mr. Foltz:

As a follow up to our phone conversation of this morning, I just received the Notice of City Council Public Hearing regarding T-Mobile's intention to place a telecomm facility immediately off of my bedroom deck and inches from my home! I am angry about the proposal and the ridiculously tacky proposed structure. My questions:

1. Why does this facility have to impact residences?
2. Why isn't it proposed for a commercial area that actually is a commercial area? The notice clearly says it is to go in C-2 (Seacoast Commercial) Zone but the structure will be placed directly next to 2 residences and only the residents will be impacted by it including the nearby residents across the alley.
3. Why such a tacky structure at the expense of a live tree? There must be another alternative.
4. What about the health concerns for the many residents that will live within 50 feet of the proposed tower, not to mention someone like me who will be inches away from it if I do not arrange to move. There are many residents, not just in my building, who will be adversely impacted by this.

Do you want to be affected by radiation 24-7?

At the site of the proposed facility, there is a beautiful palm tree which is immediately off of the third floor bedroom deck of my home. There is another unit residential directly below me and many more across the alley. I can literally reach out and touch the tree. It is home and shelter for birds. It provides my deck with shelter as well as much appreciated privacy in my bedroom. It is also a sorely needed touch of green in the eyesore that is a sea of concrete around my building. There is

Community Development Dept.

Page 2

September 4, 2008

also value in the visual appeal that the tree provides.

T-Mobile's plan is to actually remove the live tree and replace it with a tacky fake one! What a nightmare as well as a ludicrous idea. I thought you were actually kidding when you informed me of this. A fake palm tree! How would you like to wake up each morning to see a 54 foot fake palm tree out of your bedroom where there was once a live tree swaying in the breeze, full of birds and providing shelter and shade? Dare I ask what else is proposed - perhaps some pink plastic flamingos and blow up beach balls? The health impacts really clinch it. Why take the risk? Surely there are other sites.

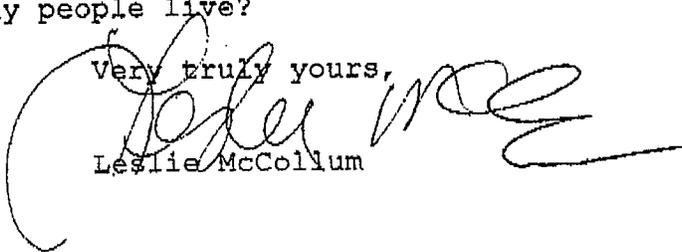
I thought I.B. wanted to be a more classy town and improve its image. You think tacky fake trees are the answer? Endangering the health of residents? I'm disgusted that such a proposal is even taken seriously. A fake tree will not "blend in" as I was told. How stupid do you think people are?

The health concerns are a real concern, at least they would be to you if this was happening right off of your deck! Does anyone care how the many people living near this "fake tree tower" could be adversely affected?

Is there a Plan B? I doubt very much that the proposed site is the only one that will work for T-Mobile's needs. I vigorously oppose it as do my neighbors. I urge the Council to advise Ominpoint to choose another site that will not adversely impact residents and create a ridiculous looking eyesore that we don't need. Why can't the proposed telecomm facility be erected in the commercial portion of the building? In the back of the building facing east? Or on the roof? Or on some other tall building in town?

Have any of your fellow staff members or members of the City Council actually come to the site to see how close the proposed monstrosity is to where so many people live?

Very truly yours,


Leslie McCollum

cc: Andy Parashos, TPPM
City Council, I.B.
Jim Kennedy, Parsons Corp. for T-Mobile
CA Coastal Commission

RECORDED

Leslie McCollum

Imperial Beach, CA 91932

2008 SEP 15 P 3:50

September 15, 2008

TO THE HONORABLE MAYOR AND
CITY CLERK OFFICE
Members of the City Council
of Imperial Beach

Re: Proposed 50 foot cell tower in residential
Area of 933 Seacoast Drive. **M974**
Request for continuance from 9/17/08

Dear Mayor and Councilmembers:

I reside at 933 Seacoast Drive, at the exact site of the proposed 50 foot high cell tower (tacky monopalm). I am opposing the tower on my own behalf and for neighbors in my building and residents of Elder Ave. and Evergreen Street. I previously submitted e-mails and photos of the real tree which is to be removed just inches from my bedroom and the unit below me, less than 10 feet from the homeowner's next door, and approximately 30 feet from many other homes and across the street from Pier Plaza.

I may be precluded from arguing the potential health risks as to the tower placement but I wonder how many of you would vigorously argue this issue if you personally were affected by the proposed behemoth tower. The Telecomm Act may insulate you from lawsuits but it cannot protect you from the voters of Imperial Beach who have voted you into the positions of trust you now hold. We matter.

I spent much time reviewing the city's file. What dismayed me the most was that in the long letters of 4-6 pages written between T-Mobile and the city planners, not once were the residents even referenced! When the City planner wrote to the Applicant in April of this year, the letter contained a list of 24 issues to be addressed - not one of those issues was the close proximity of the proposed tower to so many homes!

I would like to make some points about the key issues and misrepresentations which have been made about this project:

1. Location & Zoning The applicant often references the site as a "commercial complex". It is not. I believe this was calculated to mislead the council as to just how very close the proposed tower would be to so very many people's homes. The actual address of the project is 933 Seacoast, a residential address. Yes the official zoning is mixed use but the building is primarily 14 residences, 2 ground floor offices and one store on the northwest

Mayor & Council
Page 2
September 15, 2008

corner.

The tacky tower will impact only residences and no businesses. To the east there are homes. To the north there are homes. To the south there are homes. To the west across the street is the lifeguard tower & the most popular park in town (Pier Plaza). Unfortunately, everyone who visits the Pier Plaza park area directly across the street would have to look at it too as it would be impossible to miss.

2. **Notice.** Although the application process began in February of this year, none of us severely impacted by it were informed until September 3 or 4, 2008. The lack of respect and consideration shown to the members of the community is shameful. Only some of those required to be noticed actually received it. I realize that the tax rolls are used and that the notice system is less than perfect. There are many tenants, not owners, who most likely did not even receive the information from their landlords. I have talked to many people who first think I am joking, then are quite appalled by this proposal. They assure me that they received no notice, some as close as 25-30 feet across the alley. As I have asked many times in the past 2 weeks, a short continuance of this matter should be granted and would be appreciated.

3. **The dubious need the fake tree tower and the absence of independent expert studies or proof supporting need.** After reading the appropriate sections of the Municipal Code, I am truly baffled that this proposal has come this far. Section 19.90.030 of the Imperial Beach Municipal Code mandates that these facilities may not be located in residential zones unless it's proven to be necessary. That is the true underlying issue here; that T-Mobile has not demonstrated that a need exists for this tower and that our residential community is the only place for it.

T-Mobile came to the City and said "I want this, I need this" and offered only their own findings and statistics in support of it. Where was the oversight and why wasn't an independent expert hired to verify T-Mobile's claims? This process is always recommended by consultants dedicated to assisting local governments in dealing with this very issue. Simply accepting T-Mobile's claims is like assigning a fox to guard a henhouse. More investigation is required as to need, what type of facility is actually needed, co-location, and suitable alternate sites. Again, a continuance would be prudent.

The City did direct T-Mobile to try to put the tower on the building and to co-locate. T-Mobile wouldn't hear of it and complained that they couldn't do it and that Verizon already has some locations on the building. T-Mobile said that the facility

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is not a low capacity "voice only" site but a "full site" with space needed for 6 panel antennas in 3 different "sectors". T-Mobile admitted that they could put low capacity facilities on my building but it's not what they want. T-Mobile also insisted that they absolutely must be exempt from height limits and that they need nearly 50 feet for their tower or the project will not be feasible.

I recently read with great interest the Center for Municipal Solutions website: <http://www.telecomsol.com> which exists for the purpose of advising municipal governments on this issue; they are dedicated to serving local governments. The first thing I read at that site was the fact that more than half of the towers erected since the passage of the 1996 Telecommunications Act do not need to exist! That alone should give any government reason to pause, then proceed with caution.

The website discusses the fact that most towers are taller than they need to be, and advises how to define and determine NEED and how to obtain proof of that need. Qualified experts should be involved and I don't mean people on the payroll of applicants. Local governments are urged to seek expert assistance. In a section referencing other factors which need to be analyzed **after** confirming without a doubt that NEED does exist, is "the applicability of concealment or camouflage technology mitigating the visual effects and often making the site unrecognizable as a wireless telecommunications site (no, not fake trees)." I couldn't agree more. Alternatives to towers are discussed and discussions on who bears the burden of proof.

There is even a slideshow on the website showing good and bad examples of towers. For example, towers placed in areas that are already visually compromised such as parking lots which contain tall lightposts, were deemed good choices for towers. One incredible slide even showed a flagpole on top of a public building which contained several telecomm facilities, all entirely hidden. Near traffic signals and lightposts at busy intersections were recommended also.

Of particular note at the website is also a subsection entitled "The Role of Government today". Governments are advised as I've stated above to determine that the need actually exists then to consider "other alternative locations that may be preferred by the community and the need for the requested height. Nowhere do the consultants for the Center for Municipal Solutions recommend that towers be imposed upon residents of a community in such a ridiculously close proximity. Alternate sites are always recommended. The needs and wishes of the residents are always part of what a local government should consider.

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4. Additional Municipal Code Sections.

In addition to the fact that residential areas are to be the last resort:

Section 19.90.050 - visual impact analysis which is supposed to include proper blending of the facility with the surrounding area. The nearest tree is nowhere near the fake tower site. It's at Elder and Seacoast. There is nothing for the fake tower to blend in with.

There is also a Municipal Code direction to explore co-location opportunities to minimize the proliferation of the hideous towers.

Section 19.90.070 B, E, I, J, and M are applicable also.

Subsection B indicates that in residential areas, the minimum setback for an antennae or equipment from any property line is 20 feet. My home and the home below me is but a few feet away. The property line of the homeowners next door is less than 10 feet from the proposed tower. I can literally touch the tree which is to be replaced by a 50 foot tower. This begs the question - Why are we here as residents being forced to defend against what should have been an obvious decision in the early stages?

Subsection I clearly discourages towers and monopoles and mentions not exceeding the minimum height. Subsection J says they must be designed to blend in and be landscaped, if necessary, to minimize visual impacts. That certainly isn't the case here. Quite the contrary, a real tree is being replaced with a fake one that will be a 50 foot high "sore thumb" in a sea of homes. Everyone who goes to Pier Plaza would cringe at the sight of it not to mention the many residents who would have to live with it all of the time.

5. Additional Misrepresentations by the Applicant. In addition to the mischaracterization as to the residential nature of the site and the surrounding area in correspondence to the city, the Applicant extracts key words from the Code, then make ludicrous assertions using those words:

A. Their initial Application claimed that the proposed site was not in the Coastal Zone. It is in the Coastal Zone. The city pointed out this error.

B. It is claimed that the fake tower will be in a "discreet" location. Standing alone in the middle a residential area?

C. They claim that the fake tree 50 foot tower will be "set back from Seacoast minimizing visual impacts." Upon whom I would ask. This statement is blatantly false.

It will only be set back less than a few feet from several homes and less than 10 feet from the next door neighbor.

D. A direct quote from a letter from a T-Mobile representative to the city: "Regarding project landscaping, we

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contend that the proposal will not result in the removal of landscaping. A live tree is being replaced with life like faux tree. The visual impact will be nearly neutral." This one almost made me laugh. Is it being suggested that live trees and fake monopalm towers are somehow interchangeable?

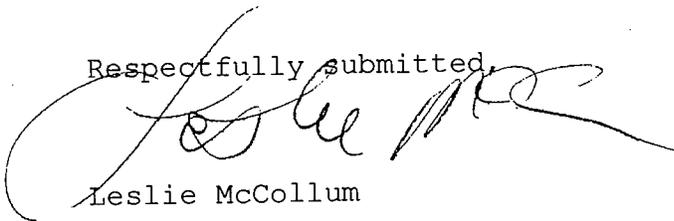
E. An amazing statement is made that the 6 panel type antennas will be consistent with the many palms in the "Seacoast District" and that "it will not be a prominent feature from most of Seacoast Drive." These surely must be attempts at comedy. There is no live tree near the proposed tower.

6. **Fan Noise from the proposed tower.** Only by a reading the city's file did I learn that noise will be an issue as well. The equipment from the tower is to be encased in concrete with the opening facing - you guessed it - directly into the building where we all live! Quoting T-Mobile to the city: "Minor fan noise will be well contained." Several residents would be mere feet away. An actual explanation of the noise and decibel levels was not provided. We will be listening to a whirring fan 24/7 instead of the ocean?

7. **Absentee Landlords.** Not one of the several owners of the building actually live in the building or in Imperial Beach. They don't vote here either.

In closing, studies should be done to demonstrate if there is actual need for a tower in the area. If so, it should be erected in a suitable commercial location. I urge Council and the Mayor to put the brakes on this proposed tower and explore other suitable alternative sites. T-Mobile's slogan is "Get more". In this case why should they? The needs of business and the actual residents of this community need to be balanced. The intentions of the Municipal Code are crystal clear about towers and setbacks. T-Mobile should accommodate the city, not the other way around.

Respectfully submitted,



Leslie McCollum

Tyler Foltz

From: Gary Brown
Sent: Monday, September 15, 2008 7:50 AM
To: Greg Wade
Cc: Tyler Foltz
Subject: FW: Proposed Cell Tower at 933 Seacoast

-----Original Message-----

From:
Sent: Sunday, September 14, 2008 2:14 PM
To: jimjanney@oappkg.com; loriebraggib@aol.com; mccoy4ib@aol.com; winter4ib@aol.com; fredmclean@cox.net
Subject: Proposed Cell Tower at 933 Seacoast

Esteemed Mayor and Council Members:

I am writing today to express my opposition to the proposed cell tower at 933 Seacoast. I will also be attending the hearing on Wednesday.

The reasons for my opposition are manifold, but for the purposes of this missive, let me just point out that I think the handling of this issue thus far by the property owner, planning and the council itself has been less than sterling. For months, my neighbors and I were kept in the dark on what amounts to a serious intrusion on our lives. Then we were only given two weeks notice of the public hearing.

I won't cast aspersions on anyone about this, but I would like the opportunity to study this issue in greater depth. It is for this reason I am requesting a continuance of the hearing until such a time when all the affected parties can make up their own minds about this. At least two weeks would be nice, given I work full-time.

Thank you for your consideration and see you Wednesday,

Rick Emilson
933 Seacoast
Imperial Beach

cell tower

From: earle harris
Subject: cell tower
Date: September 26, 2008 6:01:40 PM PDT
To: fredmclean@cox.net
Reply-To:

Fred

I'm writing on behave of some friends who live in the 933 seacoast condos/apts. We are opposed to the cell tower as it is right outside of a friends window and view. I personally oppose it , because you will be removing a live tree and installing a eyesore,fake tree. I believe it should be on city property so as the city will receive any monetary gain, which the city does need. I think there is a better location for such a needed item.

Thank you
earle harris

Cell tower

From: chad nelson
Subject: **Opposition to cell tower at 933 Seacoast Dr Item MF974**
Date: September 28, 2008 2:02:02 PM PDT
To: <winter4lb@aol.com>
Cc: <fredmclean@cox.net>

Technology, some say "blessing" others say "curse". Regardless of one's position, technology is at root, a compromise. On a personal note, I for one support the proposal for the installation of a new cell tower in the hope that it will actually provide better cell phone reception. I must admit I am the first person to complain how lousy the reception is down here. I then asked myself, after hearing the proposal and the measures required to obtain that illusive luxury.... is it worth it? ...and the obvious answer was no. Consideration must be taken into account on the residents of Argus Village to whom it affects the most. Residents who take great pleasure in looking out their windows and balconies to enjoy the natural beauty that IB has to offer. My apologies if that sounds corny. I understand that every effort has been made to ensure that nature's integrity is preserved in regards to the appearance of the tower however, nature can't be substituted. I'd be lying if I said I was a nature buff, but I do know how important "nature's beauty" is to most of the residents. Please understand that the debate is not over whether or not to install a cell tower, it's simply over the proposed location. The goal of providing a new cell tower can be met without intruding on one's modest pleasure. I ask that you take into account the wishes of the residents at 933 Seacoast Dr and the hard work and sacrifices that each and every one of us has made in order to obtain a slice of paradise. Please keep in mind, as mentioned earlier, technology is a compromise.

Respectfully,

Chad Nelson
Resident of Argus Village
933 Seacoast Dr.

Stay up to date on your PC, the Web, and your mobile phone with Windows Live. [See Now](#)

From: "Nadja Van Zandt"
Subject: **Item Nol. MF974, Cell Phone Tower @ 933 Seacoast Drive**
Date: September 28, 2008 10:18:53 AM PDT
To: <loriebraggib@aol.com>, <fredmclean@cox.net>, "Pat McCoy" <mcco4ib@aol.com>, <winter4ib@aol.com>, <jimjanney@oappkg.com>

I'm aware of the importance of receiving cellular service here in Imperial Beach but, this tower will only serve T-Mobile .. what about Verizon, Sprint, Nextel and all other cellular services? Will they need to erect 50-foot "monopalms" throughout Imperial Beach?

Also, can I be assured living in the area that the cell phone tower will be erected (162 Elder Avenue) that my property value will not go down in an already depressed economy? And if this "monopalm" is graffitied, since it will be located in an area that is notoriously tagged (our home three times) -- what plans are in place with T-Mobile to maintain this tower? I, personally maintain the electrical pole outside my home due to this problem.

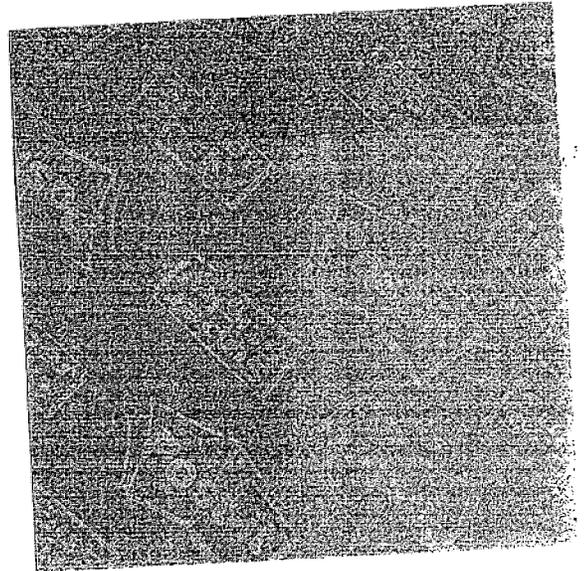
Aesthetics aside, the primary reason I don't want cell sites near my home or in my community is because personally, I'm afraid of the potential health effects. We have to ask ourselves is there absolutely conclusive evidence that radio-frequency emissions, a form of electromagnetic radiation (EMR), from cell towers are NOT harmful to our health? Can T-Mobile reassure us? Will T-Mobile agree to enter into a signed agreement to assist with families medical costs in the event we begin to have a higher incidence of health issues after the erection of the cellular tower such as: Alzheimer's, leukemia, brain tumors, joint pain, ulcers, miscarriages (to mention a few)? To me, it only seems reasonable for a company who will tell you that they are FDA approved and without potential risks not to enter into such an agreement.

To conclude, as I stand on my rooftop deck to take in the view of the Pacific Ocean, I did not anticipate that a cell tower would be erected to take away from the landscape. I am not happy about this for the reasons I have stated. And here's another one .. I wouldn't have purchased my home if I knew a cellular tower would be in close proximity of where I live. So, the few people who are benefitting from this cell tower are all happy receiving a monthly allowance -- how about making people like me happy by having T-Mobile purchasing my home.

Sincerely,

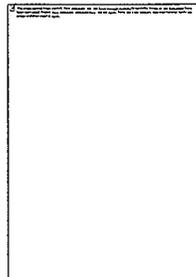
Nadja Van Zandt

Nadja





SITE ANALYSIS
OF
RADIO FREQUENCY EMISSIONS



For Base Station: SD07447A

MPE Analysis Tool v2.5.00

ANTENNA SYSTEM 1, SITE: SD07447A SECTOR: A
<ul style="list-style-type: none">• PASS: GENERAL POPULATION/UNCONTROLLED EXPOSURE LIMITS• PASS: OCCUPATIONAL/CONTROLLED EXPOSURE LIMITS

ANTENNA SYSTEM 1, SITE: SD07447A SECTOR: B
<ul style="list-style-type: none">• PASS: GENERAL POPULATION/UNCONTROLLED EXPOSURE LIMITS• PASS: OCCUPATIONAL/CONTROLLED EXPOSURE LIMITS

ANTENNA SYSTEM 1, SITE: SD07447A SECTOR: C
<ul style="list-style-type: none">• PASS: GENERAL POPULATION/UNCONTROLLED EXPOSURE LIMITS• PASS: OCCUPATIONAL/CONTROLLED EXPOSURE LIMITS

Name:

Region: Unknown, Market: Unknown, Site: SD07447A

Site Address:

933 SEACOAST DRIVE, IMPERIAL BEACH CA

Submitted By:

FRANK AHMADKHANLOU, SR. RF ENGINEER

Date:

Monday, September 08, 2008

FCC:
COMPLIANT

REPORT SUMMARY

This report was generated based on Engineering and Design data provided by **FRANK AHMADKHANLOU**, on behalf of T-Mobile, USA, for the cell site located at **933 SEACOAST DRIVE, IMPERIAL BEACH CA**. The report's technical data was derived in part by the FCC OET68B FCC Exposure Guidelines for measuring Maximum Permissible Exposure (MPE) on PCS Networks.

Based on the output power, number of radios and antenna height for this site:

Sector 'A' Antenna System(s):

- Meets 100% of the FCC general population/uncontrolled exposure limit at a horz distance of **10 ft** (3.05 m) from the nearest access point.
- Meets 100% of the FCC occupational/controlled exposure limit at a horz distance of **1 ft** (0.3 m) from the nearest access point.

Sector 'B' Antenna System(s):

- Meets 100% of the FCC general population/uncontrolled exposure limit at a horz distance of **10 ft** (3.05 m) from the nearest access point.
- Meets 100% of the FCC occupational/controlled exposure limit at a horz distance of **1 ft** (0.3 m) from the nearest access point.

Sector 'C' Antenna System(s):

- Meets 100% of the FCC general population/uncontrolled exposure limit at a horz distance of **10 ft** (3.05 m) from the nearest access point.
- Meets 100% of the FCC occupational/controlled exposure limit at a horz distance of **1 ft** (0.3 m) from the nearest access point.

For Occupational/Controlled personnel who may come in closer proximity to the antenna than **1 ft** (0.3 m) precautions must be exercised. For example, all personnel should have appropriate training on exposure limits. All T-Mobile personnel should wear exposure detecting equipment. Proper signage must be posted. Due to the mounting methods used by T-Mobile, USA, public access to the face of an antenna would be difficult.

- RF warning signs should be posted at the entrance of this site or at the entrance of the antenna locations.

Analysis Overview

T-Mobile, USA has conducted an analysis for determining the MPE compliance for the cell site located at **933 SEACOAST DRIVE, IMPERIAL BEACH CA** (Latitude: 32.57946, Longitude: -117.131241). This analysis consists of the actual site design parameters, the number of radios transmitting and the resulting calculation of the estimated RF field strength from the antennas. The output is then compared to the FCC recommended guidelines for human exposure to RF electromagnetic fields (OET65b).

Site Description

Based on the Engineering and Design Data provided by RF Engineer **FRANK AHMADKHANLOU**, the proposed site will have the following parameters:

Site Type:

Pole (this includes any non-building mounted site)

Collocation:

NO

Controlled/Uncontrolled Access to Antenna Face:

N/A

Antenna Make:

System **1**, Sector **A**: Andrews; Sector **B**: Andrews; Sector **C**: Andrews

Antenna Model:

System **1**, Sector **A**: TMBXX_6516_R2M_4D; Sector **B**: TMBXX_6516_R2M_2D;
Sector **C**: TMBXX_6516_R2M_3D

Frequency:

System **1**, Sector **A**: 1960 MHz; Sector **B**: 1960 MHz; Sector **C**: 1960 MHz

Max Antenna Gain:

System **1**, Sector **A**: 17.3 dBi; Sector **B**: 17.3 dBi; Sector **C**: 17.3 dBi

Max ERP_{chan} into Ant:

System **1**, Sector **A**: 2.47 Watts; Sector **B**: 2.47 Watts; Sector **C**: 2.47 Watts

Max ERP_{chan}:

System **1**, Sector **A**: 141.956 Watts; Sector **B**: 141.956 Watts; Sector **C**: 141.956
Watts

No. of Channels:

System **1**, Sector **A**: 4, Sector **B**: 4, Sector **C**: 4

Antenna Mounting:

[Unknown]

Distributed Antenna System (DAS):

NO

Radiation Centerline:

42.8 ft (13 m) AGL

Sector Orientation:

System **1**, Sector **A**: 0°, Sector **B**: 90°, Sector **C**: 160°

Additional comments:

No comments for system 1. No comments for system 2.

Antenna System 1, Cell: SD07447A_A

Dist (ft)	Deg	Gain (dBi)	Power Density		Charted		Max Distance Calc			
			Far Field ($\mu\text{W}/\text{cm}^2$)	Near Field ($\mu\text{W}/\text{cm}^2$)	Power Density ($\mu\text{W}/\text{cm}^2$)	% of Limit	Power Density (ft)	>5% MPE	>100% MPE	>500% MPE
0.656	88.99	17.3	146.73	38.31	38.31	3.83	0.66	0	0	0
0.6561	88.99	17.3	146.73	38.31	38.31	3.83	0	0	0	0
0.7	88.92	17.3	146.72	38.3	38.3	3.83	0	0	0	0
0.8	88.77	17.3	146.7	38.3	38.3	3.83	0	0	0	0
0.9	88.62	17.3	146.69	38.3	38.3	3.83	0	0	0	0
1	88.46	17.3	146.67	38.3	38.3	3.83	0	0	0	0
2	86.93	17.3	146.35	38.26	38.26	3.83	0	0	0	0
3	85.4	17.3	145.83	38.19	38.19	3.82	0	0	0	0
4	83.88	17.3	145.1	38.09	38.09	3.81	0	0	0	0
5	82.37	17.3	144.18	37.97	37.97	3.8	0	0	0	0
6	80.86	17.3	143.07	37.82	37.82	3.78	0	0	0	0
7	79.37	17.3	141.78	37.65	37.65	3.77	0	0	0	0
8	77.89	17.3	140.32	37.46	37.46	3.75	0	0	0	0
9	76.43	17.3	138.7	37.24	37.24	3.72	0	0	0	0
10	74.99	17.3	136.93	37	37	3.7	0	0	0	0
11	73.57	17.3	135.03	36.75	36.75	3.67	0	0	0	0
12	72.17	17.3	133	36.47	36.47	3.65	0	0	0	0
13	70.79	17.3	130.87	36.18	36.18	3.62	0	0	0	0
14	69.43	17.3	128.65	35.87	35.87	3.59	0	0	0	0
15	68.09	17.3	126.34	35.54	35.54	3.55	0	0	0	0
16	66.78	17.3	123.96	35.21	35.21	3.52	0	0	0	0
17	65.5	17.3	121.53	34.86	34.86	3.49	0	0	0	0
18	64.24	17.3	119.05	34.5	34.5	3.45	0	0	0	0
19	63.01	17.3	116.53	34.14	34.14	3.41	0	0	0	0
20	61.8	17.3	114	33.76	33.76	3.38	0	0	0	0
21	60.62	17.3	111.45	33.38	33.38	3.34	0	0	0	0
22	59.47	17.3	108.89	33	33	3.3	0	0	0	0
23	58.34	17.3	106.34	32.61	32.61	3.26	0	0	0	0
24	57.24	17.3	103.8	32.22	32.22	3.22	0	0	0	0
25	56.17	17.3	101.28	31.82	31.82	3.18	0	0	0	0
26	55.12	17.3	98.78	31.43	31.43	3.14	0	0	0	0
27	54.1	17.3	96.31	31.03	31.03	3.1	0	0	0	0
28	53.11	17.3	93.87	30.64	30.64	3.06	0	0	0	0
29	52.14	17.3	91.48	30.25	30.25	3.02	0	0	0	0
30	51.19	17.3	89.12	29.85	29.85	2.99	0	0	0	0
31	50.27	17.3	86.81	29.46	29.46	2.95	0	0	0	0
32	49.37	17.3	84.55	29.08	29.08	2.91	0	0	0	0
33	48.5	17.3	82.33	28.69	28.69	2.87	0	0	0	0
34	47.65	17.3	80.16	28.31	28.31	2.83	0	0	0	0
35	46.82	17.3	78.05	27.94	27.94	2.79	0	0	0	0
36	46.02	17.3	75.99	27.57	27.57	2.76	0	0	0	0
37	45.23	17.3	73.98	27.2	27.2	2.72	0	0	0	0
38	44.47	17.3	72.02	26.84	26.84	2.68	0	0	0	0
39	43.72	17.3	70.12	26.48	26.48	2.65	0	0	0	0
40	43	17.3	68.27	26.13	26.13	2.61	0	0	0	0
41	42.29	17.3	66.47	25.78	25.78	2.58	0	0	0	0
42	41.61	17.3	64.72	25.44	25.44	2.54	0	0	0	0
43	40.94	17.3	63.02	25.1	25.1	2.51	0	0	0	0
44	40.29	17.3	61.37	24.77	24.77	2.48	0	0	0	0

45	39.65	17.3	59.77	24.45	24.45	2.44	0	0	0	0
46	39.04	17.3	58.22	24.13	24.13	2.41	0	0	0	0
47	38.44	17.3	56.72	23.82	23.82	2.38	0	0	0	0
48	37.85	17.3	55.26	23.51	23.51	2.35	0	0	0	0
49	37.28	17.3	53.85	23.21	23.21	2.32	0	0	0	0
50	36.72	17.3	52.48	22.91	22.91	2.29	0	0	0	0
60	31.87	17.3	40.91	20.23	20.23	2.02	0	0	0	0
70	28.05	17.3	32.46	18.02	18.02	1.8	0	0	0	0
80	25	17.3	26.21	16.19	16.19	1.62	0	0	0	0
90	22.51	17.3	21.51	14.67	14.67	1.47	0	0	0	0
100	20.46	17.3	17.93	13.39	13.39	1.34	0	0	0	0
110	18.73	17.3	15.14	12.3	12.3	1.23	0	0	0	0
120	17.27	17.3	12.93	11.37	11.37	1.14	0	0	0	0
130	16.01	17.3	11.16	10.57	10.57	1.06	0	0	0	0
140	14.92	17.3	9.73	9.86	9.73	0.97	0	0	0	0
150	13.96	17.3	8.55	9.25	8.55	0.85	0	0	0	0
160	13.12	17.3	7.57	8.7	7.57	0.76	0	0	0	0
170	12.38	17.3	6.74	8.21	6.74	0.67	0	0	0	0
180	11.71	17.3	6.04	7.77	6.04	0.6	0	0	0	0
190	11.11	17.3	5.45	7.38	5.45	0.54	0	0	0	0
200	10.56	17.3	4.93	7.02	4.93	0.49	0	0	0	0
210	10.07	17.3	4.49	6.7	4.49	0.45	0	0	0	0
220	9.62	17.3	4.1	6.4	4.1	0.41	0	0	0	0
230	9.21	17.3	3.76	6.13	3.76	0.38	0	0	0	0
240	8.83	17.3	3.46	5.88	3.46	0.35	0	0	0	0
250	8.49	17.3	3.2	5.65	3.2	0.32	0	0	0	0
260	8.16	17.3	2.96	5.44	2.96	0.3	0	0	0	0
270	7.87	17.3	2.75	5.24	2.75	0.27	0	0	0	0
280	7.59	17.3	2.56	5.06	2.56	0.26	0	0	0	0
290	7.33	17.3	2.39	4.89	2.39	0.24	0	0	0	0
300	7.09	17.3	2.23	4.73	2.23	0.22	0	0	0	0
310	6.86	17.3	2.09	4.58	2.09	0.21	0	0	0	0
320	6.65	17.3	1.97	4.44	1.97	0.2	0	0	0	0
330	6.45	17.3	1.85	4.3	1.85	0.19	0	0	0	0
340	6.26	17.3	1.75	4.18	1.75	0.17	0	0	0	0
350	6.08	17.3	1.65	4.06	1.65	0.16	0	0	0	0
360	5.92	17.3	1.56	3.95	1.56	0.16	0	0	0	0
370	5.76	17.3	1.48	3.84	1.48	0.15	0	0	0	0
380	5.61	17.3	1.4	3.74	1.4	0.14	0	0	0	0
390	5.46	17.3	1.33	3.65	1.33	0.13	0	0	0	0
400	5.33	17.3	1.27	3.56	1.27	0.13	0	0	0	0
410	5.2	17.3	1.2	3.47	1.2	0.12	0	0	0	0
420	5.08	17.3	1.15	3.39	1.15	0.11	0	0	0	0
430	4.96	17.3	1.1	3.31	1.1	0.11	0	0	0	0
440	4.85	17.3	1.05	3.24	1.05	0.1	0	0	0	0
450	4.74	17.3	1	3.16	1	0.1	0	0	0	0
460	4.64	17.3	0.96	3.1	0.96	0.1	0	0	0	0
470	4.54	17.3	0.92	3.03	0.92	0.09	0	0	0	0
480	4.44	17.3	0.88	2.97	0.88	0.09	0	0	0	0
490	4.35	17.3	0.85	2.91	0.85	0.08	0	0	0	0
500	4.27	17.3	0.81	2.85	0.81	0.08	0	0	0	0
600	3.56	17.3	0.57	2.38	0.57	0.06	0	0	0	0
700	3.05	17.3	0.42	2.04	0.42	0.04	0	0	0	0
800	2.67	17.3	0.32	1.78	0.32	0.03	0	0	0	0

900	2.37	17.3	0.25	1.59	0.25	0.03	0	0	0	0
1000	2.14	17.3	0.2	1.43	0.2	0.02	0	0	0	0
1100	1.94	17.3	0.17	1.3	0.17	0.02	0	0	0	0
1200	1.78	17.3	0.14	1.19	0.14	0.01	0	0	0	0
1300	1.64	17.3	0.12	1.1	0.12	0.01	0	0	0	0
1400	1.53	17.3	0.1	1.02	0.1	0.01	0	0	0	0
1500	1.42	17.3	0.09	0.95	0.09	0.01	0	0	0	0
1600	1.34	17.3	0.08	0.89	0.08	0.01	0	0	0	0
1700	1.26	17.3	0.07	0.84	0.07	0.01	0	0	0	0
1800	1.19	17.3	0.06	0.79	0.06	0.01	0	0	0	0
1900	1.12	17.3	0.06	0.75	0.06	0.01	0	0	0	0
2000	1.07	17.3	0.05	0.71	0.05	0.01	0	0	0	0

Antenna System 1, Cell: SD07447A_B

Dist (ft)	Deg	Gain (dBi)	Power Density		Charted		Max Distance Calc			
			Far Field ($\mu\text{W}/\text{cm}^2$)	Near Field ($\mu\text{W}/\text{cm}^2$)	Power Density ($\mu\text{W}/\text{cm}^2$)	% of Limit	Power Density (ft)	>5% MPE	>100% MPE	>500% MPE
0.656	88.99	17.3	146.73	38.31	38.31	3.83	0.66	0	0	0
0.6561	88.99	17.3	146.73	38.31	38.31	3.83	0	0	0	0
0.7	88.92	17.3	146.72	38.3	38.3	3.83	0	0	0	0
0.8	88.77	17.3	146.7	38.3	38.3	3.83	0	0	0	0
0.9	88.62	17.3	146.69	38.3	38.3	3.83	0	0	0	0
1	88.46	17.3	146.67	38.3	38.3	3.83	0	0	0	0
2	86.93	17.3	146.35	38.26	38.26	3.83	0	0	0	0
3	85.4	17.3	145.83	38.19	38.19	3.82	0	0	0	0
4	83.88	17.3	145.1	38.09	38.09	3.81	0	0	0	0
5	82.37	17.3	144.18	37.97	37.97	3.8	0	0	0	0
6	80.86	17.3	143.07	37.82	37.82	3.78	0	0	0	0
7	79.37	17.3	141.78	37.65	37.65	3.77	0	0	0	0
8	77.89	17.3	140.32	37.46	37.46	3.75	0	0	0	0
9	76.43	17.3	138.7	37.24	37.24	3.72	0	0	0	0
10	74.99	17.3	136.93	37	37	3.7	0	0	0	0
11	73.57	17.3	135.03	36.75	36.75	3.67	0	0	0	0
12	72.17	17.3	133	36.47	36.47	3.65	0	0	0	0
13	70.79	17.3	130.87	36.18	36.18	3.62	0	0	0	0
14	69.43	17.3	128.65	35.87	35.87	3.59	0	0	0	0
15	68.09	17.3	126.34	35.54	35.54	3.55	0	0	0	0
16	66.78	17.3	123.96	35.21	35.21	3.52	0	0	0	0
17	65.5	17.3	121.53	34.86	34.86	3.49	0	0	0	0
18	64.24	17.3	119.05	34.5	34.5	3.45	0	0	0	0
19	63.01	17.3	116.53	34.14	34.14	3.41	0	0	0	0
20	61.8	17.3	114	33.76	33.76	3.38	0	0	0	0
21	60.62	17.3	111.45	33.38	33.38	3.34	0	0	0	0
22	59.47	17.3	108.89	33	33	3.3	0	0	0	0
23	58.34	17.3	106.34	32.61	32.61	3.26	0	0	0	0
24	57.24	17.3	103.8	32.22	32.22	3.22	0	0	0	0
25	56.17	17.3	101.28	31.82	31.82	3.18	0	0	0	0
26	55.12	17.3	98.78	31.43	31.43	3.14	0	0	0	0
27	54.1	17.3	96.31	31.03	31.03	3.1	0	0	0	0
28	53.11	17.3	93.87	30.64	30.64	3.06	0	0	0	0
29	52.14	17.3	91.48	30.25	30.25	3.02	0	0	0	0
30	51.19	17.3	89.12	29.85	29.85	2.99	0	0	0	0
31	50.27	17.3	86.81	29.46	29.46	2.95	0	0	0	0

32	49.37	17.3	84.55	29.08	29.08	2.91	0	0	0	0
33	48.5	17.3	82.33	28.69	28.69	2.87	0	0	0	0
34	47.65	17.3	80.16	28.31	28.31	2.83	0	0	0	0
35	46.82	17.3	78.05	27.94	27.94	2.79	0	0	0	0
36	46.02	17.3	75.99	27.57	27.57	2.76	0	0	0	0
37	45.23	17.3	73.98	27.2	27.2	2.72	0	0	0	0
38	44.47	17.3	72.02	26.84	26.84	2.68	0	0	0	0
39	43.72	17.3	70.12	26.48	26.48	2.65	0	0	0	0
40	43	17.3	68.27	26.13	26.13	2.61	0	0	0	0
41	42.29	17.3	66.47	25.78	25.78	2.58	0	0	0	0
42	41.61	17.3	64.72	25.44	25.44	2.54	0	0	0	0
43	40.94	17.3	63.02	25.1	25.1	2.51	0	0	0	0
44	40.29	17.3	61.37	24.77	24.77	2.48	0	0	0	0
45	39.65	17.3	59.77	24.45	24.45	2.44	0	0	0	0
46	39.04	17.3	58.22	24.13	24.13	2.41	0	0	0	0
47	38.44	17.3	56.72	23.82	23.82	2.38	0	0	0	0
48	37.85	17.3	55.26	23.51	23.51	2.35	0	0	0	0
49	37.28	17.3	53.85	23.21	23.21	2.32	0	0	0	0
50	36.72	17.3	52.48	22.91	22.91	2.29	0	0	0	0
60	31.87	17.3	40.91	20.23	20.23	2.02	0	0	0	0
70	28.05	17.3	32.46	18.02	18.02	1.8	0	0	0	0
80	25	17.3	26.21	16.19	16.19	1.62	0	0	0	0
90	22.51	17.3	21.51	14.67	14.67	1.47	0	0	0	0
100	20.46	17.3	17.93	13.39	13.39	1.34	0	0	0	0
110	18.73	17.3	15.14	12.3	12.3	1.23	0	0	0	0
120	17.27	17.3	12.93	11.37	11.37	1.14	0	0	0	0
130	16.01	17.3	11.16	10.57	10.57	1.06	0	0	0	0
140	14.92	17.3	9.73	9.86	9.73	0.97	0	0	0	0
150	13.96	17.3	8.55	9.25	8.55	0.85	0	0	0	0
160	13.12	17.3	7.57	8.7	7.57	0.76	0	0	0	0
170	12.38	17.3	6.74	8.21	6.74	0.67	0	0	0	0
180	11.71	17.3	6.04	7.77	6.04	0.6	0	0	0	0
190	11.11	17.3	5.45	7.38	5.45	0.54	0	0	0	0
200	10.56	17.3	4.93	7.02	4.93	0.49	0	0	0	0
210	10.07	17.3	4.49	6.7	4.49	0.45	0	0	0	0
220	9.62	17.3	4.1	6.4	4.1	0.41	0	0	0	0
230	9.21	17.3	3.76	6.13	3.76	0.38	0	0	0	0
240	8.83	17.3	3.46	5.88	3.46	0.35	0	0	0	0
250	8.49	17.3	3.2	5.65	3.2	0.32	0	0	0	0
260	8.16	17.3	2.96	5.44	2.96	0.3	0	0	0	0
270	7.87	17.3	2.75	5.24	2.75	0.27	0	0	0	0
280	7.59	17.3	2.56	5.06	2.56	0.26	0	0	0	0
290	7.33	17.3	2.39	4.89	2.39	0.24	0	0	0	0
300	7.09	17.3	2.23	4.73	2.23	0.22	0	0	0	0
310	6.86	17.3	2.09	4.58	2.09	0.21	0	0	0	0
320	6.65	17.3	1.97	4.44	1.97	0.2	0	0	0	0
330	6.45	17.3	1.85	4.3	1.85	0.19	0	0	0	0
340	6.26	17.3	1.75	4.18	1.75	0.17	0	0	0	0
350	6.08	17.3	1.65	4.06	1.65	0.16	0	0	0	0
360	5.92	17.3	1.56	3.95	1.56	0.16	0	0	0	0
370	5.76	17.3	1.48	3.84	1.48	0.15	0	0	0	0
380	5.61	17.3	1.4	3.74	1.4	0.14	0	0	0	0
390	5.46	17.3	1.33	3.65	1.33	0.13	0	0	0	0
400	5.33	17.3	1.27	3.56	1.27	0.13	0	0	0	0

410	5.2	17.3	1.2	3.47	1.2	0.12	0	0	0	0
420	5.08	17.3	1.15	3.39	1.15	0.11	0	0	0	0
430	4.96	17.3	1.1	3.31	1.1	0.11	0	0	0	0
440	4.85	17.3	1.05	3.24	1.05	0.1	0	0	0	0
450	4.74	17.3	1	3.16	1	0.1	0	0	0	0
460	4.64	17.3	0.96	3.1	0.96	0.1	0	0	0	0
470	4.54	17.3	0.92	3.03	0.92	0.09	0	0	0	0
480	4.44	17.3	0.88	2.97	0.88	0.09	0	0	0	0
490	4.35	17.3	0.85	2.91	0.85	0.08	0	0	0	0
500	4.27	17.3	0.81	2.85	0.81	0.08	0	0	0	0
600	3.56	17.3	0.57	2.38	0.57	0.06	0	0	0	0
700	3.05	17.3	0.42	2.04	0.42	0.04	0	0	0	0
800	2.67	17.3	0.32	1.78	0.32	0.03	0	0	0	0
900	2.37	17.3	0.25	1.59	0.25	0.03	0	0	0	0
1000	2.14	17.3	0.2	1.43	0.2	0.02	0	0	0	0
1100	1.94	17.3	0.17	1.3	0.17	0.02	0	0	0	0
1200	1.78	17.3	0.14	1.19	0.14	0.01	0	0	0	0
1300	1.64	17.3	0.12	1.1	0.12	0.01	0	0	0	0
1400	1.53	17.3	0.1	1.02	0.1	0.01	0	0	0	0
1500	1.42	17.3	0.09	0.95	0.09	0.01	0	0	0	0
1600	1.34	17.3	0.08	0.89	0.08	0.01	0	0	0	0
1700	1.26	17.3	0.07	0.84	0.07	0.01	0	0	0	0
1800	1.19	17.3	0.06	0.79	0.06	0.01	0	0	0	0
1900	1.12	17.3	0.06	0.75	0.06	0.01	0	0	0	0
2000	1.07	17.3	0.05	0.71	0.05	0.01	0	0	0	0

Antenna System 1, Cell: SD07447A_C

Dist (ft)	Deg	Gain (dBi)	Power Density		Charted		Max Distance Calc			
			Far Field ($\mu\text{W}/\text{cm}^2$)	Near Field ($\mu\text{W}/\text{cm}^2$)	Power Density ($\mu\text{W}/\text{cm}^2$)	% of Limit	Power Density (ft)	>5% MPE	>100% MPE	>500% MPE
0.656	88.99	17.3	146.73	38.31	38.31	3.83	0.66	0	0	0
0.6561	88.99	17.3	146.73	38.31	38.31	3.83	0	0	0	0
0.7	88.92	17.3	146.72	38.3	38.3	3.83	0	0	0	0
0.8	88.77	17.3	146.7	38.3	38.3	3.83	0	0	0	0
0.9	88.62	17.3	146.69	38.3	38.3	3.83	0	0	0	0
1	88.46	17.3	146.67	38.3	38.3	3.83	0	0	0	0
2	86.93	17.3	146.35	38.26	38.26	3.83	0	0	0	0
3	85.4	17.3	145.83	38.19	38.19	3.82	0	0	0	0
4	83.88	17.3	145.1	38.09	38.09	3.81	0	0	0	0
5	82.37	17.3	144.18	37.97	37.97	3.8	0	0	0	0
6	80.86	17.3	143.07	37.82	37.82	3.78	0	0	0	0
7	79.37	17.3	141.78	37.65	37.65	3.77	0	0	0	0
8	77.89	17.3	140.32	37.46	37.46	3.75	0	0	0	0
9	76.43	17.3	138.7	37.24	37.24	3.72	0	0	0	0
10	74.99	17.3	136.93	37	37	3.7	0	0	0	0
11	73.57	17.3	135.03	36.75	36.75	3.67	0	0	0	0
12	72.17	17.3	133	36.47	36.47	3.65	0	0	0	0
13	70.79	17.3	130.87	36.18	36.18	3.62	0	0	0	0
14	69.43	17.3	128.65	35.87	35.87	3.59	0	0	0	0
15	68.09	17.3	126.34	35.54	35.54	3.55	0	0	0	0
16	66.78	17.3	123.96	35.21	35.21	3.52	0	0	0	0
17	65.5	17.3	121.53	34.86	34.86	3.49	0	0	0	0
18	64.24	17.3	119.05	34.5	34.5	3.45	0	0	0	0

19	63.01	17.3	116.53	34.14	34.14	3.41	0	0	0	0
20	61.8	17.3	114	33.76	33.76	3.38	0	0	0	0
21	60.62	17.3	111.45	33.38	33.38	3.34	0	0	0	0
22	59.47	17.3	108.89	33	33	3.3	0	0	0	0
23	58.34	17.3	106.34	32.61	32.61	3.26	0	0	0	0
24	57.24	17.3	103.8	32.22	32.22	3.22	0	0	0	0
25	56.17	17.3	101.28	31.82	31.82	3.18	0	0	0	0
26	55.12	17.3	98.78	31.43	31.43	3.14	0	0	0	0
27	54.1	17.3	96.31	31.03	31.03	3.1	0	0	0	0
28	53.11	17.3	93.87	30.64	30.64	3.06	0	0	0	0
29	52.14	17.3	91.48	30.25	30.25	3.02	0	0	0	0
30	51.19	17.3	89.12	29.85	29.85	2.99	0	0	0	0
31	50.27	17.3	86.81	29.46	29.46	2.95	0	0	0	0
32	49.37	17.3	84.55	29.08	29.08	2.91	0	0	0	0
33	48.5	17.3	82.33	28.69	28.69	2.87	0	0	0	0
34	47.65	17.3	80.16	28.31	28.31	2.83	0	0	0	0
35	46.82	17.3	78.05	27.94	27.94	2.79	0	0	0	0
36	46.02	17.3	75.99	27.57	27.57	2.76	0	0	0	0
37	45.23	17.3	73.98	27.2	27.2	2.72	0	0	0	0
38	44.47	17.3	72.02	26.84	26.84	2.68	0	0	0	0
39	43.72	17.3	70.12	26.48	26.48	2.65	0	0	0	0
40	43	17.3	68.27	26.13	26.13	2.61	0	0	0	0
41	42.29	17.3	66.47	25.78	25.78	2.58	0	0	0	0
42	41.61	17.3	64.72	25.44	25.44	2.54	0	0	0	0
43	40.94	17.3	63.02	25.1	25.1	2.51	0	0	0	0
44	40.29	17.3	61.37	24.77	24.77	2.48	0	0	0	0
45	39.65	17.3	59.77	24.45	24.45	2.44	0	0	0	0
46	39.04	17.3	58.22	24.13	24.13	2.41	0	0	0	0
47	38.44	17.3	56.72	23.82	23.82	2.38	0	0	0	0
48	37.85	17.3	55.26	23.51	23.51	2.35	0	0	0	0
49	37.28	17.3	53.85	23.21	23.21	2.32	0	0	0	0
50	36.72	17.3	52.48	22.91	22.91	2.29	0	0	0	0
60	31.87	17.3	40.91	20.23	20.23	2.02	0	0	0	0
70	28.05	17.3	32.46	18.02	18.02	1.8	0	0	0	0
80	25	17.3	26.21	16.19	16.19	1.62	0	0	0	0
90	22.51	17.3	21.51	14.67	14.67	1.47	0	0	0	0
100	20.46	17.3	17.93	13.39	13.39	1.34	0	0	0	0
110	18.73	17.3	15.14	12.3	12.3	1.23	0	0	0	0
120	17.27	17.3	12.93	11.37	11.37	1.14	0	0	0	0
130	16.01	17.3	11.16	10.57	10.57	1.06	0	0	0	0
140	14.92	17.3	9.73	9.86	9.73	0.97	0	0	0	0
150	13.96	17.3	8.55	9.25	8.55	0.85	0	0	0	0
160	13.12	17.3	7.57	8.7	7.57	0.76	0	0	0	0
170	12.38	17.3	6.74	8.21	6.74	0.67	0	0	0	0
180	11.71	17.3	6.04	7.77	6.04	0.6	0	0	0	0
190	11.11	17.3	5.45	7.38	5.45	0.54	0	0	0	0
200	10.56	17.3	4.93	7.02	4.93	0.49	0	0	0	0
210	10.07	17.3	4.49	6.7	4.49	0.45	0	0	0	0
220	9.62	17.3	4.1	6.4	4.1	0.41	0	0	0	0
230	9.21	17.3	3.76	6.13	3.76	0.38	0	0	0	0
240	8.83	17.3	3.46	5.88	3.46	0.35	0	0	0	0
250	8.49	17.3	3.2	5.65	3.2	0.32	0	0	0	0
260	8.16	17.3	2.96	5.44	2.96	0.3	0	0	0	0
270	7.87	17.3	2.75	5.24	2.75	0.27	0	0	0	0

280	7.59	17.3	2.56	5.06	2.56	0.26	0	0	0	0
290	7.33	17.3	2.39	4.89	2.39	0.24	0	0	0	0
300	7.09	17.3	2.23	4.73	2.23	0.22	0	0	0	0
310	6.86	17.3	2.09	4.58	2.09	0.21	0	0	0	0
320	6.65	17.3	1.97	4.44	1.97	0.2	0	0	0	0
330	6.45	17.3	1.85	4.3	1.85	0.19	0	0	0	0
340	6.26	17.3	1.75	4.18	1.75	0.17	0	0	0	0
350	6.08	17.3	1.65	4.06	1.65	0.16	0	0	0	0
360	5.92	17.3	1.56	3.95	1.56	0.16	0	0	0	0
370	5.76	17.3	1.48	3.84	1.48	0.15	0	0	0	0
380	5.61	17.3	1.4	3.74	1.4	0.14	0	0	0	0
390	5.46	17.3	1.33	3.65	1.33	0.13	0	0	0	0
400	5.33	17.3	1.27	3.56	1.27	0.13	0	0	0	0
410	5.2	17.3	1.2	3.47	1.2	0.12	0	0	0	0
420	5.08	17.3	1.15	3.39	1.15	0.11	0	0	0	0
430	4.96	17.3	1.1	3.31	1.1	0.11	0	0	0	0
440	4.85	17.3	1.05	3.24	1.05	0.1	0	0	0	0
450	4.74	17.3	1	3.16	1	0.1	0	0	0	0
460	4.64	17.3	0.96	3.1	0.96	0.1	0	0	0	0
470	4.54	17.3	0.92	3.03	0.92	0.09	0	0	0	0
480	4.44	17.3	0.88	2.97	0.88	0.09	0	0	0	0
490	4.35	17.3	0.85	2.91	0.85	0.08	0	0	0	0
500	4.27	17.3	0.81	2.85	0.81	0.08	0	0	0	0
600	3.56	17.3	0.57	2.38	0.57	0.06	0	0	0	0
700	3.05	17.3	0.42	2.04	0.42	0.04	0	0	0	0
800	2.67	17.3	0.32	1.78	0.32	0.03	0	0	0	0
900	2.37	17.3	0.25	1.59	0.25	0.03	0	0	0	0
1000	2.14	17.3	0.2	1.43	0.2	0.02	0	0	0	0
1100	1.94	17.3	0.17	1.3	0.17	0.02	0	0	0	0
1200	1.78	17.3	0.14	1.19	0.14	0.01	0	0	0	0
1300	1.64	17.3	0.12	1.1	0.12	0.01	0	0	0	0
1400	1.53	17.3	0.1	1.02	0.1	0.01	0	0	0	0
1500	1.42	17.3	0.09	0.95	0.09	0.01	0	0	0	0
1600	1.34	17.3	0.08	0.89	0.08	0.01	0	0	0	0
1700	1.26	17.3	0.07	0.84	0.07	0.01	0	0	0	0
1800	1.19	17.3	0.06	0.79	0.06	0.01	0	0	0	0
1900	1.12	17.3	0.06	0.75	0.06	0.01	0	0	0	0
2000	1.07	17.3	0.05	0.71	0.05	0.01	0	0	0	0

Cell: SD07447A_A	Power Density		@ Horz Dist
Maximum Power Density:	38.31 $\mu\text{W}/\text{cm}^2$	3.83 % of limit	0.66 ft (0.2 m)
26.1062 times lower than the MPE limit for an uncontrolled environment			
Composite Power (ERP):	567.82 Watts (comp_pwr = System1 + System2 if any)		

Cell: SD07447A_B	Power Density		@ Horz Dist
Maximum Power Density:	38.31 $\mu\text{W}/\text{cm}^2$	3.83 % of limit	0.66 ft (0.2 m)
26.1062 times lower than the MPE limit for an uncontrolled environment			
Composite Power (ERP):	567.82 Watts (comp_pwr = System1 + System2 if any)		

Cell: SD07447A_C	Power Density		@ Horz Dist
Maximum Power Density:	38.31 $\mu\text{W}/\text{cm}^2$	3.83 % of limit	0.66 ft (0.2 m)
26.1062 times lower than the MPE limit for an uncontrolled environment			
Composite Power (ERP):	567.82 Watts (comp_pwr = System1 + System2 if any)		

RF Field Strength Calculation Methodology

A generally accepted method is used to calculate the expected RF field strength. The method uses the FCC's recommended equation (*Reference Federal Communication Commission Office of Engineering Technology Bulletin 65*) which predicts field strength on a worst case basis by doubling the predicted field strength.

The power density at any distance from an isotropic antenna is simply the transmitter power P_t divided by the surface area of a sphere ($4 \times \pi \times R^2$) at that distance. The surface area of the sphere increases by the square of the radius, therefore the power density, P_D (watts/square meter), decreases by the square of the radius. For a directional antenna with a gain G (*max radiation intensity of directional antenna / radiation intensity of isotropic antenna with same power input*), the power density at a distant point is the gain of the antenna multiplied by the power density of an isotropic radiator, $P_D = (P_t \times G) / (4 \times \pi \times R^2)$. This is the basis of the far-field and near-field power density equations used in this report.

The far-field power density equation used here is:



Where:

S = power density

2.56 = reflection coefficient

N = number of RF channels

$1.64 \times ERP_{\theta}/\text{chan}$ = EIRP per channel at the angle for the calculation point

R = horizontal distance to the center of radiation

The far-field power density is then adjusted for any miscellaneous attenuation specified by the engineer.

The near-field power density equation used is:



Where:

S = power density

N = number of RF channels

P_{IN}/chan = Max power input to the antenna per channel = $\text{Max_ERP}_{\text{ch}} / 10^{(\text{Max_Gain} / 10)}$

R = horizontal distance to the center of radiation

h = vertical aperture of the antenna

$\alpha/360 = 3$ dB horizontal beamwidth of the antenna pattern divided by 360

If the antenna aperture is less than 6.56 feet, the near-field power density is multiplied by the aperture height and divided by 6.56. The near-field power density is then multiplied by the cosine of the angle from the horizon to the calculation point. Finally, the power density is adjusted for any miscellaneous attenuation.

Whether the near-field or far-field equation is used depends on the distance formula $d = 1.28 \times (1.64 \times \text{Antenna Gain}) \times \text{Height of Antenna Aperture} \times (3\text{dB Beamwidth}/360)$, **note: EIRP = 1.64 x ERP**. If the distance from the face of the antenna is greater than **d** then the lesser result of the near-field and far-field equations is used. If the vertical distance from calculation point to bottom (or top) of the antenna is greater than 0.25 times the aperture height, then the lesser of the near-field / far-field equations is used. Otherwise the near-field value is used. **Note: All lengths are converted from feet to centimeters during calculations.**

Using **4** channels and a maximum effective radiated power (ERP) of **141.96 Watts** (51.52 dBm), and a downtilt of **0°**, the calculated power density for this site at the nearest controlled access point of **1 ft** (0.3 m) is **38.3 $\mu\text{W}/\text{cm}^2$** . The calculated power density for the site at the nearest uncontrolled access point of **10 ft** (3.05 m) is **37 $\mu\text{W}/\text{cm}^2$** . Using this result, the maximum calculated field strength at the nearest accessible point is **3.83%** of the applicable public limit for uncontrolled exposure.

- The 100% FCC general population/uncontrolled exposure minimum distance is **0 ft** (0 m).
- The 100% FCC occupational/controlled exposure minimum distance is **0 ft** (0 m).

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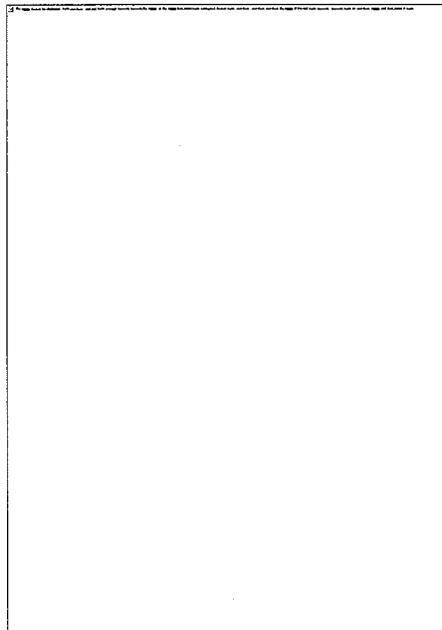
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See Table 1 for the FCC's guidelines on Maximum Permissible Exposure (MPE). Note that the RF range referenced for this analysis is the range of 1500 – 100,000 MHz shown in Table 1, which is included in Appendix A.

Signage Guidelines

Due to the type of access for this site, the following signage is required:



Posted at or near the site entrance or rooftop access

In some locations, the standard sign may create problems with landowners or the public. The intent of the signage policy is to provide reasonable notice to the public of the presence of RF emissions in a non-secure location. Other signage alternatives that provide notice of emissions – at a point which a person approaching the antennas can see the sign before entering within 3' of an antenna – can be used. Please contact T-Mobile Regulatory Compliance (<http://sys.eng.t-mobile.com/regcom/toc.html>) to discuss the content and placement of alternative signs.

Current RF Signs Posted & Narda Survey Status

- Notice sign posted: **NO**
- Caution sign posted: **NO**
- Warning sign posted: **NO**

- Employee Notice sign posted: **NO**
- Narda Survey Completed: **NO**

Exposure Environments

The FCC guidelines incorporate two separate tiers of exposure limits that are dependant on the situation in which the exposure takes place and/or the status of the individuals who are subject to exposure. The decision as to which tier applies in a given situation should be based on the application of the following definitions.

Occupational/controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits (see below) as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his/her exposure by leaving the area or by some other appropriate means.

General population/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public always fall under this category when exposure is not employment-related.

For purposes of applying these definitions, awareness of the potential for RF exposure in a workplace or similar environment can be provided through specific training as part of a RF safety program. Warning signs and labels can also be used to establish such awareness as long as they provide information, in a prominent manner, on risk of potential exposure and instructions on methods to minimize such exposure risk.

For example, a sign warning of RF exposure risk and indicating that individuals should not remain in the area for more than a certain period of time could be acceptable.

Another important point to remember concerning the FCC's exposure guidelines is that they constitute **exposure** limits (not **emission** limits), and they are relevant only to locations that are **accessible** to workers or members of the public. Such access can be restricted or controlled by appropriate means such as the use of fences, warning signs, etc., as noted above. For the case of occupational/controlled exposure, procedures can be instituted for working in the vicinity of RF sources that will prevent exposures in excess of the guidelines. An example of such procedures would be restricting the time an individual could be near an RF source or requiring that work on or near such sources be performed while the transmitter is turned off or while power is appropriately reduced.

Signed: _____

Date: *Monday, September 08, 2008*

Appendix A

Term Definitions

GSM – Global System for Mobile communications is the most popular standard for mobile phones in the world. Its promoter, the GSM Association, estimates that 82% of the global mobile market uses the standard. GSM is used by over 2 billion people across more than 212 countries and territories. Its ubiquity makes international roaming very common between mobile phone operators, enabling subscribers to use their phones in many parts of the world. GSM differs from its predecessors in that both signaling and speech channels are digital call quality, and so is considered a second generation (2G) mobile phone system. This has also meant that data communication were built into the system using the 3rd Generation Partnership Project (3GPP).

UMTS – Universal Mobile Telecommunications System is one of the third-generation (3G) cell phone technologies. Currently, the most common form of UMTS uses W-CDMA as the underlying air interface. It is standardized by the 3GPP, and is the European answer to the ITU IMT-2000 requirements for 3G cellular radio systems.

Isotropic Antenna – a theoretical point source of waves which exhibits the same magnitude or properties when measured in all directions. It has no preferred direction of radiation. It radiates uniformly in all directions over a sphere centred on the source. It is a reference radiator with which other sources are compared.

Exposure – Exposure occurs whenever and wherever a person is subjected to electric, magnetic or electromagnetic fields other than those originating from physiological processes in the body and other natural phenomena.

Exposure, partial body - Partial-body exposure results when RF fields are substantially non-uniform over the body. Fields that are non-uniform over volumes comparable to the human body may occur due to highly directional sources, standing-waves, re-radiating sources or in the near field.

General population/uncontrolled exposure – For FCC purposes, applies to human exposure RF fields when the general public is exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public always fall under this category when exposure is not employment-related.

Maximum permissible exposure (MPE) – The rms and peak electric and magnetic field strength, their squares, or the plane-wave equivalent power densities associated with these fields to which a person may be exposed without harmful effect and with an acceptable safety factor.

Occupational/controlled exposure – For FCC purposes, applies to human exposure to RF fields when persons are exposed as a consequence of their

employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits (see definition above), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his/her exposure by leaving the area or by some other appropriate means.

Appendix B

Collocation Sites

Special rules apply at sites with multiple transmitters on buildings. Regardless of the categorical exemption rules detailed about for single carriers, if a T-Mobile, USA site's emissions:

1. are more than 5% above the emissions limits in an "accessible area;" and
2. contribute at least 5% of all the emissions at any site which together result in an overall effect of more than 100% of the emission limits then we, and each carrier meeting this definition, are individually and collectively responsible for compliance. The FCC expects each carrier to make a good faith effort to consider emissions from other carriers and make the determination.

That said, the FCC Office of Engineering and Technology has supported the following exception:

- Within a controlled environment at a multi-transmitter site, if a carrier can physically elevate its antenna so that, as a practical matter, the volume of space where the RF field exceeds 5 percent of the controlled environments limits in Table of Section 1.1310 is 2 meters or more above any rooftop walkways (i.e., the volume where the fields exceed 5 percent of the limit are practically inaccessible), that carriers would be relieved of any responsibility for ensuring compliance of all transmitters at the site. This assumes, of course, that the carrier does not exceed 5 percent of the general public exposure limit in any uncontrolled areas.

Regulatory Compliance recommends conducting the routine environmental analysis whenever collocating on a rooftop. Although the need for analysis usually arises when we are first installing equipment or upgrading a site, we are responsible for total emissions at the site even when a new carrier collocates at our existing site. If after the analysis, the total emissions exceed 100% of the limit, all carriers on the site should be contacted to work out a joint solution to the problem [however, if the last carrier pushes the site over the limit, there is support in the rules that the last carrier should bear the burden of addressing compliance].

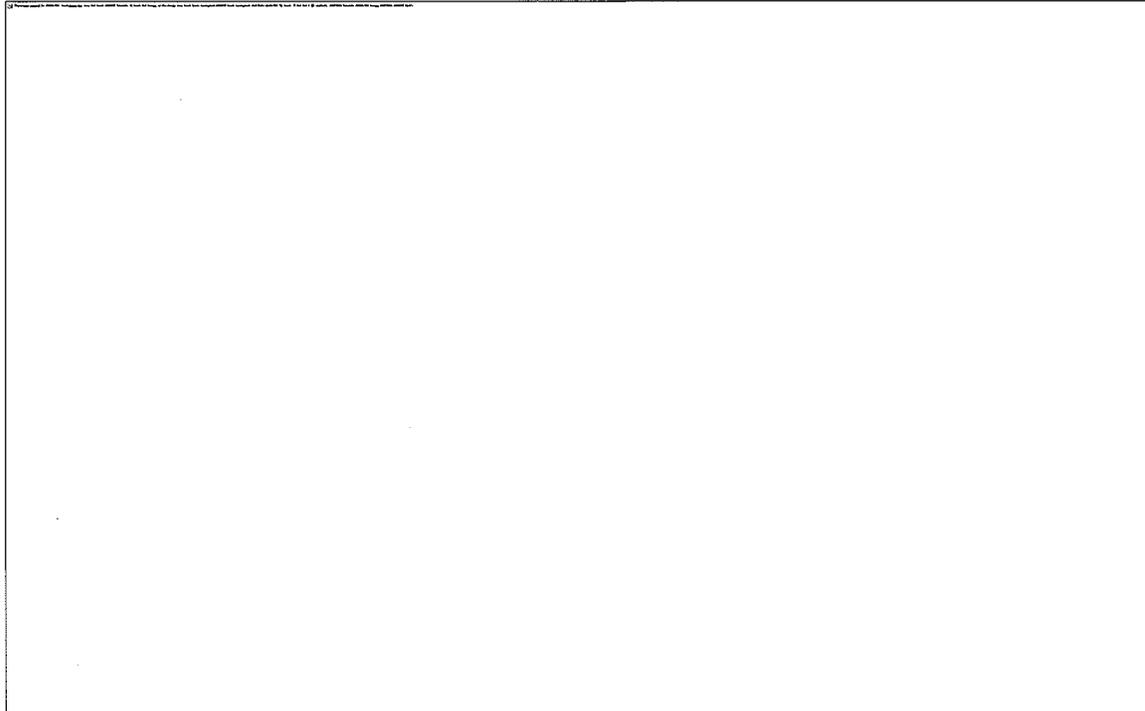
Professionally Managed Sites

As noted above, the carrier is always responsible for the RF compliance of its equipment. The FCC OET, however, does realize that some site managers undertake the responsibility for RF compliance (and that carriers likewise may rely on consultants to document compliance. The OET has stated that:

- As with other licensee responsibilities, while ultimate responsibility for compliance rests with the licensee, compliance with the RF exposure regulations can be delegated to specialized consultants, site managers, or specific individuals within a company, and, as long as the delegation itself is reasonable a licensee may certify compliance on the basis of the delegate's report.

In either case, a copy of the site manager or RF consultant's report should be maintained in the site file.

Table 1. LIMITS FOR MAXIMUM PERMISSIBLE EXPOSURE (MPE)



NOTE 1: **Occupational/controlled** limits apply in situations in which persons are exposed as a consequence of their employment provided those persons are fully aware of the potential for exposure and can exercise control over their exposure. Limits for occupational/controlled exposure also apply in situations when an individual is transient through a location where occupational/controlled limits apply provided he/she is made aware of the potential for exposure.

NOTE 2: **General population/uncontrolled** exposures apply in situations in which the general public may be exposed, or in which persons that are exposed as a consequence of their employment may not be fully aware of the potential for exposure or can not exercise control over their exposure.



SITE ANALYSIS & DESIGN JUSTIFICATION
For City Council Hearing of October 15, 2008

T-Mobile – Argus Village

080015/CUP

October 1, 2008

Parsons Corp.



Background for this Analysis

At the City Council hearing of November 17, 2008 T-Mobile was asked to provide additional supporting documentation for the proposed project location and design at Argus Village. The Council was interested in discovering whether there might be superior alternative sites for the proposed T-Mobile facility, and whether the project site might provide superior design alternatives. It is the goal of this Analysis to address these questions.

Network Goal and Needs

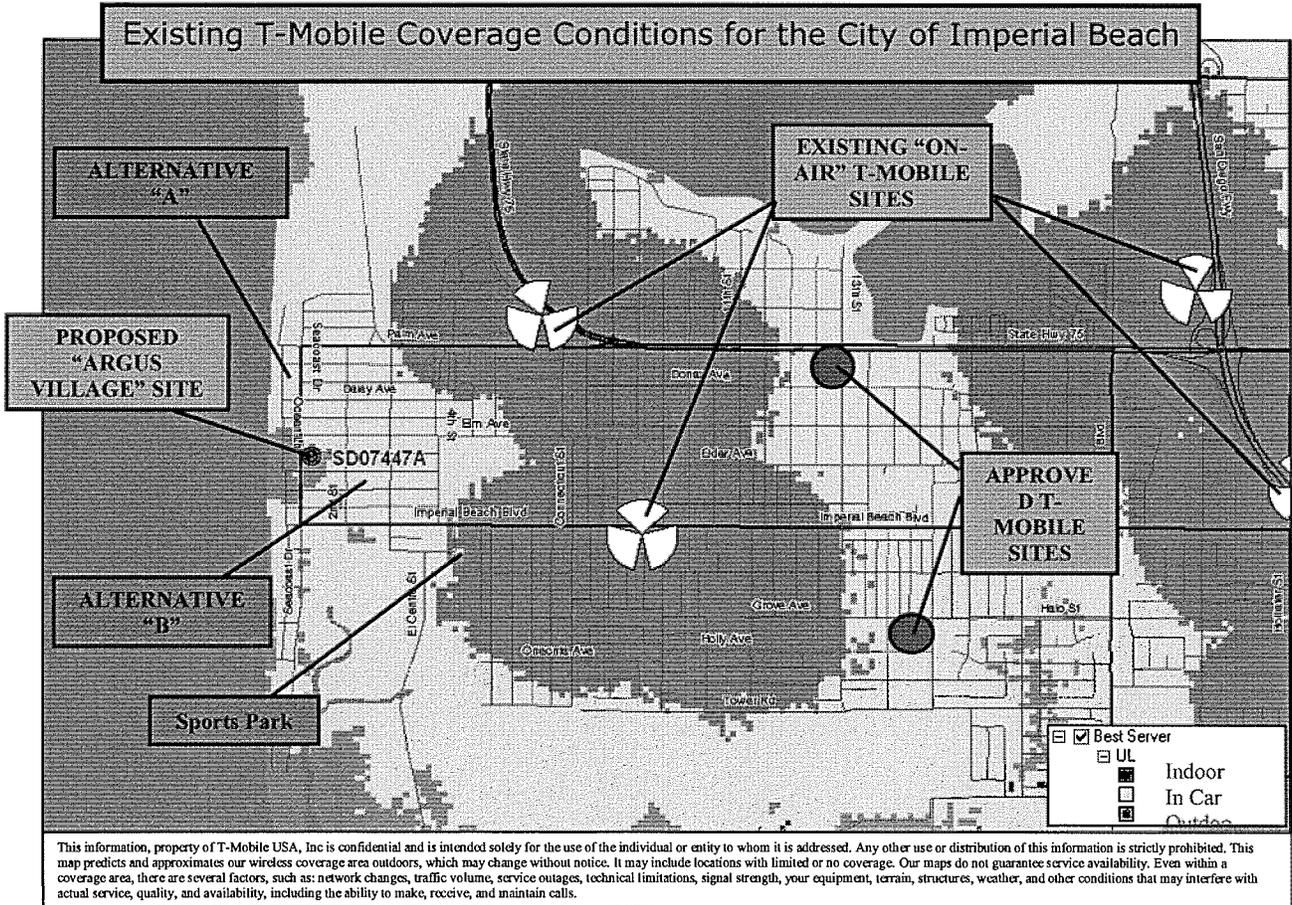
There is presently a very large shift occurring in the way that people conduct their personal and business communications. More and more, the public is relying on mobile, wireless devices for their communications needs. This includes communications for personal and business uses, and increasingly for calls and emergency responders. Police and Fire personnel are using wireless communications more and more. The proposed T-Mobile facility would be E-911 compliant (Emergency-911), meaning that callers from *other* wireless networks could talk through the T-Mobile network to place an emergency call.

Currently, about 15% of households in the U.S. use no "landline" for "telephone" conversations, and now most young adults when establishing a new residence do not even consider utilizing traditional telephone service. We are becoming wireless and mobile. It has become clear that the wireless networks will be the primary communications mode in the not too distant future.

T-Mobile is currently engaged in an effort to construct a complete, digital, "3-G" wireless network to the City of Imperial Beach. The existing T-Mobile coverage conditions in the City of Imperial Beach are far below the standards that either T-Mobile or its customers find acceptable. Presently, there are four existing T-Mobile facilities within or near the City of Imperial Beach, as depicted with the white markers on the following exhibit. These sites show the *existing* coverage conditions in and around the City. Depicted by the pink place markers are two T-Mobile facilities recently approved by Council. (On these maps, the areas of green shading indicate full coverage, and the areas of yellow indicate areas of poor signal strength.) Installation of the two approved sites is anticipated to be complete by approximately January/February of '09. These two sites will fill in the coverage gaps for the easterly area of the City. The remaining areas of poor to non-existent coverage within the City consist of the entire Seacoast District and surrounding neighborhoods. This is clearly depicted on the coverage map below. When looking at this overall coverage gap, it can be appreciated that a site as close as possible to the center of the Seacoast District would most easily address the coverage objective. Locating away from this central position would necessitate using two installations instead of just one, and would contribute to proliferation of wireless facilities, and defeat the goals of the City's Municipal Code. Municipal Code Section 19.90.050.E (WCF Ordinance) requires that co-location be analyzed for any wireless application. The purpose of this is to minimize wireless proliferation to the extent possible. Collocation also seeks to avoid utilizing vacant properties and placing more visible, stand-alone facilities. The proposed T-Mobile facility would be collocated with an existing, developed property, and also on a site with an existing wireless communications facility. The proposed facility is intended to meet the spirit and intent of Section 19.90.050.E of the Municipal Code.

At the City Council hearing of September 17, T-Mobile was asked whether the coverage objective could be satisfied by splitting the project into two sites. We can only respond to this query by saying that our coverage search for this area was guided by the policies contained within the Municipal Code, to propose a solution that utilizes the fewest number of sites possible. At the hearing of September 17,

Council also mentioned concerns regarding wireless proliferation within the Seacoast District and expressed concerns over the potential of having an excessive number of sites in this area. We close this section by noting that, per the discussing contained herein, and per the coverage maps provided herein, T-Mobile's network needs the approval of just one more facility to complete its coverage plan for the City of Imperial Beach, and this facility is needed to cover the Seacoast District and surrounding neighborhood.



Analysis of Site Selection

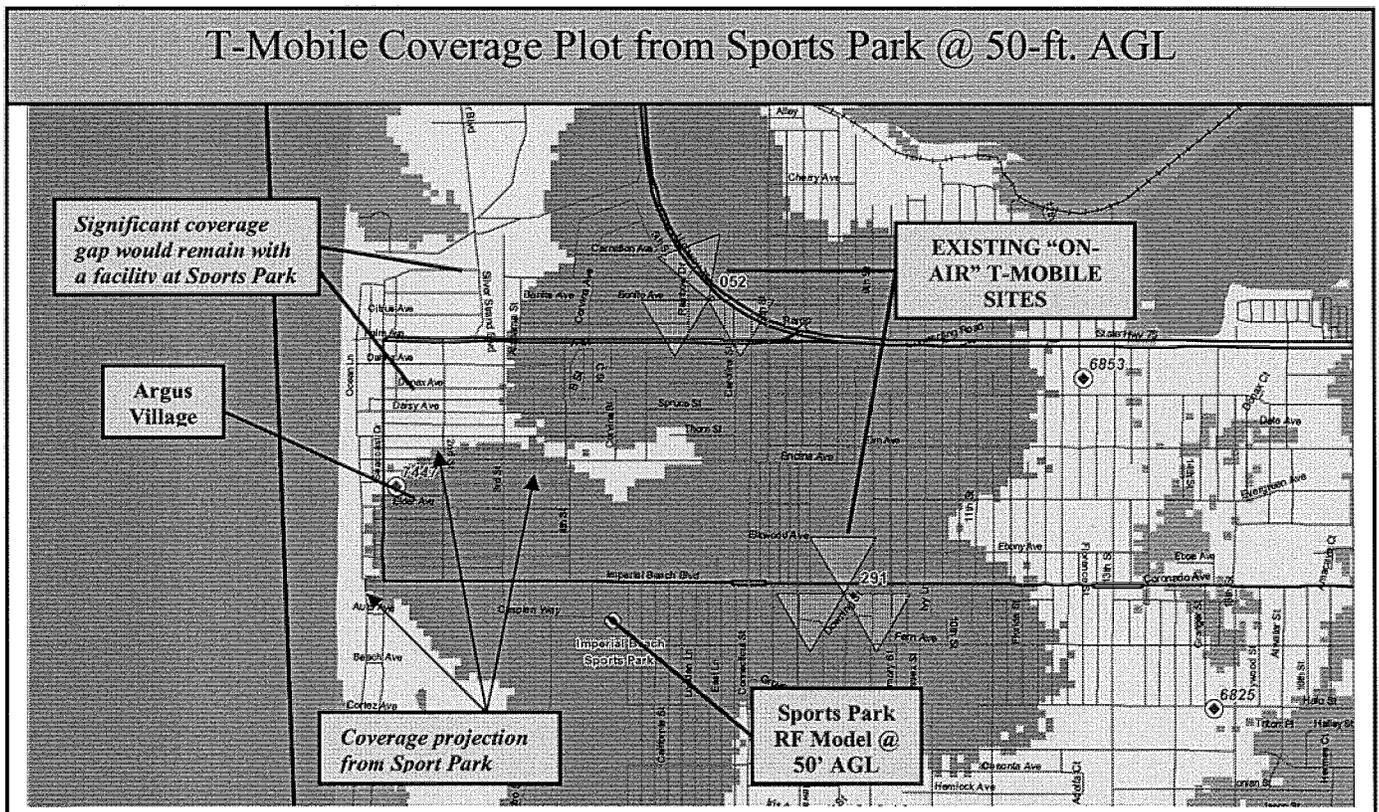
Assessment of Physical Opportunities and Constraints

The specific site location was selected after an examination of viable zones land uses within and around the Seacoast District. The land uses in this District do not provide an abundance of siting opportunities, given the lower physical height of most of the commercial buildings in this area. One alternative site considered was the mixed-use (commercial/residential) property located at 714 Seacoast Drive, noted as Alternative "A" on the above exhibit. After an assessment by the project RF Engineer, it was determined that this building would not allow for adequate coverage in the southerly direction. This is due to the building's location near the northerly edge of the project search ring, and because of the particular architecture of the building, in which the south-most building element would block signal in the southerly direction. This building would have similar land use conditions to the Argus Village site, being mixed-use. Additionally, the tall Argus Village site would produce a large

coverage shadow in the SE direction. The location is too far north to adequately cover the Seacoast District.

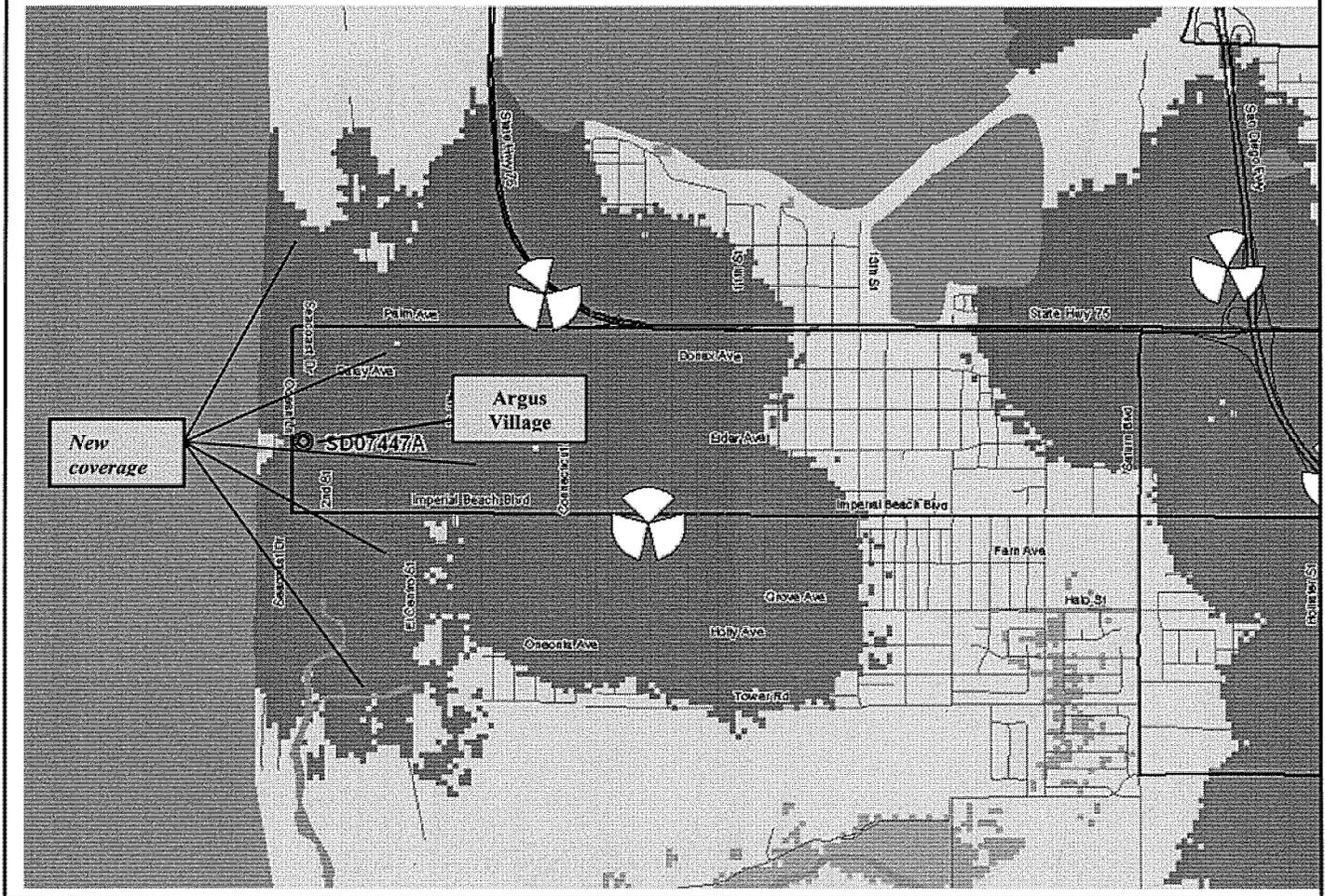
Another site considered was the 3-story residential property to the SE of the project site (Elder Seacoast Condominiums), noted as Alternative "B" on the above exhibit. This alternative was evaluated but was dropped from consideration due to poor coverage performance into the Seacoast District and also a lack of landlord interest. This site would have a lower preference in the WCF ordinance, being residential.

At the Council hearing of September 17, Council asked whether a site located at Sports Park might satisfy the project need. In response to this, staff required T-Mobile to consider use of the Sports Park site. The project RF Engineer has assessed this location and found that this is too far from the coverage objective to be viable. Please recall the assessment of Alternative A above, in which the RF Engineer had found that that location was nearly too far outside of the coverage area, being approximately 4 blocks from the center of the Seacoast District. The Sports Park site has a straight-line distance of approximately ½ miles from the center of the Seacoast District, and would not be able to cover the objective adequately. Below is an RF coverage plot from Sports Park, utilizing a model height of 50 ft.



On the following page is the RF coverage plot for the proposed *Argus Village* site.

Signal Coverage with Proposed Argus Village Site



If a site at Sports Park were utilized, the placement of an additional facility somewhere to the north of the Argus Village site would be required, which would be contrary to the intent of Municipal Code Section 19.90.050.E (i.e. collocation and proliferation). Staff has asked why the Sports Park location can work for the proposed Cricket site but not for T-Mobile. The answer is that each carrier's wireless network is separate and unique. Each of the wireless networks have evolved separately and independently, and each carrier's technologies are different and non-compatible. This is precisely how the federal government designed the wireless industry to function, by having independent, competing service providers so that in the end the consumer benefits. It also turns out that in the end there is actually not a redundancy of or an excess of wireless sites, since all of the *capacity* will be needed to provide for all of the services that the public will be requiring. There will come a time in the not-to-distant future when all of the wireless carriers' networks are essentially built-out. There will not be installations sought for every other corner, so to speak.

The subject Argus Village at 933 Seacoast Drive presented itself early in the site review process as a good candidate. The tallest building within a search area is typically investigated first, for two reasons. Firstly, the taller buildings naturally afford better line-of-sight coverage - and our initial design goal was to locate antennas on this building. Secondly, if another less tall site is used, then the taller building creates a coverage shadow within the area of the coverage objective. With the Argus Village site being the tallest structure in the area, it was quickly identified as our primary candidate. The

project RF Engineer conducted coverage modeling using this site, and it was found that this location was superior to any in the area, and would allow the coverage objective to be addressed with a single installation.

Assessment of Municipal Code Standards

Municipal Code Section 19.90.030 discourages wireless communications facilities from locating within residential zones. The intent is to encourage WCFs to locate in non-residential zones. The project site is zoned C-2, Seacoast Commercial. While it is fully appreciated that this particular site also contains residential units, the site is zoned commercial, and an applicant utilizes the direction of the Municipal Code in identifying viable project sites for a project. Also, commercial buildings typically have a greater height, making a typical wireless facility more visually compatible. Staff has made it very clear that commercially-zoned sites have a much higher preference than residentially-zoned sites. Per the preceding discussion, the only other partially viable site identified for this search ring was the mixed-use property located 3 blocks to the north.

Municipal Code Section 19.90.050D states that an applicant for a wireless communications facility must identify the geographic service area for the proposed site, and provide a description of how the proposed site fits into and is necessary for the applicant's service network. This information has been provided in detail, and the need for a single site within the Seacoast District is necessary in order to complete our wireless network for Imperial Beach.

Analysis of Project Design

Identification of Project Location on the Site

Once a preliminary agreement is reached with a property owner, design discussions are initiated. The design intent at first was to locate the T-Mobile antennas somewhere on the surface of the building, camouflaged with architectural screening materials. At the hearing of September 17, Council also asked whether the antennas could be located on the existing building. Council also asked, and staff has followed up on whether a stealth architectural element could be added somewhere on the upper building area for containing the antennas. After further consideration and analysis, and exhaustive site design meetings, the site development team concluded that there are no viable design alternatives that locate the antenna arrays on the building. The reasons for this are three-fold:

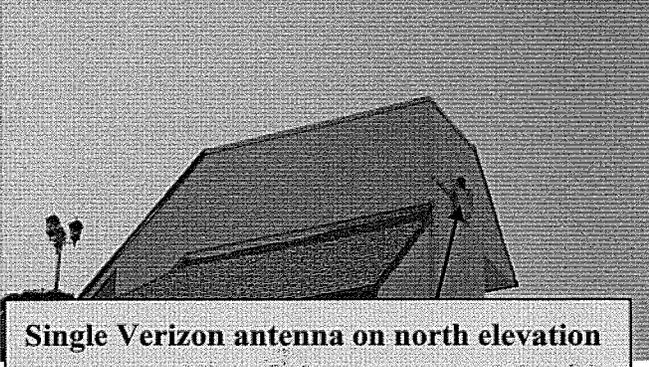
1. As large as the Argus Village building is, there are very few flat planes or walls available to place the antenna arrays necessary for a "full" 3G site. There would have to be functional space for at least six panel antennas measuring approximately 5-ft. x 1 ft. each, and there would have to be three clear wall planes available with faces N-S-E for the three sectors of coverage needed. Most commercial buildings of a more standard, boxy design have these kinds of wall planes, but the Argus Village site does not. There is no room for antennas on this building.
2. Antennas for a wireless site are supported by heavy coaxial cables, not small power cables, and any wireless facility has to have a feasible "coaxial run" from the "base station equipment" to the antenna arrays. Each of the six proposed panel antennas for this facility would require four (4) RF coaxial cables, for a total of 24 cables, and the diameter of each of these cables is 1-5/8 inches. This significant mass of cabling would have to be routed from each of the three antenna sectors to a unified point, then run down the building to the base station equipment. There are no straight runs available on this building. RF coaxial cabling cannot be bent at tight angles, since this degrades

the RF signal. The irregular and unique architecture of this building would not allow any kind of clean design for the coaxial runs. Most commercial-builds for wireless sites can accommodate the antennas and coax on a flat roof-top, but this site has no flat roof area to work with. Also, the property owner has stated from the beginning that he would not allow a design that defaced the appearance of the building.

- 3. Any wireless facility is supported by *base station equipment*, consisting of radio cabinets and an SDG&E meter pedestal, and this equipment must be located within a reasonable distance from the antenna arrays. RF conduit is distance-sensitive, and longer conduit runs require ever larger diameters of conduit in order to offset RF signal loss. If the T-Mobile antennas were somehow located on the building, the base station equipment would have to be positioned somewhere that a conduit run from the antennas could reasonably be routed. There is no such a place on this site to centrally locate base station equipment. This site is 100% built-out. The one location identified on this site for the base station equipment is the proposed project site at the SE corner of the property, abutting the sub-grade garage. This area is far removed from the taller portions of the building, and could not serve for an equipment area if antennas were placed *on the building*.

It is for these reasons that the T-Mobile site development team (and property owner) determined that there was no feasible design for placing the antennas on the existing building. Illustrating the fact that this building cannot support a regular wireless facility is the nature of the existing Verizon site on the building. The Verizon site constitutes a very inferior installation, and this is due to the constraints that the building presents. With little to no flat planes for the antennas, and little space for the base station equipment, Verizon Wireless had to settle for a minimal site that may soon be replaced by a new effort in the area. The photographs below illustrate the Verizon site and the limitations presented by the site. Note the tiny Verizon radio cabinet attached to a post in the garage area. This small equipment could

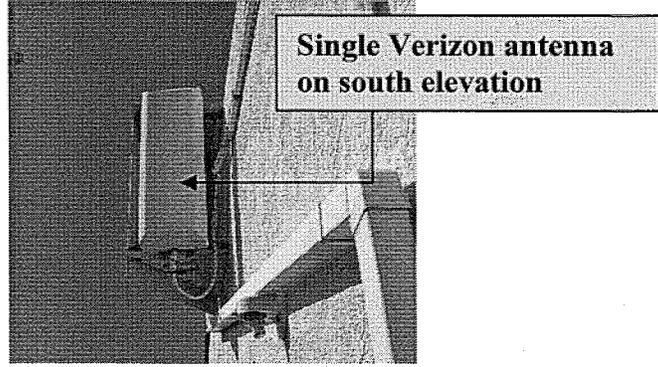
do no more than handle few voice channels. These conditions, with these images of this existing facility, show the challenges in locating a wireless facility on this site, and why Verizon is seeking to potentially replace their site. The T-Mobile site development team identified the best (and only) design alternative for a full wireless facility at this location, consisting of placing a new antenna element and base station equipment all in one location at the SE corner of the property, with the equipment below grade and out of view.



Single Verizon antenna on north elevation



Single Verizon radio cabinet on post in garage



Single Verizon antenna on south elevation

We also need to state that we find the concept of adding an architectural feature or enclosure to the building (as queried by Council and by staff) not feasible. This building is in a finished condition, and has no flat roof areas to which structure could be added. All of the upper portions of this building are occupied / inhabited. Even if such an addition were possible, there would still be the unavoidable problem of coaxial routing and equipment location.

Project Design

Once the site development team arrived at the conclusion that the building itself presented no viable design alternatives, a search for a different site area started. The location at the SE corner of the property was identified. It was determined that this location provided just enough room for the T-Mobile facility, and had the benefit of containing the facility in one compact location. This location allowed a design which: a) eliminated the need for any conduit runs on the building elevations, b) eliminated a need to try and located the base station equipment within the garage area, impacting parking, c) made the power & telco runs all within the adjacent alley area, limiting trenching distances and impacts, and d) placed the proposed facility approximately 170 feet off of Seacoast Drive, limiting visual impacts for the project.

The natural design selection was a faux palm tree. Within the existing 150 SF project area is an existing Mexican Fan Palm of approximately 38 ft. T-Mobile proposes to replace this existing tree with a T-Mobile palm tree. The T-Mobile site development team felt that this was a correct design selection. There are a great number of palm trees in the project vicinity, and a *replacement* palm is more than appropriate for this Southern California beach community.

The project initially filed by the applicant proposed a replacement tree at a height of 48'5", with an external antenna array. The antennas would be colored to match the tree. DRB and staff supported this design, but staff also asked whether a faux palm tree type could be utilized which had internal antennas. We were asked to investigate this just prior to the City Council hearing of September 17. Utilizing this type of faux palm tree is not standard for T-Mobile, since it does not fit our typical / preferred antenna configuration. However, with staff's request and with citizen concerns regarding the project appearance, the project RF Engineer agreed to compromise antenna type and we indicated to staff that we could utilize the faux tree type with fully internal antennas. Staff was informed that utilizing this new tree type would require that the height be increased from approximately 49' to approximately 53', in order to maintain the same antenna height, since the new tree type must place the antennas slightly lower in the device (the highest portion of the building is 56.5 ft., for reference). Both the DRB and staff have supported the existing design, and staff supports this design alternative with the internalized antennas.

T-Mobile is willing to utilize the faux palm tree with the internalized antennas, and formally introduces this as an amended application and request to staff and Council.

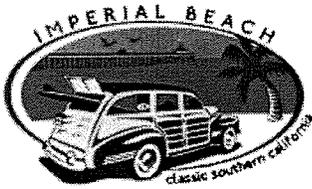
At the City Council hearing, concerns were expressed regarding the site's appearance from Pier Plaza and from the surrounding areas. In response to this, staff required the applicant provide additional photosimulation views from these areas, utilizing the new faux tree type with the internalized antennas. All of the project photosimulations are provided below for the Council's consideration. Please note the project's correct appearance in this setting, and the number of existing palms in the area.

At the Council hearing the adjacent tenant spoke in opposition to the project, expressing concerns regarding the project's appearance, as well as potential health effects. The project as now proposed would have no external evidence of a telecommunications facility either from the subject building or from beyond the project site. It is worth noting that the existing palm tree blocks a significant portion of the abutting tenant's view, and the proposed faux tree would move the tree canopy to a position *above* their deck level and significantly improve their views to the south. The textured trunk materials on the current generation of faux trees is extremely authentic. This answers another concern expressed by the tenant.

Although the issue of "health effects" is regulated only by the federal government (FCC), a comment on this matter is in order, given the concern of the existing tenant. The reason that we are proposing a faux tree which is higher than the existing palm tree is to avoid the signal blockage that would otherwise result in the northerly direction. If the site were maintained at the level of the existing tree, it would be at the same level as the adjacent unit, and would be blocked by this adjacent. While the T-Mobile facility would still meet FCC standards in all likelihood, it would not be a realistic RF design. By placing the site at its proposed level, the facility would "see" over the adjacent unit, resulting in even lower signal level to this unit. Our sites have been found to operate at less than 1% of FCC standards, on average.

Concluding Remarks

The City of Imperial Beach has one of the more detailed WCF ordinances in the region, and Imperial Beach staff requires a great deal of information and justification before they will place a project on a hearing agenda. A detailed application was filed on February 28, and since that time staff has requested additional information and justification for the project design and location. We have not proposed a "stock approach" for this Imperial Beach site, but have worked hard to find a location and design that was right. Our site is 100% stealth, including a faux palm tree with internalized antennas, and base station equipment which is essentially invisible. We have satisfied staff's multiple requests for information and demonstrated that the proposed project is appropriate for the site and meets the Municipal Code standards.



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: OCTOBER 15, 2008
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT
GREG WADE, DIRECTOR
GERARD SELBY, REDEVELOPMENT COORDINATOR
SUBJECT: PROPOSED PROJECT PROPOSALS FOR THE FISCAL YEAR
2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) PROGRAM

BACKGROUND:

The Community Development Block Grant Program (“CDBG”) is funded through the Department of Housing and Urban Development Department (“HUD”). The County of San Diego’s Department of Housing and Community Development allocates funds to participating cities based on a formula that considers factors such as population, income level, and overcrowded housing.

The Draft Fiscal Year (“FY”) 2009-2010 Annual Funding Plan Strategy (“Strategy”) was presented to the Board of Supervisors in September 2008. The approval of the Strategy marks the start of the annual CDBG cycle that culminates in the funding of community development projects in FY 2009-2010. The final approval by the Board of Supervisors for submitted projects is expected to take place in May 2009. The HUD funding levels in FY 2009-2010 are still uncertain; therefore the Strategy assumes the same level of funding as 2008-2009. Adjustments will be made when HUD issues the entitlement figures.

The purpose of this meeting is to approve the final selection of a project or projects for the FY 2008-2009 (CDBG) program.

DISCUSSION

CDBG funded activities are intended to primarily benefit low-income and moderate-income residents of Imperial Beach. The CDGB program activities are expected to improve communities and/or neighborhoods by creating suitable living environments. One of the expected outcomes of CDGB activities is to increase and improve the accessibility of public infrastructure and buildings. Staff has evaluated the different projects for benefits to low-income and moderate-income residents of the community, the viability and timeliness of the proposed projects, and impacts to the livability on the community.

Based on input from at the last City Council meeting, staff has evaluated the following projects for their overall benefits, project feasibility, and the likelihood of completing the project within

one fiscal year: Skate Park, Civic Center crosswalk, Rainbow and Palm Traffic Signal, and the Sports Park bathroom. The following are specific comments regarding each of these projects:

- Skate Park - The use of CDGB funds for the Skate Park has not received approval from the County. The County staff is sympathetic and supportive; however, the regional Housing and Urban Development office in Los Angeles continues to oppose the use of CDGB funds for the development of Skate Parks.
- Rainbow Drive and Palm Avenue Traffic Signal - The Palm Avenue Commercial Corridor Study and the Eco-Bikeway plan have not been completed. The study and bikeway plan will have an undetermined impact on this intersection. Until the final disposition of those plans is known, it would not be a prudent investment of CDGB funds to construct a traffic signal at this time.
- Sports Park Restroom Remodel - The remodel of the bathroom at Sports Park is an unfunded project in the Capital Improvement Program. The remodel would replace sanitary fixtures and stalls; replace the floor and floor drains, replace faucets, doors, vents, and install a new roof and downspouts. The remodel would improve the accessibility of the bathrooms. Accessibility is an intended outcome of the CDGB program. The remodel of the Sports Park bathroom will have a positive impact on the quality of life for the Imperial Beach community. A wide range of ages and a diverse mix of community members extensively use the park. The improvements will enhance access and the efficiency of park operations.

The budget for the Sports Park Restroom Remodel is as follows:

<u>Tasks</u>	<u>Estimated Costs</u>
Construction	128,000
Project Management	<u>9,000</u>
TOTAL	\$137,000

- Civic Center Crosswalk – The Civic Center Crosswalk Project would construct pedestrian oriented improvements that would include a raised median and signage. The Civic Center Crosswalk Project will have the positive impact on the livability of Imperial Beach. The project would significantly enhance the accessibility and safety of pedestrians crossing from the Civic Center complex to the Veterans Park, the Imperial Beach Library, and Senior Center. The users of the park, library, and senior center encompass a wide range of ages and a diverse mix of community members. The project would enhance multi-modal capabilities of the transit system. The proposed project is adjacent to two bus stops.

The budget for the Civic Center Crosswalk is as follows:

<u>Tasks</u>	<u>Estimated Costs</u>
Design/Construction Documents	13,500
Construction	114,500
Project Management	<u>9,000</u>
TOTAL	\$137,000*

*Final estimate will be provided at the October 15, 2008 City Council meeting.

Based on Staff's evaluation, the Civic Center Crosswalk Project would provide a greater benefit to and enhancement of the livability of the entire community. For this reason, staff recommends allocating all of the FY 2009-2010 CDBG funds to this project.

FISCAL IMPACT:

While the actual amount of CDBG funds will not be determined until the County receives all CDBG funding requests and receives HUD notification of available funds, the estimated FY 2009-2010 CDBG allocation is approximately \$137,000.

DEPARTMENT RECOMMENDATION:

That the City Council:

1. Open the public hearing, receive testimony, and consider staff report; and
2. Adopt Resolution No. 2008-6686

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2008-6686

RESOLUTION NO. 2008-6686

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH REQUESTING ALLOCATION OF THE FISCAL YEAR 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

WHEREAS, the City Council of the City of Imperial Beach conducted two public hearings to consider project proposals for the Fiscal Year 2009-2010 Community Development Block Grant ("CDBG") Program; and

WHEREAS, that one of the intended outcomes of the CDBG Program is to improved the availability or accessibility of infrastructure; and

WHEREAS, the City Council received testimony from staff and the community to identify projects that would benefit and enhance the livability of the community; and

WHEREAS, the City Council has identified the Civic Center Crosswalk Project as a project that would benefit and enhance the livability of the community; and

WHEREAS, the Civic Center Crosswalk Project will benefit and enhance the livability of the community by improving the accessibility of the City's public infrastructure; and

WHEREAS, the Civic Center Crosswalk Project is a project that will achieve an intended outcome of the CDBG program; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach that it desires to utilize its 2009-2010 CDBG Funds for the Civic Center Crosswalk.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 15th day of October 2008, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy of Resolution No. 2008-6686 – A Resolution of the City Council of the City of Imperial Beach, Requesting Allocation of the Fiscal Year 2009-2010 Community Development Block Grant (CDBG) Funds.

CITY CLERK

DATE



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: OCTOBER 15, 2008

ORIGINATING DEPT.: PUBLIC WORKS *HAZ*

SUBJECT: SEWER SYSTEM MANAGEMENT PLAN – APPROVAL OF LEGAL AUTHORITY, OPERATIONS AND MAINTENANCE PROGRAM, OVERFLOW EMERGENCY RESPONSE PROGRAM, AND FATS, OIL, AND GREASE (FOG) CONTROL PROGRAM ELEMENTS

BACKGROUND:

On May 2, 2006, the State Water Resources Control Board (SWRCB) adopted and implemented Order No. 2006-0003 Statewide General Waste Discharge Requirements (WDR) for Sanitary Sewer Systems. The WDR provided a regulatory mechanism for a consistent statewide approach to reduce sanitary sewer overflows (SSOs). The WDR required preparation of a Sewer System Management Plan (SSMP), which documents the program to properly manage, operate, and maintain all parts of the sanitary sewer system to reduce and prevent SSOs, as well as mitigate any SSOs that do occur. The WDR stipulates the SSMP must contain 11 elements, each of which must be approved by the agency's governing board (City Council) at a public meeting. The 11 elements each have a unique approval date.

DISCUSSION:

On February 21, 2007, City Council adopted Resolution No. 2007-6449 awarding the Sewer System Capacity Study to RBF Consulting. RBF Consulting has developed components of the SSMP to meet the requirements of the WDR. The following elements: legal authority, operation and maintenance program, overflow emergency response program, and the FOG control program are to be adopted by November 2, 2008. These have been completed as necessary by staff, with the legal authority element completed through the City Attorney's office, and are provided here as Attachments 2 through 5. Other elements to be adopted by May 2, 2009, include the design and performance provisions, system evaluation and capacity assurance plan, monitoring and program modifications, program audits, and the communication program.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

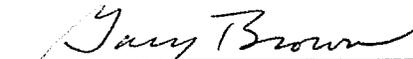
The SSMP will involve the Public Works Department consuming the majority of the total cost, with funding provided through the Sewer Enterprise Fund. The legal authority, operations and maintenance program, overflow emergency response program, and FOG control program elements are due November 2, 2008.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Review and discuss the Legal Authority, Operations and Maintenance Program, Overflow Emergency Response Program, and FOG Control Program SSMP element.
3. City Council adopt Resolution No. 2008-6683, including Exhibits A - D, approving the SSMP Legal Authority, Operations and Maintenance Program, Overflow Emergency Response Program, and FOG Control Program elements as required by the State Water Resources Control Board No. 2006-0003 Statewide General Waste Discharge Requirements (WDR) for Sanitary Sewer Systems.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution 2008-6683, Approving the Sewer System Management Plan - Legal Authority, Operations and Maintenance Program, Overflow Emergency Response Program, and FOG Control Program
2. Exhibit A – Legal Authority – I.B.M.C Chapter 13-04 and Ordinance 2008-1077 and Section 3.0 Legal Authority (pp. 9 – 11) of the RBF Consulting Report “Sanitary Sewer Maintenance Plan” dated June 2008.
3. Exhibit B – Operations and Maintenance Program – Section 4.0 Operations & Maintenance (pp. 11 – 15) of the RBF Consulting Report “Sanitary Sewer Maintenance Plan” dated June 2008 plus Appendix B, Appendix C, Appendix D, Appendix E and Appendix F of the RBF Consulting Report “Sanitary Sewer Maintenance Plan” dated June 2008. (Appendixes B – F available for viewing at City Clerk’s Office) .
4. Exhibit C – Overflow Emergency Response Plan – Appendix H of the RBF Consulting Report “Sanitary Sewer Maintenance Plan” dated June 2008. (Appendix H available for viewing at City Clerk’s Office)
5. Exhibit D – Fats, Oils, & Grease Control Program – Appendix I of the RBF Consulting Report “Sanitary Sewer Maintenance Plan” dated June 2008. (Appendix I available for viewing at City Clerk’s Office)

RESOLUTION NO. 2008-6683

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING THE SEWER SYSTEM MANAGEMENT PLAN – LEGAL AUTHORITY, OPERATIONS AND MAINTENANCE PROGRAM, OVERFLOW EMERGENCY RESPONSE PROGRAM, AND FATS, OIL, AND GREASE (FOG) CONTROL PROGRAM ELEMENTS – AS REQUIRED BY THE STATE WATER RESOURCES CONTROL BOARD ORDER NO. 2006-0003 STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS

WHEREAS, on May 2, 2006, the State Water Resources Control Board (SWRCB) adopted and implemented Order No. 2006-0003 Statewide General Waste Discharge Requirements (WDR) for Sanitary Sewer Systems; and

WHEREAS, the purpose of the WDR is to develop a regulatory mechanism to provide a consistent statewide approach for reducing sanitary sewer overflows; and

WHEREAS, the WDR requires preparation of a Sewer System Management Plan (SSMP) with 11 separate elements; and

WHEREAS, the SSMP Legal Authority, Operations and Maintenance Program, Overflow Emergency Response Program, and FOG Control Program Elements are the next elements required for WDR compliance and must be approved not later than November 2, 2008; and

WHEREAS, the Public Works Director reviewed the SSMP Legal Authority, Operations and Maintenance Program, Overflow Emergency Response Program, and FOG Control Program Elements – Exhibits A – D - and recommended their approval by City Council.

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 SSMP Legal Authority, Operations and Maintenance Program, Overflow Emergency Response Program, and FOG Control Program Elements – Exhibits A-D – required by the State Water Resources Control Board Order No. 2006-0003 Statewide General Waste Discharge Requirements for Sanitary Sewer Systems are approved.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 15th day of October 2008, by the following roll call vote:

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

James C. Janney

JAMES C. JANNEY, MAYOR

ATTEST:

Jacqueline M. Hald

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

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy of Resolution No. 2008-6683 – A Resolution of the City Council of the City of Imperial Beach, California, approving the Legal Authority, Operations and Maintenance Program, Overflow Emergency Response Program, and FOG Control Program Elements – as required by the State Water Resources Control Board Order No. 2006-0003 Statewide General Waste Discharge Requirements for Sanitary Sewer Systems.

CITY CLERK

DATE

Imperial Beach Municipal Code

Chapter 13.04. SEWERS

13.04.010. Purpose of provisions.

It is the purpose of this chapter to establish regulations for the management of the city's sewer system and to provide for fees for connecting to the city's sewer system, in order to protect the health and safety of Imperial Beach citizens. (Ord. 856 § 1 (part), 1992)

13.04.020. Definitions.

For the purposes of this chapter, and Chapters 13.05 and 13.06, the following words or phrases shall have the meaning ascribed by this section.

"Building sewer" means that part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to the sewer lateral, private sewer, individual sewage disposal system or other point of disposal. Also, "House sewer."

"CAL-OSHA" means the State Department of Industrial Safety.

"Multifamily residential" means the residential customer classification with more than one living unit served by a single water meter, and shall include all residential accounts other than single-family residential.

"Plans" means the drawings, profiles, cross-sections, working drawings and supplemental drawings, or reproductions thereof, approved by the engineer, which show the location, character, dimensions or details of the work.

"Persons using" means persons to whom public sewer service is available, whether the sewer system is actually used or not.

"Private sewage disposal system" means a septic tank with the effluent discharging into a subsurface disposal field (one or more cesspools) or of such other facilities as may be permitted under the procedures set forth in this chapter.

"Public sewer" or "sewer main" means a common sewer within a public street or right-of-way and directly controlled by public authority.

"Saddle connection" means a tap installed in the public sewer to connect the sewer lateral to the public sewer.

"Sewage" means any liquid waste which contains animal or vegetable material in suspension or solution, which may include chemicals in solution.

"Sewer" means any conduit intended for the reception and transfer of sewage and industrial waste.

"Sewer lateral" means a sewer, within a public street or right-of-way, proposed to connect the building sewer of any parcel, lot or part of lot with a public sewer or sewer main.

"Single-family residential" means the residential customer classification where one living unit is served by one water meter, with the exception that where four or more living units are attached they are treated as multi-family residential regardless of the number of water meters.

"Standard plans" means details of standard structures, devices, or instructions referred to on the plans or in the specifications by title and/or number.

"Standby service charge" means fees exacted for the benefit that accrues to property by virtue of its having sewer service available to it, even though the sewer service may not actually be used on or by the property.

"Street" means any road, highway, parkway, freeway, alley, walk or way.

“Uniform Plumbing Code” means the currently adopted edition of the Uniform Plumbing Code as adopted by ordinance.

“Utility” means tracks, overhead or underground wires, pipelines, conduits, ducts, or structures, sewer or storm drains owned, operated or maintained in, along or across a public right-of-way or private easement.

“Work” means that which is proposed to be constructed or done under the permit or contract, including the furnishing of all labor and materials. (Ord. 856 § 1 (part), 1992)

13.04.030. Prohibited discharges.

A. It is unlawful for any person to discharge into the city sewer facility groundwater, surface water or stormwater.

B. It is unlawful for any person to cause to enter or permit to enter the city sewer facility any substance, liquid, gas or solid which would cause a public nuisance or hazard to life, or would be deleterious to the system or to the waters receiving the discharge of the system. (Ord. 856 § 1 (part), 1992)

13.04.040. Connection to public sewer required.

A. No person whose premises are so located that a public sewer is within two hundred feet of the place of origin of sewage on the premises shall install any septic tank or use any means of disposing of such sewage other than through a connection with the city sewer facility. Each such person shall be required to connect such premises with the sewer system and to pay all costs and charges provided for under this chapter.

B. All persons whose premises are connected to the public sewer shall be responsible for the installation, maintenance and upkeep of the building sewer and the sewer lateral to the point where the lateral attaches to the saddle connection on the public sewer or sewer main.

C. New sewers and connections to the sewer system will meet all requirements of the Uniform Plumbing Code, copies of which are on file with the department of public works and the building department; the standard plans and specifications of the city for construction in the public right-of-way; and shall also meet the design requirements as established from time to time by the city engineer. (Ord. 856 § 1 (part), 1992)

13.04.050. Persons authorized to make connections.

It is unlawful for any person to make any sewer saddle connections to a public sewer within the boundaries of the city or with any public sewer which is the property of the city, except an officer, employee, or agent of the city authorized to perform such construction or make such connection. (Ord. 856 § 1 (part), 1992)

13.04.060. Connection permit—Required.

It is unlawful for any person, other than those permitted by the Uniform Plumbing Code, to make any connection between any sewer lateral or sewer saddle connection and any building sewer upon or within private property within the city, and before any such person may make such connection between the sewer saddle connection and a building sewer within the city he shall obtain a permit authorizing the connection to be made. Any such connection must be made to the sewer prior to installation of any plumbing fixtures discharging into the building sewer. (Ord. 856 § 1 (part), 1992)

13.04.070. Connection permit—Application—Inspection.

A. A person desiring a permit to make a connection to a sewer lateral, sewer saddle connection or public sewer shall file with the city an application in writing on a form furnished by the city.

B. When applying for a building sewer connection to the public sewer, the city shall have not less than two full working days for inspection of the property and research of the maps and records to determine the possible existence of any unusual excavation problems which may require special equipment or pose difficulties as regards obstructions, traffic control, underground water flow, etc. Permits will not be issued until after this inspection has been performed. (Ord. 856 § 1 (part), 1992)

13.04.080. Saddle connections.

A. The permittee shall adequately uncover the public sewer, and barricade, protect and shore the excavation in accordance with CAL-OSHA instructions so that a saddle connection can be properly made by an authorized person of the city during normal working hours.

B. The permittee shall install the sewer lateral and connect to the saddle connection on the public sewer in accordance with the standard drawings and specifications of the city for construction in the public right-of-way. (Ord. 856 § 1 (part), 1992)

13.04.090. Inspection of connections.

A. When connections are made to the public sewer, sewer lateral or sewer saddle connection, all pipes shall be left exposed and all ditches left open until the connection with the public sewer, sewer saddle connection or sewer lateral has been inspected and approved by an inspector of the city.

B. The following inspections shall be performed on all sewer lateral installations in the public right-of-way:

1. Sewer pipe installation;
2. Excavation backfilling and compaction;
3. Concrete, asphalt paving and job site restoration. (Ord. 856 § 1 (part), 1992)

13.04.100. Reinspections.

A. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete.

B. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this chapter, but shall be interpreted to control the practice of calling for inspections before the job is ready for such inspection or reinspection.

C. Reinspection fees may be assessed by the sewerage supervisor when it is apparent that the inspector is being used to provide supervision of the work rather than for performance of his proper inspection duties.

D. To obtain a reinspection, the applicant shall file an application therefor in writing, upon a form furnished for the purpose, and pay the reinspection fee in accordance with the schedule of fees. (Ord. 856 § 1 (part), 1992)

13.04.110. Liability for damages—Correction of obstructions.

A. All persons engaged in any work provided for in this chapter shall be held responsible for injury to any property and for all damages.

B. Obstruction removal and/or repair of sewer laterals shall be the responsibility of the property owner. (Ord. 856 § 1 (part), 1992)

13.04.120. Revocation of permit and disconnection for violations.

A. The city may revoke the permit issued to any person in the event of a violation by the permittee of any provision of this chapter.

B. The city may disconnect from the public sewer any connecting sewer, building sewer or other facility which is constructed, connected or used without permit or which is constructed, connected or used contrary to the provisions of this chapter.

C. Whenever a disconnection from the public sewer has been made for failure to comply with the provisions of this chapter, reconnection shall be made only upon issuance of a permit as provided by this chapter. Before such a permit is issued, the applicant shall reimburse the city for the cost of disconnection made. (Ord. 856 § 1 (part), 1992)

13.04.130. Connection fees—Saddle connection.

At the time application is made to connect a premises to the sewer system of the city, there shall become due and payable a sewer connection fee. The connection fee shall be imposed as follows: Installation of a saddle connection on the public sewer after adequate exposure of the pipe, excavation protection and shoring in accordance with CAL-OSHA requirements. (Ord. 856 § 1 (part), 1992)

13.04.140. Connection fees and connection inspection fees—Authority to establish.

The city council may from time to time, by resolution duly adopted and published, fix the amounts payable for sewer connection fees and sewer connection inspection fees. (Ord. 856 § 1 (part), 1992)

13.04.150. Sewer connection inspection fees.

At the time application is made to connect a premises to the sewer system of the city, there shall become due and payable a sewer connection inspection fee. The sewer connection inspection fee shall be imposed as follows:

A. Inspection of sewer pipe installation, excavation backfilling and compaction, job site restoration (concrete, paving and soil removal);

B. Capping and/or abandonment pursuant to demolition or new construction;

C. Reinspection as required pursuant to Section 13.04.100. (Ord. 856 § 1 (part), 1992)

13.04.160. Promulgation of rules and regulations.

The city council may also adopt by resolution any rules and regulations that it may deem necessary for the operation and maintenance of the Imperial Beach sewer facility. (Ord. 856 § 1 (part), 1992)

13.04.170. Penalty for violations.

Violation of any provisions of this chapter shall be a misdemeanor punishable as provided in Chapter 1.12 of this code. (Ord. 856 § 1 (part), 1992)

3.0 LEGAL AUTHORITY

Purpose: To provide authority for the City to administer it's collection system and to provide measures to enforce codes and regulations.

The Elements of the City's Legal Authority:	
http://municipalcodes.lexisnexis.com/codes/imperial/ http://www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:sandiegoco_ca_mc http://clerkdoc.sannet.gov/Website/mc/mc.html	
Does City have legal authority to operate a wastewater collection system?	Yes. See California Government Code § 38900 - 38902.
Does City have a sewer use ordinance that describes how the public can use its system?	Yes. See Municipal Code §13.04 et al.
Does City require, through legally binding requirements, that new sewer systems are properly designed and constructed?	Yes. See Resolution No. 2007-6471
Do City design standards require vehicular access to all manholes and cleanouts?	No.
Does City have a section in its sewer use ordinance that prohibits discharge of FOG and other debris into the sewer?	Yes. See Municipal Code §13.04.030.B.
Does City have regulations prohibiting downspout, roof drain, and area drain connections to the sanitary sewer?	No. There is no specific language preventing private stormwater connections to the sewerage system
Does the existing building code provide for jurisdiction over construction of privately-owned sewer lines, including laterals?	Yes. See Municipal Code §13.04.040.
Does the City have authority to regulate the use of grease haulers?	No.
Does City system have a satellite collection system attached to it and if so, does City have a service agreement with the overseeing agency?	No. City does not have a satellite system attached to it.
Does City require that a public sewer easement be recorded over any new publicly owned sewer that is not within a public right of way?	No.

Does the City possess the right of entry to the sewer or any property upon which there is a structure housing the sewer, and also the right to transfer the right of entry to outside parties?	No.
Does City require private laterals to be inspected when a property is sold?	No.
What are the means by which the City may sanction users if they fail to comply with regulations and/or cause deliberate or significant violations resulting in negative impacts to environmental and/or human health?	<i>Disconnection: see Municipal Code §13.04.120. Civil and/or criminal recourse: see Municipal Code §13.04.170.</i>
Does City possess valid legislative means of raising revenues to fund all activities described herein, also including future Capital Improvement Projects?	<i>Yes. See Municipal Code §13.06 et al.</i>

Recommendations:

Under the General Waste Discharge Requirements (Order 2007-0003), legal authority over the City's sewerage system must be in place by May 2, 2009. It is recommended that the City enact legislation in accordance with the following:

1. Adopt legislation requiring that new manhole and cleanout structures be constructed within an access easement that will provide vehicular access for emergency response and maintenance. As some manholes are within the confines of a protected estuary, this restriction cannot be universally applied. City should adopt regulations which grandfather in existing manholes and provides for vehicular access to manholes constructed hereafter.
2. Strengthen Municipal Code §13.04.030.B, legislation prohibiting discharge of fats, oil, and debris into the sewer system. Refer to County Code §68.162 for enhanced wording.
3. Adopt legislation prohibiting private stormwater connections to the sewerage system. Refer to County Code §68.306, .307, and .332.
4. Adopt legislation giving the City authority to regulate grease haulers similar in intent to the San Diego Municipal Code §64.07 et al, which provides for oversight of food service establishments.
5. Adopt legislation requiring that an access easement be provided for all public sewers constructed that are not within a public right-of-way, and that any retirement of public right-of-way is reviewed to ensure that easements for utilities are preserved.

-
6. Adopt legislation that provides right of entry for City crews to the sewer or any property upon which there is a structure housing the sewer, and also the right to transfer the right of entry to outside parties.
 7. Adopt legislation requiring that, in the event that a property is sold or undergoes a major remodeling, a licensed plumbing contractor inspect all sewer laterals for the property from the sewer main to the cleanout and if there is no cleanout to construct one. The legislation should then require remediation of deficiencies prior to the sale or permitting of the remodel.
 8. Strengthen legislation under which the City may sanction users if they fail to comply with regulations and/or cause deliberate or significant violations resulting in negative impacts to environmental and/or human health. The existing recourses should be strengthened so that they reflect the intent and structure as laid out in San Diego Municipal Code §64.0301.

Updates: As new technology becomes available and as the sewer system is modified, the legal authority that governs the sewer system must be updated to accommodate these changes. The Legal Authority should be reviewed semiannually and as issues arise to determine any modifications that need to be incorporated.

ORDINANCE NO. 2008-1077

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTER 13.04 BY AMENDING SECTIONS 13.04.030, 13.04.040 AND 13.04.170 AND ADDING SECTIONS 13.04.180 AND 13.04.190 - SEWERS TO COMPLY WITH STATE WATER RESOURCES CONTROL BOARD ORDER NO. 2006-0003-DWQ

WHEREAS, The State Water Resources Control Board issued Order No. 2006-003-DWQ hereafter requiring that all sewer systems larger than one mile long comply with certain standards; and

WHEREAS, the City of Imperial Beach, which administers a sewer system covered by Order No. 2006-0003-DWQ, has hired RBF Consulting to evaluate the City's sewer system for compliance with the Order; and

WHEREAS, changes adopted in this Ordinance, based on the recommendations to RBF Consulting, should ensure that the City is in compliance.

NOW, THEREFORE, the City Council of the City of Imperial Beach, California does hereby ordain as follows:

SECTION 1: Sections 13.04.030, 13.04.040, and 13.04.170 are amended to add the following:

13.04.030. Prohibited Discharges

A. It is unlawful for any person to discharge into the city sewer facility groundwater, surface water, stormwater, or solid or liquid matter from roof downspouts, roof drains, or area drain connections except as authorized by the City Council of the City of Imperial Beach and the wastewater treatment facility receiving the water for treatment.

B. It is unlawful to place, throw, or deposit, or cause or permit to be placed, thrown, or deposited, in any public or building sewer any dead animal, offal or garbage, fish, fruit or vegetable waste, or other solid matters or materials or obstructions of any kind whatever of such nature as shall clog, obstruct, or fill such sewer, or which shall interfere with or prevent the effective use or operation thereof. No person shall cause or permit to be deposited or discharged into any such sewer any water or sewage or liquid waste of any kind containing chemicals, greases, oils, tars, or other matters in solution or suspension which may be reason of chemical reaction or precipitation, clog, obstruct or fill the same, or which may in any way damage or interfere with or prevent the effective use thereof, or which may necessitate or require frequent repair, cleaning out or flushing of such sewer to render the same operative or which may obstruct or cause an unwarranted increase in the cost of treatment of the sewage.

13.04.040. Connection to Public Sewer Required; Design Specifications.

A. No person whose premises are so located that a public sewer is within two hundred feet of the place of origin of sewage on the premises shall install any septic tank or use any means of disposing of such sewage other than through a connection with the city sewer

facility. Each such person shall be required to connect such premises with the sewer system and to pay all costs and charges provided for under this chapter.

B. All persons whose premises are connected to the public sewer shall be responsible for the installation, maintenance and upkeep of the building sewer and the sewer lateral to the point where the lateral attaches to the saddle connection on the public sewer or sewer main.

C. New sewers and connections to the sewer system will meet all requirements of the Uniform Plumbing Code, copies of which are on file with the Department of Public Works and the Building Department; the standard plans and specifications of the city for construction in the public right-of-way; and shall also meet the design requirements as established from time to time by the City Engineer.

D. Except as expressly provided in this Code, all work performed and all plans and specifications required under the provisions of this chapter shall conform to the requirements prescribed by the the editions of "The San Diego Area- Regional Standard Drawings" and "The Standard Specifications for Public Works Construction" and associated supplements, and "Standard Plans for Public Works Construction" in effect as of November 2, 2008, unless exempted or modified by the City Council of the City of Imperial Beach. To the extent possible, all designs and plans shall provide for vehicular access to all manholes and cleanouts in the sewer main system.

E. All Building Permit plans or designs submitted after November 2, 2008 shall comply with Section 1014.0 of the 2007 California Plumbing Code to eliminate or minimize the sewer system impacts due to Fats, Oils, and Grease discharge.

13.04.070. Connection Permit - Application- Inspection.

A. A person desiring a permit to make a connection to a sewer lateral, sewer saddle connection or public sewer shall file with the city an application in writing on a form furnished by the city.

B. When applying for a building sewer connection to the public sewer, the city shall have not less than two full working days for inspection of the property and research of the maps and records to determine the possible existence of any unusual excavation problems which may require special equipment or pose difficulties as regards to obstruction, traffic control, underground water flow, etc. Permits will not be issued until after this inspection has been performed.

C. Within 30 days after any parcel of real property in the City of Imperial Beach containing one or more sewer laterals is sold or ownership of the property is otherwise transferred, the seller or transferor shall submit proof to the City of Imperial Beach that all sewer laterals on the property have been inspected and are in proper working order.

SECTION 2. Sections 12.04.180 and 13.04.190 are added as follows:

Section 13.04.180. Public Sewer Easements

A. A public sewer easement must be recorded over any public sewer constructed after November 2, 2008, that is not in the public right-of-way.

B. A public sewer easement must be recorded over any existing public sewer system that transits an adjacent property and not in the public right-of-way after November 2, 2008, for any property development or redevelopment building permit submitted for approval that had not been previously recorded.

Section 13.04.190. Right of Entry for Inspection.

A. For any inspection authorized or maintenance or repair required by this code or any federal or state law, city employees or their designees have the right of entry to the sewer or any property upon which there is the City's sewer system infrastructure, for purposes of inspection or maintenance or for repair of sewer facilities or connections.

B. Notwithstanding any other provision of law, the City of Imperial Beach retains all necessary rights to access for maintenance, inspection, or repairs for portions of any sewer main owned or maintained by the City.

SECTION 4: This ordinance shall become effective no sooner than thirty (30) days following its passage and adoption by the City Council.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, held the 1st day of October 2008; and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, held on the 15th day of October 2008, by the following roll call vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

JAMES C. JANNEY, MAYOR

Approved As To Form:

JAMES P. LOUGH, City Attorney

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Ordinance No. 2008-1077 - Amending Imperial Beach Municipal Code Chapter 13.04 By Amending Sections 13.04.030, 13.04.040 And 13.04.170 And Adding Sections 13.04.180 And 13.04.190 - Sewers To Comply With State Water Resources Control Board Order No. 2006-0003-DWQ

CITY CLERK

DATE

Item No. 6.1

Attachments 3 thru 5

(Exhibits to Resolution No. 2008-6683)

**Available for Review in the
City Clerk's Office**

Item No. 6.2

ITEM REMOVED



AGENDA ITEM NO. 6.3

**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

FROM: GARY BROWN, EXECUTIVE DIRECTOR

MEETING DATE: OCTOBER 15, 2008

ORIGINATING DEPT.: PUBLIC WORKS *HAL*

SUBJECT: RESOLUTION APPROVING THE PURCHASE OF VETERANS PARK MONUMENT SIGNS – VETERANS PARK MASTER PLAN - RDA (CIP P03-502)

BACKGROUND:

At the February 6, 2008, City Council meeting, City Council adopted Resolution 2008-6574 - Adoption of "Amendment approved February 6, 2008, Five-Year Capital Improvement Budget Fiscal Year 2004/2005 Through Fiscal Year 2008/2009" in which \$100,000 RDA Tax Increment (non-housing) funds were included in the Veterans Park Master Plan – RDA (CIP P03-502) budget for the purpose of completing "...the tree thinning and informational signage in the park."

At the April 23, 2008, City Council meeting, City Council adopted Resolution 2008-6616 authorizing the City Manager to approve a purchase order with "U.S. Concrete Precast Group" for the purchase of one "Civic Center" monument sign at a construction and delivery cost of \$11,862. One of the conditions of approval was for staff to confirm the quality of work of the vendor, U.S. Concrete Precast Group before placing the order.

During staff's presentation regarding the approval for the purchase of the Civic Center Entrance Monument with U.S. Concrete Precast Group, a discussion ensued regarding a proposal to construct and deliver three (3) additional monument signs for Veterans Park at a much reduced cost (\$7,850 each). U.S. Concrete Precast Group had provided this additional reduced quote because they could use the mold and plans for the Civic Center monument for the Veterans Park signage. To hold this price, the City was to commit to the additional purchase within two to three (2 – 3) weeks of delivery of the Civic Center Monument. Otherwise the mold would be demolished and the cost for the additional signage would include the premold work plus the construction and delivery. Staff was directed to have the Civic Center Monument delivered and installed prior to making the decision to proceed with additional signage.

DISCUSSION:

After the April 23, 2008, City Council meeting, staff visited several sites where U.S. Concrete Precast Group had manufactured and placed monument signs within the San Diego area to confirm the vendor's quality of work. Additionally, staff visited the manufacturing location of the signs and witnessed the process and final product of several monument signs under construction. Staff was satisfied that the quality of work and the finished product were of high standard and would complement the improvements being made within the City's infrastructure.

The Civic Center monument was subsequently ordered. The Civic Center Monument will be delivered and installed Monday, October 13, 2008.

Given the conditions for ordering the additional Veterans Park monument signs and in an effort to move forward with the completion of the Veterans Park Master Plan approved by City Council 5-years ago, staff is proposing that City Council authorize the purchase of three new Veterans Park monument signs for placement at the previously approved locations as follows:

- Veterans Park along Imperial Beach Boulevard
- Veterans Park along 8th Street, replacing the existing red-brick monument near the flag pole
- Veterans Park along Encina Avenue signed as "Boys and Girls Club."

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

The Veterans Park monument signs are budgeted in the 5-year Capital Improvement Program, Veterans Park Master Plan – RDA CIP P03-502 project. Project is funded using RDA Tax Increment (non-housing) account. The following accounting information is relevant:

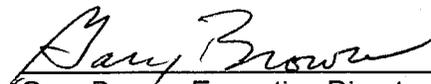
- | | |
|--|------------------|
| • Budget for tree thinning and informational signs | \$100,000 |
| • Original budget estimate for these three signs | \$ 58,000 |
| • Cost for this element of the Project | \$ 23,550 |
| • RDA Tax Increment (non-housing) remaining for the other elements of tree thinning and informational signage elements is (\$100,000 minus \$23,550) | \$ 76,450 |

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Observe the Civic Center Entrance Monument and confirm that City Council is satisfied with the quality of the work.
3. If satisfied with the quality of the Civic Center Entrance Monument, adopt the attached resolution authorizing the City Manager to approve a purchase order for the purchase of three (3) new Veterans Park monuments.

EXECUTIVE DIRECTOR'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, Executive Director

Attachments:

1. Resolution No. R-08-163

RESOLUTION NO. R-08-163

A RESOLUTION OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING THE PURCHASE OF VETERANS PARK MONUMENT SIGNS – VETERANS PARK MASTER PLAN - RDA (CIP P03-502)

WHEREAS, at the February 6, 2008, City Council meeting, City Council adopted Resolution 2008-6574 - Adoption of "Amendment approved February 6, 2008, Five-Year Capital Improvement Budget Fiscal Year 2004/2005 Through Fiscal Year 2008/2009" in which \$100,000 RDA Tax Increment (non-housing) funds were included in the Veterans Park Master Plan – RDA (CIP P03-502) budget for the purpose of completing "...the tree thinning and informational signage in the park."; and

WHEREAS, U.S. Concrete Precast Group has provided a cost quote for the construction and delivery of the three Veterans Park Monument Signs – Veterans Park Master Plan – RDA (CIP P03-502) at a cost of \$7,850 each; and

WHEREAS, the total cost for these three (3) signage elements of the Project is \$23,550; and

WHEREAS, there are sufficient Project budget funds available to purchase the three (3) monument signs.

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 legislative body approves of purchase of three (3) Veterans Park Monument Signs at a total cost of \$23,550 using the allocated RDA Tax Increment (non-housing) funds.
3. The legislative body authorizes the City Manager to approve a purchase order with U.S. Concrete Precast Group for the cost of the purchase of the three (3) Veterans Park Monument Signs.

PASSED, APPROVED, AND ADOPTED by the Redevelopment Agency of the City of Imperial Beach at its meeting held on the 15th day of October 2008, by the following roll call vote:

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

JAMES C. JANNEY, CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, CMC
SECRETARY

I, Secretary of the City of Imperial Beach Redevelopment Agency, do hereby certify the foregoing to be a true and correct copy of Resolution No. R-08-163 – A Resolution of the City Council of the City of Imperial Beach, California,. Approving The Purchase Of Veterans Park Monument Signs – Veterans Park Master Plan - RDA (CIP P03-502)

CITY CLERK

DATE