



# A G E N D A

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



AUGUST 17, 2011

Council Chambers  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932

**REGULAR MEETING – 6:00 P.M.**

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

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

### REGULAR MEETING CALL TO ORDER BY MAYOR

### ROLL CALL BY CITY CLERK

### PLEDGE OF ALLEGIANCE

### AGENDA CHANGES

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

### COMMUNICATIONS FROM CITY STAFF

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

### PRESENTATIONS (1)

None.

**CONSENT CALENDAR (2.1 - 2.6)** - *All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items, unless a Councilmember or member of the public requests that particular item(s) be removed from the Consent Calendar and considered separately. Those items removed from the Consent Calendar will be discussed at the end of the Agenda.*

### **2.1 MINUTES.**

City Manager's Recommendation: Approve the minutes of the Regular City Council Meetings of June 1, June 15 and July 6, 2011.

***Continued on Next Page***

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

**CONSENT CALENDAR (Continued)**

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

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 78784 through 78870 with the subtotal amount of \$328,430.73 and Payroll Checks 44058 through 44094 for the pay period ending 07/28/11 with the subtotal amount of \$191,062.07 for a total amount of \$519,492.80.

**2.3 RESOLUTION NO. 2011-7071 – AUTHORIZING SALE OF SURPLUS SIGNS. (0380-45)**

City Manager's Recommendation: Adopt resolution.

**2.4 RESOLUTION NO. 2011-7069 – AUTHORIZING AND RATIFYING THE CITY MANAGER'S EXECUTION OF AN AMENDED AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND THE CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS REALLOCATING \$4.2 MILLION OF PUBLIC BEACH RESTORATION FUNDS FROM THE ARMY CORPS SILVER STRAND SHORELINE BEACH REPLENISHMENT PROJECT TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) REGIONAL BEACH SAND PROJECT (RBSP) II PROJECT. (0220-70)**

City Manager's Recommendation: Adopt resolution.

**2.5 RATIFY MAYOR'S LETTER REGARDING ASSEMBLY BILL AB 1248. (0460-20)**

City Manager's Recommendation: Ratify the Mayor's letter to Assembly Member Hueso and State Senator Vargas.

**2.6 RESOLUTION NO. 2011-7073 – AFFIRMING CITY MANAGER'S PAYMENT TO ARRIETA CONSTRUCTION FOR AUTHORIZED SEWER INFRASTRUCTURE WORK PERFORMED AT THE DIRECTION OF THE PUBLIC WORKS DIRECTOR. (0830-10)**

City Manager's Recommendation: Adopt resolution.

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

**3.1 ORDINANCE 2011-1122 – AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTER 12.56 RELATING TO THE USE OF THE SKATEBOARD PARK. (0920-40 & 0920-95)**

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the Introduction of Ordinance No. 2011-1122;
3. City Clerk reads title of Ordinance No. 2011-1122, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTER 12.56 RELATING TO USE OF SKATEBOARD PARK"; and
4. Motion to dispense first reading of Ordinance No. 2011-1122 and set the matter for adoption at the next regularly scheduled City Council meeting of September 7, 2011.

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

None.

**PUBLIC HEARINGS (5)**

None.

**REPORTS (6.1 - 6.4)**

**6.1 UPDATE ON TIJUANA RIVER WATERSHED FROM THE INTERNATIONAL BOUNDARY AND WATER COMMISSION (IBWC). (0770-87)**

City Manager's Recommendation:

1. Receive and comment on presentation from Steve Smullen; and
2. Concur with proposed follow on presentation at subsequent council meeting.

*Continued on Next Page*

**REPORTS (Continued)**

**6.2 RESOLUTION NO. 2011-7068 – DECLARING THAT THE WEEDS, BRUSH, RUBBISH, AND REFUSE UPON OR IN FRONT OF PROPERTIES LOCATED AT 715 HOLLY AVENUE, 822 GEORGIA STREET, 642 CORVINA STREET, 1106 7TH STREET, AND 885 ENCINA AVENUE/902 9TH STREET CONSTITUTE A PUBLIC NUISANCE AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF AND SCHEDULE A WEED AND RUBBISH ABATEMENT PUBLIC HEARING TO HEAR OBJECTIONS ON SEPTEMBER 7, 2011. (0680-20)**

City Manager's Recommendation: Adopt resolution.

**6.3 DUE PROCESS HEARING, TO WIT: CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – VETERANS PARK TOT-LOT RESURFACING PROJECT (CIP P03-50B) (0920-70)**

City Manager's Recommendation:

1. Receive report;
2. Hold the due process hearing to receive information from Staff and Play Smart Surfacing, Inc.;
3. Find the lowest dollar value bidder, Play Smart Surfacing, Inc. "nonresponsible;" and
4. Adopt Resolution No. 2011-7070 determining the bid submitted by Play Smart Resurfacing, Inc. for the Public Works Contract for the Veterans Park Tot-Lot Resurfacing (P03-50B) as nonresponsible.

**6.4 RESOLUTION NO. 2011-7072 – AWARDED A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT - VETERANS PARK TOT-LOT RESURFACING PROJECT (CIP P03-50B) AND AUTHORIZING THE TRANSFER OF \$40,000 RISK MANAGEMENT FUNDS TO CIP P03-50B. (0920-70)**

City Manager's Recommendation:

1. Receive report and
2. Adopt resolution.

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

**ADJOURNMENT**

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

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

[www.cityofib.com](http://www.cityofib.com).

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/s/  
Jacqueline M. Hald, MMC  
City Clerk

**DRAFT**

**MINUTES**

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

**JUNE 1, 2011**

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

***CLOSED SESSION MEETING – 4:45 P.M.  
REGULAR MEETING – 6:00 P.M.***

**CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 4:45 p.m.

**ROLL CALL**

Councilmembers present: Bragg, King  
Councilmembers absent: Spriggs  
Mayor Pro Tem Present: Bilbray  
Mayor present: Janney  
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

**CLOSED SESSION**

**MOTION BY BILBRAY, SECOND BY KING, TO ADJOURN TO CLOSED SESSION UNDER:**

**1. CONFERENCE WITH LABOR NEGOTIATOR**

Pursuant to Government Code Section 54957.6:

Agency Negotiator: City Manager  
Employee organizations: Imperial Beach Firefighters' Association (IBFA)  
Service Employees International Union (SEIU), Local 221  
Unrepresented Employees  
Management

**2. CONFERENCE WITH LEGAL COUNSEL**

Pursuant to Government Code Section 54956.9(b)(3)(A)

No. of Cases: 2

**MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: KING, BRAGG, BILBRAY, JANNEY**

**NOES: COUNCILMEMBERS: NONE**

**ABSENT: COUNCILMEMBERS: SPRIGGS**

MAYOR JANNEY adjourned the meeting to Closed Session at 4:46 p.m. and he reconvened the meeting to Open Session at 6:00 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council discussed Item Nos. 1 and 2, direction was given and no reportable action was taken.

**REGULAR MEETING CALL TO ORDER BY MAYOR**

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

**ROLL CALL BY CITY CLERK**

Councilmembers present: Bragg, King  
Councilmembers absent: Spriggs  
Mayor Pro Tem Present: Bilbray  
Mayor present: Janney  
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

**PLEDGE OF ALLEGIANCE**

MAYOR JANNEY led everyone in the Pledge of Allegiance.

**AGENDA CHANGES**

**MOTION BY BRAGG, SECOND BY BILBRAY, TO TAKE ITEM NO. 6.1 – PRESENTATION ON NAVAL FLIGHT PATTERNS RELATED TO EXPANDED HELICOPTER OPERATIONS BY CAPT. LINDSEY AFTER ITEM NO. 1.1. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

MAYOR JANNEY announced Item No. 6.4 was removed from the agenda and will be considered by City Council at a future meeting.

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

COUNCILMEMBER BRAGG announced she and City Manager Brown attended the San Diego Tax Payers Association's Annual Golden Watch Dog and Fleece Awards Dinner where Imperial Beach was nominated for an award for the Public/Private Partnership category for projects completed by Boy Scout Troop No. 53 under the leadership of Public Works Director Levien; and she and Councilmember King were guests of the Port of San Diego as they sailed the San Diego Bay on the tall ship Californian.

MAYOR JANNEY thanked Christine Moore of AT&T who informed the City of the opportunity to apply for the award mentioned by Councilmember Bragg; and he announced that SANDAG released the draft EIR for the Regional Beach Sand Project II.

**COMMUNICATIONS FROM CITY STAFF**

PUBLIC WORKS DIRECTOR LEVIEN introduced Russell Mercer, the new GIS Administrator.

PUBLIC SAFETY DIRECTOR CLARK introduced Marco Garmo, the new Lieutenant at the Imperial Beach Sheriff's Station.

**PUBLIC COMMENT**

MARLA CASTEÑEDA and EVERARDO AGUILAR, of the National Children's Study, announced Imperial Beach was chosen to be in a monumental study looking at children's health and their environment.

**PRESENTATIONS (1.1)**

**1.1\* DEBUT OF NEW SAN DIEGO COUNTY LIBRARY BOOKMARKS FEATURING IMPERIAL BEACH LIFEGUARDS. (0150-20)**

JUNE ENGEL presented City Council with the new bookmark featuring Imperial Beach Lifeguards.

**REPORTS (6.1)**

**6.1 PRESENTATION ON NAVAL FLIGHT PATTERNS RELATED TO EXPANDED HELICOPTER OPERATIONS BY CAPT. LINDSEY. (0620-80)**

A revised staff report and correspondence from Dante Pamintuan and Lenora Porcella were submitted as last minute agenda information.

CAPTAIN LINDSEY gave a PowerPoint presentation on the airfield hours, FAA Rules, Course Rules, and runway patterns; he noted that helicopter operations have taken place on the runway closest to the City over the past several months due to construction on the long runway and the majority of the helicopter operations will return to the long runway by the end of June; he also spoke about the noise complaint process and the need for complainants to provide the date, time and identification of the plane or helicopter; he reported that only 15 complaints have been received this year; he showed the hourly traffic count of helicopter flights for 2010 and that the proposed increase in operations will not exceed 9 to 10 helicopters at any point in time; in response to questions of Council, he stated that the Navy is analyzing the comments and concerns that were submitted on the Environmental Assessment and will prepare a response.

ANGELIC DOLAN, Public Affairs Officer for Naval Base Coronado, spoke about the noise complaint process and that an online complaint system should be completed soon.

DANTE PAMINTUAN expressed concern about safety when helicopters fly over the fence line and close to homes; he suggested that the helicopter operations move to the helo pads and away from the northern runway; he opposed the Environmental Assessment and stated that the Navy will be sued if it does not conduct an EIS (Additional time donated by CHRISTINE HILLGER).

JOHN MUNNS spoke in opposition to the proposed increase in operations at NOLF.

JEFF KNOX spoke in support for an EIS due to the proposed increase in operations; he expressed concern about noise and an increase in unspent jet fuel over the estuary and homes.

MICHAEL BIXLER read and submitted a letter for the record expressing his opposition to expanded operations at NOLF.

MAYOR JANNEY requested a copy of the Navy's Air Operations Manual and looked forward to the Navy's response and mitigation measures for the comments they received on the Environmental Assessment.

**CONSENT CALENDAR (2.1 - 2.9)**

**MOTION BY KING, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS 2.1 THRU 2.9. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**2.1 MINUTES.**

Approved the minutes of the City Council Workshop Meeting of April 13, 2011 and the Regular City Council Meetings of April 20, 2011 and May 4, 2011.

- 2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)**  
Ratified the following registers: Accounts Payable Numbers 78293 through 78379 with the subtotal amount of \$789,772.93 and Payroll Checks 43814 through 43850 for the pay period ending 05/05/11 with the subtotal amount of \$157,266.28 for a total amount of \$947,039.21.
- 2.3 RESOLUTION NO. 2011-7049 AUTHORIZING THE SALE OF CERTAIN SURPLUS CITY EQUIPMENT. (0380-45)**  
Adopted Resolution.
- 2.4 RESOLUTION NO. 2011-7050 AUTHORIZING ADOPTION OF THE 2009 EDITION OF THE SAN DIEGO AREA REGIONAL STANDARD DRAWINGS. (0720-95)**  
Adopted Resolution.
- 2.5 RESOLUTION NO. 2011-7047 AUTHORIZING THE CITY OF IMPERIAL BEACH TO RECEIVE CLEANUP AND ABATEMENT ACCOUNT FUNDS FOR THE LOS LAURELES CANYON TRANS-BORDER TRASH TRACKING STUDY. (0390-86 & 0620-75)**  
Adopted Resolution.
- 2.6 RESOLUTION NO. 2011-7046 TIME EXTENSION APPROVAL FOR CONDITIONAL USE PERMIT (CUP 05-285) AND SITE PLAN REVIEW (SPR 05-286) FOR A MIXED-USE PROJECT LOCATED AT 198-200 PALM AVENUE, IN THE SEACOAST COMMERCIAL (C-2) ZONE: GREG NEIL OWNER/APPLICANT. MF 807. (0600-20)**  
Adopted Resolution.
- 2.7 RESOLUTION NO. 2011-7051 AUTHORIZING RENEWAL OF THE AGREEMENT WITH PARTNERSHIPS WITH INDUSTRIES FOR TIDELANDS MAINTENANCE SERVICES. (0920-20)**  
Adopted Resolution.
- 2.8 RESOLUTION NO. 2011-7044 AUTHORIZING THE EXPENDITURE PLAN FOR THE FY 2010-2011 SUPPLEMENTAL LAW ENFORCEMENT STATE FUNDING (SLESF) GRANT ALSO KNOWN AS THE COPS GRANT. (0260-15 & 0390-86)**  
Adopted Resolution.
- 2.9 RESOLUTION NO. R-11-260 AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE EXCLUSIVE NEGOTIATION AGREEMENT WITH SUDBERRY PROPERTIES. (0640-10)**  
Adopted Resolution.

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

**3.1 FIRST READING OF ORDINANCE NO. 2011-1117 – AFFIRMATIVE ACTION. (0380-95)**

CITY ATTORNEY LYON reported on the item.

MAYOR JANNEY called for the first reading of the title of Ordinance No. 2011-1117.

CITY CLERK HALD read the title of Ordinance No. 2011-1117 “An Ordinance of the City Council of the City of Imperial Beach repealing Chapter 2.44 of the Imperial Beach Municipal Code regarding affirmative action in public contracting.”

**MOTION BY BILBRAY, SECOND BY KING, TO WAIVE FURTHER READING AND DISPENSE INTRODUCTION OF ORDINANCE NO. 2011-1117 BY TITLE ONLY AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

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

None.

**PUBLIC HEARINGS (5.1)**

**5.1 RESOLUTION NO. 2011-7048 SUE ELENBAAS AND MICHAEL HENTSCH (APPLICANT/OWNER); ADMINISTRATIVE COASTAL PERMIT (ACP 110001) AND CONDITIONAL USE PERMIT (CUP 110002) TO PROVIDE A SENIOR HOUSING DEVELOPMENT (“BY THE SEA”) LOCATED AT 829 EMORY STREET (APN 626-322-04-00) IN THE R-3000 (TWO FAMILY RESIDENTIAL) ZONE. MF 1064. (0600-20)**

Correspondence from Bob Vasquez, received on May 31, 2011 was submitted as Last Minute Agenda Information.

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSOCIATE PLANNER FOLTZ gave a PowerPoint presentation on the item; and in response to concerns of City Council, he stated staff would verify if the house numbers comply with the code and if the hot tub requires railings.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

**MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7048 APPROVING THE ADMINISTRATIVE COASTAL PERMIT (ACP 110001) AND CONDITIONAL USE PERMIT (CUP 110002), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**REPORTS (6.2 - 6.7)**

**6.2 SYSTEMATIC CODE COMPLIANCE PROGRAM UPDATE. (0470-95)**

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the item.

JOHN PERNO indicated opposition to hiring additional staff (He did not wish to speak).

CHARLES QUISENBERRY spoke in support for eliminating the Code Compliance Division.

MATTHEW WALTHER spoke about his personal experience with code enforcement and having to demolish a garage conversion and enclosed patio to bring his property into compliance; it was discovered that there was bad wiring, mold, and plumbing that wouldn't drain, avoiding a catastrophic situation; he questioned why code enforcement has not gone after similar homes with garage conversions; and he spoke in support for uniform and systematic enforcement of building standards.

City Council spoke about the positive impacts code enforcement has had on the appearance of neighborhoods and the quality of life in Imperial Beach; it was noted that a main focus of the Neighborhood Revitalization Committee was code enforcement; there was opposition to eliminating the Code Enforcement Department and to adding additional staff; there was support for a priority focus on code complaints while limiting the scope of systematic compliance to clearly visible violations; there was concern about redundancy in some of the codes used in the systematic process; further direction was to divide the City into six (6) sections and to inspect all sections within one year.

CITY MANAGER BROWN understood Council's direction to make complaints a higher priority, divide the City into six (6) sections and conduct systematic enforcement in each section for two (2) months at a time; he stressed it is unlikely that electrical or plumbing problems will be found with the systematic process as staff will only address problems that are obvious from the street; and staff will return to City Council with an update.

COMMUNITY DEVELOPMENT DIRECTOR WADE confirmed that staff will narrow the enforcement list used in the systematic process and address the most egregious violations; he was hopeful that the new process will allow staff to address the back log of citizen complaints.

### **6.3 REVIEW AND DIRECTION REGARDING PROCESSING AND FISCAL ALTERNATIVES FOR AN OFF-LEASH TEST SITE ON THE BEACH BETWEEN PALM AVE. AND CARNATION AVE. (NORTH CITY LIMITS). (0920-90)**

CITY MANAGER BROWN outlined the steps for considering a trial period for an off-leash test site on the beach between Palm Ave. and Carnation Ave. as listed in the staff report.

MIKE MCCOY, a Veterinarian, expressed concern about the possibility of confrontations with dogs and owners on the beach; he encouraged City Council to consider fiscal impacts, public access to the beach, liability issues, encounters with unvaccinated dogs, and the cost to treat an injured animal.

JOHN PERNO indicated that a leash free area in Imperial Beach was long overdue (he did not wish to speak).

GENE HILLGER, President of Ocean Blue Foundation, spoke in support for an off-leash site and said that his foundation will add additional dispensers and maintain the supply of the dog waste bags if the off-leash site is approved.

TIM ONEAL spoke in support for the off-leash area and expressed concern about IB Yappy paying for the study.

DEBORAH A. GOETZ, representing IB Yappy, spoke in support for an off-leash area; and she noted that she did not foresee an increase in dog waste at the proposed test site since on-leash dogs are currently allowed at the site (Additional speaking time donated by CANDY UNGER).

COUNCILMEMBER KING spoke in support for spaying and neutering of animals and for an off-leash trial period; he encouraged staff to first determine if there would be a conflict with environmental rules before moving forward; and stated that a method for evaluating the test site is needed.

COUNCILMEMBER BRAGG was concerned about the cost for the environmental review and questioned if there is another location that can be considered, she also expressed concern with possible encounters between the children in the Jr. Lifeguard Program with off-leash dogs; she supported spaying and neutering of animals and entering into a MOU with IB Yappy; and she questioned the method for evaluating the test area.

CITY MANAGER BROWN stated that the Public Safety Director has arranged with the City of Chula Vista Animal Shelter four (4) spay and neuter clinics per year in Imperial Beach.

MAYOR PRO TEM BILBRAY spoke in support for the six (6) month trial period, and for an MOU with IB Yappy; he stressed the importance of being a responsible dog owner and that owners are liable for their dogs.

MICHAEL DENNISON suggested the use of Navy property for the off-leash area.

MAYOR JANNEY supported a trial period on the beach and expressed concern about the cost for the environmental review.

Consensus of City Council to:

1. Enter into a MOU with IB Yappy regarding operation and maintenance of the trial off-leash area;
2. Conduct a public hearing and send notices to residents within the test site area informing them of the off-leash test site;
3. The City may be required to pay for the processing of the Coastal Development Permit and environmental review;
4. Prepare an Ordinance suspending enforcement of the on-leash provision of the Municipal Code until the trial is terminated (Maximum of 6 months);
5. If during the public hearing or during the review process there is a significant opposition or potential litigation, the City should abandon the leash free idea.
6. Consider a Workshop to discuss a City Council policy on community group requests that require considerable City staff and financial resources.

#### **6.4 IMPERIAL BEACH SHERIFF STATION 2010 YEAR END REVIEW. (0260-80)**

Item removed from the agenda.

#### **6.5 ADA COMPLIANCE IMPROVEMENTS AT 9<sup>TH</sup> STREET AND IMPERIAL BEACH BLVD. (0720-40)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item.

Consensus of City Council to proceed with alternative 2 as presented by Mr. Levien.

City Council asked staff to provide information on traffic circles.

**6.6 RESOLUTION NO. 2011-7043 APPROVING AN AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE CITY OF IMPERIAL BEACH REGARDING FIRE AND EMERGENCY MEDICAL DISPATCH SERVICES. (0250-32)**

CITY MANAGER BROWN reported on the item.

**MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-7043 APPROVING AN AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE CITY OF IMPERIAL BEACH REGARDING FIRE AND EMERGENCY MEDICAL DISPATCH SERVICES. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**6.7 RESOLUTION NO. 2011-7045 APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE CITY OF IMPERIAL BEACH FOR THE PURPOSE OF PROVIDING ANIMAL CARE (SHELTER) AND ANIMAL CONTROL SERVICES. (0200-50)**

CITY MANAGER BROWN introduced the item.

PUBLIC SAFETY DIRECTOR CLARK reported on the cost for the intake of dogs to the Chula Vista Animal Shelter.

**MOTION BY BRAGG, SECOND BY BILBRAY, TO APPROVE RESOLUTION NO. 2011-7045 APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE CITY OF IMPERIAL BEACH FOR THE PURPOSE OF PROVIDING ANIMAL CARE (SHELTER) AND ANIMAL CONTROL SERVICES. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 9:08 p.m.

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James C. Janney, Mayor

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Jacqueline M. Hald, MMC  
City Clerk

**DRAFT**

**MINUTES**

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

**JUNE 15, 2011**

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

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

**REGULAR MEETING CALL TO ORDER**

MAYOR JANNEY called the Regular Meeting to order at 6:00 p.m.

**ROLL CALL**

Councilmembers present: Spriggs, Bragg, King  
Councilmembers absent: None  
Mayor Pro Tem Present: Bilbray  
Mayor present: Janney  
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

**PLEDGE OF ALLEGIANCE**

MAYOR JANNEY led everyone in the Pledge of Allegiance.

**AGENDA CHANGES**

CITY ATTORNEY LYON announced a Cancellation Notice for the Closed Session portion of the agenda was posted yesterday and therefore removed from the agenda and not held.

**MOTION BY SPRIGGS, SECOND BY BILBRAY, TO PULL ITEM NO. 2.2 – RESOLUTION NO. 2011-7055 APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH THE J. SIMMS AGENCY TO PROVIDE PUBLIC RELATION SERVICES FROM THE CONSENT CALENDAR FOR DISCUSSION AT THE END OF THE AGENDA. MOTION CARRIED UNANIMOUSLY.**

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

COUNCILMEMBER KING reported on his attendance at the South County Economic Development Council meeting and he announced the Taste of IB event is scheduled for June 26<sup>th</sup>.

COUNCILMEMBER BRAGG reported on her attendance at the Metro Wastewater Commission meeting.

COUNCILMEMBER SPRIGGS thanked Councilmember Bragg for attending the meeting on his behalf; he stated that the Commission and the San Diego Water Authority are looking at higher use of recycled water and he will report on this subject in the future.

MAYOR JANNEY reported on his attendance at the SANDAG Board meeting, he stated that the EIR for the Shoreline Preservation project is out for review and the California Coastal Commission held a hearing on the project today.

**COMMUNICATIONS FROM CITY STAFF**

None.

**PUBLIC COMMENT**

None.

**PRESENTATIONS (1.1)**

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

MAYOR JANNEY announced a corrected staff report was submitted as Last Minute Agenda Information; and he, along with MARCO TOPETE, of EDCO presented the Recycle All-Star Award Certificate, \$100 check and other premiums to the daughter of Naima Finnie.

**CONSENT CALENDAR (2.1 - 2.3)**

**MOTION BY KING, SECOND BY BILBRAY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 AND 2.3. MOTION CARRIED UNANIMOUSLY.**

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

Ratified the following registers: Accounts Payable Numbers 78380 through 78461 with the subtotal amount of \$1,256,046.16 and Payroll Checks 43851 through 43888 for the pay period ending 05/19/11 with the subtotal amount of \$159,950.85 for a total amount of \$1,415,997.01.

**2.3 RESOLUTION NO. 2011-7056 APPROVING CITY COUNCIL POLICY 409 – INVESTMENT POLICY. (0350-95 & 0410-95)**

Adopted resolution.

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

**4.1 ORDINANCE NO. 2011-1117 – AFFIRMATIVE ACTION. (0380-95)**

CITY MANAGER BROWN reported on the item.

In response to Councilmember Spriggs' concerns, CITY ATTORNEY LYON responded that she did not have the opportunity to check other cities for ordinances and if they had them repealed; She reported that the ordinance was approved in 1971 and State law changed pursuant to Proposition 209 in 1996; she stressed that it is not necessary to have a local ordinance on affirmative action as State law and Federal law deal with the issue.

MAYOR JANNEY requested staff provide City Council with information on diversity in the workforce for City contractors and called for the reading of the title of Ordinance No. 2011-1117.

CITY CLERK HALD read the title of Ordinance No. 2011-1117, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH REPEALING CHAPTER 2.44 OF THE IMPERIAL BEACH MUNICIPAL CODE REGARDING AFFIRMATIVE ACTION IN PUBLIC CONTRACTING."

**MOTION BY BILBRAY, SECOND BY BRAGG, TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2010-1117. MOTION CARRIED BY THE FOLLOWING VOTE:**  
**AYES: COUNCILMEMBERS: KING, BRAGG, BILBRAY, JANNEY**  
**NOES: COUNCILMEMBERS: NONE**  
**ABSTAIN: COUNCILMEMBERS: SPRIGGS**

**PUBLIC HEARINGS (5.1 &-5.2)**

**5.1 RESOLUTION NO. 2011-7058 – 741 HICKORY COURT: NOTICE TO ELIMINATE SUBSTANDARD AND PUBLIC NUISANCE CONDITIONS. (0470-20)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the item; he stated that trash and debris on the property have been abated, and issues with property maintenance conditions as well as tarps on the roof still exist.

DONNA MUSICK submitted nine (9) photos of her property, she expressed concern about staff entering her property to take photos, she questioned why she has to have a licensed contractor to do the repairs; and she requested more time to continue with repairs to her property.

COMMUNITY DEVELOPMENT DIRECTOR WADE responded staff had suggested Ms. Musick to obtain three (3) bids in order to get the best price, owner/builder permits are given in this City; however, staff recommended the use of a qualified contractor who does roof repairs, and he clarified that Mr. Garcias did not go onto her property to take photos.

City Council discussed the abatement process and considered continuance of the public hearing to allow more time for the property owners to clean up the property.

**MOTION BY BRAGG, SECOND BY SPRIGGS, TO CONTINUE THE PUBLIC HEARING TO THE 2<sup>ND</sup> MEETING IN SEPTEMBER. MOTION CARRIED UNANIMOUSLY.**

MAYOR JANNEY stated that since there isn't a second meeting in September, there needs to be a substitute motion to continue the public hearing to October 5, 2011.

**MOTION BY BRAGG, SECOND BY BILBRAY, TO CONTINUE THE PUBLIC HEARING TO OCTOBER 5, 2011. MOTION CARRIED UNANIMOUSLY.**

**5.2 RESOLUTION NO. 2011-7054 – CASEY MAMMEN (APPLICANT)/JIM TONDELLI (OWNER), AN ADMINISTRATIVE COASTAL PERMIT (ACP 080058), CONDITIONAL USE PERMIT (CUP 080059), AND ADMINISTRATIVE SIGN PERMIT (ASP 080060) FOR A CHURCH USE (“THE POTTER’S HOUSE CHRISTIAN FELLOWSHIP CHURCH”) TO OCCUPY AN EXISTING VACANT BUILDING LOCATED AT 808 13<sup>th</sup> STREET (APN 626-342-15-00), IN THE R-2000 (MEDIUM-DENSITY RESIDENTIAL) ZONE. MF 999 (0600-20)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSOCIATE PLANNER FOLTZ gave a PowerPoint presentation on the item; he recommended a revision to Condition Number 2 in Resolution 2011-7054 to state "A freestanding sign that does not exceed five feet in height and six feet in width may be approved subject to staff approval of the design, materials, and lighting/illumination. If building signs are proposed in the future, the freestanding sign must be reduced in size so that all signage will conform with signage regulations allowed of the R-2000 Zone." He also recommended a revision to the findings to state 30 square feet instead of 40 square feet.

CASEY MAMMEN, Applicant, was available to answer questions.

COUNCILMEMBER BRAGG suggested to the applicant that he include denomination, service times and church activities in the signage.

MAYOR JANNEY closed the public hearing.

**MOTION BY BRAGG, SECOND BY KING, TO ADOPT RESOLUTION NO. 2011-7054 – APPROVING AN ADMINISTRATIVE COASTAL PERMIT (ACP 080058), CONDITIONAL USE PERMIT (CUP 080059), AND ADMINISTRATIVE SIGN PERMIT (ASP 080060) WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS AS REVISED BY STAFF. MOTION CARRIED UNANIMOUSLY.**

<b>ITEM NO. 3.1 – TIME SPECIFIC FOR 7:00 P.M.</b>
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**ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1)**

**3.1 CONSIDERATION OF ORDINANCE NOS. 2011-1118 AND 2011-1119 PERTAINING TO MEDICAL MARIJUANA DISTRIBUTION FACILITIES. (0610-95)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LYON gave a background report on the item; she noted that California law permits medical marijuana use by qualified patients while Federal law prohibits it; the proposed ordinances will prohibit the distribution of marijuana to two or more persons within the City, allow for qualified patients to cultivate and use marijuana, and allow for primary care givers to cultivate or supply marijuana to qualified patients; she noted that the proposed ordinances were based on secondary effects on neighborhoods and the lack of appropriate zones based on the size of the City.

COMMUNITY DEVELOPMENT DIRECTOR WADE displayed and reviewed a map of Imperial Beach with similar distance regulations adopted by other communities who regulate medical marijuana; he stated that if marijuana dispensaries were permitted no closer than 600 feet from schools, churches, and parks, and 500 feet from residences, there would be no site available in the General Commercial (C-1) Zone; and given the small size of the City and the small size of the commercial zones, it would be difficult, if not impossible, to adopt similar regulations that regulate the location of medical marijuana dispensaries within Imperial Beach.

MAYOR JANNEY limited public speakers to two (2) minutes.

RON MOODY spoke in opposition to medical marijuana dispensaries.

PAUL ROMERO spoke in support for medical marijuana dispensaries.

TRACEY RIVERA spoke in support for medical marijuana dispensaries (Additional speaking time donated by RUSSELL RICKER and EUGENE DAVIDOVICH).

ED SORRELS spoke in support for having at least one medical marijuana dispensary in Imperial Beach.

JON SIMON spoke in support for Staff's recommendation to prohibit medical marijuana dispensaries in Imperial Beach.

TYRELL BONDS spoke in opposition to medical marijuana dispensaries.

FERNANDO PINEDO, JR. submitted a letter in opposition to medical marijuana dispensaries (He did not wish to speak).

SHARON MARLOW spoke in support for medical marijuana dispensaries.

MARCUS BOYD requested a copy of the cost analysis for regulating medical marijuana dispensaries; he spoke in support for medical marijuana dispensaries; and he submitted nine (9) additional letters in support for marijuana dispensaries for the record (Additional speaking time donated by MICHAEL DENNISON).

CAROL GREEN spoke in opposition to medical marijuana dispensaries.

TOM HETHERINGTON spoke in opposition to medical marijuana dispensaries.

VEY LINVILLE spoke in support for medical marijuana dispensaries.

DANA STEVENS representing the East County Marijuana Task Force, spoke in opposition to medical marijuana dispensaries.

LORENZO HIGLEY representing Community's Against Substance Abuse, spoke in support for Staff's recommendation.

LT. MARCO GARMO, San Diego County Sheriff's Dept., spoke in opposition to medical marijuana dispensaries or any other cash businesses that have potential for increasing crime; he expressed concern about abusers easily obtaining medical marijuana cards; he advised that with any business that has potential for increasing crime there is a need to consider manpower and the ability to maintain the quality of life; and he stated that he would provide a cost breakdown for enforcement of dispensaries.

MAYOR PRO TEM BILBRAY spoke in support for at least one medical marijuana dispensary in the City.

A majority of the City Council raised concern with negative impacts and costs associated with medical marijuana dispensaries and there were requests to review the definition of a medical marijuana distribution facility.

CITY ATTORNEY LYON stated that if the City Council desired a change to the definition of medical marijuana distribution facility, the 45-day noticing requirement is not applicable since the definition is located in the business code section; she further stated that the zoning ordinance does not contain the definition, it only refers to the business code section.

MAYOR JANNEY closed the public hearing, he recommended a change to the definition from two or more persons to four or more persons and called for the introduction of Ordinance No. 2011-1118 (Business ordinance).

CITY CLERK HALD read the title of Ordinance No. 2011-1118 "AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING TITLE 4 (BUSINESS LICENSING AND REGULATION) OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADDING CHAPTER 4.60 (MEDICAL MARIJUANA DISTRIBUTION FACILITIES)."

**MOTION BY JANNEY, SECOND BY BRAGG, TO DISPENSE FIRST READING OF ORDINANCE NO. 2011-1118 AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING INCLUDING THE REVISION TO SECTION 4.16.010A - DEFINITIONS TO FOUR OR MORE. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

MAYOR JANNEY called for the introduction of Ordinance No. 2011-1119 (Zoning ordinance)

CITY CLERK HALD read the title of Ordinance No. 2011-1119 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADDING CHAPTER 19.61 (MEDICAL MARIJUANA DISTRIBUTION FACILITIES) TO TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE AND REPEALING ORDINANCE NO. 2010-1107."

**MOTION BY JANNEY, SECOND BY BRAGG, TO DISPENSE FIRST READING OF ORDINANCE NO. 2011-1119 AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

### **PUBLIC HEARINGS (5.3)**

**5.3 RESOLUTION NO. 2011-7052 – COASTAL DEVELOPMENT PERMIT (ACP 110014) FOR THE IMPERIAL BEACH ECO-BIKE TRAFFIC-CALMING PROJECT ON PALM AVENUE. MF 934. (0600-20)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

City Council expressed concern about traffic impacts as a result of reducing Old Palm Ave. to one lane on each side, the cost of the project, and having parking in areas that may not be necessary.

COUNCILMEMBER BRAGG spoke in opposition to the project due to the cost and impacts to traffic.

**MOTION BY SPRIGGS, SECOND BY KING, TO ADOPT RESOLUTION NO. 2011-7052 – APPROVING ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT (ACP) 110014, WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

MAYOR JANNEY called a recess at 8:51 p.m. and reconvened the meeting to Open Session at 9:00 p.m.

**ROLL CALL**

Councilmembers present: Spriggs, Bragg, King  
Councilmembers absent: None  
Mayor Pro Tem Present: Bilbray  
Mayor present: Janney  
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

**REPORTS (6.1-6.4)**

**6.1 RESOLUTION NOS. 2011-7057 AND R-11-263 APPROVING FISCAL YEAR 2011-12 AND 2012-13 OPERATING BUDGETS. (0330-30)**

CITY MANAGER BROWN introduced the item.

FINANCE DIRECTOR MCGRANE reported on the item and noted that the budget is balanced with the PERS side fund balance paid off; and elimination of the Redevelopment Agency could cause a \$300,000 operating gap.

MICHAEL DENNISON questioned if the \$7.4 million in reserves could be used for lawsuits.

COUNCILMEMBER SPRIGGS expressed concern about approving a budget at this time when there are uncertain financial impacts to Imperial Beach should the State of California eliminate the Redevelopment Agency.

CITY MANAGER BROWN responded that staff will return to City Council when there is certainty as to the impacts of the legislation.

**MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NOS. 2011-7057 AND R-11-263 APPROVING FISCAL YEAR 2011-12 AND 2012-13 OPERATING BUDGETS. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

- 6.2 RESOLUTION NO. 2011-7053 AND NO. R-11-261 AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH VERONICA TAM AND ASSOCIATES TO PREPARE THE 2013-2020 FIFTH CYCLE HOUSING ELEMENT AND AUTHORIZING THESE SERVICES TO BE FUNDED THROUGH REDEVELOPMENT HOUSING FUNDS. MF 1060. (0660-90)**

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA reported on the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE responded to City Council's concerns with project overruns and will communicate to the contractor that there is an expectation to deliver on the cost estimate provided.

**MOTION BY BRAGG, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-7053 AND NO. R-11-261 AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH VERONICA TAM AND ASSOCIATES TO PREPARE THE 2013-2020 FIFTH CYCLE HOUSING ELEMENT AND AUTHORIZING THESE SERVICES TO BE FUNDED THROUGH REDEVELOPMENT HOUSING FUNDS. MOTION CARRIED UNANIMOUSLY.**

- 6.3 APPOINTMENT OF ONE COUNCILMEMBER TO SERVE AS A MEMBER OF THE OTAY RIVER MANAGEMENT PLAN POLICY COMMITTEE. (0410-70 & 0770-85)**

MAYOR JANNEY nominated Councilmember Bragg to serve on the Otay River Management Plan Policy Committee.

**MOTION BY JANNEY, SECOND BY SPRIGGS, TO APPROVE THE MAYOR'S APPOINTMENT OF COUNCILMEMBER BRAGG TO SERVE AS A MEMBER OF THE OTAY RIVER MANAGEMENT PLAN POLICY COMMITTEE. MOTION CARRIED UNANIMOUSLY.**

- 6.4 RESOLUTION NO. 2011-7059 AND RESOLUTION NO. R-11-264 AUTHORIZING AN AGREEMENT AND INCREASING THE CONTRACT AMOUNT WITH PROJECT DESIGN CONSULTANTS FOR CIVIL ENGINEERING SERVICES FOR THE STATE ROUTE 75/DELAWARE AND 7<sup>TH</sup> STREETS INTERSECTION PROJECT. (0640-05)**

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY reported on the item.

**MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7059 AND RESOLUTION NO. R-11-264 AUTHORIZING AN AGREEMENT AND INCREASING THE CONTRACT AMOUNT WITH PROJECT DESIGN CONSULTANTS FOR CIVIL ENGINEERING SERVICES FOR THE STATE ROUTE 75/DELAWARE AND 7<sup>TH</sup> STREETS INTERSECTION PROJECT. MOTION CARRIED UNANIMOUSLY.**

**ITEMS PULLED FROM THE CONSENT CALENDAR (2.2)**

**2.2 RESOLUTION NO. 2011-7055 APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH THE J. SIMMS AGENCY TO PROVIDE PUBLIC RELATION SERVICES. (0160-05)**

CITY MANAGER BROWN introduced the item.

COUNCILMEMBER SPRIGGS spoke of the need to focus on marketing the area around the new hotel and suggested there be a joint public relations effort between the City of Imperial Beach and Pacifica.

CITY MANAGER BROWN responded that his request will cost more than the \$15,000 budget for the contract.

**MOTION BY KING, SECOND BY BRAGG, TO APPROVE RESOLUTION NO. 2011-7055 APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH THE J. SIMMS AGENCY TO PROVIDE PUBLIC RELATION SERVICES. MOTION CARRIED UNANIMOUSLY.**

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 10:35 p.m.

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James C. Janney, Mayor

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Jacqueline M. Hald, MMC  
City Clerk

**DRAFT**

**MINUTES**

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

**JULY 6, 2011**

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

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

**CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 5:00 p.m.

**ROLL CALL**

Councilmembers present: Spriggs (arrived at 5:05 p.m.), Bragg, King  
Councilmembers absent: None  
Mayor Pro Tem Present: Bilbray  
Mayor present: Janney  
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

**CLOSED SESSION**

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

**1. CONFERENCE WITH LABOR NEGOTIATOR**

Pursuant to Government Code Section 54957.6:

Agency Negotiator: City Manager  
Employee organizations: Imperial Beach Firefighters' Association (IBFA)  
Service Employees International Union (SEIU), Local 221  
Unrepresented Employees  
Management

**MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: KING, BRAGG, BILBRAY, JANNEY**

**NOES: COUNCILMEMBERS: NONE**

**ABSENT: COUNCILMEMBERS: SPRIGGS**

MAYOR JANNEY adjourned the meeting to Closed Session at 5:01 p.m. and he reconvened the meeting to Open Session at 6:00 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council considered Closed Session Item 1, direction was given and had no reportable action.

**REGULAR MEETING CALL TO ORDER**

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

**ROLL CALL**

Councilmembers present: Spriggs, Bragg, King  
Councilmembers absent: None  
Mayor Pro Tem Present: Bilbray  
Mayor present: Janney  
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

**PLEDGE OF ALLEGIANCE**

MAYOR JANNEY led everyone in the Pledge of Allegiance.

**AGENDA CHANGES**

MAYOR JANNEY announced Item No. 6.2 was removed from the Agenda and requested Item No. 2.2 be pulled from the Consent Calendar.

**MOTION BY JANNEY, SECOND BY BRAGG, TO PULL ITEM NO. 2.2 – AUTHORIZATION FOR CITY MANAGER TO SIGN A LETTER EXTENDING A LICENSE AGREEMENT BETWEEN THE CITY AND IMPERIAL BEACH WOMEN’S CLUB TO OCTOBER 30, 2030 FOR DISCUSSION AFTER THE CONSENT CALENDAR. MOTION CARRIED UNANIMOUSLY.**

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

MAYOR JANNEY spoke about the success of the July 4<sup>th</sup> Big Bay Boom Event.

**COMMUNICATIONS FROM CITY STAFF**

None.

**PUBLIC COMMENT**

None.

**PRESENTATIONS (1)**

None.

**CONSENT CALENDAR (2.1, 2.3 & 2.4)**

**MOTION BY BILBRAY, SECOND BY KING, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1, 2.3 AND 2.4. MOTION CARRIED UNANIMOUSLY.**

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

Ratified the following registers: Accounts Payable Numbers 78462 through 78606 with the subtotal amount of \$938,187.41 and Payroll Checks 43889 through 43930 for the pay period ending 06/02/11 with the subtotal amount of \$162,633.17 and Payroll Checks 43931 through 43978 for the pay period ending 06/16/11 with the subtotal amount of \$208,117.67 for a total amount of \$1,308,938.25.

**2.3 KAMAL NONA (OWNER)/NICK ALJABI (ARCHITECT); TIME EXTENSION FOR A CONDITIONAL USE PERMIT (CUP 060398), DESIGN REVIEW CASE (DRC 060399), SITE PLAN REVIEW (SPR 060400) FOR TWO MIXED USE DEVELOPMENTS WITH TWO RETAIL COMMERCIAL UNITS AND TWO RESIDENTIAL UNITS FOR EACH DEVELOPMENT (FOUR COMMERCIAL AND FOUR RESIDENTIAL UNITS TOTAL) LOCATED AT 1120, 1122 13<sup>TH</sup> STREET AND 1150, 1152 13<sup>TH</sup> STREET, IN THE C-3 (NEIGHBORHOOD COMMERCIAL) ZONE. MF 863. (0600-20)**

Adopted Resolution No. 2011-7060, approving a six (6) month time extension for Conditional Use Permit (CUP 060398), Design Review Case (DRC 060399), and Site Plan Review (SPR 060400), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

#### **2.4 MINUTES.**

Approved the Minutes of the June 29, 2011 Special City Council Meeting.

#### **ITEMS PULLED FROM THE CONSENT CALENDAR (2.2)**

#### **2.2 AUTHORIZATION FOR CITY MANAGER TO SIGN A LETTER EXTENDING A LICENSE AGREEMENT BETWEEN THE CITY AND IMPERIAL BEACH WOMEN'S CLUB TO OCTOBER 30, 2030. (0130-35)**

MAYOR JANNEY requested that Item No. 2.2 be considered at a future City Council meeting; that staff return with a review of City policies as they relate to the use of facilities by non-profit organizations; and prior to the consideration of these items the City Attorney will determine if there are any legal issues as a result of Councilmembers serving as officers and/or members of the community organizations.

Consensus of City Council to consider Item No. 2.2 - Authorization for City Manager to sign a letter extending a license agreement between the City and Imperial Beach Women's Club to October 30, 2030 and consider a review of City policies related to the use of City facilities by non-profit organizations (as two separate items) at their meeting of August 3, 2011.

#### **ORDINANCES (3.1)**

#### **INTRODUCTION/FIRST READING AND SECOND READING/ADOPTION**

#### **3.1 ADOPTION OF RESOLUTION NO. 2011-7061 AND ORDINANCE 2011-1119; AND INTRODUCTION OF ORDINANCE 2011-1118 (AMENDED) PERTAINING TO MEDICAL MARIJUANA DISTRIBUTION FACILITIES. (0610-95)**

CITY MANAGER BROWN reported on the item.

BRIANA BILBRAY spoke in support for medical marijuana dispensaries.

MARCUS BOYD spoke in support for medical marijuana dispensaries, he complained about the political and decision making process and requested City Council table their vote on this item in order to continue review of information (Additional speaking time donated by Tracey Rivera).

In response to comments made by Mr. Boyd, COUNCILMEMBER SPRIGGS stated for the record that he is the Associate Vice Chancellor in Student Affairs at U.C.S.D, he is not associated with the Medical School and he does not have a medical background.

CITY ATTORNEY LYON reported City Council, at their meeting of June 15, 2011, made a change in Section 4.60.010A(1) which necessitated a change in Section 4.60.010A(2) so that cultivation is consistent with Council's intent of four or more persons.

MIKE DENNISON spoke in opposition to banning medical marijuana dispensaries and encouraged City Council to conduct further research.

**MOTION BY JANNEY, SECOND BY BRAGG, TO ADOPT THE REPORT AND THE JUNE 15, 2011 STAFF REPORT AS THE REPORT REQUIRED PURSUANT TO GOVERNMENT CODE SECTION 65858. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**MOTION BY SPRIGGS, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7061 APPROVING FOR THE PURPOSE OF SUBMITTING TO THE CALIFORNIA COASTAL COMMISSION, ORDINANCE NO. 2011-1119 TO ADD CHAPTER 19.61 TO THE CITY OF IMPERIAL BEACH MUNICIPAL CODE, RELATING TO MEDICAL MARIJUANA DISTRIBUTION FACILITIES. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

MAYOR JANNEY called for the reading of the title Ordinance No. 2011-1119.

CITY CLERK HALD read the title of Ordinance No. 2011-1119 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADDING CHAPTER 19.61 (MEDICAL MARIJUANA DISTRIBUTION FACILITIES) TO TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE AND REPEALING ORDINANCE 2010-1107."

**MOTION BY SPRIGGS, SECOND BY BRAGG, TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2011-1119. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

MAYOR JANNEY called for the reading of the title Ordinance No. 2011-1118 (Amended).

CITY CLERK HALD read the title of Ordinance No. 2011-1118 (Amended) "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING TITLE 4 (BUSINESS LICENSING AND REGULATION) OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADDING CHAPTER 4.60 (MEDICAL MARIJUANA DISTRIBUTION FACILITIES)."

**MOTION BY BRAGG, SECOND BY SPRIGGS, TO DISPENSE THE FIRST READING OF ORDINANCE NO. 2011-1118 (AMENDED) AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING OF JULY 20, 2011. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

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

See Item No. 3.1 above.

**PUBLIC HEARINGS (5)**

None.

**REPORTS (6.1-6.7)**

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

COUNCILMEMBER BRAGG announced she had a potential conflict of interest on the item due to the location of a previous place of employment and left Council Chambers at 6:46 p.m.

CITY MANAGER BROWN introduced the item.

ALLISON ROLFE, Project Manager for Pacifica, gave an update report on the construction of the new hotel; she noted that the slab pour, requiring 475 cement trucks, will occur on September 14<sup>th</sup>.

MAYOR JANNEY suggested that the next update report on the redevelopment of the Seacoast Inn happen in three months rather than on a monthly basis.

COUNCILMEMBER BRAGG returned to Council Chambers at 6:56 p.m.

**6.2 REVIEW OF 13<sup>TH</sup> STREET RIGHT-OF-WAY PROPOSALS INCLUDING BIKE PATH, SIDEWALK, TRAVELED WAY AND PARKING FOR BIKEWAY VILLAGE. (0680-20)**

Item pulled from the agenda.

**6.3 REPORT ON IMPLEMENTATION OF "IMPERIAL BEACH – THE BIG PICTURE." (0100-10)**

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the item.

COUNCILMEMBER SPRIGGS stated that with the completion of the new hotel expected for late summer of next year, it would be fitting to continue with the Big Picture goals for Seacoast Drive; other suggestions included: a look at recommendations from the Walkability Study such as pedestrian-oriented lighting along Seacoast Drive, an examination of the vacant lots and underutilized buildings near the hotel; develop priorities for short, medium and long-term improvements to the Seacoast area, address the needs of tourists, and to have a collaborative marketing effort with Pacifica.

**6.4 IMPERIAL BEACH SHERIFF STATION 2010 YEAR END REVIEW. (0260-80)**

SHERIFF'S CAPTAIN MYERS gave a PowerPoint presentation on the item and noted that there were dramatic decreases in crime rates within the City of Imperial Beach for robbery, aggravated assault, burglary, theft, and auto theft.

**6.5 UPDATE ON TIJUANA RIVER WATERSHED. (0770-87)**

CITY MANAGER BROWN introduced the item.

ENVIRONMENTAL PROGRAM MANAGER HELMER gave a PowerPoint presentation on the agencies involved in the projects and planning activities in the Tijuana River watershed.

**6.6 APPOINTMENT OF IMPERIAL BEACH REPRESENTATIVE TO SERVE ON THE PORT OF SAN DIEGO'S PUBLIC ART COMMITTEE. (0150-70)**

MAYOR JANNEY recommended Danny Lopez to serve on the Port of San Diego's Public Art Committee.

**MOTION BY JANNEY, SECOND BY BILBRAY, TO APPROVE THE MAYOR'S NOMINATION OF DANNY LOPEZ AS THE IMPERIAL BEACH REPRESENTATIVE ON THE PORT OF SAN DIEGO'S PUBLIC ART COMMITTEE FOR A THREE YEAR TERM AND AUTHORIZE THE MAYOR TO SEND A LETTER OF RECOMMENDATION TO THE PORT. MOTION CARRIED UNANIMOUSLY.**

**6.7 DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE – SEPTEMBER 21-23, 2011. (0140-10)**

MAYOR JANNEY recommended Councilmember Bragg to serve as the voting delegate and Councilmember Spriggs as the voting alternate.

**MOTION BY JANNEY, SECOND BY BILBRAY, TO DESIGNATE COUNCILMEMBER BRAGG AS THE VOTING DELEGATE AND COUNCILMEMBER SPRIGGS AS THE VOTING ALTERNATE FOR THE 2011 LEAGUE ANNUAL CONFERENCE AND TO DIRECT STAFF TO COMPLETE AND SUBMIT A VOTING DELEGATE FORM TO THE LEAGUE OFFICE BY FRIDAY, AUGUST 26, 2011. MOTION CARRIED UNANIMOUSLY.**

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 8:28 p.m.

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James C. Janney, Mayor

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Jacqueline M. Hald, MMC  
City Clerk



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** August 17, 2011  
**ORIGINATING DEPT.:** Michael McGrane *mm*  
 Finance Director  
**SUBJECT:** RATIFICATION OF WARRANT REGISTER

**BACKGROUND:**

None

**DISCUSSION:**

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

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

The following registers are submitted for Council ratification.

<u>WARRANT #</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Accounts Payable</u>		
78784-78826	07/28/11	\$ 168,614.98
78827-78870	08/04/11	159,815.75
	<b>Sub-Total</b>	<b>\$ <u>328,430.73</u></b>

**PAYROLL CHECKS:**

44058-44094	P.P.E. 07/28/11	\$ 191,062.07
		\$ <u>191,062.07</u>
	<b>TOTAL</b>	<b>\$ <u>519,492.80</u></b>

**FISCAL IMPACT:**

Warrants are issued from budgeted funds.

**DEPARTMENT RECOMMENDATION:**

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

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



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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
07/28/2011	78784	ADVANTAGE ENVIROMENTAL CONSULT	2296			6,200.00
402-5000-532.20-06	06/29/2011	BIKEWAY VILLAGE ASSESSMNT	9895		12/2011	6,200.00
07/28/2011	78785	AFFORDABLE PRINTER CARE	116			267.86
101-1230-413.30-01	06/27/2011	TONER CARTRIDGE	70236	110417	12/2011	81.51
101-1230-413.30-01	07/12/2011	PRINTER CARTRIDGE - CDPER	70358	F12003	01/2012	186.35
07/28/2011	78786	AGRICULTURAL PEST CONTROL	123			190.00
101-1910-419.21-04	04/26/2011	APRIL 2011	243014	110058	12/2011	95.00
101-1910-419.21-04	05/24/2011	MAY 2011	245298	110058	12/2011	95.00
07/28/2011	78787	AK & COMPANY	1640			900.00
101-1210-413.20-06	06/16/2011	FY 10/11-PREP & SUBMIT	I BEACH - NEW		12/2011	900.00
07/28/2011	78788	ATP GENERAL ENGINEERING CONTRA	2315			11,922.75
202-5016-531.20-06	07/07/2011	ST IMPRVMTS-PRJ S10-101	4	110873	12/2011	11,922.75
07/28/2011	78789	AZTEC LANDSCAPING INC	310			1,540.00
101-5010-431.21-04	06/30/2011	JUNE 2011	0021992-IN	110086	12/2011	1,540.00
07/28/2011	78790	BARROWS CONSTRUCTION	2062			6,595.50
248-1920-519.20-06	07/18/2011	C&G-1401 9TH ST	47	120119	01/2012	2,298.50
248-1920-519.20-06	07/18/2011	C&G-556 DAHLIA AVE	55	120120	01/2012	3,397.00
248-1920-519.20-06	07/18/2011	C&G-1176 GEORGIA AVE	57	120121	01/2012	900.00
07/28/2011	78791	BDS ENGINEERING INC	372			7,875.00
205-5017-531.20-06	07/13/2011	JUNE 2011-STREET IMPRVMT	10-41G	110675	12/2011	630.00
202-5016-531.20-06	07/13/2011	MAY-JUN 2011 ST IMPRVMTS	11-19	111151	12/2011	7,245.00
07/28/2011	78792	CALIFORNIA AMERICAN WATER	612			10,905.17
101-5010-431.27-02	07/19/2011	05-0110529-0 05/12-07/14	08-08-2011		12/2011	44.25
101-6020-452.27-02	07/19/2011	05-0111454-0 05/12-07/14	08-08-2011		12/2011	16.56
101-1910-419.27-02	07/19/2011	05-0111478-9 05/12-07/14	08-08-2011		12/2011	111.84
101-6020-452.27-02	07/19/2011	05-0111479-7 05/12-07/14	08-08-2011		12/2011	4,814.99
101-5010-431.27-02	07/19/2011	05-0111480-5 05/12-07/14	08-08-2011		12/2011	229.47
101-5020-432.27-02	07/20/2011	05-0424056-5 05/13-07/15	08-08-2011		12/2011	76.86
101-6020-452.27-02	07/20/2011	05-0477133-8 05/13-07/15	08-08-2011		12/2011	484.22
405-1260-413.27-02	07/22/2011	05-0536451-3 05/18-07/19	08-10-2011		12/2011	667.60
405-1260-413.27-02	07/22/2011	05-0546597-1 05/18-07/19	08-10-2011		12/2011	52.25
101-6020-452.27-02	07/21/2011	05-0114612-0 05/17-07/18	08-09-2011		12/2011	27.22
101-5010-431.27-02	07/20/2011	05-0114717-7 05/13-07/15	08-08-2011		12/2011	13.11
101-5010-431.27-02	07/20/2011	05-0115202-9 05/13-07/15	08-08-2011		12/2011	30.42
101-6020-452.27-02	07/20/2011	05-0115205-2 05/13-07/15	08-08-2011		12/2011	3,136.93
101-1910-419.27-02	07/20/2011	05-0115206-0 05/13-07/15	08-08-2011		12/2011	720.78
101-1910-419.27-02	07/20/2011	05-0115208-6 05/13-07/15	08-08-2011		12/2011	187.96
101-1910-419.27-02	07/20/2011	05-0115210-2 05/13-07/15	08-08-2011		12/2011	27.60
101-3020-422.27-02	07/20/2011	05-0115211-0 05/13-07/15	08-08-2011		12/2011	170.65
101-5010-431.27-02	07/20/2011	05-0115214-4 05/13-07/15	08-08-2011		12/2011	16.56
601-5060-436.27-02	07/20/2011	05-0115249-0 05/13-07/15	08-08-2011		12/2011	9.65

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
101-5010-431.27-02	07/21/2011	05-0115949-5 05/17-07/18	08-09-2011	12/2011 16.56
101-5010-431.27-02	07/21/2011	05-0115950-3 05/17-07/18	08-09-2011	12/2011 20.02
101-5010-431.27-02	07/21/2011	05-0116368-7 05/17-07/18	08-09-2011	12/2011 20.02
101-6020-452.27-02	07/21/2011	05-0117419-7 05/17-07/18	08-09-2011	12/2011 9.65
07/28/2011 78793	CVA SECURITY	797		60.00
101-1910-419.20-23	07/01/2011	JULY 2011 EOC	19035	120079 01/2012 30.00
101-1910-419.20-23	07/01/2011	JULY 2011 PUBLIC WORKS	19130	120079 01/2012 30.00
07/28/2011 78794	CITY OF CHULA VISTA	831		725.00
101-1130-412.28-04	07/07/2011	2011 CONSORTIUM TRNG FEES	07-07-2011	120095 01/2012 725.00
07/28/2011 78795	CORODATA MEDIA STORAGE, INC.	2334		127.24
503-1923-419.30-02	06/30/2011	CONTAINER SERVICE & FEES	DS1244226	12/2011 127.24
07/28/2011 78796	COUNTY RECORDER	1818		50.00
101-1230-413.20-06	07/21/2011	NOE-MEDICAL MARIJUANA	MF 1052	01/2012 50.00
07/28/2011 78797	CSAC EXCESS INSURANCE AUTHORTI	406		36,126.00
502-1922-419.28-02	07/01/2011	FY 11/12 EXCESS WRKS COMP	1210099-IN	120087 01/2012 36,126.00
07/28/2011 78798	CYNTHIA TITGEN	2340		280.00
101-1130-412.20-06	07/25/2011	07/05/11-07/12/11	07-25-2011	120101 01/2012 280.00
07/28/2011 78799	DATAQUICK	1134		213.75
101-1210-413.21-04	07/01/2011	JUNE 2011 BUSINESS LIC	B1-1938801	12/2011 17.50
101-3070-427.21-04	07/01/2011	JUNE 2011 CODE COMP	B1-1938801	12/2011 172.00
101-3020-422.21-04	07/01/2011	JUNE 2011 PUBLIC SAFETY	B1-1938801	12/2011 24.25
07/28/2011 78800	DEPARTMENT OF JUSTICE	1154		192.00
101-1130-412.21-04	06/30/2011	JUNE 2011 FINGERPRINT APP	857481	12/2011 192.00
07/28/2011 78801	DLA PRINTING & PROMO'S	1178		178.92
101-1210-413.28-11	07/24/2011	P/R VOUCHERS	6914	12/2011 178.92
07/28/2011 78802	HARLAN CONSTRUCTION	2074		4,150.00
248-1920-519.20-06	07/07/2011	C&G-526 9TH ST	07-07-2011	120123 01/2012 4,150.00
07/28/2011 78803	MCDUGAL LOVE ECKIS &	962		30,102.80
405-1260-413.20-01	06/30/2011	JUNE 2011	06-30-2011	12/2011 5,548.68
101-5000-532.20-06	06/30/2011	JUNE 2011	06-30-2011	12/2011 723.84
101-1220-413.20-01	06/30/2011	JUNE 2011	06-30-2011	12/2011 3,610.21
101-1220-413.21-04	06/30/2011	JUNE 2011	06-30-2011	12/2011 24.70
101-1220-413.21-04	06/30/2011	JUNE 2011	06-30-2011	12/2011 1,283.35
101-1220-413.20-01	06/30/2011	JUNE 2011	06-30-2011	12/2011 7,663.01
101-1220-413.20-01	06/30/2011	JUNE 2011	06-30-2011	12/2011 781.95
101-1220-413.20-01	06/30/2011	JUNE 2011	06-30-2011	12/2011 9,004.36
101-1220-413.20-01	06/30/2011	JUNE 2011	06-30-2011	12/2011 1,549.30
101-1220-413.20-01	06/30/2011	JUNE 2011	06-30-2011	12/2011 24.80
101-1220-413.20-01	06/30/2011	JUNE 2011	06-30-2011	12/2011 3.60

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
405-1260-413.20-01	06/30/2011	JUNE 2011	06-30-2011		12/2011	22.00-
101-5000-532.20-06	06/30/2011	JUNE 2011	06-30-2011		12/2011	64.20-
101-1220-413.20-01	06/30/2011	JUNE 2011	06-30-2011		12/2011	19.60-
101-1220-413.20-01	06/30/2011	JUNE 2011	06-30-2011		12/2011	45.00-
101-1220-413.20-01	06/30/2011	JUNE 2011	06-30-2011		12/2011	30.80-
101-1220-413.20-01	06/30/2011	JUNE 2011	06-30-2011		12/2011	94.80
101-1220-413.20-01	06/30/2011	JUNE 2011	06-30-2011		12/2011	24.60-
101-1220-413.20-01	06/30/2011	JUNE 2011	06-30-2011		12/2011	3.60-
07/28/2011	78804	METRO WASTEWATER JPA	1002			7,606.00
601-5060-436.21-04	07/01/2011	FY 11/12 JPA COSTS	143		01/2012	7,606.00
07/28/2011	78805	NORA CORTEZ	1			18.36
101-1020-411.28-06	07/19/2011	MILEAGE REIMBURSEMENT	07-19-2011		12/2011	18.36
07/28/2011	78806	ORIGINAL WATERMEN, INC.	2370			1,823.47
101-3035-423.25-03	06/03/2011	JG UNIFORM RASH GUARDS	16724		12/2011	1,523.32
101-3035-423.25-03	06/10/2011	JG UNIFORM RASH GUARDS	16860		12/2011	300.15
07/28/2011	78807	PITNEY BOWES INC	271			208.80
101-1920-419.25-02	06/03/2011	JUL-SEP 2011 POSTAGE METE	526212	120104	01/2012	208.80
07/28/2011	78808	PMI	23			900.53
101-6040-454.30-02	06/29/2011	PROTECTIVE GLOVES	0300837	110030	12/2011	263.71
101-6040-454.30-02	07/19/2011	PROTECTIVE GLOVES	0304335	120024	01/2012	636.82
07/28/2011	78809	PRUDENTIAL OVERALL SUPPLY	72			550.92
101-5020-432.25-03	06/29/2011	06/29/11 PW UNIFORMS	30191132	110048	12/2011	141.03
101-5020-432.25-03	07/06/2011	07/06/11-PW UNIFORMS	30192582	110048	12/2011	133.93
101-5020-432.25-03	07/13/2011	07/13/11 PW UNIFORMS	30194373	120092	01/2012	141.03
101-5020-432.25-03	07/20/2011	07/20/11 PW UNIFORMS	30195624	120092	01/2012	134.93
07/28/2011	78810	RODRIGO RODRIGUEZ	2067			3,600.00
248-1920-519.20-06	07/07/2011	C&G-935 FLORENCE ST	070811	120122	01/2012	3,600.00
07/28/2011	78811	SAN DIEGO COUNTY ASSESSOR	2120			125.00
101-1920-419.29-04	07/07/2011	MAY-JUNE 2011 MPR EXTRACT	2011020	110012	12/2011	125.00
07/28/2011	78812	SANTEC CONSULTING SERVICES INC	4			1,289.00
101-0000-221.01-05	07/25/2011	BOND REFUND-1303 IB BLVD	TEP 11-30		01/2012	1,289.00
07/28/2011	78813	SOUTH COUNTY ECONOMIC	484			2,500.00
101-1110-412.28-04	06/16/2011	FY 11/12 JANNEY,J-MBRSHIP	128-11	120111	01/2012	2,500.00
07/28/2011	78814	SOUTH WEST SIGNAL	488			160.00
101-5010-431.21-04	06/28/2011	JUNE 2011 MAITENANCE	50376	110083	12/2011	160.00
07/28/2011	78815	SPARKLETTS	2341			21.92
101-1210-413.30-01	07/02/2011	DRINKING WATER	10552239 070211	120127	01/2012	21.92
07/28/2011	78816	STORM GENERAL BUILDERS, INC.	2373			835.00
248-1920-519.20-06	07/12/2011	C&G-822 CAROLINA ST	2055	120103	01/2012	835.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
07/28/2011	78817	MARK SUACCI	2270			1,000.00
248-1920-519.20-06	06/30/2011	C&G-337 EVERGREEN AVE	108	120004	01/2012	1,000.00
07/28/2011	78818	UNDERGROUND SERVICE ALERT OF	731			63.00
601-5060-436.21-04	07/01/2011	JUNE 2011	620110321	110002	12/2011	63.00
07/28/2011	78819	WAGE WORKS INC.	2210			97.25
101-1920-419.21-04	07/18/2011	JULY 2011	125AI0164657	120126	01/2012	97.25
07/28/2011	78820	WAXIE SANITARY SUPPLY	802			3,820.75
101-6040-454.30-02	07/12/2011	JANITORIAL SUPPLIES	72735240	120025	01/2012	534.13
101-6040-454.30-02	07/15/2011	JANITORIAL SUPPLIES	72743832	120025	01/2012	896.90
101-6040-454.30-02	07/20/2011	JANITORIAL SUPPLIES	72751580	120025	01/2012	2,389.72
07/28/2011	78821	WEST COAST ARBORISTS	820			22,868.16
101-5010-431.21-04	06/30/2011	PALM TREE PRUNING-CITYWID	73313	111258	12/2011	19,591.32
101-5010-431.21-04	06/30/2011	PALM TREE PRUNING-TIDELAN	73314	111258	12/2011	76.84
101-6040-454.21-04	06/30/2011	PALM TREE PRUNING-TIDELAN	73314	111258	12/2011	3,200.00
07/28/2011	78822	WEST GROUP CTR	826			120.36
101-1020-411.28-14	07/01/2011	JUNE 2011	823055139	110232	12/2011	120.36
07/28/2011	78823	WESTERN SALES, INC.	2356			1,721.41
601-5060-436.28-01	07/22/2011	HGH PRESSURE CLNG NOZZLE	2013	120109	01/2012	1,721.41
07/28/2011	78824	WHITE CAP CONSTRUCTION SUPPLY	1434			259.17
101-6020-452.30-02	06/30/2011	SAFETY GLASSES/WORK VESTS	15054019	110033	12/2011	259.17
07/28/2011	78825	ZEE MEDICAL, INC.	872			73.88
101-1920-419.30-01	06/10/2011	FIRST AID REFILL/MAINT	0140608847		12/2011	73.88
07/28/2011	78826	ZUMAR INDUSTRIED INC.	875			350.01
101-5010-431.30-02	07/08/2011	STREET NAME SIGNS	0131673	110032	12/2011	126.97
101-6020-452.30-02	07/13/2011	PUBLIC SIGNS	0131751	120026	01/2012	80.81
101-5010-431.30-02	07/08/2011	SIGNS	0131676	110032	12/2011	77.58
101-5010-431.30-02	07/14/2011	STREET NUMBERS	0131766	110032	12/2011	64.65
08/04/2011	78827	A.E. CHARLES CONSTRUCTION	2306			1,000.00
248-1920-519.20-06	07/25/2011	C&G-1131 CONNECTICUT AVE	072511A	120211	01/2012	1,000.00
08/04/2011	78828	AFLAC	120			1,069.56
101-0000-209.01-13	07/21/2011	PR AP PPE 07/14/2011	20110721		01/2012	534.78
101-0000-209.01-13	08/04/2011	PR AP PPE 07/28/2011	20110804		02/2012	534.78
08/04/2011	78829	AMERICAN MESSAGING	1759			80.36
601-5060-436.27-04	07/01/2011	07/01-09/30/11 PAGING SVC	L1252241LG	120187	01/2012	80.36
08/04/2011	78830	AT&T	2052			2,894.48
503-1923-419.27-04	07/20/2011	3372571583448	2526910		01/2012	355.01

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
503-1923-419.27-04	07/20/2011		3393431504727	2525301	01/2012	150.61
503-1923-419.27-04	07/20/2011		3393439371447	2528000	01/2012	150.61
503-1923-419.27-04	07/20/2011		3393442323406	2528309	01/2012	177.51
101-1110-412.27-04	07/15/2011		6194230314983	2513904	01/2012	89.94
101-5040-434.27-04	07/15/2011		6194231074813	2513905	01/2012	1.22-
101-5040-434.27-04	07/15/2011		6194231675716	2513906	01/2012	15.66
601-5060-436.27-04	07/15/2011		6194232231359	2513907	01/2012	15.19
101-1210-413.27-04	07/17/2011		6194235034	2517874	01/2012	16.27
101-3020-422.27-04	07/17/2011		6194237246664	2517090	01/2012	50.52
101-3020-422.27-04	07/15/2011		6194238222636	2513908	01/2012	23.04
101-3020-422.27-04	07/15/2011		6194238225966	2513909	01/2012	152.70
101-1920-419.27-04	07/15/2011		6194238300966	2513910	01/2012	201.46
101-5020-432.27-04	07/15/2011		6194238311966	2513911	01/2012	318.27
101-3030-423.27-04	07/15/2011		6194238322966	2513912	01/2012	173.98
101-1130-412.27-04	07/15/2011		6194238617297	2513913	01/2012	72.04
503-1923-419.27-04	07/11/2011		6194243481712	2497041	01/2012	15.78
101-6030-453.27-04	07/11/2011		6194247077654	2497042	01/2012	79.07
101-3020-422.27-04	07/17/2011		6194247359125	2517091	01/2012	75.18
101-6010-451.27-04	07/22/2011		6195750336814	2529504	01/2012	16.02
101-3020-422.27-04	07/22/2011		6195750361567	2529505	01/2012	16.02
601-5060-436.27-04	07/17/2011		6195751351887	2517635	01/2012	14.28
101-1010-411.27-04	07/17/2011		6196281352138	2517092	01/2012	16.67
101-1230-413.27-04	07/17/2011		6196281356950	2517093	01/2012	149.84
101-3040-424.27-04	07/17/2011		6196281357370	2517094	01/2012	63.67
101-3070-427.27-04	07/17/2011		6196281359503	2517095	01/2012	43.56
101-1210-413.27-04	07/17/2011		6196281361675	2517096	01/2012	174.94
101-6010-451.27-04	07/17/2011		6196281385578	2517097	01/2012	54.80
101-3010-421.27-04	07/13/2011		6196281485966	2506637	01/2012	16.44
101-1920-419.27-04	07/17/2011		6196282018442	2517099	01/2012	.10
601-5060-436.27-04	07/15/2011		C602221236777	2513903	01/2012	196.52
08/04/2011	78831	AUNT ELLENS WATER	307			105.00
101-3020-422.30-02	06/11/2011		04/01/11-06/09/11	061111	110404 12/2011	105.00
08/04/2011	78832	AVENET, LLC	1510			945.00
101-1920-419.21-04	07/07/2011		WEB DESIGN	28887	120191 01/2012	945.00
08/04/2011	78833	BARROWS CONSTRUCTION	2062			900.00
248-1920-519.20-06	07/18/2011		C&G-1176 GEORGIA AVE	57A	120121 01/2012	900.00
08/04/2011	78834	CALIFORNIA ALUMINUM & VINYL WI	1915			1,799.00
248-1920-519.20-06	07/20/2011		C&G-1125 ELM AVE	7202011-1	120212 01/2012	1,799.00
08/04/2011	78835	CVA SECURITY	797			60.00
101-1910-419.20-23	08/01/2011		AUG 2011 EOC	19330	120079 02/2012	30.00
101-1910-419.20-23	08/01/2011		AUG 2011 PW DEPT	19415	120079 02/2012	30.00
08/04/2011	78836	COLONIAL LIFE & ACCIDENT	941			266.88
101-0000-209.01-13	07/21/2011		PR AP PPE 07/14/2011	20110721	01/2012	133.44
101-0000-209.01-13	08/04/2011		PR AP PPE 07/28/2011	9498114-0702108	02/2012	133.44

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
08/04/2011	78837	COUNTY OF SAN DIEGO RCS	1065			3,571.00	
101-3010-421.21-25	07/01/2011	JUNE 2011	11CTOFIBN12	110628	12/2011	2,142.60	
101-3020-422.21-25	07/01/2011	JUNE 2011	11CTOFIBN12	110628	12/2011	571.36	
101-3030-423.20-06	07/01/2011	JUNE 2011	11CTOFIBN12	110628	12/2011	857.04	
08/04/2011	78838	COX COMMUNICATIONS	1073			915.84	
503-1923-419.29-04	07/02/2011	3110015533201 07/01-07/31	07-22-2011	120188	01/2012	10.95	
601-5050-436.21-04	07/05/2011	3110091187001 07/04-08/03	07-25-2011	120188	01/2012	179.00	
101-6010-451.29-04	07/15/2011	3110015531401 07/13-08/12	08-03-2011	120188	01/2012	125.89	
503-1923-419.21-04	07/27/2011	3110039780701 07/25-08/24	08-15-2011	120188	01/2012	600.00	
08/04/2011	78839	D.A.R. CONTRACTORS	1122			694.00	
101-3050-425.20-06	06/01/2011	MAY 2011	0000529	110205	12/2011	347.00	
101-3050-425.20-06	07/01/2011	JUNE 2011	0000629	110205	12/2011	347.00	
08/04/2011	78840	DKC ASSOCIATES, INC.	2187			4,160.00	
101-1110-412.20-06	07/28/2011	07/14/11-07/28/11	229	120117	01/2012	1,414.40	
405-1260-413.20-06	07/28/2011	07/14/11-07/28/11	229	120117	01/2012	1,372.80	
502-1922-419.20-06	07/28/2011	07/14/11-07/28/11	229	120117	01/2012	1,372.80	
08/04/2011	78841	DOCUFLOW SOLUTIONS	367			65.00	
503-1923-419.20-06	07/12/2011	HP PRINTER LABOR	6401	120118	01/2012	65.00	
08/04/2011	78842	EDCO DISPOSAL CORPORATION	1205			141.05	
101-5000-532.20-06	07/31/2011	JULY 2011	07-31-2011	120215	01/2012	141.05	
08/04/2011	78843	ENVIRONMENTAL SYSTEMS RESEARCH	1413			3,375.94	
503-1923-419.20-25	07/19/2011	2011/2012 MAINT CONTRACT	92363134	120008	01/2012	3,375.94	
08/04/2011	78844	GEOSOLS, INC.	2368			1,672.50	
402-5000-532.20-06	07/11/2011	PRELIM PVMNT DSIGN-9TH ST	6615		12/2011	1,672.50	
08/04/2011	78845	GO-STAFF, INC.	2031			180.00	
101-3020-422.21-01	06/28/2011	ROCHER,J-W/E 06/26/11	83895	110149	12/2011	180.00	
08/04/2011	78846	GREGORY HUGHES	2367			1,000.00	
248-1920-519.20-06	07/21/2011	C&G-822 CAROLINA ST	071101	120202	01/2012	1,000.00	
08/04/2011	78847	HARLAN CONSTRUCTION	2074			3,000.00	
248-1920-519.20-06	07/22/2011	C&G-965 HOLLY AVE	07-22-2011	120196	01/2012	1,000.00	
248-1920-519.20-06	07/22/2011	C&G-965 HOLLY AVE	07-22-2011	120197	01/2012	1,000.00	
248-1920-519.20-06	07/22/2011	C&G-935 FLORENCE ST	07-22-2011	120199	01/2012	1,000.00	
08/04/2011	78848	HORIZON HEALTH EAP	90			415.83	
101-1130-412.20-06	07/05/2011	JULY 2011	42354	120097	01/2012	415.83	
08/04/2011	78849	HOSE-CONNECT & TOOLS	1			155.25	
501-1921-419.28-01	05/31/2011	FAB HYDRAULIC HOSES	1594		12/2011	155.25	
08/04/2011	78850	I B FIREFIGHTERS ASSOCIATION	214			216.50	
101-0000-209.01-08	08/04/2011	PR AP PPE 07/28/2011	20110804		02/2012	216.50	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
08/04/2011	78851	ICMA RETIREMENT TRUST 457	242				5,483.60
101-0000-209.01-10	08/04/2011	PR AP PPE 07/28/2011	20110804		02/2012		5,483.60
08/04/2011	78852	JOHN DEERE LANDSCAPES	1986				1,041.14
101-6020-452.30-02	06/28/2011	ROUND GRATE BLACK NDS	58406258	110051	12/2011		28.44
101-6020-452.30-02	07/11/2011	SINGLE STATION BATTERY	58548036	120040	01/2012		730.23
101-6020-452.30-02	07/11/2011	PLASTIC ELECT VALVE	58548048	120040	01/2012		49.11
101-6020-452.30-02	07/20/2011	ROUNDUP QUIKPRO	58656233	120040	01/2012		233.36
08/04/2011	78853	KENNEY ROOFING	2087				2,000.00
248-1920-519.20-06	07/22/2011	C&G-1131 CONNECTICUT ST	07-22-2011	120200	01/2012		1,000.00
248-1920-519.20-06	07/22/2011	C&G-606 SPRUCE AVE	07-22-2011	120201	01/2012		1,000.00
08/04/2011	78854	KOA CORPORATION	611				1,070.78
402-5000-532.20-06	07/21/2011	03/28/11-05/22/11 BIKEWAY	X767-001		12/2011		1,070.78
08/04/2011	78855	MOBILE HOME ACCEPTANCE CORPORA	1533				595.37
408-5020-432.25-01	06/23/2011	07/07/11-08/06/11	159459	120205	01/2012		299.06
408-5020-432.25-01	07/24/2011	08/07/11-09/06/11	160002	120205	01/2012		296.31
08/04/2011	78856	OFFICE DEPOT, INC	1262				736.00
503-1923-419.30-22	07/13/2011	USB SPEAKERS	571114987001	120001	01/2012		8.57
101-1210-413.30-01	07/13/2011	INK CARTRIDGE/LABEL/PAPER	571132481001	120001	01/2012		223.87
101-5020-432.30-01	07/14/2011	PENS/MARKERS/HIGHLITERS	571291995001	120001	01/2012		18.38
101-3020-422.30-01	06/29/2011	FILE FOLDERS	569739802001	110047	12/2011		143.75
101-3020-422.30-02	06/29/2011	4DR FILE CABINET	569739913001	110047	12/2011		341.43
08/04/2011	78857	ONE SOURCE DISTRIBUTORS	1071				303.71
601-5060-436.28-01	07/05/2011	ALTERNATING RELAYS	S3562149.001	120023	01/2012		303.71
08/04/2011	78858	PADRE JANITORIAL SUPPLIES	1430				153.44
101-6040-454.30-02	07/05/2011	DISINFECTANT/SOAP	317477	110043	12/2011		153.44
08/04/2011	78859	RANCHO AUTO & TRUCK PARTS	1685				324.32
501-1921-419.28-16	07/05/2011	#117 MTO INDUS FLTR	7693-82139	120028	01/2012		55.18
501-1921-419.28-16	07/06/2011	OIL FILTER/THREAD LOCKER	7693-82275	120028	01/2012		12.61
501-1921-419.28-16	07/12/2011	#143 HEATER BYPASS TUBE	7693-82921	120028	01/2012		79.77
501-1921-419.28-16	07/13/2011	FILTER/BELT-STOCK	7693-83105	120028	01/2012		39.88
501-1921-419.28-16	07/13/2011	#612 HEATER CORE	7693-83064	120028	01/2012		36.89
501-1921-419.28-16	07/13/2011	#612 HEATER CORE RTN-DEFE	7693-83135	120028	01/2012		36.89-
501-1921-419.28-16	07/27/2011	MINIATURE LAMP	7693-84820	120028	01/2012		18.33
501-1921-419.28-16	07/27/2011	RTN MINIATURE LAMP	7693-84867	120028	01/2012		2.04-
501-1921-419.28-16	07/28/2011	FILTERS-STOCK	7693-84931	120028	01/2012		120.59
08/04/2011	78860	JUAN MARTINEZ	2060				6,010.00
248-1920-519.20-06	07/13/2011	C&G-1401 9TH AVE	07-13-2011		01/2012		6,010.00
08/04/2011	78861	RODRIGO RODRIGUEZ	2067				3,200.00
248-1920-519.20-06	06/20/2011	C&G-1131 CONNECTICUT	062011	120193	01/2012		3,200.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
08/04/2011	78862	SAFTEY KLEEN SYSTEMS	246			261.36	
501-1921-419.29-04	07/07/2011	BRAKE CLEANER	54319507	120056	01/2012	261.36	
08/04/2011	78863	SAN DIEGO ASSOCIATION OF GOVER	254			9,350.00	
101-1920-419.29-04	07/01/2011	AGENCY ASSESSMENT FY12	AR165331	120190	01/2012	9,350.00	
08/04/2011	78864	SANDPIPA	321			86,695.00	
502-1922-419.28-02	07/05/2011	FY 11/12 LIABILITY INS PR	LI2012-6	120088	01/2012	69,253.00	
502-1922-419.28-02	07/05/2011	FY 11/12 PROPERTY INS PRE	P2012-6	120088	01/2012	17,442.00	
08/04/2011	78865	SEIU LOCAL 221	1821			1,622.87	
101-0000-209.01-08	08/04/2011	PR AP PPE 07/28/2011	20110804		02/2012	1,622.87	
08/04/2011	78866	SKS INC.	412			8,322.48	
501-1921-419.28-15	07/20/2011	FLEET MOTOR OIL	N707019	120058	01/2012	1,506.63	
501-1921-419.28-15	07/21/2011	623 G DIESEL/1200.5 G REG	1241623-IN	120058	01/2012	6,815.85	
08/04/2011	78867	MARK SUACCI	2270			1,000.00	
248-1920-519.20-06	07/08/2011	C&G-278 DATE ST-DEPOSIT	111	120195	01/2012	1,000.00	
08/04/2011	78868	SUNSCREEN PRINTING	2311			1,264.00	
101-1920-419.30-02	08/01/2011	IMPERIAL BEACH TEESHIRTS	9596	120213	02/2012	1,264.00	
08/04/2011	78869	THYSSENKRUPP ELEVATOR	663			698.49	
101-3030-423.20-06	07/01/2011	JUL- SEP 2011	1037060877	120186	01/2012	698.49	
08/04/2011	78870	WEST COAST APPLIANCE SERVICES,	2045			1,000.00	
248-1920-519.20-06	07/25/2011	C&G-1131 CONNECTICUT ST	24213	120194	01/2012	1,000.00	
DATE RANGE TOTAL *						328,430.73 *	



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO: HONORABLE MAYOR AND CITY COUNCIL**  
**FROM: GARY BROWN, CITY MANAGER**  
**MEETING DATE: August 17, 2011**  
**ORIGINATING DEPT.: GARY BROWN, CITY MANAGER**  
**SUBJECT: RESOLUTION NO. 2011-7071 – AUTHORIZING THE SALE  
OF SURPLUS SIGNS**

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**BACKGROUND:**

Changes in federal law concerning street signs have required the City to replace its current street signs as authorized by prior action of the City Council. The old street signs are no longer of use to the City.

State law allows cities to dispose of surplus property, such as these signs, in whatever way the City deems appropriate, so long as it is done in a way that is for the common benefit. Selling the signs at a reasonable price to members of the public does benefit the public. Chapter 3.04 of the Imperial Beach Municipal Code provides authority to sell surplus property, especially when the total amount of the sale exceeds \$1,000 in value. However, Chapter 3.04 does not specifically address the current situation and staff's proposal to sell the signs.

**DISCUSSION:**

City staff has researched how best to dispose of the surplus signs. Staff has examined different avenues for selling the signs as well as recycling options. From the various methods evaluated by staff, it is believed that the public interest will be best served by offering the signs for sale to the general public. Staff believes that \$25.00 per sign is consistent with the fair market value, so staff proposes to offer the signs for sale on a first-come, first-served basis.

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

Some staff time will be necessary to conduct the sign sales, but it is expected that the sales will bring \$25.00 per sign in revenue to the City.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 2011-7071.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



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

Attachments:

1. Resolution No. 2011-7071

**RESOLUTION NO. 2011-7071**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE SALE OF SURPLUS SIGNS**

**WHEREAS**, the City of Imperial Beach possesses old street signs that are no longer of use to the City and which constitute surplus property; and

**WHEREAS**, the City Council for the City of Imperial Beach believes that \$25.00 per sign constitutes a fair market price for selling these signs; and

**WHEREAS**, selling these signs at a reasonable market price is in the public interest.

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

Section 1. The City Council for the City of Imperial Beach declares that the above findings are true and correct.

Section 2. The City Manager and his designees are authorized to sell old, surplus City of Imperial Beach street signs at a price of \$25.00 each in a manner accessible to the public on a first-come, first-served basis.

Section 3. The City Manager and his designees are authorized to take all actions and execute all instruments necessary and proper to effectuate this Resolution.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 17th day of August 2011, by the following vote:

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

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**JAMES C. JANNEY, MAYOR**

**ATTEST:**

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



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** GARY BROWN, CITY MANAGER

**MEETING DATE:** AUGUST 17, 2011

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

**SUBJECT:** ADOPTION OF RESOLUTION NO. 2011-7069 AUTHORIZING AND RATIFYING THE CITY MANAGER'S EXECUTION OF AN AMENDED AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND THE CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS REALLOCATING \$4.2 MILLION OF PUBLIC BEACH RESTORATION FUNDS FROM THE ARMY CORPS SILVER STRAND SHORELINE BEACH REPLENISHMENT PROJECT TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) REGIONAL BEACH SAND PROJECT (RBSP) II PROJECT

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**BACKGROUND:**

For several years the City of Imperial Beach was under contract with the California Department of Boating and Waterways (DBW) for \$4.2 million of Public Beach Restoration Funds to contribute to the required local share of the Army Corps of Engineers' Imperial Beach – Silver Strand Shoreline Beach Replenishment and Shoreline Protection Project. With most of the local share in place, City staff had been attempting to secure the necessary the federal share for initial construction of this project. Due to significant budget constraints and a recent moratorium on federal "ear marks", it became increasingly apparent that the necessary federal funds would not be available or authorized in the foreseeable future.

During this time, SANDAG implemented another Regional Beach Sand Project (RBSP) that would replicate the project constructed in 2001 that brought approximately 2.1 million cubic yards of sand to several San Diego County beaches, including approximately 120,000 cubic yards to the City of Imperial Beach. On November 7, 2007, the City Council authorized City staff to enter into a Memorandum of Understanding (MOU) with SANDAG to initiate the preliminary planning activities of this second RBSP (called "RBSP II"). On February 4, 2009, the City Council authorized the City Manager to enter into a Memorandum of Understanding (MOU) with SANDAG to participate in RBSP II and to provide its share of funding for environmental review, permitting, and the preparation of final engineering plans for the project.

Also on February 4, 2009, the City Council was advised that participating jurisdictions had been asked whether or not they would like to assess and analyze the possibility of expanding the scope of the project (i.e., amount of sand and the length of the deposition site) beyond that of

the original project with the cost of the larger project being the responsibility of the participating city. The City Council supported having SANDAG's consultant consider in its environmental review the expansion of the project for up to 650,000 cubic yards of sand. The Final Environmental Impact Report/Environmental Assessment (EIR/EA) for the project was certified and approved by SANDAG on May 27, 2011 and the California Coastal Commission approved a consolidated permit for all participating cities on June 16, 2011.

### **DISCUSSION:**

The larger project would provide up to 650,000 cubic yards of sand and would be extended a total distance of 5,750 feet in length from just north of Dahlia Avenue to near the end of South Seacoast Drive at a width of 260 feet. The range between these two alternatives would allow for an amount of sand anywhere between 120,000 and 650,000 cubic yards of sand to be placed on the beach. As stated above, in order to receive additional sand beyond the amount called for under Alternative 1 (120,000 cubic yards), the City must come up with additional funding to do so. As also stated above, the City has been under contract with the State Department of Boating and Waterways (DBW) for \$4.2 million to provide some of the City's local share for the Army Corps of Engineers Imperial Beach – Silver Strand Shoreline Beach Replenishment Project. Given the significant delays and challenges this project has faced in securing the necessary federal funding, however, the City Council has previously supported staff's recommendation to pursue the "reallocation" of these funds to the SANDAG RBSP II. This was again supported by the City Council at their meeting on March 3, 2011.

On August 1, 2011, the City received an amendment contract authorizing the reallocation of the \$4.2 million of DBW from the Army Corps project to the RBSP II Project if federally funding is not secured for the Army Corps project by the beginning of the federal fiscal year (FY) 2012 (October 1, 2011). The contract was amended to extend through June 30, 2013, and the project work must be invoiced by June 1, 2013 (see Attachment 1). The RBSP II Project is scheduled to commence construction on April 1, 2012. Given the City Council's previous support and the request from the DBW for "expeditious handling" of the amended contract, the City Manager signed the contract and returned it to the DBW as requested. City staff is now seeking authorization and ratification of this executed agreement amendment by adoption of the attached resolution (see Attachment 2).

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

A Draft Environmental Impact Report/Environmental Assessment (EIR/EA) has been prepared for the project and is currently out for public review. The review period began on January 26, 2011, and ends on March 14, 2011. SANDAG is the state lead agency responsible for compliance with CEQA. The United States Army Corps of Engineers is the federal lead agency responsible for compliance with the National Environmental Policy Act of 1969 (NEPA).

The EIR/EA determined that no long-term significant impacts are expected to occur from implementation of the project as proposed and as described above for the City of Imperial Beach. Sand placement would occur around the clock, on a 7-day/24-hour basis, with 14 construction days estimated for Alternative 1 and 70 construction days estimated for Alternative 2. These longer construction hours would result in more efficient construction and greater production rates, and would allow for more sand to be placed on Imperial Beach. Although not identified as a significant impact, these construction hours may necessitate issuance of a noise variance.

**FISCAL IMPACT:**

City will be required to provide a 15% local share (approximately \$735,000) for the \$4.2 million of Public Beach Restoration funds. The Port of San Diego's Capital Development Program currently allocates \$1 million for beach replenishment in Imperial Beach. The City has requested that Port funds be used for the City's local share with the remaining amount going towards providing additional sand on the beach during RBSP II.

The City of Imperial Beach and the Imperial Beach Redevelopment Agency have, by prior action, paid and/or authorized the payment of a total of \$218,940 for the RBSP II.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 2011-7069, authorizing and ratifying the City Manager's execution of an amended agreement between the City of Imperial Beach and the Department of Boating and Waterways (Agreement No. 09-300-806) for the reallocation of \$4,200,000 of Public Beach Restoration Funds from the Army Corps of Engineers Imperial Beach – Silver Strand Shoreline Beach Replenishment Project to the SANDAG Regional Beach Sand Project II.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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

**Attachments:**

1. Cover Letter and Amended Agreement No. 09-300-806
2. Resolution No. 2011-7069

*The City Of  
Imperial  
Beach*

(619) 628-1356  
FAX: (619) 424-4093

**COMMUNITY DEVELOPMENT DEPARTMENT**  
825 IMPERIAL BEACH BOULEVARD • IMPERIAL BEACH, CALIFORNIA 91932



August 2, 2011

Cindy Clauser, Contracts Coordinator  
Department of Boating and Waterways  
2000 Evergreen Street, Suite 100  
Sacramento, CA 95815-3888

RE: Imperial Beach-Beach Restoration Grant  
First Amendment to Contract  
(Contract 09-300-806)

Dear Ms. Clauser:

Please find enclosed two executed copies for your signature. If you have any questions regarding this, please do not hesitate to contact me at: 619-628-1354. Thank you for your time and attention in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory Wade', is written over a light blue horizontal line.

Gregory Wade  
Community Development Director

**DEPARTMENT OF BOATING AND WATERWAYS**

2000 EVERGREEN STREET, SUITE 100  
SACRAMENTO, CA 95815-3888  
(888) 326-2822  
[www.dbw.ca.gov](http://www.dbw.ca.gov)



JUL 23 2011

AUG - 1 2011

Mr. Gregory Wade, Community Development Director  
City of Imperial Beach  
825 Imperial Beach Boulevard  
Imperial Beach, California 91932

Subject: Imperial Beach-Beach Restoration Grant  
First Amendment to Contract  
(Contract 09-300-806)

Dear Mr. Wade:

Enclosed is the amendment to the agreement between the City of Imperial Beach and the Department of Boating and Waterways extending and adding additional terms.

Please complete the following item(s) and return to my attention at the address stated above, expeditious handling is appreciated.

Standard Agreement Amendment (STD 213A), have the proper individual sign two (2) originals and return for further processing.

Contractor Certification Clauses (CCC). The CCC package contains clauses and conditions that may apply to your agreement. The CCC will be kept on file in a central location and must be renewed every three-(3) years and updated as changes occur. Please have the proper individual sign and return the current CCC.

Resolution or Minute Order.

Retain for your files one copy marked "Pending Copy".

The enclosed approved Agreement is for your records.

For inquires regarding the implementation of this contract, please contact Mr. Kim Sterrett, Project Manager at (916) 263-8157 or by email at [ksterrett@dbw.ca.gov](mailto:ksterrett@dbw.ca.gov).

For inquires regarding the processing of this contract, please contact me at (916) 263-8156 or by email at [cclausner@dbw.ca.gov](mailto:cclausner@dbw.ca.gov).

Sincerely,

A handwritten signature in cursive script that reads "Cindy Clausner".

Cindy Clausner  
Contracts Coordinator

Enclosures

STATE OF CALIFORNIA  
**STANDARD AGREEMENT AMENDMENT**  
 STD. 213 A (Rev 6/03)

CHECK HERE IF ADDITIONAL PAGES ARE ATTACHED \_\_\_\_\_ Pages

AGREEMENT NUMBER <b>09-300-806</b>	AMENDMENT NUMBER <b>1</b>
REGISTRATION NUMBER <b>eP1083060</b>	

- This Agreement is entered into between the State Agency and Contractor named below:  
 STATE AGENCY'S NAME  
**DEPARTMENT OF BOATING AND WATERWAYS (DEPARTMENT)**  
 CONTRACTOR'S NAME  
**CITY OF IMPERIAL BEACH (GRANTEE)**
- The term of this Agreement is **January 1, 2010** through **June 30, 2013**
- The maximum amount of this Agreement after this amendment is: **\$ 4,200,000.00**  
**FOUR MILLION TWO HUNDRED THOUSAND DOLLARS**
- The parties mutually agree to this amendment as follows. All actions noted below are by this reference made a part of the Agreement and incorporated herein:

**Imperial Beach - Beach Restoration Project**

This amendment is entered into on April 11, 2011.

a) Scope of Work

If Federal funding is not appropriated for this project by the beginning of federal FY2012, then the Grantee may redirect the funding to augment the SANDAG Regional Beach Sand Project II (RBSP II) which will provide beach renourish to the Imperial Beach project site.

b) Time extension

The term of this agreement shall be extended through June 30, 2013.

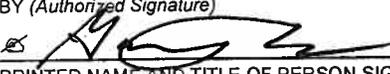
c) Payment Provision

Grantee will enter into an agreement with San Diego Association of Governments (SANDAG) to augment the SANDAG RBSP II effort.

The project work will be invoiced no later than June 1, 2013.

All other terms and conditions shall remain the same.

**IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.**

<b>CONTRACTOR</b>		CALIFORNIA Department of General Services Use Only
CONTRACTOR'S NAME (If other than an individual, state whether a corporation, partnership, etc.) <b>CITY OF IMPERIAL BEACH</b>		
BY (Authorized Signature) 	DATE SIGNED (Do not type) <b>8/11/11</b>	
PRINTED NAME AND TITLE OF PERSON SIGNING <b>GARY BROWN, City Manager</b>		
ADDRESS <b>825 IMPERIAL BEACH BOULEVARD IMPERIAL BEACH, CALIFORNIA 91932</b>		
<b>STATE OF CALIFORNIA</b>		<input type="checkbox"/> Exempt per:
AGENCY NAME <b>DEPARTMENT OF BOATING AND WATERWAYS</b>		
BY (Authorized Signature) 	DATE SIGNED (Do not type)	
PRINTED NAME AND TITLE OF PERSON SIGNING <b>LUCIA C. BECERRA, Acting Director</b>		
ADDRESS <b>2000 EVERGREEN STREET, SUITE 100, SACRAMENTO, CALIF. 95815-3888</b>		

Pending  
Copy

RESOLUTION NO. 2011-7069

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AUTHORIZING AND RATIFYING THE CITY MANAGER'S EXECUTION OF AN AMENDED AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND THE CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS REALLOCATING \$4.2 MILLION OF PUBLIC BEACH RESTORATION FUNDS FROM THE ARMY CORPS SILVER STRAND SHORELINE BEACH REPLENISHMENT PROJECT TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) REGIONAL BEACH SAND PROJECT (RBSP) II PROJECT**

**WHEREAS**, the City of Imperial Beach desires to provide for preservation and protection of the shoreline at Imperial Beach, which has been damaged by man-induced and natural erosion; and

**WHEREAS**, the City has determined that a replenished and restored beach environment at Imperial Beach will provide a significant benefit to the community of Imperial Beach as well as to the economic well-being of the region and state; and

**WHEREAS**, the City has been actively cooperating with the Army Corps of Engineers to promote the development of a workable sand replenishment project that will provide for the long-term maintenance of the beach environment fronting Imperial Beach; and

**WHEREAS**, the City, in cooperation with the San Diego Association of Governments (SANDAG), also completed a Regional Beach Sand Project in 2001 which has demonstrated that sand replenishment at Imperial Beach can be feasible and effective; and

**WHEREAS**, the City has been under contract with the California Department of Boating and Waterways (DBW) for \$4,200,000 of Public Beach Restoration Funds for the purposes of providing the local/non-federal share for initial construction of the Army Corps of Engineers' Imperial Beach – Silver Strand Shoreline Beach Replenishment Project; and

**WHEREAS**, efforts to secure funding for the federal share of the Army Corps of Engineers Project has been unsuccessful and the United States Congress recently adopted a moratorium on such funding; and

**WHEREAS**, SANDAG has initiated and received approval for another Regional Beach Sand Project (RBSP II) in which the City of Imperial Beach is again participating; and

**WHEREAS**, the City of Imperial Beach has paid for and/or authorized funds to provide 120,000 cubic yards of sand for RBSP II; and

**WHEREAS**, the City of Imperial Beach has requested and the project will allow up to 650,000 cubic yards of sand to be placed on the beach as part of RBSP II for which additional funding will be required; and

**WHEREAS**, the City Council of the City of Imperial Beach has officially supported City staff in attempting to reallocate the \$4,200,000 of Public Beach Restoration Funds from the Army Corps Project to RBSP II; and

**WHEREAS**, on August 1, 2011, the DBW provided an amended agreement to City staff allowing for the \$4,200,000 of Public Beach Restoration Funds to be redirected to RBSP II if federal funding is not appropriated for the federal Army Corps project by October 1, 2011; and

**WHEREAS**, the DBW specifically requested expeditious handling of the amended agreement; and

**WHEREAS**, on August 1, 2011, the City Manager signed the amended agreement (Agreement No. 09-300-806) and returned it to the DBW as requested for their signature based upon previous Council direction.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Imperial Beach that it authorizes and ratifies the City Manager's execution of the Amended Agreement No. 09-300-806 allowing for the redirection of \$4,200,000 of Public Beach Restoration Funds from the Army Corps of Engineers Imperial Beach – Silver Strand Shoreline Beach Replenishment Project to the SANDAG Regional Beach Sand Project II if federal funds are not appropriated for the Army Corps project by October 1, 2011, and further resolves that the City Manager is authorized to enter into an agreement as needed to receive these funds.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its regular meeting held this 17<sup>th</sup> day of August 2011, by the following roll call vote:

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

---

**JIM JANNEY, MAYOR**

**ATTEST:**

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



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** CITY MANAGER

**MEETING DATE:** AUGUST 17, 2011  
**ORIGINATING DEPT:** CITY MANAGER

**SUBJECT:** RATIFY MAYOR'S LETTER REGARDING ASSEMBLY  
BILL AB 1248

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**BACKGROUND:**

The attached letter was sent to Assembly Member Hueso regarding his bill AB 1248 (with a copy to State Senator Vargas). The need to send this letter was urgent due to the bill's potential impact on the City's recent agreement with the Service Employees International Union (SEIU) with regard to an alternative retirement plan for part-time employees. Eighty percent of part-time employees voted for this plan. AB 1248 would not permit the alternative to Social Security that part-time employees want here.

**FISCAL IMPACT:**

The passage of AB 1248 may impact the City's ability to implement the alternative retirement benefit for part-time employees that was recently negotiated.

**CITY MANAGER'S RECOMMENDATION:**

Ratify the Mayor's letter to Assembly Member Hueso and State Senator Vargas.

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

Gary Brown, City Manager

**Attachment:**

1. Letter to Assembly Member Hueso and State Senator Vargas



## *City of Imperial Beach, California*

[www.cityofib.com](http://www.cityofib.com)

### **OFFICE OF THE MAYOR**

---

August 2, 2011

The Honorable Ben Hueso  
PO Box 942849  
Sacramento, CA 94249-0079

RE: AB 1248

Dear Assembly Member Hueso,

The City of Imperial Beach requests your review of issues that may negatively impact our part-time employees that result from your proposed legislation AB 1248.

Part-time employees in our City are represented by the Service Employees International Union (SEIU). An agreement was recently reached with the Union for part-time employees to leave Social Security for an alternative retirement plan with Public Agency Retirement Services (PARS) which is consistent with Federal Law. Eighty percent of our part-time employees voted in favor of this proposal. The implementing resolutions are scheduled for our City Council meeting of August 17. However, AB 1248 may preclude our employees from receiving this negotiated benefit because it appears to retroactively negate the agreement favored by SEIU for part-time employees.

The negotiated benefit will save part-time employees money while also providing other benefits. Agreement was reached on a plan for employees to contribute 3.75% with the City contributing the same amount. This is less than their current contribution to Social Security. The entire 7.5% is the property of the employee and is available to them when they leave the City either as cash or as a roll-over to an IRA account.

For part-time employees, this agreement is, in effect, a salary increase. Most part-time employees in Imperial Beach are summer lifeguards and tidelands workers. They are

often college students who could use the 7.5% when they leave employment with the City. These part-time employees will earn Social Security through future full-time employment. I want to emphasize that this negotiated agreement does not apply to any of our full-time employees who are in both CalPERS and Social Security.

Our part time employees cannot afford to be in both PARS and Social Security that appears to be an impact of AB 1248.

We urge you to remove part-time employees from this legislation or to modify/remove the retroactive date of July 1.

Thank you for your consideration. If you have any questions, please contact the City Manager, Gary Brown, at (619) 423-0314.

Sincerely,

A handwritten signature in black ink, appearing to read "James C. Janney". The signature is stylized with a large initial "J" and a long horizontal stroke extending to the right.

James C. Janney  
Mayor  
City of Imperial Beach

cc: Senator Juan Vargas  
City Council  
City Manager



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** AUGUST 17, 2011  
**ORIGINATING DEPT.:** PUBLIC WORKS *HAL*  
**SUBJECT:** RESOLUTION AFFIRMING CITY MANAGER'S PAYMENT TO ARRIETA CONSTRUCTION FOR AUTHORIZED SEWER INFRASTRUCTURE WORK PERFORMED AT THE DIRECTION OF THE PUBLIC WORKS DIRECTOR

---

**BACKGROUND:** On May 4, 2011, City Council adopted Resolution 2011-7031 awarding a contract to Arrieta Construction, Inc. for the FY 09/10 Annual Main Line Repair – New [Sewer] pipe installation (W10-101) for \$25,730. The new sewer pipe installation is to be installed on Imperial Beach Blvd. just east of the 9<sup>th</sup> Street intersection connecting two adjacent pipes thereby increasing the capacity of the system and eliminating the existing under capacity of the system at that location. Due to a misunderstanding between City staff and a utility company regarding their underground service, staff issued Arrieta Construction a Notice To Proceed (NTP) with construction on July 25, 2011. Arrieta Construction mobilized for the work immediately after given the NTP. During their initial excavation work, they found an underground utility conduit that was still in active use and in the way of the excavation. Since there was no way to work around the active conduit to complete their construction work, staff directed Arrieta Construction to cease work and to demobilize. The conflicting utility company was contacted regarding the conflict. The company stated they could remove the conflict in 4 to 6 weeks.

**DISCUSSION:** Arrieta Construction, Inc. incurred mobilization / demobilization and initial excavation costs that were above and beyond the awarded contract and deserved comparable compensation for their work. City staff agreed that the City should cover the cost of Arrieta Construction's time and materials for this additional work. In attachment 2, Arrieta Construction has presented their time and materials cost for the mobilization, demobilization and initial excavation. Staff reviewed the work listed and associated cost and have concurred that the time and materials invoice is correct and appropriate.

Imperial Beach Municipal Code section 3.04.200 authorizes the City Manager to execute contracts for supplies, services and equipment in amount less than ten thousand dollars. Thus the City Manager has authorized the payment for the Arrieta Construction incurred costs due to the above described error. In order to ensure City Council is apprised of this unplanned expense, staff requests that City Council affirm the action taken by the City Manager.

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

**FISCAL IMPACT:**

Expenditure of Sewer Enterprise Funds of \$9,213.67.

There were sufficient Sewer Enterprise funds to cover the payment of the invoice.

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Affirm the City Manager's action to pay Arrieta Construction, Inc. for the work incurred to mobilize, demobilize and initial excavation.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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

Attachments:

1. Resolution No. 2011-7073
2. Arrieta Invoice dated 7/31/11

**RESOLUTION NO. 2011-7073****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AFFIRMING CITY MANAGER'S PAYMENT TO ARRIETA CONSTRUCTION FOR AUTHORIZED SEWER INFRASTRUCTURE WORK PERFORMED AT THE DIRECTION OF THE PUBLIC WORKS DIRECTOR**

**WHEREAS**, on May 4, 2011, City Council adopted Resolution 2011-7031 awarding a contract to Arrieta Construction, Inc. for the FY 09/10 Annual Main Line Repair – New [Sewer] pipe installation (W10-101) for \$25,730; and

**WHEREAS**, the new sewer pipe installation was to be installed on Imperial Beach Blvd. just east of the 9<sup>th</sup> Street intersection connecting two adjacent pipes thereby increasing the capacity of the system and eliminating the existing under capacity of the system at that location; and

**WHEREAS**, due to a misunderstanding between City staff and a utility company regarding their underground service, staff issued Arrieta Construction a Notice To Proceed (NTP) with construction on July 25, 2011; and

**WHEREAS**, during Arrieta Construction's initial excavation work, they found an underground utility conduit that was still in active use and in the way of the excavation; and

**WHEREAS**, since there was no way to work around the active conduit to complete their construction work, staff directed Arrieta Construction to cease work and to demobilize; and

**WHEREAS**, Arrieta Construction, Inc. incurred mobilization / demobilization and initial excavation costs that were above and beyond the awarded contract and deserved comparable compensation for their work; and

**WHEREAS**, Arrieta Construction has presented their time and materials cost for the mobilization, demobilization and initial excavation at \$9,213.67; and

**WHEREAS**, staff reviewed the work listed and associated cost and have concurred that the time and materials invoice is correct and appropriate; and

**WHEREAS**, Imperial Beach Municipal Code section 3.04.200 authorizes the City Manager to execute contracts for supplies, services and equipment in amount less than ten thousand dollars; and

**WHEREAS**, City Manager has authorized the payment for the Arrieta Construction incurred costs.

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

1. The above recitals are true and correct.
2. The City Manager was authorized to approve the payment of Arrieta Construction's time and materials for mobilization, demobilization and initial excavation.
3. This legislative body affirms the payment to Arrieta Construction for the time and materials for mobilization, demobilization and initial excavation.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 17<sup>th</sup> day of August 2011, by the following vote:

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

---

**JAMES C. JANNEY, MAYOR**

**ATTEST:**

---

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

**INVOICE**

Attachment 2

Inv. #2011314



**ARRIETA CONSTRUCTION, INC.**

General Engineering Contractors  
 1215 North Marshall Avenue  
 El Cajon, CA 92020-1516  
 (619) 448-7683 FAX (619) 448-1287

License No. 259145-A

**City of Imperial Beach / Public Works**  
**825 Imperial Beach Blvd.**  
**Imperial Beach, CA 91932      Attn: Larry Martin**

JOB NO. & DESCRIPTION	Project Number: W10-101	P.O. NO.	DATE OF INVOICE
-----------------------	-------------------------	----------	-----------------

QUANTITY	UNIT	PRICE	EXTENSION	TOTAL
			Billing for Work Performed on a Time & Materials Basis	
			Monday 7-25-11	\$1,582.77
			Tuesday 7-26-11	\$3,593.93
			Wednesday 7-27-11	\$3,410.20
			Thursday 7-28-11	\$626.77
<b>TOTAL THIS BILLING</b>				<b>\$9,213.67</b>

CIF PAYMENT APPROVAL  
  
 Approval Date 8/4/2011  
 Project # W10-101  
 PO# 120225

REC'D 8-9-11  
 ACCT.# \_\_\_\_\_  
 P.O. 120225  
 SIGNATURE [Signature]

**CONDITIONAL WAIVER AND RELEASE UPON FINAL PAYMENT**

Civil Code Section 3262(d)(3)

Upon receipt by the undersigned of a check from City of Imperial Beach

MAKER OF CHECK

in the sum of \$ 9,213.67 payable to Arrieta Construction, Inc.

AMOUNT OF CHECK

PAYEE OR PAYEES OF CHECK

and when the check has been properly endorsed and has been paid by the bank upon which it is drawn, this document shall become effective to release any mechanic's lien, stop notice, or bond

right the undersigned has on the job of W10-101 Imperial Beach Blvd. & 9th Street Sewer Improvement

OWNER

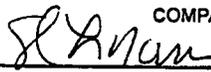
located at Imperial Beach Blvd. & 9th Avenue

JOB DESCRIPTION

This release covers the final payment to the undersigned for all labor, services, equipment, or material furnished on the job, except for disputed claims for additional work in the amount of \$ -0-. Before any recipient of this document relies on it, the party should verify evidence of payment to the undersigned.

Dated: August 2, 2011 Arrieta Construction, Inc.

COMPANY NAME

By: 

TITLE Sheryl L. Norris, Sec/Tres

NOTE: This form of release complies with the requirements of Civil Code Section 3262(d)(3). It is not effective until the check that constitutes final payment has been properly endorsed and has cleared the bank.





Robcar Corporation  
dba Hudson Safe-T-Lite Rentals  
dba Prest-O-Lite Barricade Co.

777 Gable Way, El Cajon CA



**ARRIETA CONSTRUCTION**  
1215 NORTH MARSHALL AVE  
EL CAJON, CA 92020

## Hudson Safe-T-Lite Rentals

### REMIT PAYMENTS TO:

PO Box 117, El Cajon, CA 92022-0117

619-441-3644

Fax 619-441-3652

## INVOICE

Invoice Date	Invoice No.
7/27/2011	00006105

Terms: Net 30 Days

**Job ID: 103403**

WILL CALL

FOR USE:

IMPERIAL BEACH

Customer	Customer Job No.	Customer P.O. No.	Period Covered			Foreman Name / Phone#		
2600	314		7/26/2011 - 7/27/2011			JOHN ARRIETA		
Date	Description	From - To	Qty	Days	Units	Price	Total	
----- RENTALS -----								
07/26/11	Sign on Type I Barricade - No Right Turn	07/26 07/27	5	2	10	\$1.25	\$12.50	
07/26/11	Sign on Type I Barricade - Road Work Ahead	07/26 07/27	6	2	12	\$1.25	\$15.00	
07/27/11	Type I Barricade with Lite	07/27 07/27	6	1	6	\$0.50	\$3.00	

RENTAL MINIMUM APPLIES \$55.00

SALES/ONE-TIME CHARGES \$0.00

LABOR TOTAL \$0.00

SALES TAX \$0.00

TOTAL CHARGES \$55.00

PLEASE PAY THIS AMOUNT \$55.00

\*\*\* Job Complete \*\*\*



**HEADQUARTERS**  
 807 E. MISSION ROAD  
 SAN MARCOS, CA 92069  
 TEL: 760 • 744 • 7191  
 FAX: 760 • 744 • 7184  
 www.diamondprovides.com  
 Restrooms • Temp Fencing • Temp Power

INVOICE # 18100156 Attachment 2  
 INV DATE 08/02/11  
 ACCOUNT# 1209852  
 DUE DATE 08/12/11

**BILL TO:**

ARRIETA CONSTRUCTION  
 1215 N MARSHALL AVE  
 EL CAJON, CA 92020

PO# JOB#IMPERIAL BEACH IMPROV  
 AMOUNT OF REMITTANCE

CHECK #: \_\_\_\_\_



Pay Online At [www.diamondprovides.com](http://www.diamondprovides.com)

**SERVICE ADDRESS:**

920 IMPERIAL BEACH BLVD (SAN DIEGO, CA)

RETURN TOP PORTION WITH PAYMENT

DATE	DESCRIPTION	AMOUNT
07/25/11	LOCATION: 920 IMPERIAL BEACH BLVD 18100156 1 DELIVER STANDARD DELIVERY FEES 07/26/11 67208 TAX	25.00 1.94
07/25/11	DELIVERED 1 STANDARD UNIT WITH PAN ON TUESDAY 07/26/11	
08/01/11	18100156 1 AGENCY / ENERGY NON-TAXABLE A/E 08/01/11	1.38
08/01/11	18100156 1 AGENCY / ENERGY TAXABLE A/E 08/01/11 TAX	.18 .01

DIAMOND FENCE: Temporary 6' AND 8'- Panels and Chainlink -

WE WALK JOBS TO CONFIRM YOUR REQUEST!

PORTABLE RESTROOM SERVICE/PUMPING LABOR PROVIDED AT THE OPTION OF THE LESSEE

INV# 18100156 **PLEASE PAY FROM THIS INVOICE** DATE 08/02/11  
 ACCT# 1209852 PAGE 1 OF 1



807 E. MISSION ROAD  
 SAN MARCOS, CA 92069  
 TEL: 760 • 744 • 7191  
 FAX: 760 • 744 • 7184  
 www.diamondprovides.com  
 Restrooms • Temp Fencing • Temp Power

TERMS: Net 10 days  
 1 1/2% Late charge due on balances  
 outstanding more than 10 days from  
 date of statement. (18% Per annum)

BALANCE DUE

**28.51**

# ARRIETA CONSTRUCTION, INC.

STATE OF CALIFORNIA CONTRACTOR'S LICENSE NO. A-239145

## DAILY EXTRA WORK REPORT

Green Book

Day of Week: **Wednesday**  
 Date Performed: **07/27/11**  
 Date of Report: **07/31/11**

#W10-101  
 Job No. 2011314

Work Performed for: **City of Imperial Beach**

Today's Work: **Removed Cat 938 Loader, Komatsu CP-158, Cat 226 Skid Steer from job site. Portable toilet was called off rent. Trench box (10'x10') called off and picked up. Backfilled & placed temporary cold mix where asphalt was removed to excavate. Removed BMP's, cased out fence panels, and took down traffic control. Got back to El Cajon yard - will unload tomorrow.**

EQUIPMENT	HRS	HRLY RATE	MATERIAL & SPECIALTY ITEMS			EXT	LABOR	HRS	HRLY RATE	XTNDED AMOUNT
			XTNDED AMOUNT	DESCRIPTION	UNITS					
#420 - F-250 Truck	8	17.10	\$136.80	Home Depot		\$0.00	Kenneth Kemmsies	OT		\$0.00
#428 - 3 Axle Dump Truck	8	58.43	\$467.44	Cold Mix	1	\$199.19	Operator Group 8/Foreman	REG	8	\$621.92
#429 - Arrow Board	24	2.84	\$68.16			\$0.00	Anastacio Solis-Flores	OT		\$0.00
#430 - Arrow Board	24	2.84	\$68.16			\$0.00	Laborer Group 4	REG	8	\$444.48
#434 - 20 Ton Tilt Trailer	8	5.91	\$47.28			\$0.00	Mike Pegin	OT		\$0.00
#437 - F-550 Truck	8	28.67	\$229.36			\$0.00	Teamster Group 4	REG	8	\$445.68
#739 - Cat 226 with Sweepster	1	29.83	\$29.83			\$0.00		OT		\$0.00
#760 - Cat 938 G Loader	1	85.96	\$85.96			\$0.00		REG		\$0.00
#782 - Komatsu Excavator	1	55.39	\$55.39			\$0.00		REG		\$0.00
45 Traffic Cones		No Charge	\$0.00			\$0.00		REG		\$0.00
20 Delineators		No Charge	\$0.00			\$0.00		OT		\$0.00
12 Barricades with Signs		No Charge	\$0.00			\$0.00		REG		\$0.00
6 Lighted Barricades		No Charge	\$0.00			\$0.00		OT		\$0.00
5x8' Fence Panels		No Charge	\$0.00			\$0.00		REG		\$0.00
			\$0.00			\$0.00		OT		\$0.00
			\$0.00			\$0.00		REG		\$0.00
			\$0.00			\$0.00		OT		\$0.00
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			\$0.00			\$0.00		OT		\$0.00
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Entrants must be 18 or older to enter.  
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purchase necessary.





**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: GARY BROWN, CITY MANAGER**

**MEETING DATE: AUGUST 17, 2011**

**ORIGINATING DEPT.: PUBLIC SAFETY DIRECTOR**

**SUBJECT: ORDINANCE NO. 2011-1122 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTER 12.56 RELATING TO THE USE OF THE SKATEBOARD PARK**

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**BACKGROUND:**

On June 15, 2010, the City Council adopted Ordinance No. 2010-1106 amending the Imperial Beach Municipal Code (IBMC) Chapter 9.10 relating to skate board and roller skate riding; amending IBMC Chapter 12.56 relating to rules for the use of public parks and facilities to include Skateboard Park Use and Regulations; and approving and designating the Skateboard Park facility located at 425 Imperial Beach Boulevard.

At a March 9, 2011 Skate Park Stakeholders' (Stakeholders) meeting, items of concern to the Stakeholders and City Public Safety staff were discussed. The primary focus of the discussion at the meeting was about hours of operation of the park and the type of vehicle (skateboard, razor scooter, BMX bike) to be allowed at the Skate Park.

As a result of discussions at the March 9, 2011 meeting, Public Safety staff and the Stakeholders recommended that the park could open daily at 9:00 a.m. and should close at 6:00 p.m. during Pacific Standard Time and at 8:00 p.m. during Daylight Savings Time.

Initial City Council direction on the use of the Skate Park was to reserve its use for skateboards only and not BMX bikes or razor scooters. Community stakeholders supported the complete ban of BMX bikes but would like to see some limited use for the razor scooters users to help increase the confidence of younger skaters. (A razor scooter is a compact folding kick scooter. It consists of a handlebar, deck and wheels and it is propelled by the rider pushing off the ground. The basic razor scooter design has an aluminum frame with 98 mm polyurethane wheels.)

At the August 3, 2011 City Council meeting, the City Council directed staff to amend the IBMC to reflect the changes regarding the hours of operation and the use of razor scooters at the Skate Park.

**DISCUSSION:**

Currently, IBMC Section 12.56.055 sets the hours of operation of the Skate Park at 7:00 a.m. to sunset daily. It also limits use of the Skate Park to users of inline skates with no more than five wheels and skateboard users.

This Ordinance is presented to make changes to the Skate Park Use and Regulations Ordinance based on Council direction from August 3, 2011. The proposed Ordinance will amend IBMC Chapter 12.56, Section 12.56.055 to change the daily hours of operation of the Skate Park to open at 9:00 a.m. and to close at 6:00 p.m. during Pacific Standard Time and at 8:00 p.m. during Daylight Savings Time and to allow the use of razor scooters in the Skate Park.

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

Costs to update the signs at Skate Park are estimated to be \$450.00.

**DEPARTMENT RECOMMENDATION:**

1. Receive this report;
2. Mayor calls for the Introduction of Ordinance No. 2011-1122;
3. City Clerk reads title of Ordinance No. 2011-1122, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTER 12.56 RELATING TO THE USE OF THE SKATEBOARD PARK; and
4. Motion to dispense first reading of Ordinance No. 2011-1122 and set the matter for adoption at the next regularly scheduled City Council meeting of September 7, 2011.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



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

Attachments:

1. Ordinance No 2011-1122

**ORDINANCE NO. 2011-1122**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTER 12.56 RELATING TO USE OF SKATEBOARD PARK**

**WHEREAS**, the City of Imperial Beach ("City") has enacted City of Imperial Beach Ordinance No. 2010-1106 to create a Skate Park and set out Rules and Regulations for the unsupervised use of the Skate Park; and

**WHEREAS**, the City of Imperial Beach has determined that, to better serve the recreational interests of its citizens, the Skate Park Rules and Regulations shall be amended to include language to change the hours of Skate Park operation and to allow the use of "razor" scooters in the Skate Park.

**NOW, THEREFORE, THE CITY COUNCIL OF IMPERIAL BEACH HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** Section 12.56.055, of Chapter 12.56 of the Imperial Beach Municipal Code (Use of Public Parks and Facilities) is hereby amended to read as follows:

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

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

- A. No person shall use inline skates with more than 5 wheels. Only inline skates with no more than five (5) wheels, "razor" scooters as defined in this Section, and skateboards are to be used in the Skateboard Park. A "razor" scooter is defined as a compact folding kick scooter. It consists of a handlebar, deck and wheels and it is propelled by the rider pushing off the ground. The basic razor scooter design has an aluminum frame with 98 mm polyurethane wheels.
- B. No person shall enter, remain in, or use the Skateboard Park without wearing the required helmet, kneepads, and elbow pads that are commercially manufactured and designed for skateboarding or inline skating. This does not apply to any duly authorized city employee performing the duties of his or her job inside the Skateboard Park.
- C. No person shall use skateboards, "razor" scooters, or inline skates with metal wheels.
- D. No person shall use a bicycle ~~or scooter~~ in the Skateboard Park.
- E. No formal contests of any kind are allowed in the Skateboard Park without the written approval of the City of Imperial Beach Parks and Recreation Department.
- F. No unauthorized obstacles, equipment, materials, or apparatus may be brought into or used in the Skateboard Park.
- G. Notwithstanding the provisions of Section 12.56.020(X), the hours of

operation of the Skateboard Park shall be from 9:00 a.m. to 6:00 p.m. during Pacific Standard Time or Dusk (which ever is earlier) and from 9:00 a.m. to 8:00 p.m. during Daylight Savings Time or Dusk (which ever comes earlier). ~~7:00 a.m. to sunset daily.~~  
 No person shall use the Skateboard Park between the hours of 6:00 p.m. and 9:00 a.m. during Pacific Standard Time or between the hours of 8:00 p.m. and 9:00 a.m. during Daylight Savings Time. ~~of sunset and 7:00 a.m.~~ If deemed by the City Manager or his/her designee that a hazardous condition exists within the Skateboard Park, the gates will be locked until that condition has been eliminated.

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

**SECTION 2. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared unconstitutional or invalid.

**EFFECTIVE DATE:** This Ordinance shall be effective thirty days after its adoption; and the City Clerk shall certify the adoption of this Ordinance and cause it to be published as required by law.

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Imperial Beach on the 17<sup>th</sup> day of August, 2011 and

**THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 7th day of September, 2011, by the following vote:

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

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

**ATTEST:**

\_\_\_\_\_  
**JACQUELINE M. HALD, MMC**

**CITY CLERK**

**APPROVED AS TO FORM:**

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**JENNIFER M. LYON**



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** AUGUST 17, 2011  
**ORIGINATING DEPT.:** PUBLIC WORKS DEPARTMENT *HB*  
**SUBJECT:** UPDATE ON TIJUANA RIVER WATERSHED FROM THE INTERNATIONAL BOUNDARY AND WATER COMMISSION (IBWC)

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**BACKGROUND:**

The International Boundary and Water Commission (IBWC) operates a 25 MGD waste water treatment plant in the Tijuana River Valley. This treatment plant plays an important role in supporting the overall waste water treatment systems for the City of Tijuana. The treatment plant also helps prevent contaminated River flows from reaching the Tijuana Estuary and Pacific Ocean.

Today's presentation is part of the ongoing monthly series related to important issues and activities in the Tijuana River watershed.

**DISCUSSION:**

Steve Smullen, Operations Manager for the IBWC, will be presenting on the operation activities at the IBWC treatment plant and the bi-national collaboration that the IBWC has with Mexico.

Staff proposes to return to Council next month and continue the discussion on the Tijuana River with a presentation from Oscar Romo on bi-national perspectives for the sewage, trash, and sediment problems in the watershed.

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

None

**DEPARTMENT RECOMMENDATION:**

1. Receive and comment on presentation from Steve Smullen.
2. Concur with proposed follow on presentation at subsequent council meeting.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** GARY BROWN, CITY MANAGER

**MEETING DATE:** AUGUST 17, 2011

**ORIGINATING DEPT.:** COMMUNITY DEVELOPMENT DEPARTMENT  
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR  
DAVID GARCIAS, CODE COMPLIANCE OFFICER *DJ*

**SUBJECT:** WEED & RUBBISH ABATEMENT – ADOPTION OF RESOLUTION NO. 2011-7068 DECLARING THAT THE WEEDS, BRUSH, RUBBISH, AND REFUSE UPON OR IN FRONT OF PROPERTIES LOCATED AT 715 HOLLY AVENUE, 822 GEORGIA STREET, 642 CORVINA STREET, 1106 7<sup>TH</sup> STREET, AND 885 ENCINA AVENUE/902 9<sup>TH</sup> STREET CONSTITUTE A PUBLIC NUISANCE AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF AND SCHEDULE A WEED AND RUBBISH ABATEMENT PUBLIC HEARING TO HEAR OBJECTIONS ON SEPTEMBER 7, 2011

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**BACKGROUND:**

Among other responsibilities, the Code Compliance division handles complaints and conducts inspections regarding the existence of weeds, rubbish, refuse, and unsightly materials on residential and commercial properties. To address weed and rubbish abatement, notices are sent to parcel owners within the City deemed by staff to be a public nuisance and dangerous to the public health and safety.

The California Government Code (Sect. 39560) has been adopted into the Imperial Beach Municipal Code (Chapter 8.40 – Weed & Rubbish Abatement) and sets out the procedure for the abatement of weeds and rubbish. The California Government Code section 39560 et. seq. and Chapter 8.40 of the Imperial Beach Municipal Code sets forth the following process for weed and rubbish abatement:

1. Staff shall present to City Council those properties which constitute a public nuisance requiring weed and rubbish abatement. City Council may declare by resolution those properties that are a public nuisance requiring abatement.
2. Staff shall cause notices to be conspicuously posted on or in front of the property on which the nuisance exists. Staff shall both post and mail a notice to the property owner.
3. City Council shall conduct a public hearing to hear and consider all objections. City Council may direct staff to proceed with and perform the necessary abatement.
4. Staff shall keep an account of the cost of abatement on each separate parcel of land where the work is conducted, and shall submit it to the City Council at completion of all abatement for their consideration.

5. The City Council shall hear the abatement cost report and any objections of the property owners liable to be assessed for the abatement costs. The City Council may modify the report if it is deemed necessary. The City Council shall then confirm the report by motion or resolution to assess the individual properties.

**DISCUSSION:**

The properties listed below have been inspected by staff and determined to be in violation of California Government Code section 39560 et. seq. and Chapter 8.40 of the Imperial Beach Municipal Code. The property owners listed below were all issued Notices of Violation advising them of the violations and requesting their abatement. To date, staff has not obtained compliance from the property owners and the violations on the properties have not been abated at the following properties:

1. **715 Holly Avenue (APN. 632-233-03)**; Owner: Lombardi-Munizza, Carmela (details see Table "A")
2. **822 Georgia Street (APN. 627-111-19)**; Owner: Moreno, Juan M III (details see Table "A")
3. **642 Corvina Street (APN. 625-161-01)**; Owner: Munoz, Ercilia H. Trust (details see Table "A")
4. **1106 7<sup>th</sup> Street (APN. 632-101-21)**; Owner: Pemas, Jeffrey & Lupita (details see Table "A")
5. **885 Encina Avenue / 902 9<sup>th</sup> Street (APN.626-400-61)**; Owner: Mueller, Don Trust (details see Table "A")

Staff is recommending that the City Council declare that weeds, brush, rubbish, and refuse upon or in front of the above listed properties constitute a public nuisance and authorize staff to proceed with the process for weed and rubbish abatement at the non-compliant properties.

**FISCAL IMPACT:**

Abatement costs may vary. All costs shall be assessed to the individual properties/property owners and the amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes on the next regular tax bill levied against the individual parcels for municipal purposes.

Pursuant to California Government Code sections 39573 and 39577 the City Council may also assess and lien properties for the costs incurred by the responsible agency in enforcing abatement upon the parcels including investigation, boundary determination, measurement, clerical and other related costs.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 2011-7068 declaring that the weeds, brush, rubbish, and refuse upon or in front of properties located at 715 Holly Avenue, 822 Georgia Street, 642 Corvina Street, 1106 7<sup>th</sup> Street, and 885 Encina Avenue/902 9<sup>th</sup> Street constitute a public nuisance and declaring its intention to provide for the abatement thereof and schedule a weed and rubbish abatement public hearing to hear objections on September 7, 2011.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

- Draft - City Council Resolution #2011-7068
- Table "A"

**RESOLUTION NO. 2011-7068**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, FINDING AND DECLARING THAT THE WEEDS, BRUSH, RUBBISH, AND REFUSE UPON OR IN FRONT OF PROPERTIES LOCATED AT 715 HOLLY AVENUE, 822 GEORGIA STREET, 642 CORVINA STREET, 1106 7<sup>TH</sup> STREET, AND 885 ENCINA AVENUE/902 9<sup>TH</sup> STREET CONSTITUTE A PUBLIC NUISANCE AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF AND SCHEDULE A WEED AND RUBBISH ABATEMENT PUBLIC HEARING TO HEAR OBJECTIONS ON SEPTEMBER 7, 2011**

**WHEREAS**, among other responsibilities, the Code Compliance division handles complaints and conducts inspections regarding the existence of weeds, rubbish, refuse, and unsightly materials on residential and commercial properties; and

**WHEREAS**, to address weed and rubbish abatement, notices are sent to parcel owners within the City deemed by staff to be a public nuisance and dangerous to the public health and safety; and

**WHEREAS**, the California Government Code (Section 39560) has been adopted into the Imperial Beach Municipal Code (Chapter 8.40 – Weed & Rubbish Abatement) and sets out the procedure for the abatement of weeds and rubbish; and

**WHEREAS**, the California Government Code section 39560 et. seq. and Chapter 8.40 of the Imperial Beach Municipal Code sets forth the following process for weed and rubbish abatement:

1. Staff shall present to City Council those properties which constitute a public nuisance requiring weed and rubbish abatement. City Council may declare by resolution those properties that are a public nuisance requiring abatement.
2. Staff shall cause notices to be conspicuously posted on or in front of the property on which the nuisance exists. Staff shall both post and mail a notice to the property owner.
3. City Council shall conduct a public hearing to hear and consider all objections. City Council may direct staff to proceed with and perform the necessary abatement.
4. Staff shall keep an account of the cost of abatement on each separate parcel of land where the work is conducted, and shall submit it to the City Council at completion of all abatement for their consideration.
5. The City Council shall hear the abatement cost report and any objections of the property owners liable to be assessed for the abatement costs. The City Council may modify the report if it is deemed necessary. The City Council shall then confirm the report by motion or resolution to assess the individual properties; and

**WHEREAS**, the properties listed herein have been inspected by staff and determined to be in violation of California Government Code section 39560 et. seq. and Chapter 8.40 of the Imperial Beach Municipal Code; and

**WHEREAS**, the property owners listed herein were duly issued Notices of Violation advising them of the violations and requesting their abatement; and

**WHEREAS**, to date, staff has not obtained compliance from the property owners and the violations on the properties have not been abated at the following properties:

1. **715 Holly Avenue (APN. 632-233-03)**; Owner: Lombardi-Munizza, Carmela (details see Table "A")
2. **822 Georgia Street (APN. 627-111-19)**; Owner: Moreno, Juan M III (details see Table "A")
3. **642 Corvina Street (APN. 625-161-01)**; Owner: Munoz, Ercilia H. Trust (details see Table "A")
4. **1106 7<sup>th</sup> Street (APN. 632-101-21)**; Owner: Pernas, Jeffrey & Lupita (details see Table "A")
5. **885 Encina Avenue / 902 9<sup>th</sup> Street (APN.626-400-61)**; Owner: Mueller, Don Trust (details see Table "A"); and

**WHEREAS**, Staff is recommending that the City Council declare that weeds, brush, rubbish, and refuse upon or in front of the above listed properties constitute a public nuisance and authorize staff to proceed with the process for weed and rubbish abatement at the non-compliant properties.

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

Section 1. The foregoing recitals are true and correct, and the City Council hereby concurs with the Finding and Declaration that the weeds, brush, rubbish, and refuse upon or in front of the specified property in the City are a public nuisance, and declare its intention to provide for the abatement thereof and schedule a weed and rubbish abatement public hearing to hear objections on September 7, 2011.

Section 2. All costs for abatement shall be assessed to the individual properties/property owners and the amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes on the next regular tax bill levied against the individual parcels for municipal purposes. Pursuant to California Government Code sections 39573 and 39577 the City Council may also assess and lien properties for the costs incurred by the responsible agency in enforcing abatement upon the parcels including investigation, boundary determination, measurement, clerical and other related costs

Section 3. The City Manager may cause a copy or copies of this Resolution to be conspicuously posted, as the City Manager may deem necessary.

Section 4. The City Clerk is hereby directed to:

1. Mail a copy or copies of this Resolution, by first class mail, to the owner(s) of the above-described properties as shown in the last equalized assessment roll;
2. Inform the property owner, by copy of this Resolution, that the time within

which judicial review of this decision must be sought is governed by §1094.6 of the California Code of Civil Procedure. The property owner's right to appeal this decision is governed by California Code of Civil Procedure §1094.5 and Chapter 1.18 of the Imperial Beach Municipal Code.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 17th day of August 2011, by the following vote:

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

---

**JAMES C. JANNEY, MAYOR**

**ATTEST:**

---

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

**Table "A"**

<b>APN</b>	<b>SITE ADDRESS</b>	<b>PROPERTY OWNER</b>	<b>MAILING ADDRESS</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>
<b>632-233-03-00</b>	715 Holly Ave	Lombardi-Munizza, Carmela	715 Holly Ave 4229 Chamoune Ave, #220	Imperial Beach San Diego	CA CA	91932 92115
<b>627-111-19-00</b>	822 Georgia St	Moreno, Juan M. III	6056 Camino Del Rincon	San Diego	CA	92120
<b>625-161-01-00</b>	642 Corvina St	Munoz, Ercilia H. Trust	PO Box 8153	Chula Vista	CA	91912
<b>632-101-21-00</b>	1106 7 <sup>th</sup> St	Pernas, Jeffrey & Lupita	3836 Corral Canyon Rd	Bonita	CA	91902
<b>626-400-61-00</b>	885 Encina / 902 9 <sup>th</sup> St	Mueller, Don Trust	PO Box 20120 1113 Via Loma Vista	El Cajon El Cajon	CA CA	92021 92019



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** AUGUST 17, 2011  
**ORIGINATING DEPT.:** PUBLIC WORKS *GB*  
**SUBJECT:** DUE PROCESS HEARING, TO WIT: CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – VETERANS PARK TOT-LOT RESURFACING PROJECT (CIP P03-50B)

**BACKGROUND:** In fiscal year 2006/2007 Veterans Park Master Plan CIP P03-501 was completed including surfacing the tot-lot with a new rubberized surface that was ADA complaint and met the OSHA safety standards for tot-lot surfaces. Due to the subsequent deterioration of the rubberized surface, staff determined that the surface should be replaced. Staff prepared a request for bids and then advertised for bids on July 14, 2011 for this replacement. Bids were opened on August 4, 2011 in an advertised public bid opening. Three bids were received, opened and evaluated. Upon review of the companies who submitted bids, Staff found that the lowest dollar valued bid was from a company that had acquired their contractor's license for this type of work, two days prior to submitting their bid for this project (See Attachment 3). When the bidder was contacted by Staff regarding references for this type of work, they stated that they did not have any previous non-residential work applying this type tot-lot surface.

**DISCUSSION:** Given the lack of experience in applying the tot-lot surface in a non-residential setting as described above, it is Staff's recommendation that the City Council elect to declare the Low Bidder as nonresponsible and reject their bid. However, under the law, a declaration of nonresponsibility requires the City to provide the Low Bidder with the opportunity to be heard at a "due process hearing." Staff suggests that City Council hold this due process hearing prior to the award of the bid by the City Council. Staff wrote and delivered a letter to the lowest dollar value bidder, Play Smart Surfacing, Inc., on August 10, 2011 advising them of the intent to hold the due process hearing at the regularly scheduled City Council meeting of Wednesday, August 17, 2011. (See Attachment 2).

Section 1-9 of the bid invitation (bid advertisement) states:

"Evaluation of the bids will be based on a combination of the total cost of the work including . . . responsibility of the contractor and their subcontractors, if any, as judged by technical background and experience verified by reference checks."

The purpose of reviewing references falls under the categories of reviewing bidder quality, fitness, capacity, and experience to perform the work. It is staff's contention that the lowest dollar valued bidder should be declared "nonresponsible" based on their inability demonstrate the experience to satisfactorily perform the public works contract as described above.

**ENVIRONMENTAL DETERMINATION:**

The determination of "nonresponsible" is not a project as defined by CEQA.

**FISCAL IMPACT:**

Fiscal impact is not a factor in determining "nonresponsible."

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Hold the due process hearing to receive information from Staff and Play Smart Surfacing, Inc.
3. Find the lowest dollar value bidder, Play Smart Surfacing, Inc, "nonresponsible."
4. Adopt the attached resolution finding Play Smart Surfacing, Inc. "nonresponsible."

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



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Gary Brown, City Manager

**Attachments:**

1. Resolution No. 2011-7070
2. Letter to Play Smart Surfacing, Inc., dated August 10, 2011
3. Contractor's License Detail

**RESOLUTION NO. 2011-7070****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, DETERMINING THE BID SUBMITTED BY PLAY SMART SURFACING, INC. FOR THE PUBLIC WORKS CONTRACT FOR THE VETERANS PARK TOT-LOT RESURFACING (P03-50B) AS NONRESPONSIBLE**

**WHEREAS**, the City of Imperial Beach (the "City") staff, on August 4, 2011, publicly opened and read aloud the sealed bids for the Veterans Park Tot-Lot Resurfacing (P03-50B)(the "Project"); and

**WHEREAS**, City staff have carefully reviewed all the bids for accuracy, responsiveness, responsibility and price; and

**WHEREAS**, public contracting law requires public agencies to award public contracts to the lowest responsive and responsible bidder; and

**WHEREAS**, Public Contracts Code section 1103 defines a responsible bidder as "a bidder who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract," and

**WHEREAS**, the bid documents for the project requires the selected bidder and its subcontractors to demonstrate responsibility as verified through reference checks; and

**WHEREAS**, the bid document requires the selected contractor to expressly represent its statement of experience to complete the proposed work; and

**WHEREAS**, Play Smart Surfacing, Inc. (PSS) was determined the lowest responsive bidder, but was deemed nonresponsive by City staff; and

**WHEREAS**, City staff determined that PSS had obtained the necessary license for the Project just two days prior to the bid opening; and

**WHEREAS**, when City staff called PSS for references, PSS informed the City that it had just obtained its license and did not have any references to provide; and

**WHEREAS**, City staff informed PSS in a letter on August 10, 2011 that it intended to recommend to the City Council rejection of the PSS bid due to nonresponsibility, and that PSS would have the opportunity to present evidence at a due process hearing on August 17, 2011; and

**WHEREAS**, a due process hearing was held on August 17, 2011, providing PSS an opportunity to address issues of nonresponsibility before the City Council of the City of Imperial Beach.

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

Section 1. On August 17, 2011, a due process hearing regarding the responsibility of the bid submitted by Play Smart Surfacing, Inc. was held by the City Council of the City of Imperial Beach.

Section 2. The City Council reviewed evidence from both City staff and Play Smart Surfacing, Inc. regarding the responsibility of the bid.

Section 3. Based upon its review of the evidence and the due process hearing, the City Council determines that there is substantial evidence that the bid submitted by Play Smart Surfacing, Inc. is nonresponsible.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 17th day of August 2011, by the following vote:

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

---

**JAMES C. JANNEY, MAYOR**

**ATTEST:**

---

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



*City of Imperial Beach, California*  
**PUBLIC WORKS DEPARTMENT**

August 10, 2011

*VIA Facsimile and U.S. Mail*

Luis Gutierrez  
Play Smart Surfacing, Inc.  
1125 Research Drive, Suite A  
Redlands, CA 92374  
Fax: (909) 799-8120

**Re: Imperial Veterans Park Tot-Lot Resurfacing Project**

Dear Mr. Gutierrez:

This letter serves to notify you that at the regular meeting of the City Council of the City of Imperial Beach (the "City") on August 17, 2011, City staff will recommend to the City Council to reject the bid submitted by Play Smart Surfacing, Inc. (PSS) for the Imperial Beach Veterans park Tot-Lot Resurfacing (the "Project").

The regular meeting of the City Council will be held at 6:00 p.m. at 825 Imperial Beach Boulevard, Imperial Beach, CA 91932, and at that time you will be provided a due process hearing to address the items listed below regarding the nonresponsibility of PSS to complete the Project.

1. The Public Contracts Code (PCC), Instructions to Bidders and Public Works Contracts for the Project require bidders to demonstrate the responsibility to perform the Project. A responsible bidder is one "who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract." PCC § 1103.

In reviewing your bid submittal, it shows that the D-12 license was obtained only two days prior to the bid opening for the Project. This indicates that PSS has not had experience in completing projects with the requisite licensing requirements prior to this bid. In addition, a review of your website shows experience in working with tot lots only in the residential context rather than in working with public agencies. This lack of experience on work similar to the Project, coupled with the lack of work performed under the requisite license, does not demonstrate the responsibility traits listed in PCC § 1103.

Luis Gutierrez  
Imperial Beach Veterans Park Tot-Lot Resurfacing Project  
August 10, 2011  
Page 2

2. Section 1.9 of the Instructions to Bidders lists the criteria for bid evaluation. This includes follow up with references. "Evaluation of the bids will be based on a combination of the total cost of the work including responsibility of the contractor and their subcontractors, if any, as judged by technical background and experience verified by reference checks."

Last week, Anthony Serrano from the City contacted your office to request a list of references. Mr. Serrano was informed by the individual from PSS that she would need to check with someone else and would return his call. When the call was returned, PSS informed him that they did not have any references. The PSS employee informed Mr. Serrano that the business had just obtained their license and could not provide any references at that time.

The failure to provide references directly violates Section 1.9 listed above. The inability to list any references shows that PSS cannot demonstrate responsibility for any work in the construction industry, let alone specific work on public agency contracts related to tot-lots.

The quality of the construction of the Project is of importance to the City Council, City staff and the people of Imperial Beach. This Project has been prematurely necessitated due to poor workmanship by the previous contractor. Thus, the City will demand that any contractor completing the Project provide not only a responsive bid, but also clearly demonstrate the responsibility to complete the work. PSS has not met the standards for responsibility, which has necessitated the recommendation to reject its bid.

Please provide any written response or documents you intend to present to the City Council at the due process hearing to the City Clerk at 825 Imperial Beach Blvd, Imperial Beach, CA 91932, by 4:00 p.m on Tuesday, August 16, 2011

Regards,

  
Hank Levien.  
Public Works Director

cc: City Manager  
City Attorney  
File

## Contractor's License Detail - License # 964014



**DISCLAIMER:** A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

CSLB complaint disclosure is restricted by law ([B&P 7124.6](#)) If this entity is subject to public complaint disclosure, a link for complaint disclosure will appear below. Click on the link or button to obtain complaint and/or legal action information.

Per [B&P 7071.17](#) , only construction related civil judgments reported to the CSLB are disclosed.

Arbitrations are not listed unless the contractor fails to comply with the terms of the arbitration.

Due to workload, there may be relevant information that has not yet been entered onto the Board's license database.

<b>License Number</b>	<b>964014</b>	<b>Extract Date:</b> 8/11/2011				
<b>Business Information</b>	PLAY SMART SURFACING INC 7555 WEAVER STREET HIGHLAND, CA 92346  Business Phone Number:(909) 799-8100					
<b>Entity:</b>	Corporation					
<b>Issue Date</b>	08/02/2011					
<b>Expire Date</b>	<b>08/31/2013</b>					
<b>License Status</b>	This license is current and active. <b>All information below should be reviewed.</b>					
<b>Additional Status:</b>						
<b>Classifications:</b>	<table border="1"> <thead> <tr> <th>CLASS</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>D12</td> <td><u>SYNTHETIC PRODUCTS</u></td> </tr> </tbody> </table>	CLASS	DESCRIPTION	D12	<u>SYNTHETIC PRODUCTS</u>	
CLASS	DESCRIPTION					
D12	<u>SYNTHETIC PRODUCTS</u>					
<b>Bonding:</b>	<b>CONTRACTOR'S BOND</b> This license filed Contractor's Bond number <b>100171329</b> in the amount of <b>\$12,500</b> with the bonding company <u>AMERICAN CONTRACTORS INDEMNITY COMPANY.</u> <b>Effective Date:</b> 07/29/2011  <b>BOND OF QUALIFYING INDIVIDUAL</b> 1. The Responsible Managing Officer (RMO) ALZAGA RAFAEL JR certified that he/she owns 10 percent or more of the voting stock/equity of the corporation. A bond of qualifying individual is <b>not</b> required.  <b>Effective Date:</b> 08/02/2011 <a href="#">BQI's Bonding History</a>					
<b>Workers' Compensation:</b>	This license is exempt from having workers compensation insurance; they certified that they have no employees at this time. <b>Effective Date:</b> 07/29/2011 <b>Expire Date:</b> None					



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** GARY BROWN, CITY MANAGER

**MEETING DATE:** AUGUST 17, 2011

**ORIGINATING DEPT.:** PUBLIC WORKS *HR*

**SUBJECT:** RESOLUTION AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – VETERANS PARK TOT-LOT RESURFACING PROJECT (CIP P03-50B) AND AUTHORIZING THE TRANSFER OF \$40,000 RISK MANAGEMENT FUNDS TO CIP P03-50B

**BACKGROUND:** In fiscal year 2006/2007 Veterans Park Master Plan CIP P03-501 was completed including the surfacing the tot-lot with a new rubberized surface that was ADA compliant and met the OSHA safety standards for tot-lot surfaces. In the subsequent years the new rubberized surface has deteriorated with much of the top surface having been patched and/or replaced. The deterioration is continuing and accelerating with many sections of the surface now missing or loose. Much of the surface is also eroding off into the adjacent turf area. The City has been advised by the rubberized surface professionals that the surface is in such condition that it should be removed and replaced. The original installer is stating that the surface has deteriorated due to abuse by the users. Other professionals have stated that the surface was probably not properly installed, although proving fault in the installation would be difficult.

**DISCUSSION:** After considering repair work versus replacement, staff determined that it would be best to completely redo the tot-lot surface before there are any claims of injury or fall due to the missing or loose rubberized surface. Staff prepared resurfacing specifications and advertised a request for proposals for the resurfacing of the Veterans Park Tot-Lot. The advertisement was published in the Imperial Beach Eagle and Times newspaper and E-Bid Board and City web-page on Thursday, July 7, 2011. The bids were received, opened and evaluated in an advertised public meeting at 2:00 p.m., Thursday, August 4, 2011. At the time of drafting this Staff Report, Staff has determined that the lowest responsive and responsible bid is from T.J. Janca Construction, Inc. at a bid price of \$34,900 because T.J. Janca Construction provided a responsive bid and has 15 years of experience with numerous references with work similar to this project. However, prior to the award of this contract by the City under this agenda item, the City Council will hold a due process hearing to determine if the lowest valued bid from Play Smart Surfacing, Inc at a bid price of \$34,359.00 is a "responsible" bid.

The three contractors who submitted proposals are listed below along with their proposal amounts:

- |                                  |             |
|----------------------------------|-------------|
| 1. Play Smart Surfacing, Inc.    | \$34,359.00 |
| 2. T.J. Janca Construction, Inc. | \$34,900.00 |
| 3. Spectra Turf                  | \$40,131.00 |

The Engineer's Estimate was \$35,000.

The funding for this project is recommended to come from the Risk Management Account due to the surface deterioration raising concerns for user safety when playing on an uneven and torn surface. There are sufficient funds in the Risk Management Account to cover the cost of this repair.

**ENVIRONMENTAL DETERMINATION:**

Project is exempt from CEQA pursuant to CEQA Guidelines Section 15302©: Replace or construction of Existing Utility Systems and Facilities. Not a project as defined by CEQA.

**FISCAL IMPACT:**

Revenue:

Risk Management Fund	\$40,000
----------------------	----------

Expenses:

Construction Contract Play Smart Surfacing, Inc	\$34,359
Construction Inspection/Administration	\$ 5,641
<b>TOTAL ESTIMATED EXPENSES</b>	<b>\$40,000</b>

Or;

Expenses:

Construction Contract – T.J. Janca Construction, Inc.	\$34,900
Construction Inspection/Administration	\$ 5,100
<b>TOTAL ESTIMATED EXPENSES</b>	<b>\$40,000</b>

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Adopt attached resolution awarding the contract to the lowest responsive and responsible bidder either Play Smart Surfacing, Inc. or T.J. Janca Construction, Inc. based upon Council's determination from the due process hearing held on August 17, 2011.
3. Authorize the City Manager to approve a purchase order for the amount of the bid using Risk Management Funds.
4. Authorize the City Manager to transfer \$40,000 from the Risk Management Fund to this project account.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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

Attachments:

1. Resolution No. 2011-7072 - awarding a contract to Play Smart Surfacing, Inc.
2. Resolution No. 2011-7072 - awarding a contract to T.J. Janca Construction, Inc.

**RESOLUTION NO. 2011-7072**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AWARDING THE PUBLIC WORKS CONTRACT FOR THE VETERANS PARK TOT-LOT RESURFACING (P03-50B) TO PLAY SMART SURFACING, INC. AND AUTHORIZING THE TRANSFER OF \$40,000 RISK MANAGEMENT FUNDS TO CIP P03-50B**

**WHEREAS**, in fiscal year 2006/2007 Veterans Park Master Plan CIP P03-501 was completed including the surfacing the tot-lot with a new rubberized surface that was ADA complaint and met the OSHA safety standards for tot-lot surfaces; and

**WHEREAS**, in the subsequent years the new rubberized surface has deteriorated with much of the top surface having been patched and / or replaced; and

**WHEREAS**, the deterioration is continuing and accelerating with many sections of the surface now missing or loose; and

**WHEREAS**, the City has been advised by the rubberized surface professionals that the surface is in such condition that it should be removed and replaced; and

**WHEREAS**, staff prepared resurfacing specifications and advertised a request for bids for the resurfacing of the Veterans Park Tot-Lot; and

**WHEREAS**, the advertisement was published in the Imperial Beach Eagle and Times newspaper and E-Bid Board and City web-page on Thursday, July 7, 2011; and

**WHEREAS**, the City of Imperial Beach (the "City") staff, on August 4, 2011, publicly opened and read aloud the sealed bids for the Veterans Park Tot-Lot Resurfacing (P03-50B)(the "Project"); and

**WHEREAS**, City staff have carefully reviewed all the bids for accuracy, responsiveness, responsibility and price; and

**WHEREAS**, Play Smart Surfacing, Inc. of Redlands, CA was determined the lowest responsive bidder; and

**WHEREAS**, a due process hearing was held on August 17, 2011, providing Play Smart Surfacing, Inc. an opportunity to address issues of nonresponsibility before the City Council of the City of Imperial Beach; and

**WHEREAS**, the City Council determined that Play Smart Surfacing, Inc.'s bid should not be rejected; and

**WHEREAS**, the Engineer's Estimate was \$35,000; and

**WHEREAS**, there are sufficient funds in the Risk Management Fund to pay for this project; and

**WHEREAS**, the City Manager is authorized to approve a purchase order for the amount of the bid using Risk Management Funds; and

**WHEREAS**, the City Manager is authorized to transfer \$40,000 from the Risk Management Fund to the Veterans Park Tot-Lot Resurfacing Project (CIP P03-50B) project account.

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

Section 1. On August 17, 2011, a due process hearing was held regarding the responsibility of the bid submitted by Play Smart Surfacing, Inc., and the City Council determined the bid should not be rejected.

Section 2. The bid submitted by Play Smart Surfacing, Inc. is the lowest responsible and responsive bid.

Section 3. The public works contract for the Imperial Beach Veterans Part Tot-Lot Resurfacing is awarded to Play Smart Surfacing, Inc. in the amount of thirty-four thousand three hundred fifty nine dollars (\$34,359).

Section 4. The City Manager is authorized to execute and sign the public works contract on behalf of the City.

Section 5. The expenditure up to the amount of thirty-four thousand three hundred fifty nine dollars (\$34,359) is authorized and approved.

Section 6. This legislative body authorizes the transfer of \$40,000 from the Risk Management Fund to this project budget.

Section 7. This legislative body authorizes the City Manager to transfer \$40,000 from the Risk Management Fund to the CIP P03-50B project.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 17th day of August 2011, by the following vote:

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

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**JAMES C. JANNEY, MAYOR**

**ATTEST:**

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

## RESOLUTION NO. 2011-7072

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, REJECTING THE BID SUBMITTED BY PLAY SMART SURFACING, INC., AND AWARDING THE PUBLIC WORKS CONTRACT FOR THE VETERANS PARK TOT-LOT RESURFACING (P03-50B) TO T.J. JANCA CONSTRUCTION AND AUTHORIZING THE TRANSFER OF \$40,000 RISK MANAGEMENT FUNDS TO CIP P03-50B**

**WHEREAS**, in fiscal year 2006/2007 Veterans Park Master Plan CIP P03-501 was completed including the surfacing the tot-lot with a new rubberized surface that was ADA compliant and met the OSHA safety standards for tot-lot surfaces; and

**WHEREAS**, in the subsequent years the new rubberized surface has deteriorated with much of the top surface having been patched and / or replaced; and

**WHEREAS**, the deterioration is continuing and accelerating with many sections of the surface now missing or loose; and

**WHEREAS**, the City has been advised by the rubberized surface professionals that the surface is in such condition that it should be removed and replaced; and

**WHEREAS**, staff prepared resurfacing specifications and advertised a request for proposals for the resurfacing of the Veterans Park Tot-Lot; and

**WHEREAS**, the advertisement was published in the Imperial Beach Eagle and Times newspaper and E-Bid Board and City web-page on Thursday, July 7, 2011;

**WHEREAS**, the City of Imperial Beach (the "City") staff, on August 4, 2011, publicly opened and read aloud the sealed bids for the Veterans Park Tot-Lot Resurfacing (P03-50B)(the "Project"); and

**WHEREAS**, City staff have carefully reviewed all the bids for accuracy, responsiveness, responsibility and price; and

**WHEREAS**, Play Smart Surfacing, Inc. was determined the lowest responsive bidder, but was deemed nonresponsive by City staff; and

**WHEREAS**, a due process hearing was held on August 17, 2011, providing Play Smart Surfacing, Inc. an opportunity to address issues of nonresponsibility before the City Council of the City of Imperial Beach; and

**WHEREAS**, the City Council determined that Play Smart Surfacing, Inc.'s bid was nonresponsive and should be rejected, and

**WHEREAS**, City staff recommends T.J. Janca Construction of Orange, CA as the lowest responsive and responsible bidder because of their 15 years experience in this profession and their numerous references of similar work within the past three years; and

**WHEREAS**, City staff recommends awarding the Project contract to T.J. Janca Construction; and

**WHEREAS**, the Engineer's Estimate was \$35,000; and

**WHEREAS**, there are sufficient funds in the Risk Management Fund to pay for this project; and

**WHEREAS**, the City Manager is authorized to approve a purchase order for the amount of the bid using Risk Management Funds; and

**WHEREAS**, the City Manager is authorized to transfer \$40,000 from the Risk Management Fund to the Veterans Park Tot-Lot Resurfacing Project (CIP P03-50B) project account.

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

Section 1. A due process hearing was held on August 17, 2011, and the bid submitted by Play Smart Surfacing, Inc. is rejected as nonresponsible.

Section 2. The public works contract for the Imperial Beach Veterans Part Tot-Lot Resurfacing is awarded to T.J. Janca Construction of Orange, CA in the amount of thirty-four thousand nine hundred dollars (\$34,900).

Section 3. The City Manager is authorized to execute and sign the public works contract on behalf of the City.

Section 4. The expenditure up to the amount of thirty-four thousand nine hundred dollars (\$34,900) is authorized and approved.

Section 5. This legislative body authorizes the transfer of \$40,000 from the Risk Management Fund to this project budget.

Section 6. This legislative body authorizes the City Manager to transfer \$40,000 from the Risk Management Fund to the CIP P03-50B project.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 17th day of August 2011, by the following vote:

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

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**JAMES C. JANNEY, MAYOR**

**ATTEST:**

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