



A G E N D A



**CITY OF IMPERIAL BEACH
CITY COUNCIL
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY
HOUSING AUTHORITY**

IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY

DECEMBER 18, 2013

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

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

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

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

CLOSED SESSION CALL TO ORDER

ROLL CALL BY CITY CLERK

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Govt. Code Section 54956.9(d)(2) with existing facts and circumstances per Govt. Code Section 54956.9(e)(3): 5 cases

RECONVENE AND ANNOUNCE ACTION (IF APPROPRIATE)

ADJOURN CLOSED SESSION

REGULAR MEETING CALL TO ORDER

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.*

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

PRESENTATIONS (1)

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.

Recommendation: Approve the minutes of the Special Workshop Meeting of October 23, 2013.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Recommendation: Ratify the following registers: Accounts Payable Numbers 83623 through 83697 with a subtotal amount of \$851,873.04 and Payroll Checks/Direct Deposit 45631 through 45655 for a subtotal amount of \$166,719.59 for a total amount of \$1,018,592.63.

2.3 SECOND READING AND ADOPTION OF ORDINANCE NO. 2013-1142 OF THE CITY OF IMPERIAL BEACH, CALIFORNIA REPEALING CHAPTER 9.54 AND ADOPTING CHAPTER 9.54 OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO HOUSE PARTIES AND CONSUMPTION OF ALCOHOL BY MINORS. (0240-95)

Recommendation: Adopt ordinance.

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

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

2.5 ADOPTION OF RESOLUTION NO. 2013-7440 AUTHORIZING THE CITY MANGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH PROJECT DESIGN CONSULTANTS TO PROVIDE SERVICES FOR THE PALM AVENUE MIXED USE AND COMMERCIAL CORRIDOR MASTER PLAN TO BE FUNDED PRIMARILY BY THE FISCAL YEARS 2011-2013 SMART GROWTH INCENTIVE PROGRAM GRANT. (0620-20 & 0720-55)

Recommendation: Adopt resolution.

2.6 RESOLUTION 2013-7439 APPROPRIATING \$23,000 FROM UNAPPROPRIATED GAS TAX TO STREET MAINTENANCE ACCOUNT NUMBER 101-5010-531-2006 FOR THE PREPARATION OF 30% DRAWINGS FOR STREET IMPROVEMENTS ON THE 700 BLOCK, 10TH STREET AND AUTHORIZING THE CITY MANAGER TO APPROVE A PURCHASE ORDER FOR THE CITY ENGINEER FOR THE PREPARATION OF THESE DRAWINGS. (0720-10)

Recommendation:

1. Receive report and
2. Adopt resolution appropriating \$23,000 from unappropriated Gas Tax to Street Division account number 101-5010-531-2006 and authorizing the City Manager to approve a purchase order for Atkins North American (City Engineer) to prepare the 30% construction drawings for street improvements on the 700 block of 10th Street.

ORDINANCES – INTRODUCTION/FIRST READING(3)

None.

PUBLIC HEARINGS (4.1)

- 4.1 MCDONALDS (APPLICANT); ADMINISTRATIVE COASTAL PERMIT (ACP 130001), DESIGN REVIEW (DRC 130002), AND SITE PLAN REVIEW (SPR 130003) PROPOSING TO REMODEL AND ADD ONTO AN EXISTING MCDONALD'S RESTAURANT AND OTHER SITE MODIFICATIONS AT 1135 PALM AVENUE (APN 626-301-18-00 & 626-301-31-00); RESOLUTION 2013-7438. (0600-20)**

Recommendation:

1. Declare the public hearing open;
2. Receive report and entertain public testimony;
3. Close the public hearing; and
4. Adopt Resolution No. 2013-7438, approving Administrative Coastal Permit (ACP 130001), Design Review Case (DRC 130002), and Site Plan Review (SPR 130003), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

REPORTS (5.1-5.3)

- 5.1 PORT OF SAN DIEGO POND 20 FENCE REPLACEMENT ALONG PALM AVENUE/STATE ROUTE 75. (0150-70)**

Recommendation: That the City Council receive the report and provide comment and input on the Pond 20 fence replacement design concepts for consideration by the Port of San Diego.

- 5.2 RESOLUTION NO. 2013-7437 AWARDED A PUBLIC WORKS CONTRACT; TO WIT: RTIP FY 11-12 (STREET IMPROVEMENTS) CIP # S12-104. (0720-10)**

Recommendation:

1. Receive report;
2. Adopt Resolution No. 2013-7431 awarding a contract to the lowest responsive bidder;
3. Authorize the City Manager to sign the construction contract with the lowest responsive bidder; and
4. Authorize the City Manager to approve a purchase order for the amount of the bid price.

- 5.3 ANNUAL CITY COUNCIL REPRESENTATION ASSIGNMENTS FOR 2014. (0410-50)**

Recommendation:

1. Mayor appoint/change City Council Representation Assignments for 2014 in accordance with Chapter 2.18.010.C of the I.B.M.C.; and
2. City Council approve Mayor's appointments and changes to City Council Representation Assignments for 2014.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (6)

None.

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.imperialbeachca.gov

/s/
Jacqueline M. Hald, MMC
City Clerk

CITY OF IMPERIAL BEACH
CITY COUNCIL
PLANNING COMMISSION
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IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY

OCTOBER 23, 2013 – 6:00 P.M.

Community Room (Behind City Hall)
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

CALL TO ORDER BY MAYOR

MAYOR JANNEY called the Special Workshop Meeting to order at 6:03 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Spriggs, Bilbray, Patton
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bragg (arrived at 6:20 p.m.)
Staff present:	City Manager Hall, Assistant City Manager Wade, City Attorney Lyon, City Clerk Hald, Public Safety Director Clark, Public Works Director Levien, Interim Administrative Services Director Welcomme, Sheriff's Lieutenant Ryan

PUBLIC COMMENT

None.

REPORTS

**1. CITY COUNCIL VISIONING AND IMPLEMENTATION OF MISSION STATEMENT.
(0100-10)**

CITY MANAGER HALL gave a PowerPoint presentation on the item.

City Council, along with senior management staff, discussed the City's Mission Statement and how the City of Imperial Beach is and can be more "Classic Southern California."

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:06 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, MMC
City Clerk



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ANDY HALL, CITY MANAGER *AA*
MEETING DATE: DECEMBER 18, 2013
ORIGINATING DEPT.: ADMINISTRATIVE SERVICES *ASB*
SUBJECT: RATIFICATION OF WARRANT REGISTER

EXECUTIVE SUMMARY:

Approval of the warrant register in the amount of \$ 851,873.04 and the payroll checks in the amount of \$166,719.59.

BACKGROUND:

None

ANALYSIS:

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

Vendor:	Check:	Amount:	Description:
City of San Diego	83627	\$595,494.00	2 nd Quarter Metro Sewer System

The following registers are submitted for Council ratification:

<u>WARRANT #</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Accounts Payable</u>		
83623-83649	11/27/2013	\$ 682,450.65
83650-83697	12/06/2013	\$ 169,422.39
	Sub-Total	\$ 851,873.04
<u>Payroll Checks/Direct Deposit</u>		
45631-45655	P.P.E. 11/28/13	\$ 166,719.59
	Sub-Total	\$ 166,719.59
	<u>TOTAL</u>	<u>\$1,018,592.63</u>

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

Warrants are issued from budgeted funds and there is no additional impact on reserves.

RECOMMENDATION:

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

Attachments:

1. Warrant Register

ATTACHMENT 1

A/P CHECKS BY PERIOD AND YEAR
 FROM 11/23/2013 TO 12/06/2013

PREPARED 12/06/2013, 12:19:53
 PROGRAM: GM3501
 CITY OF IMPERIAL BEACH

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	TRN #	DESCRIPTION	INVOICE	PO #	PER/YEAR	BANK CODE	TRN AMOUNT	CHECK AMOUNT	*ALL*
11/27/2013	83623	ALPHA FORMA, LLC	2375		JUL-SEP 2013 CNSLTING SVC	IB005	140444	04/2014		9,000.00	9,000.00	
101-5050-535	20-06	10/13/2013								9,000.00		
11/27/2013	83624	CALIFORNIA AMERICAN WATER	612							6,344.68	6,344.68	
101-5010-431	27-02	11/07/2013			1015-210020154739 OCT 13	12-02-2013		04/2014		25.96	25.96	
601-5060-436	27-02	11/08/2013			1015-210020125977	12-02-2013		04/2014		16.53	16.53	
101-5010-431	27-02	11/07/2013			1015-210018811916	12-02-2013		04/2014		33.06	33.06	
601-5060-436	27-02	11/07/2013			1015-210019512885	12-02-2013		04/2014		328.08	328.08	
601-5060-436	27-02	11/08/2013			1015-210018820255	12-02-2013		04/2014		11.32	11.32	
101-5020-432	27-02	11/08/2013			1015-210019058534	12-02-2013		04/2014		103.66	103.66	
101-6020-452	27-02	11/13/2013			1015-210019176067	12-05-2013		04/2014		589.44	589.44	
101-6020-452	27-02	11/11/2013			1015-210019176128	12-03-2013		04/2014		6.61	6.61	
101-5010-431	27-02	11/08/2013			1015-210019179080	12-02-2013		04/2014		510.70	510.70	
101-6020-452	27-02	11/12/2013			1015-210019748080	12-04-2013		04/2014		6.61	6.61	
101-6020-452	27-02	11/11/2013			1015-210019748332	12-03-2013		04/2014		11.32	11.32	
101-6020-452	27-02	11/11/2013			1015-210019749625	12-03-2013		04/2014		11.32	11.32	
101-6020-452	27-02	11/11/2013			1015-210019749687	12-03-2013		04/2014		34.86	34.86	
101-6020-452	27-02	11/13/2013			1015-210020440898	12-05-2013		04/2014		758.86	758.86	
101-6020-452	27-02	11/15/2013			1015-210019176333	12-09-2013		04/2014		44.27	44.27	
101-5010-431	27-02	11/15/2013			1015-210019178568	12-09-2013		04/2014		6.61	6.61	
101-5010-431	27-02	11/14/2013			1015-210019334948	12-06-2013		04/2014		20.74	20.74	
101-6020-452	27-02	11/13/2013			1015-210019335248	12-05-2013		04/2014		2,840.24	2,840.24	
101-1910-419	27-02	11/13/2013			1015-210019335347	12-05-2013		04/2014		598.86	598.86	
101-1910-419	27-02	11/14/2013			1015-210019335484	12-06-2013		04/2014		132.91	132.91	
101-1910-419	27-02	11/14/2013			1015-210019335682	12-06-2013		04/2014		21.24	21.24	
101-3020-422	27-02	11/14/2013			1015-210019335774	12-06-2013		04/2014		118.79	118.79	
101-5010-431	27-02	11/14/2013			1015-210019335835	12-06-2013		04/2014		11.32	11.32	
601-5060-436	27-02	11/15/2013			1015-210019401916	12-09-2013		04/2014		6.61	6.61	
101-5010-431	27-02	11/18/2013			1015-210019531534	12-10-2013		04/2014		6.61	6.61	
101-5010-431	27-02	11/15/2013			1015-210019531626	12-09-2013		04/2014		20.74	20.74	
101-5010-431	27-02	11/15/2013			1015-210019535857	12-09-2013		04/2014		44.27	44.27	
101-6020-452	27-02	11/18/2013			1015-210019746893	12-10-2013		04/2014		6.61	6.61	
303-1264-413	27-02	11/19/2013			1015-210021144451	12-11-2013		04/2014		16.53	16.53	
11/27/2013	83625	CALIFORNIA DENTAL	2480		PAYROLL AP PPE 10/17/13	20131024		04/2014		605.44	605.44	
101-0000-209	01-12	10/24/2013			PR AP PPE 10/31/13	20131107		05/2014		309.94	309.94	
101-0000-209	01-12	11/07/2013			NOV 2013 DENTAL	NOV 2013		05/2014		14.44	14.44	
101-0000-209	01-12	11/26/2013										
11/27/2013	83626	CDW GOVERNMENT INC	725		LAPTOP / DOCKING STATION	GW86324	140085	05/2014		1,667.41	1,667.41	
503-1923-419	20-06	11/05/2013			IT PRINTER TONER	GZ31618	140085	05/2014		1,259.59	1,259.59	
503-1923-419	20-06	11/08/2013			VIDEO CABLE	HB57697	140085	05/2014		98.36	98.36	
503-1923-419	20-06	11/12/2013			FIN DIRECTOR MONITOR	HB75736	140085	05/2014		47.24	47.24	
503-1923-419	20-06	11/12/2013								262.22	262.22	
11/27/2013	83627	CITY OF SAN DIEGO	896		OCT-DEC 2013 METRO	1000089888		05/2014		595,494.00	595,494.00	
601-5060-436	21-04	10/23/2013								595,494.00	595,494.00	
11/27/2013	83628	COUNTY OF SAN DIEGO	1055		OCT 2013 PARKING PENALTY	10/13		05/2014		1,892.00	1,892.00	
101-3010-421	21-04	10/31/2013								1,892.00	1,892.00	

A/P CHECKS BY PERIOD AND YEAR
 FROM 11/23/2013 TO 12/06/2013

PROGRAM: GM350L
 CITY OF IMPERIAL BEACH

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	DESCRIPTION	INVOICE	PO #	PER/YEAR	BANK CODE	CHECK AMOUNT
11/27/2013	83629	COUNTY OF SAN DIEGO RCS	1065	OCT 2013	14CTOFIBN04	140165	05/2014		3,612.88
101-3010-421	21-25	11/01/2013		OCT 2013	14CTOFIBN04	140165	05/2014		2,378.50
101-3020-422	21-25	11/01/2013		OCT 2013	14CTOFIBN04	140165	05/2014		371.00
101-3030-423	21-25	11/01/2013		OCT 2013	14CTOFIBN04	140165	05/2014		863.38
11/27/2013	83630	COX COMMUNICATIONS	1073	11/13-12/12 3110015531401	12-04-2013	140162	05/2014		149.44
101-6010-451	29-04	11/15/2013							149.44
11/27/2013	83631	FIDELITY SECURITY LIFE INSURAN	2476	PAYROLL AP PPE 10/03/13	20131010		04/2014		181.47
101-0000-209	01-18	10/10/2013		PAYROLL AP PPE 10/17/13	20131024		04/2014		86.53
101-0000-209	01-18	10/24/2013		DEC 2013 VISION	DEC 2013		05/2014		8.41
101-0000-209	01-18	11/26/2013							
11/27/2013	83632	GOOGLE, INC.	2009	OCT/NOV 2013	7960563	140436	05/2014		205.10
503-1923-419	20-06	11/05/2013							205.10
11/27/2013	83633	JASON LINDQUIST	2412	REIMBURSE TRNG TRIP COSTS	10-25-2013		05/2014		85.02
101-3030-423	28-04	10/25/2013							85.02
11/27/2013	83634	KEYSER MARSTON ASSOC INC	620	SEP 2013 BIKEWAY VILL/9TH	0026569	140447	04/2014		8,298.13
101-5000-532	20-06	10/07/2013		SEP 2013 BIKEWAY VILL/9TH	0026569	140447	04/2014		7,845.63
402-5000-532	20-06	10/07/2013							452.50
11/27/2013	83635	MAUREEN LENNON	2545	INTRVIEW TRAVEL REIMBURSE	11-11-2013		04/2014		290.41
101-1210-413	28-06	10/25/2013							290.41
11/27/2013	83636	MCDUGAL LOVE ECKIS &	962	OCT 2013 MONTHLY RETAINER	84829	140198	04/2014		8,227.00
101-1220-413	20-02	10/31/2013							8,227.00
11/27/2013	83637	MOTOROLA, INC	1092	PROJ 25 COMPLIANT RADIO	13985982	140363	05/2014		29,096.30
101-3020-422	50-04	11/07/2013		FD PROJ25 COMPLIANT RADIO	41188530	140364	05/2014		22,402.53
101-3020-422	50-04	11/26/2013							6,693.77
11/27/2013	83638	OFFICE DEPOT, INC	1262	PENT/FOLDERS/HIGHLIGHTERS	680311549001	140001	04/2014		505.64
101-1010-411	30-02	10/28/2013		PRESENTATION REMOTE RF	680311659001	140001	04/2014		49.05
101-1110-412	29-04	10/28/2013		ENVELOPES/10KEY TAPE/SHAR	681068931001	140001	05/2014		53.99
101-1210-413	30-01	11/04/2013		HAND SANITIZER	681068931002	140001	05/2014		22.79
101-1210-413	30-01	11/05/2013		BATTERIES/WATER	681467827001	140001	05/2014		31.24
101-1010-411	30-02	11/05/2013		BATTERIES/WATER	681467827001	140001	05/2014		26.87
101-1130-412	30-01	11/08/2013		TONER/DISINFECTING WIPES	682051415001	140001	05/2014		27.14
101-1210-413	30-01	11/11/2013		TISSUE/CR PRINTER PAPER	682051415002	140001	05/2014		140.77
101-1210-413	30-01	11/11/2013		SEIFERT, L BUSINESS CARDS	680315427001	140001	04/2014		25.91
101-3070-427	28-11	10/25/2013		BINDERS/FILE FOLDERS	683255327001	140001	05/2014		45.47
101-5020-432	30-01	11/14/2013							82.41
11/27/2013	83639	PARS	2425	SEP 2013	27287	140271	05/2014		400.00
101-1920-419	20-06	11/15/2013							400.00
11/27/2013	83640	PARTNERSHIP WITH INDUSTRY	1302	P/E 10/31/2013	GS05019	140192	05/2014		2,491.09
101-6040-454	30-02	11/01/2013							391.37

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	CHECK AMOUNT	BANK CODE
101-6040-454.30-02	11/01/2013	P/E 10/31/2013			GS05019	140192	05/2014	391.37		
101-6040-454.30-02	11/01/2013	P/E 10/31/2013			GS05019	140192	05/2014	521.82		
101-6040-454.30-02	11/15/2013	P/E 11/15/2013			GS05045	140192	05/2014	355.96		
101-6040-454.30-02	11/15/2013	P/E 11/15/2013			GS05045	140192	05/2014	474.61		
11/27/2013	83641	PRINCIPAL FINANCIAL GROUP	2525					1,643.54		
101-0000-209.01-12	11/07/2013	PR AP PPE 10/31/13			20131107		05/2014	768.52		
101-0000-209.01-12	11/21/2013	PAYROLL AP PPE 11/14/13			20131121		05/2014	768.52		
101-0000-209.01-12	11/26/2013	1025381-1001 DEC 2013 PPO			DEC 2013		05/2014	37.88		
101-0000-209.01-12	11/26/2013	1025381-1001 DEC 2013 PPO			DEC 2013		05/2014	68.71		
101-0000-209.01-12	11/26/2013	1025381-1001 DEC 2013 PPO			DEC 2013		05/2014	.09-		
11/27/2013	83642	PRINCIPAL FINANCIAL GROUP	2414					3,361.92		
101-0000-209.01-14	11/07/2013	PR AP PPE 10/31/13			20131107		05/2014	555.37		
101-0000-209.01-16	11/07/2013	PR AP PPE 10/31/13			20131107		05/2014	463.41		
101-0000-209.01-21	11/07/2013	PR AP PPE 10/31/13			20131107		05/2014	621.14		
101-0000-209.01-14	11/21/2013	PAYROLL AP PPE 11/14/13			20131121		05/2014	551.41		
101-0000-209.01-16	11/21/2013	PAYROLL AP PPE 11/14/13			20131121		05/2014	463.41		
101-0000-209.01-21	11/21/2013	PAYROLL AP PPE 11/14/13			20131121		05/2014	607.06		
101-0000-209.01-14	11/26/2013	DEC 2013 BASIC LIFE/AD&D/			DEC 2013		05/2014	3.96-		
101-0000-209.01-16	11/26/2013	DEC 2013 BASIC LIFE/AD&D/			DEC 2013		05/2014	118.16		
101-0000-209.01-21	11/26/2013	DEC 2013 BASIC LIFE/AD&D/			DEC 2013		05/2014	14.08-		
11/27/2013	83643	PRINCIPAL FINANCIAL GROUP	2428					1,064.46		
101-0000-209.01-13	11/07/2013	PR AP PPE 10/31/13			20131107		05/2014	532.23		
101-0000-209.01-13	11/21/2013	PAYROLL AP PPE 11/14/13			20131121		05/2014	532.23		
11/27/2013	83644	RANCHO AUTO & TRUCK PARTS	1685					997.11		
501-1921-419.28-16	11/05/2013	#A-2 DORMAN HARDWARE			7693-174927	140016	05/2014	33.83		
501-1921-419.28-16	11/06/2013	STOCK FILTERS			7693-175117	140016	05/2014	68.56		
501-1921-419.28-16	11/07/2013	#602 RIN BRAKE HARDWARE			7693-175203	140016	05/2014	54.71-		
501-1921-419.28-16	11/13/2013	#A-2 LIFT SUPPORTS			7693-175807	140016	05/2014	51.88		
501-1921-419.28-16	11/13/2013	#104 WAGNER PADS			7693-175842	140016	05/2014	38.23		
501-1921-419.28-16	11/13/2013	OIL FILTER/SQUEEGEE			7693-175854	140016	05/2014	16.04		
501-1921-419.30-22	11/19/2013	1/2 AIR IMPACT			7693-176411	140016	05/2014	222.47		
501-1921-419.28-16	11/20/2013	#604 DISC BRAKE SET			7693-176484	140016	05/2014	403.08		
501-1921-419.28-16	11/20/2013	#604 ROTORS			7693-176487	140016	05/2014	160.98		
501-1921-419.28-16	11/20/2013	OIL FILTERS/GREASE FITTIN			7693-176554	140016	05/2014	56.75		
11/27/2013	83645	RECLAIMED AGGREGATES, INC.	2137					225.00		
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11/27/2013	83646	RICOH USA, INC.	2392					1,935.40		
101-1110-412.20-17	11/04/2013	NOV 2013			91135405	140182	05/2014	276.49		
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101-1230-413.20-17	11/04/2013	NOV 2013			91135405	140182	05/2014	276.49		
101-3020-422.20-17	11/04/2013	NOV 2013			91135405	140182	05/2014	276.49		
101-3030-423.20-17	11/04/2013	NOV 2013			91135405	140182	05/2014	276.49		
101-5020-432.20-17	11/04/2013	NOV 2013			91135405	140182	05/2014	276.48		

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503-1923-419.10-02		11/14/2013		W/E 11/01/13 WASHINGTON,E	39115510	140098	05/2014		875.00	
503-1923-419.10-02		11/07/2013							850.00	
11/27/2013	83648	U.S. BANK	1873	HALL/DUCHENEY LUNCH MTG	10-11-2013	140376	04/2014		298.49	
101-1110-412.28-04		10/11/2013		10/02/13 COUNCIL DINNER	2098	140379	04/2014		27.30	
101-1010-411.28-04		10/02/2013		VEA,E 2013 SYMPOSIUM REG	3214-6415-0808-	140379	04/2014		43.19	
101-1110-412.28-04		10/08/2013		VEA,E TRAINING REGISTRATN	5446-6332-7825-	140379	04/2014		35.00	
101-1110-412.28-04		10/08/2013		OCT 2013 MONTHLY NEWSLETR	1381563989738	140379	04/2014		55.00	
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101-1010-411.28-04		10/16/2013							108.00	
11/27/2013	83649	VERIZON WIRELESS	2317	10/09/2013-11/08/2013	9714592885		04/2014		2,653.72	
101-5020-432.27-05		11/08/2013		10/09/2013-11/08/2013	9714592885		04/2014		628.01	
101-3040-424.27-05		11/08/2013		10/09/2013-11/08/2013	9714592885		04/2014		518.79	
101-3020-422.27-05		11/08/2013		10/09/2013-11/08/2013	9714592885		04/2014		1,087.71	
101-3030-423.27-05		11/08/2013		10/09/2013-11/08/2013	9714592885		04/2014		232.45	
101-3070-427.27-05		11/08/2013		10/09/2013-11/08/2013	9714592885		04/2014		51.62	
101-1230-413.27-05		11/08/2013		10/09/2013-11/08/2013	9714592885		04/2014		608.36-	
503-1923-419.27-05		11/08/2013		10/09/2013-11/08/2013	9714592885		04/2014		731.18	
503-1923-419.27-05		11/08/2013		10/09/2013-11/08/2013	9714592885		04/2014		12.32	
12/06/2013	83650	AMERICAN MESSAGING	1759	DEC 2013	L1074045NL	140093	06/2014		132.89	
101-3020-422.27-05		12/01/2013							132.89	
12/06/2013	83651	ARROWHEAD MOUNTAIN SPRING	1340	WATE					92.73	
101-5020-432.30-02		11/22/2013		OCT 2013	03K0026726646	140171	05/2014		92.73	
12/06/2013	83652	AT&T	2430	3372571583448	4889434		05/2014		2,855.31	
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503-1923-419.27-04		11/20/2013		3393442323406	4890831		05/2014		178.97	
101-1210-413.27-04		11/17/2013		6194235034	4880029		05/2014		16.51	
101-3020-422.27-04		11/17/2013		6194237246664	4879249		05/2014		.76	
101-5020-432.27-04		11/15/2013		6194238311966	4875700		05/2014		4.38	
101-3030-423.27-04		11/15/2013		6194238322966	4875701		05/2014		5.34	
503-1923-419.27-04		11/11/2013		6194243481712	4854430		05/2014		16.33	
101-1230-413.27-04		11/17/2013		6196281356950	4879252		05/2014		32.30	
101-1920-419.27-04		11/17/2013		6196282018442	4879258		05/2014		.10	
601-5060-436.27-04		11/15/2013		C602221236777	4875692		05/2014		19.51	
101-1110-412.27-04		11/15/2013		C602224831777	4876761		05/2014		125.85	
101-1020-411.27-04		11/15/2013		C602224832777	4876762		05/2014		60.14	
101-1230-413.27-04		11/15/2013		C602224833777	4876763		05/2014		317.86	
101-1130-412.27-04		11/15/2013		C602224834777	4876764		05/2014		44.38	
101-1210-413.27-04		11/15/2013		C602224835777	4876765		05/2014		207.77	
101-6030-453.27-04		11/15/2013		C602224836777	4876766		05/2014		77.89	
101-6010-451.27-04		11/15/2013		C602224837777	4876767		05/2014		86.00	

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101-5050	435.20-06	10/17/2013	OCT 2013 LEGAL ADS	79199		79199		140019	04/2014			50.00	50.00
101-5050	435.20-06	10/24/2013	OCT 2013 LEGAL ADS	79305		79305		140019	04/2014			50.00	50.00
101-6020	452.20-06	10/31/2013	OCT 2013 LEGAL ADS	79415		79415		140019	04/2014			50.00	50.00
101-0000	221.01-02	10/24/2013	OCT 2013 LEGAL ADS	79305		79305			05/2014			100.00	100.00
101-0000	221.01-02	10/24/2013	OCT 2013 LEGAL ADS	79305		79305			05/2014			95.00	95.00
101-3030	423.20-06	10/24/2013	OCT 2013 RFQP	79305		79305		140019	04/2014			55.00	55.00
101-3030	423.20-06	10/31/2013	OCT 2013 RFQP	79415		79415		140019	04/2014			55.00	55.00
12/06/2013	502-1922	419.28-04	EDWARD A. LIPKA	10/28/2013	2215	NOV 2013 SAFETY PROG	IBPW-1302		05/2014			2,000.00	2,000.00
12/06/2013	101-1210	413.28-09	FEDERAL EXPRESS CORP.	11/29/2013	911	NOV 2013 ACOM SHIPPING	2-481-67405	140113	05/2014			19.36	19.36
12/06/2013	101-1210	413.21-01	GO-STAFF, INC.	11/19/2013	2031	W/E 11/17/13 FERGUSON,N	116587	140089	05/2014			1,578.33	1,578.33
101-1210	413.21-01	11/26/2013	W/E 11/24/13 FERGUSON,N	116882		116882		140089	05/2014			978.12	978.12
12/06/2013	503-1923	419.30-22	GROUND SERVICE TECHNOLOGY, INC	11/14/2013	2255	NETWORK CONSULTING	36607	140443	05/2014			205.00	205.00
503-1923	419.30-22	11/14/2013	NETWORK CONSULTING	36607		36607		140443	05/2014			487.50	487.50
503-1923	419.30-22	11/14/2013	TROUBLESHOOT	28431		28431		140437	05/2014			487.50	487.50
12/06/2013	503-1923	419.30-22	SPS VAR, LLC.	11/14/2013	512	OS UPGRADE MEDIA	12071	140451	05/2014			135.00	135.00
12/06/2013	101-0000	209.01-08	I B FIREFIGHTERS ASSOCIATION	12/05/2013	214	PAYROLL AP PPE 11/28/13	20131205		06/2014			300.00	300.00
12/06/2013	101-0000	209.01-10	ICMA RETIREMENT TRUST 457	12/05/2013	242	PAYROLL AP PPE 11/28/13	101711157		06/2014			5,979.14	5,979.14
12/06/2013	101-6030	453.20-06	JACQUELINE SUE STENZEL	11/25/2013	2491	11/2013 SR YOGA	6		05/2014			80.00	80.00
12/06/2013	101-6020	452.30-02	JOHN DEERE LANDSCAPES	06/27/2013	1986	Y FILTER	65223051	140028	01/2014			9.56	9.56
12/06/2013	101-1110	412.29-04	KIWANIS CLUB OF IMPERIAL BEACH	11/07/2013	639	2014 KIWANIS CALENDAR AD	2014		05/2014			325.00	325.00
101-1110	412.29-04	02/28/2013	LEAGUE OF CALIF CITIES	761		LEAGUE OF CA CITIES FEBRU	1655	F14015	01/2014			60.00	60.00
12/06/2013	101-1130	412.20-06	MANAGED HEALTH NETWORK	11/16/2013	2432	DEC 2013	3200053059	140077	05/2014			397.60	397.60

PREPARED 12/06/2013, 12:19:53 A/P CHECKS BY PERIOD AND YEAR
 PROGRAM: GM350L FROM 11/23/2013 TO 12/06/2013
 CITY OF IMPERIAL BEACH

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502-1922-419.20-01		10/31/2013		OCT 2013	84830	140183	04/2014		332.35
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303-1250-413.20-01		10/31/2013		OCT 2013	84832		04/2014		93.93
303-1250-413.20-01		10/31/2013		OCT 2013	84832		04/2014		780.32
101-1220-413.20-01		10/31/2013		OCT 2013	84859		04/2014		2,454.05
101-1220-413.20-01		10/31/2013		OCT 2013	84860		04/2014		50.58
216-1240-413.20-01		10/31/2013		OCT 2013	84833		04/2014		289.01
303-1250-413.20-01		10/31/2013		OCT 2013	84834		04/2014		36.13
101-1220-413.20-01		10/31/2013		OCT 2013	84862		04/2014		390.15
101-1220-413.20-01		10/31/2013		OCT 2013	84861		04/2014		310.68
12/06/2013	83678	MOBILE HOME ACCEPTANCE CORPORA	1533						297.00
101-5020-432.25-01		11/22/2013		12/07/13-01/06/13	175151	140158	05/2014		297.00
12/06/2013	83679	NASLAND ENGINEERING	1656						2,918.25
101-5020-432.20-06		10/31/2013		OCT 2013 SEACOAST AESTHET	93886	140183	04/2014		1,280.00
402-5000-532.20-06		10/31/2013		OCT 2013 IB ST IMPRVMTS	93866	071139	04/2014		1,638.25
12/06/2013	83680	OFFICETEAM	1266						1,966.70
101-1020-411.21-01		11/11/2013		W/E 11/08/13 CARBALLO,S	39133622	140421	05/2014		1,108.00
101-1020-411.21-01		11/18/2013		W/E 11/15/13 CARBALLO,S	39171607	140421	05/2014		858.70
12/06/2013	83681	PACIFIC TECHNICAL DATA, LLC.	2515						768.00
101-5010-431.21-04		11/06/2013		24 HR SEGMENT COUNTS	P7D13-1018-02	140262	05/2014		768.00
12/06/2013	83682	PATRICK & CO	1306						291.88
101-3050-425.30-02		09/26/2013		DOG TAG LICENSE	875930	F14018	03/2014		291.88
12/06/2013	83683	PRAXAIR DISTRIBUTION INC	1652						45.99
101-6040-454.30-02		11/13/2013		SAND DISC/PAD HOLDER	47757294	140002	05/2014		45.99
12/06/2013	83684	RANCHO AUTO & TRUCK PARTS	1685						62.89
501-1921-419.28-16		11/25/2013		MOTOR OIL/FILTER	7693-177159	140016	05/2014		62.89
12/06/2013	83685	RBF CONSULTING	1756						3,260.00
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402-5000-532.20-06		11/18/2013		OCT 2013 BAYSHORE BIKEWAY	863316	140270	05/2014		391.20
12/06/2013	83686	ROBERT HALF TECHNOLOGY	1826						743.75
503-1923-419.10-02		11/21/2013		11/15/13 WASHINGTON,E	39211211	140098	05/2014		743.75
12/06/2013	83687	SAFEMAY SIGN COMPANY	2309						2,354.90
101-5010-431.21-23		11/13/2013		STREET SIGNS	96145	140068	05/2014		1,233.02
101-5010-431.21-23		11/25/2013		STREET SIGNS	96301	140068	05/2014		1,121.88
12/06/2013	83688	SD SPORTS MED & FAMILY HEALTH	370						3,875.55
101-3020-422.20-06		11/15/2013		MEDICAL FITNESS EVAL	IB11142013		05/2014		3,875.55

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501-1921-419.28-15	11/21/2013								5,679.87
501-1921-419.28-15	11/27/2013			1048 GAL REG FUEL	1259111-IN	140046	05/2014		3,611.11
12/06/2013	83691	SPARKLETT'S	2341	NOV 2013	10552339	140199	05/2014		100.92
101-1210-413.30-01	11/16/2013			NOV 2013	12529930	140102	05/2014		55.06
101-3020-422.30-02	11/22/2013								45.86
12/06/2013	83692	TERRA BELLA NURSERY, INC.	1946	PLANT MATERIAL	1053116	140031	05/2014		631.08
101-6020-452.30-02	11/05/2013			PLANT MATERIAL	105402	140031	05/2014		90.55
101-6020-452.30-02	11/06/2013			HESPERALOE PARVIFLORA	105476	140031	05/2014		119.66
101-6020-452.30-02	11/07/2013			MULCH	106203	140031	05/2014		96.98
101-6020-452.30-02	11/19/2013								323.89
12/06/2013	83693	US BANK	2458	PAYROLL AP PPE 11/28/13	20131205		06/2014		1,144.50
101-0000-209.01-20	12/05/2013								1,144.50
12/06/2013	83694	VALLEY INDUSTRIAL SPECIALTIES,	767	METERING SERVOMOTOR ASSY	200353	140030	05/2014		374.23
101-6040-454.30-02	11/07/2013			FLOW CONTROL/CONNECTOR	200574	140030	05/2014		287.19
101-6040-454.30-02	11/18/2013								87.04
12/06/2013	83695	WELL DONE ROOTER & PLUMBING SE	4	1080 8TH ST BOND REFUND	TEP 13-53		05/2014		3,727.00
101-0000-221.01-05	11/26/2013								3,727.00
12/06/2013	83696	WESTERN SALES, INC.	2356	CLASSIC STYLE NOZZLE	2197	140439	05/2014		1,692.80
601-5060-436.28-01	11/14/2013								1,692.80
12/06/2013	83697	WHITE CAP CONSTRUCTION SUPPLY	1434	SILICONE SEALANT/	10000980305	140015	05/2014		41.78
101-5010-431.30-02	11/18/2013								41.78

DATE RANGE TOTAL *

851,873.04 *



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ANDY HALL, CITY MANAGER *AH*

MEETING DATE: DECEMBER 18, 2013 *AH*

ORIGINATING DEPT.: PUBLIC SAFETY *AH*

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 2013-1142 OF THE CITY OF IMPERIAL BEACH, CALIFORNIA REPEALING CHAPTER 9.54 AND ADOPTING CHAPTER 9.54 OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO HOUSE PARTIES AND CONSUMPTION OF ALCOHOL BY MINORS

EXECUTIVE SUMMARY:

City staff requests that the City Council conducts the second reading and adopts Ordinance No. 2013-1142 adopting new regulations for house parties and consumption of alcohol by minors. This action does not alter the intent of the current Social Host Ordinance, but provides changes needed to ensure that the Social Host Ordinance is more enforceable, and therefore effective as another tool to encourage adults to be responsible and ensure that young people are not exposed to the dangers associated with alcohol consumption. There is no fiscal impact or additional workload on the Sheriff's Department associated with this action.

BACKGROUND:

Public Safety recommended updating the language to the Imperial Beach Social Host Ordinance at the November 6, 2013 City Council Meeting. At that time, Council directed staff to return in December with additional information related to the differences between the existing and proposed Social Host Ordinances. Public Safety has been working to update the Social Host Ordinance for almost two years. The department does not anticipate any additional workload for law enforcement as a result of this action, since the Sheriff already responds to complaints associated with parties and noise, which often also involve alcohol, and might include alcohol being served to minors.

The recommended changes address the 2006 San Diego court decision that made the current Social Host Ordinance difficult to enforce. These changes will result in a Social Host Ordinance that does not change the intent of the current ordinance, but establishes a Social Host Ordinance which will be enforceable. This proposed ordinance will be consistent with those adopted by the rest of the Cities within the County, and like the current Social Host Ordinance, is meant to protect minors in Imperial Beach from the well documented dangers and abuses of alcohol consumption at a young age that lead to risky and dangerous behaviors. This includes driving under the influence, alcohol poisoning, risky sexual behavior, aggression and accidental injuries to themselves and others.

The following information addresses the proposed changes to the municipal code, and explains why these changes are now needed.

At the City Council meeting of December 4, 2013, City Council considered public input, introduced and held the first reading of Ordinance No. 2013-1142 by title only, waived further reading in full, and scheduled the second reading and adoption of the Ordinance on December 18, 2013.

ANALYSIS:

I. Comparison of Current and Proposed Ordinances

A. ENFORCEABILITY:

Enforceability – Current Ordinance

The City's current social host ordinance was adopted approximately ten years ago and can be interpreted to prohibit behavior on a strict liability basis. "Strict liability" means that a person could be criminally punished under the current ordinance for an act that the person did not know was taking place. In other words, there is not currently a clear and specific knowledge requirement and any landlord or property owner could theoretically be punished if the party occurred on premises owned by the person even if the landlord or property owner had no knowledge of the party.

Due to court rulings in 2006 for similarly worded ordinances in other jurisdictions related to the perceived "strict liability" nature of the ordinance, many jurisdictions have changed or are changing their ordinances to include a "knowledge" component. For this reason, City staff believes it is prudent not to enforce the current ordinance.

Enforceability – Proposed Ordinance

The proposed new ordinance will make parents, and/or others owning or controlling property, liable under the law if they know, or should know, that minors are consuming alcohol on the premises. This "knowledge" requirement is essential to the constitutionality, and thus the enforceability, of the ordinance. It also provides law enforcement with the most effective regulations to hold adults accountable for their responsibilities to protect minors from the dangers of alcohol consumption, and to provide effective enforcement when violations occur.

Having a knowledge requirement in the proposed ordinance serves to limit the number of people who can be held liable for violation of Chapter 9.54 to those who are, or should be, aware of the violation, thus eliminating any constitutional concerns about the wording in the ordinance.

B. DRUG USE:

Drug Use – Current Ordinance vs. Proposed Ordinance

The current ordinance does not currently regulate the consumption of drugs by minors, but it mentions drug use in Section 9.54.010 Purpose and Intent. Because the California Supreme Court and other state courts have all but eliminated the authority of local governments to regulate controlled substance consumption, the proposed ordinance does not reference drugs

at all in order to avoid confusion. A review of other local cities' ordinances reveals that they have limited their social host ordinances to cover alcohol consumption by minors on a host's property.

C. REASONABLE STEPS:

Reasonable Steps - Current and Proposed

The current ordinance does not provide guidance regarding how a social host may prevent underage drinking on the premises. The proposed ordinance (Section 9.54.030) sets out some suggested reasonable steps such as:

- controlling access to alcoholic beverages at the gathering;
- controlling the quantity of alcoholic beverages present at the gathering;
- verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that persons under the age of twenty-one (21) years do not consume alcoholic beverages while at the gathering; and
- supervising the activities of minors at the gathering.

D. SEVERABILITY:

Severability Clause - Current and Proposed

The current ordinance does not have a severability clause. A severability clause has been added to the proposed ordinance. A severability clause is used so that if a court strikes down one portion of an ordinance, the remaining portions of the ordinance can still be operative.

E. PENALTIES:

Penalties – Current and Proposed

The current ordinance only references enforcement via criminal citations. The proposed ordinance specifically references that enforcement may be any means available to the City under its Municipal Code such as criminal citations, civil penalties, nuisance abatement, civil actions, and administrative citations. The proposed ordinance also allows the Public Safety Director to determine the most effective means of enforcement based on available City staff and resources and does not appear to limit enforcement solely to the criminal court system as the current ordinance is written. Both ordinances provide for civil liability for enforcement services, rights to reimbursement for actual costs of enforcement services when law enforcement or code enforcement officers are called to a scene a second or subsequent time, and reserve the City's right to seek reimbursement for costs of enforcement through any legal remedies or procedures.

F. PRIMA FACIE EVIDENCE:

Prima Facie Evidence - Current and Proposed

The current ordinance does not have a prima facie evidence clause. Prima facie evidence means that if a person commits certain specified acts and certain specified circumstances exist, then it can be *assumed* a crime or other wrong has been committed by that person. This assumption is not absolute; it can be disproved or rebutted by contrary evidence presented by the person charged with an offense.

The proposed ordinance does have a prima facie evidence section. This prima facie evidence section provides that if a person is in control of the premises, and present at the time a minor possesses or consumes alcohol, then it is presumed that person had knowledge of the fact that underage drinking was occurring and is in violation of Chapter 9.54. The person will have the opportunity to disprove that presumption.

Having a section raising the presumption that persons in control of premises and present at the time a violation of the ordinance occurs will serve to give members of the public notice of what they are expected to do to avoid violating the ordinance and encourage them to take steps to avoid underage drinking.

G. DEFINITIONS:

Definitions

The proposed ordinance has added or refined some definitions for clarity and as an aid to law enforcement. The additions include: "Alcoholic beverage," "Enforcement services," "Gathering," (replacing "House party"), "Social Host."

II. Reasons to Adopt the Proposed Ordinance:

1. In order to ensure the enforceability of the ordinance and fulfill the purpose of preventing the adverse effects of alcohol on minors, it is essential that the prohibition of the ordinance be limited to citing individuals under the ordinance *only when they know or reasonably should know that minors on the premises are possessing or consuming alcohol.*
2. Other modifications, such as including guidance for adults in preventing alcohol consumption by minors and a provision for prima facie evidence of knowledge when adults are present on the premises, are also important to strengthen the enforceability of the ordinance by making its provisions and requirements less vague.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

There is no fiscal impact associated with adoption of this ordinance.

RECOMMENDATION:

That the City Council adopt Ordinance No. 2013-1142.

Attachments:

1. Ordinance No. 2013-1142
2. Current Imperial Beach Municipal Code Chapter 9.54

ORDINANCE NO. 2013 – 1142

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA REPEALING CHAPTER 9.54 AND ADOPTING CHAPTER 9.54 OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO HOUSE PARTIES AND CONSUMPTION OF ALCOHOL BY MINORS

WHEREAS, it is necessary for the current Chapter 9.54 to be repealed and to be replaced with a new Chapter 9.54; and

WHEREAS, the City Council desires to have effective enforcement of regulations related to house parties and consumption of alcohol by minors.

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

Section 1: Chapter 9.54 of the Imperial Beach Municipal Code is hereby repealed.

Section 2: Chapter 9.54 is hereby added to the Imperial Beach Municipal Code to read as follows:

“CHAPTER 9.54 HOUSE PARTIES

9.54.010. Purpose and Intent.

The City Council finds and determines that youth often obtain alcoholic beverages at parties or other gatherings held at private residences or at rented residential and commercial premises that are under the control of a person or persons who knows or should know of the illegal conduct and fails to stop it. The City Council further finds and determines that persons who will be held responsible for abetting or tolerating such conduct will be more likely to properly supervise or stop such parties or gatherings on property under their control. It is the purpose of this chapter to impose criminal liability on persons, who are aware, or should be aware, of the illegal conduct yet fail to prevent it. It is the further purpose of this chapter to impose civil liability for the recovery of the costs of enforcement services and to provide for the recovery of reasonable attorneys' fees in the event of litigation. Most importantly, it is the purpose of this chapter to curtail the consumption of alcohol by minors, in order to prevent the many adverse side effects of alcohol consumption by minors, including juvenile delinquency and victimization as well as adverse health effects.

9.54.020. Definitions.

Terms used in this chapter shall have the meaning given to them by state law except as expressly provided herein.

A. "Adult" means a person who is twenty-one (21) years of age or older.

B. "Alcoholic beverage" means any liquid, gas, or solid material intended to be ingested by a person, which contains ethanol, also known as ethyl alcohol, drinking alcohol, or alcohol, including but not limited to alcoholic beverages as defined in Section 23004 of the Business and Professions Code, and which contains one percent or more of alcohol by volume; any intoxicating liquor; any malt beverage, beer, wine, spirits, liqueur, whiskey, rum, vodka, cordials, gin, and brandy; and any mixture containing one or more alcoholic beverages. "Alcoholic beverage" includes a mixture of one or more alcoholic beverages whether found or ingested separately or as a mixture.

C. "Control" means any form of dominion including ownership, tenancy, or other possessory right.

D. "Enforcement services" means the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the gathering; the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; the cost of repairing any damaged city equipment or property; and the cost arising from the use of any damaged city equipment in responding to or remaining at the gathering.

E. "Gathering" means a party, gathering, or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity at a residence or premises.

F. "Minor" means a person under the age of twenty-one (21) years.

G. "Residence" or "premises" means a hotel or motel room, home, yard, acreage, apartment, condominium, other real property, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or for a party or other social function, and whether owned, leased, rented, or used with or without compensation.

H. "Social host" means a person who permits or allows a gathering where one or more minors consume one or more alcoholic beverages on property owned or controlled by the person.

9.54.030. Person Owning or Having Control of Residence or Premises – Duties and Prohibitions.

A. It shall be the duty of any person having control of any residence or premises who hosts, permits, or allows a gathering to take place at said residence or premises to take all reasonable steps to prevent the consumption of alcoholic

beverages by any minor at the gathering. Whenever the person having control of the residence or premises either knows or should know a minor has consumed an alcoholic beverage at the residence or premises in violation of this chapter, it is presumed that the person had the ability to take all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection (B)(2) of this section; it is further presumed that the person has the ability to terminate the illegal conduct once it is, or should reasonably have been, discovered.

B. It shall be unlawful for any person who owns or has control of any residence or premises to allow a gathering to take place or continue at the residence or premises if:

1. At the gathering, any minor consumes any alcoholic beverage; and

2. The person knows or reasonably should know by taking all reasonable steps to prevent alcoholic beverage consumption by any minor, that a minor possesses or is consuming any alcoholic beverage at the gathering. Reasonable steps are:

(a) controlling access to alcoholic beverages at the gathering;

(b) controlling the quantity of alcoholic beverages present at the gathering;

(c) verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that persons under the age of twenty-one (21) years do not consume alcoholic beverages while at the gathering; and

(d) supervising the activities of minors at the gathering.

C. This section does not apply to any location or place regulated by the California Department of Alcoholic Beverage Control.

D. This section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian, as permitted by Article I, Section 4, of the California Constitution.

9.54.040. Consumption of Alcohol by Minor Prohibited.

Except as permitted by state law, it is unlawful for any minor to:

A. Consume at any public place or any place open to the public any alcoholic beverage; or

B. Consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian.

9.54.050. Prima Facie Evidence.

Whenever a person having control of a residence or premises is present at that residence or premises at the time that a minor possesses or consumes any alcoholic beverage thereon, it shall be prima facie evidence that such person had the knowledge or should have had the knowledge specified in section 9.54.030(A) or section 9.54.030(B)(2) of this chapter. This section affects the burden of producing evidence.

9.54.060. Protected Activities.

The provisions of this chapter shall not apply to legally-protected religious activities or gatherings of family members with not more than two non-family members.

9.54.070. Civil Liability for Enforcement Services.

When a gathering prohibited by section 9.54.030 of this chapter occurs and a police officer or code enforcement officer is called to the scene, the person or persons having control of the residence or premises shall be liable for the cost of providing enforcement services during the second or a follow-up response by the police, after a first warning has been given to the person or persons having such control.

9.54.080. Reimbursement for Cost of Enforcement Services.

The actual cost of enforcement services described in section 9.54.070 of this chapter shall be deemed a debt owed to the city recoverable in a civil action, and shall be recoverable in a civil action, including reasonable attorneys' fees and costs.

9.54.090. Violations-Penalty/Reservation of Legal Options.

A. All means of enforcement authorized under this code may be used to address violations of this chapter, including, but not limited to: criminal actions, civil penalties, nuisance abatement, civil actions, and administrative citations. Violations of section 9.54.030 of this chapter may be charged as a misdemeanor in accordance with chapter 1.12 of this code and shall be punishable to the fullest extent of the law including a \$1,000 fine and/or six months in jail.

B. The City of Imperial Beach may further seek administrative fees and response costs associated with enforcement of section 9.54.030 through all remedies or procedures provided by statute, ordinance, or law.

C. The City of Imperial Beach does not waive its right to seek reimbursement for actual costs of enforcement services through other legal remedies or procedures. The procedure provided for in this chapter is in addition to any other statute, ordinance or law, civil or criminal. This chapter in no way limits the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this chapter.”

Section 3: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 4: The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

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

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 4th day of December 2013;

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Imperial Beach, California, on the 15th day of January 2014, by the following vote:

AYES:
NAYS:
ABSENT:

Jim Janney, Mayor

ATTEST:

CITY'S CURRENT ORDINANCE**Chapter 9.54. HOUSE PARTIES****9.54.010. Purpose and intent.**

The City Council finds and determines that youth often obtain alcoholic beverages or possess and use drugs at parties held at private residences or at rented residential and commercial premises which are under the control of an adult who knows or should know of the illegal conduct and fails to stop it. The City Council further finds and determines that adults who will be held responsible for abetting or tolerating such conduct will be more likely to properly supervise or stop such parties on property under their control. It is the purpose of this chapter to impose criminal liability on adults who control the property on which such parties occur who fail to properly supervise or stop them. It is the further purpose of this chapter to impose civil liability for the recovery of the costs of enforcement services and to provide for the recovery of reasonable attorneys' fees in the event of litigation. (Ord. 2003-1014 § 1, 2003)

9.54.020. Definitions.

Terms used in this chapter shall have the meaning given to them by State law except as expressly provided herein.

"Adult" means a person who is twenty-one years of age or older.

"Control" means any form of dominion including ownership, tenancy, or other possessory right.

"Enforcement services" mean the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the house party, and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; and the cost of repairing any damaged City equipment or property; and the cost arising from the use of any damaged City equipment in responding to or remaining at the house party.

"House party" means a social gathering at a residence or premises.

"Minor" means a person under twenty-one years of age.

"Residence or premises" means a hotel or motel room, home, yard, apartment, condominium, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or for a party or other social function, and whether owned, leased, rented, or used with or without compensation. (Ord. 2003-1014 § 1, 2003)

9.54.030. Consumption of alcohol by minors prohibited.

Except as permitted by State law, it is unlawful for any minor to:

- A. Consume at any public place or any place open to the public any alcoholic beverage; or
- B. Consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian. (Ord. 2004-1019 § 1, 2004; Ord. 2003-1014 § 1, 2003)

9.54.040. Prohibition.

Except as permitted by Article 1, Section 4 of the California Constitution, it is unlawful for any person to permit, allow, or host a party, gathering, or event at his or her place of residence or other private property, place, or premises under his or her control where three or more minors are present and alcoholic beverages are being consumed by any minor.

- A. This section shall not apply to conduct involving the use of alcoholic beverages, which occurs exclusively between a minor child and his or her parent or legal guardian.
- B. This section shall not apply to any location or place regulated by the California Department of Alcohol and Beverage Control. (Ord. 2004-1019 § 2, 2004; Ord. 2003-1014 § 1, 2003)

9.54.050. Protected activities.

The provisions of this chapter shall not apply to legally protected religious activities. (Ord. 2004-1019 § 2, 2004; Ord. 2003-1014 § 1, 2003)

9.54.060. Criminal penalties.

Violations of this chapter may be charged as either an infraction or a misdemeanor in accordance with Chapter 1.12 of the Imperial Beach Municipal Code. (Ord. 2003-1014 § 1, 2003)

9.54.070. Civil liability for enforcement services.

When a house party prohibited by Section 9.54.030 and/or Section 9.54.040 of this chapter occurs and a police officer or code enforcement officer is called to the scene, the person(s) having control of the residence or premises shall be liable for the cost of providing enforcement services during the second and/or a follow-up response by the police, after a first warning to the person(s) having such control. If the person(s) having control of the residence or premises is a/are minor(s), then the parent(s) or guardian(s) of said minor(s) shall be liable for the cost of providing enforcement services during the second and/or follow-up response by the police. (Ord. 2004-1019 § 3, 2004; Ord. 2003-1014 § 1, 2003)

9.54.080. Reimbursement for cost of enforcement services.

The actual cost of enforcement services described in Section 9.54.070 shall be deemed a debt owed to the City recoverable in a civil action, and shall be recoverable in a civil action, including reasonable attorney fees and costs. (Ord. 2003-1014 § 1, 2003)

9.54.090. Reservation of legal options.

The City of Imperial Beach does not waive its right to seek reimbursement for actual costs of enforcement services through other legal remedies or procedures. The procedure provided for in this chapter is in addition to any other statute, ordinance or law, civil or criminal. This chapter in no way limits the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this chapter. (Ord. 2003-1014 § 1, 2003)



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ANDY HALL, CITY MANAGER *RA*
MEETING DATE: DECEMBER 18, 2013
ORIGINATING DEPT.: CITY CLERK *JMH*
SUBJECT: ROTATION OF MAYOR PRO TEMPORE DUTIES

EXECUTIVE SUMMARY:

Select the next Councilmember to serve as Mayor Pro Tempore in accordance to Council Policy 112.

BACKGROUND:

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

ANALYSIS:

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Not a project as defined by CEQA.

FISCAL IMPACT:

None.

RECOMMENDATION:

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

Attachments:

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

Imperial Beach Municipal Code							
Up	Previous	Next	Main	Collapse	Search	Print	No Frames
Title 2. ADMINISTRATION AND PERSONNEL							

Chapter 2.10. MAYOR PRO TEMPORE

2.10.010. Selection of Mayor pro tempore—Term.

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

2.10.020. Duties of Mayor pro tempore.

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

**CITY OF IMPERIAL BEACH
COUNCIL POLICY**

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

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

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

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



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ANDY HALL, CITY MANAGER *AW*

MEETING DATE: DECEMBER 18, 2013

ORIGINATING DEPT.: COMMUNITY DEVELOPMENT
GREGORY WADE, ASSISTANT CITY MANAGER/COMMUNITY DEVELOPMENT DIRECTOR *GW*

SUBJECT: ADOPTION OF RESOLUTION NO. 2013-7440 AUTHORIZING THE CITY MANGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH PROJECT DESIGN CONSULTANTS TO PROVIDE SERVICES FOR THE PALM AVENUE MIXED USE AND COMMERCIAL CORRIDOR MASTER PLAN TO BE FUNDED PRIMARILY BY THE FISCAL YEARS 2011-2013 SMART GROWTH INCENTIVE PROGRAM GRANT

EXECUTIVE SUMMARY:

Staff is seeking authorization to enter into a Professional Services Agreement with a consultant team headed by Project Design Consultants (PDC) to provide required professional services necessary to carry out the next phase of the Palm Avenue Mixed Use and Commercial Corridor Master Plan project which will be funded primarily by a San Diego Association of Governments (SANDAG) Smart Growth Incentive Program Grant (SGIP) in the amount of \$400,000. The PDC consultant team was selected as the result of a Request for Qualifications/Proposals (RFQ/P) selection process authorized by the City Council at their meeting of August 21, 2013. SANDAG is currently finalizing the grant agreements for the SGIP recipients and expects to have them executed by the end of the year, after which a Notice to Proceed with the project would then be issued.

BACKGROUND:

In April 2004, the City Council directed staff to proceed with the development of the Palm Avenue Commercial Corridor Master Plan ("Master Plan"). In October 2005, staff submitted an application for a California Department of Transportation (Caltrans) Community-Based Transportation Planning Grant and in May 2006, the City of Imperial Beach was notified that Caltrans approved the application and also awarded \$50,000 towards preparation of the Master Plan. In May 2007, a Request for Qualifications was issued for a consultant team for the preparation of the Palm Avenue Commercial Corridor Master Plan Study (the "Master Plan") and in September 2007, the City entered into an Agreement with Moore Iacofano Goltsman Inc. (MIG) for the project.

The project study area encompassed the "core" of the corridor and is defined as one block area north and south of Palm Avenue. The purpose of the Master Plan was to propose streetscape

improvements and urban design strategies that support the common goal of creating a vibrant, safe and pedestrian and bicycle-friendly commercial hub along Palm Avenue. Priorities include transformation of the six-lane highway to a "Main Street" environment based on Caltrans' Main Street Design Guidelines, creation of a new desirable context that promotes new mixed-use and transit oriented developments that provide amenities and services to the community, connections to surrounding residential neighborhoods and alternative transit modes while reinforcing the small-scale beach-town feel of the area. The Master Plan is intended to directly address the streetscape issues along Palm Avenue to help revitalize the primary commercial corridor of Imperial Beach. To accomplish this, modifications are proposed to existing motor vehicle travel lanes, parking areas, medians, landscaping, sidewalks, crosswalks, curbs and gutters, and traffic signalization.

On February 18, 2009, the City Council approved final draft of the Master Plan. The final draft included suggested revisions in response to comments and recommendations from the City Council and Design Review Board at a prior meeting held on October 8, 2008. The final draft of the Master Plan also included a Traffic Impact Analysis of the Imperial Beach SR-75 Corridor.

On January 18, 2013, staff submitted an application to the San Diego Association of Governments (SANDAG) for Fiscal Year 2013 Smart Growth Incentive Program (SGIP) funding. The SGIP provides funding for local transportation-related infrastructure and planning efforts that support smart growth development in the region and provided funding for two types of projects: capital and planning. On January 23, 2013, the City Council adopted Resolution Number 2013-7294, authorizing and supporting the submittal of the SGIP planning grant application in the amount of \$400,000. The City Council also authorized City matching funds in the amount of \$50,000 and up to \$45,000 in in-kind contributions (staff expenses).

On June 28, 2013, the SANDAG Board of Directors approved the SGIP Fiscal Year 2013 projects for funding. Among the projects awarded full funding was Imperial Beach's Palm Avenue Mixed Use and Commercial Corridor Master Plan. On July 15, 2013, the City received a Notice of Award from SANDAG for \$400,000 of SGIP planning grant funding.

ANALYSIS:

The purpose of the SGIP grant will be to develop the prior Master Plan concepts into engineering drawings sufficient to also prepare and process the corresponding environmental review document. In order to carry out this project, City staff prepared a Request for Qualifications and Proposals (RFQ/P) to select a consultant team with the required expertise to prepare the drawings and environmental review document with a key component of this effort to include public outreach and engagement to ensure that community input continues to be included in the project. On August 21, 2013, the City Council authorized issuance of the RFQ/P to solicit civil engineering, landscape architecture, urban design and environmental planning consultant services, with the City intending to utilize its on-call traffic engineering consultant, KOA Corporation, for this effort.

The RFQ/P was issued on September 16, 2013 and proposals were submitted on October 17, 2013. The City received five (5) proposals and short-listed the following three (3) consultant teams to be interviewed:

- **Latitude 33 Planning and Engineering:** (Latitude 33 – civil engineering & surveying, MIG – urban design and landscape architecture & public outreach, Helix Environmental Planning – environmental planning and GEOCON – geotechnical engineering)

- **Project Design Consultants:** (PDC – civil engineering, surveying & urban design, MIG – urban design, landscape architecture & lighting, Katz & Associates – public outreach, RECON – environmental review, SCS Engineers – environmental site assessment, and GEOCON – geotechnical engineering)
- **Nasland Engineering:** (Nasland – civil engineering/design, Parterre Landscape Architecture – landscape architecture & urban design, Vic Salazar Communications – community outreach, Dudek Environmental – environmental review, and GEOCON – geotechnical engineering)

Consultant team interviews were conducted on November 18th and November 26th and provided for an extremely competitive interview and selection process as all three teams were exceptionally qualified to provide the requested services. After careful consideration, however, the PDC team was selected for overall familiarity with the project and with Imperial Beach, for its experience working with Caltrans and along the Palm Avenue/State Route 75 corridor and for its breadth of experience and qualifications necessary to carry out all tasks required for the project.

ENVIRONMENTAL DETERMINATION:

The prior phase of the Master Plan was exempt from CEQA pursuant to CEQA Guidelines Section 15262 and pursuant to CEQA Guidelines Section 15306. This phase of the Palm Avenue Mixed Use and Commercial Corridor Master Plan will include the preparation of the required environmental documents to analyze the proposed project. This may result in an amendment to the City's General Plan/Local Coastal Plan along with a coastal development permit, site plan review, and design review for the proposed capital improvements.

FISCAL IMPACT:

The City has been awarded \$400,000 in Smart Growth Incentive Program planning grant funding. The City has authorized a City match of \$50,000 and up to \$45,000 in in-kind City services. It is expected that the City's \$50,000 matching funds will come from one-time general fund reserves. However, 2010 Tax Allocation Bond Proceeds may also be available for this purpose pursuant to the issuance of a Finding of Completion from the State Department of Finance.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 2013-7440 authorizing the City Manager to enter into a Professional Services Agreement with Project Design Consultants as the prime consultant to provide professional services necessary to carry out the Scope of Work for the Palm Avenue Mixed Use and Commercial Corridor Master Plan.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Resolution No. 2013-7440

RESOLUTION NO. 2013-7440

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH PROJECT DESIGN CONSULTANTS AS PRIME CONSULTANT FOR THE SANDAG SMART GROWTH INCENTIVE PROGRAM GRANT-FUNDED PALM AVENUE MIXED USE AND COMMERCIAL CORRIDOR MASTER PLAN PROJECT

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

WHEREAS, the City Council is engaged in activities necessary to carry out and implement the Palm Avenue Commercial Corridor Master Plan; and

WHEREAS, \$9.6 million of *TransNet* funding for capital and planning smart growth incentive program projects is available to local jurisdictions and the County of San Diego from Fiscal Years 2011-2013; and

WHEREAS, on January 18, 2013, staff submitted an application to the San Diego Association of Governments (SANDAG) for Fiscal Year 2011-2013 Smart Growth Incentive Program (SGIP) funding in the amount of \$400,000 for the Palm Avenue Mixed Use and Commercial Corridor Master Plan (the "Project"); and

WHEREAS, on June 28, 2013 the SANDAG Board of Directors approved the SGIP Fiscal Year 2013 projects for funding among which was Imperial Beach's Project; and

WHEREAS, on July 15, 2013, the City received a Notice of Award from SANDAG for \$400,000 of SGIP planning grant funding for the Project; and

WHEREAS, on August 21, 2013, the City Council authorized the issuance of a request for qualifications and proposals (the "RFQ/P") to seek professional consultant services necessary to carry out the Project; and

WHEREAS, after issuing the RFQ/P and interviewing three consultant teams, the consultant team led by Project Design Consultants was selected for the Project.

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

1. That foregoing recitals are true and correct.
2. That the City Manager or designee, is authorized and empowered to execute, for and on behalf of the City, a professional services agreement with Project Design Consultants for Consulting Services for the Palm Avenue Mixed Use and Commercial Corridor Master Plan Project , under the terms and conditions set forth in the Agreement.
3. That the amount of the agreement shall not exceed FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000).

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 18th day of December 2013, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ANDY HALL, CITY MANAGER *AH*

MEETING DATE: DECEMBER 18, 2013

ORIGINATING DEPT.: PUBLIC WORKS *AH*

SUBJECT: RESOLUTION 2013-7439 APPROPRIATING \$23,000 FROM UNAPPROPRIATED GAS TAX TO STREET MAINTENANCE ACCOUNT NUMBER 101-5010-531-2006 FOR THE PREPARATION OF 30% DRAWINGS FOR STREET IMPROVEMENTS ON THE 700 BLOCK, 10TH STREET AND AUTHORIZING THE CITY MANAGER TO APPROVE A PURCHASE ORDER FOR THE CITY ENGINEER FOR THE PREPARATION OF THESE DRAWINGS

EXECUTIVE SUMMARY:

This resolution will approve the appropriation of \$23,000 from the unappropriated Gas Tax to Street Maintenance account number 101-5010-531-2006 for the City Engineer to prepare 30% drawings for the 700 block of 10th Street (between S.R. 75 to Donax Avenue). This is in follow up to the November 20, 2013 City Council meeting directive that staff return to a subsequent City Council meeting with a recommended appropriation of funds for the preparation of construction drawings that would prepare a master plan for this block's street improvements. Now that there are two new developments proposed in this block of 10th Street, it is necessary that the City proceed with establishing a public improvements design to accommodate these new and future developments

BACKGROUND:

As noted in the November 20, 2013 presentation to City Council, the 700 block of 10th Street between S.R. 75 and Donax Avenue is mostly unimproved with missing sections of sidewalk, curb & gutter, and paved parking areas. This street is a primary feeder street onto and from S.R. 75 and is in the C-1 Commercial Zone and in the Palm Avenue Corridor Master Plan area. This block of 10th Street is in need of a master plan for street improvements. Now that there are two new developments proposed in this block of 10th Street, it is necessary that the City proceed with establishing a public improvements design to accommodate these new and future developments.

The November 20, 2013 presentation provided three different concept plans for street improvements on the 700 block of 10th Street. Staff recommended and City Council concurred that "concept plan A" was the preferred plan. Concept plan A is provided herewith as attachment 2. Following that presentation on November 20, 2013, City Council directed staff to return at a subsequent council meeting with a recommended appropriation for the development of construction plans that could be used by property developers adjacent to the 700 block of 10th Street for public improvements coincident with their development.

ANALYSIS:

In discussions with the City Engineer, it was determined that construction drawings prepared at the 30% completion level would be sufficient for an adjacent developer to prepare the 100% construction drawings and perform the construction necessary to ensure a consistent development plan within the 700 Block of 10th Street. The 30% drawings will include:

- a topographic survey and right-of way analysis of the project area to identify existing conditions and property boundaries;
- a field investigation upon completion of the topographic survey to identify design constraints;
- Utilizing the topographic survey, the City Engineer will obtain mapping data, utility records and conduct field investigation to develop an existing conditions base map;
- Prepare the 30% Construction drawings in CAD. These drawings would be readily available to future developers. From these, developers would be able to complete the 100% construction drawings and to proceed with the construction that will ensure the public right of way is built consistent with "concept plan A".

The estimated cost for the development of 30% construction drawings in CAD is \$23,000.

The City has approximately \$1,800,000 unappropriated Gas Tax revenue that is available for this project's design work. Gas Tax is an authorized funding source for designing improvements on public streets.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

Revenue:

Undesignated Gas Tax	\$1,800,000
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Expenditures:

Atkins North American (City Engineer)	\$ 22,365
Incidentals	\$ 635
TOTAL	\$23,000

City staff time will be paid from the appropriated divisional O&M budgets.

There are sufficient funds for the preparation of 30% construction drawings for the 700 block of 10th Street.

RECOMMENDATION:

1. Receive this report.
2. Appropriate \$23,000 from unappropriated Gas Tax to Street Division account number 101-5010-531-2006.
3. Authorize the City Manager to approve a purchase order for Atkins North American (City Engineer) to prepare the 30% construction drawings for street improvements on the 700 block of 10th Street.

Attachments:

1. Resolution No. 2013-7439
2. 700 Block, 10th Street Improvement Plan – Concept Plan A

RESOLUTION NO. 2013-7439

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROPRIATING \$23,000 FROM UNAPPROPRIATED GAS TAX TO STREET MAINTENANCE ACCOUNT NUMBER 101-5010-531-2006 FOR THE PREPARATION OF 30% DRAWINGS FOR STREET IMPROVEMENTS ON THE 700 BLOCK, 10TH STREET AND AUTHORIZING THE CITY MANAGER TO APPROVE A PURCHASE ORDER FOR THE CITY ENGINEER FOR THE PREPARATION OF THESE DRAWINGS

WHEREAS, the 700 block of 10th Street between S.R. 75 and Donax Avenue is mostly unimproved with missing sections of sidewalk, curb & gutter, and paved parking areas; and

WHEREAS, this block is a primary feeder street onto and from S.R. 75 and is in the C-1 Commercial Zone and in the Palm Avenue Corridor Master Plan area; and

WHEREAS, this block of 10th Street is in need of a master plan for street improvements; and

WHEREAS, now that there are two new developments proposed in this block of 10th Street, it is necessary that the City proceed with establishing a public improvements design to accommodate these new and future developments; and

WHEREAS, City Council directed staff to recommended an appropriation for the development of construction plans that could be used by property developers adjacent to the 700 block of 10th Street for public improvements coincident with their development; and

WHEREAS, City Engineer has suggested that construction drawings prepared at the 30% completion level would be sufficient for an adjacent developer to prepare the 100% construction drawings and perform the construction necessary to ensure a consistent development plan within the 700 Block of 10th Street; and

WHEREAS, the 30% drawings will include:

- A topographic survey and right-of way analysis of the project area to identify existing conditions and property boundaries;
- A field investigation upon completion of the topographic survey to identify design constraints;
- Utilizing the topographic survey, the City Engineer will obtain mapping data, utility records and conduct field investigation to develop an existing conditions base map;
- Preparation of 30% construction drawings in CAD. These drawings would be readily available to future developers. From these, developers would be able to complete the 100% construction drawings and to proceed with the construction consistent with the approved plan; and

WHEREAS, the estimated cost for the development of 30% construction drawings in CAD is \$23,000; and

WHEREAS, the City has approximately \$1,800,000 unappropriated Gas Tax revenue that is available for this project's design work; and

WHEREAS, Gas Tax is an authorized funding source for designing improvements on public streets.

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. An appropriation of \$23,000 from undesignated Gas Tax to Street Maintenance account number 101-5010-531-2006 is approved.
3. The City Manager is authorized to sign a purchase order for Atkins North American (City Engineer) for \$22,365 for preparation of 30% drawings for the 700 block 10th Street improvement plans.

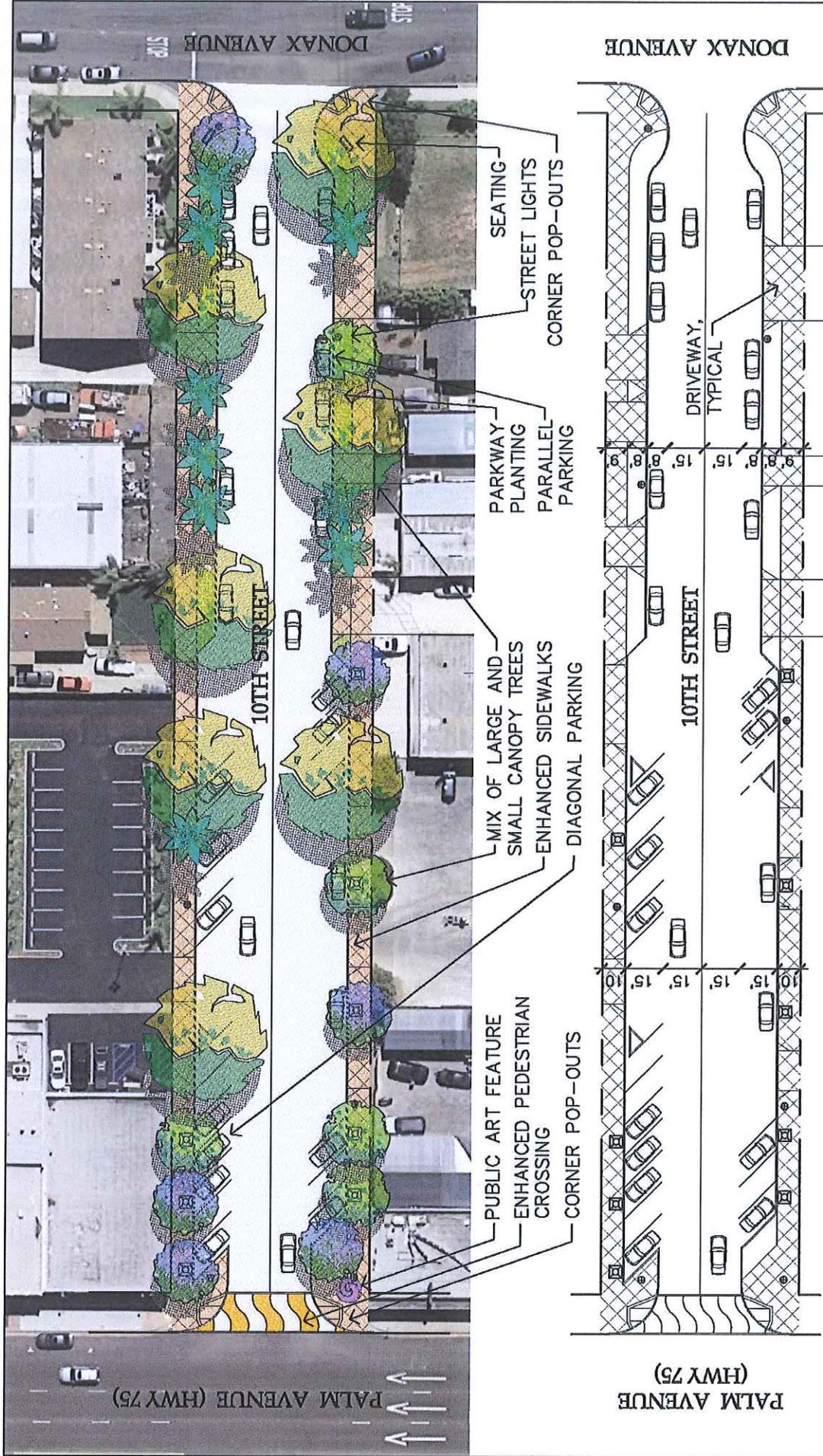
PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 18th day of December 2013, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK



10TH STREET CONCEPT PLAN A

City of Imperial Beach, CA.

Nasland Engineering Parterre



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ANDY HALL, CITY MANAGER *AH*

MEETING DATE: DECEMBER 18, 2013

ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT *ew*

SUBJECT: MCDONALDS (APPLICANT); ADMINISTRATIVE COASTAL PERMIT (ACP 130001), DESIGN REVIEW (DRC 130002), AND SITE PLAN REVIEW (SPR 130003) PROPOSING TO REMODEL AND ADD ONTO AN EXISTING MCDONALD'S RESTAURANT AND OTHER SITE MODIFICATIONS AT 1135 PALM AVENUE (APN 626-301-18-00 & 626-301-31-00). RESOLUTION 2013-7438

EXECUTIVE SUMMARY:

Staff is requesting that the City Council review and approve discretionary permits to allow McDonald's restaurant to remodel and expand an existing building at 1135 Palm Avenue in the C-1 (General Commercial) Zone. The project also proposes a new drive aisle in front of the building along Palm Avenue and the addition of a new drive-thru island with two order-points behind the building.

BACKGROUND:

An application (MF 1107) has been submitted for an Administrative Coastal Permit (ACP 130001), Design Review Case (DRC 130002), and Site Plan Review (SPR 130003) to remodel and expand an existing McDonald's restaurant located at 1135 Palm Avenue (APNs 626-301-18-00 and 626-301-31-00) in the C-1 (General Commercial) Zone. The project is subject to site plan review by the City Council, acting as the Planning Commission, because the project proposes additions and alterations to a commercial building that exceed a ten percent increase to the gross floor area (Imperial Beach Municipal Code (IBMC) 19.26.020.C.2).



North - Front Elevation

ANALYSIS:

The project site is composed of two parcels totaling 38,392 square feet of lot area fronting Palm Avenue and Florida Street (southwest corner of Palm Avenue and Florida Street) in the C-1 Zone. The properties to the north, east, and west are located in the C-1 Zone and consist of commercial uses. The property to the south is located in the R-1500 Zone (with an MU-1 Overlay) and consists of a multi-unit residential condominium complex.



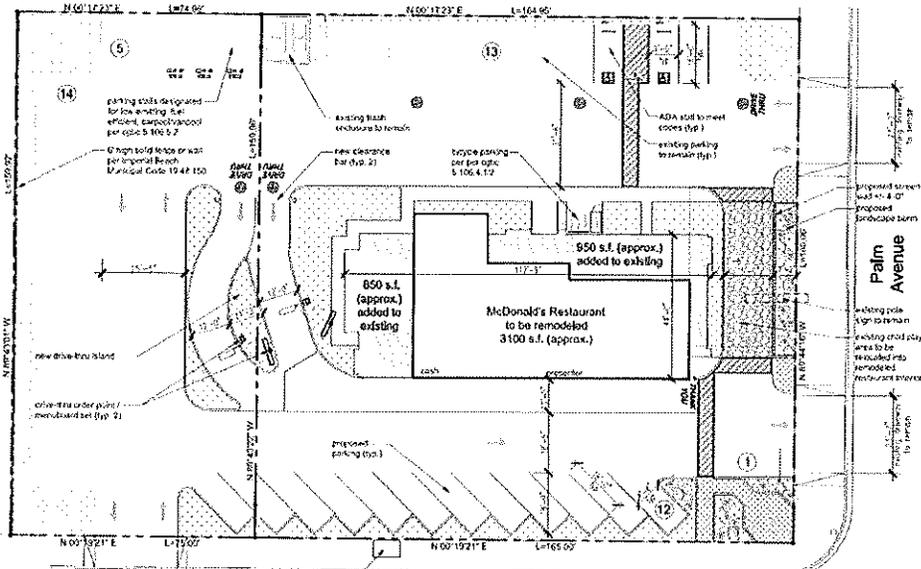
The project initially proposed to completely demolish the existing building and construct a new building in the same location that would relocate the outdoor play area within the building, provide a new drive aisle in front of the building along Palm Avenue, and add a new drive-thru island with two order-points behind the building. It was staff's opinion that the proposed design was heavily oriented to automobile customers and ran contrary to Imperial Beach's and regional objectives to make business districts pedestrian-friendly. The project also conflicted with the City's newly adopted but uncertified commercial zoning requirements and design objectives. Staff recommended, therefore, that the project locate the building directly adjacent to the Palm Avenue and Florida Street frontages, activating the corner and allowing for increased pedestrian path of travel from Palm Avenue and Florida Street. Staff also requested that the applicant remove the proposed drive-aisle that would locate in front of the building and remove the eastern curb-cut on Palm Avenue. These requests were consistent with the design guidelines adopted for the recent commercial zoning amendments that recommends limiting curb cuts on Palm Avenue and providing street-facing facades that locate primary entrances facing on or toward the street (Attachment 2).

Staff met with the applicant to discuss potential project designs and staff recommended the applicant consider relocating the building to the corner of Palm Avenue and Florida Street (Attachment 3). At a later meeting, the applicant proposed instead to remodel and enlarge the existing building. The project continued to propose to replace the existing outdoor play area with a new drive-aisle in front of the building along Palm Avenue since, according to the applicant, the majority of customers are within vehicles and the new drive-aisle provides easier access throughout the site by allowing customers to exit through the Florida Street driveway. Though staff continued to recommend against providing a new drive-aisle along Palm Avenue since it would create an additional vehicular buffer between the sidewalk and the building, staff recommended that the applicant consider providing a canopy over the drive-aisle in an effort to bring the building closer to the street, provide a decorative screening wall with landscaping adjacent to the drive-aisle, and provide decorative paving for the new drive-aisle to minimize aesthetic impacts. In addition, staff recommended the corner of Palm Avenue and Florida Street be enhanced to encourage pedestrian access and visual appeal.

Following the meetings between staff and the applicant regarding the design of the project, the applicant formally revised the scope of the project to remodel and expand the existing building as presented in this staff report (Attachments 4 and 5). The project would relocate the play area within the building, demolish portions of the existing 3,100 square foot building, add 1,800 square feet of gross floor area, add a new drive-thru aisle with two order-points behind the building, and add a new drive-aisle in front of the building along Palm Avenue in the location of the existing outdoor play area. This new drive-aisle would be surfaced with decorative paving and screened and separated from the Palm Avenue sidewalk with landscaping and block wall to minimize impacts from vehicle lights. The project also proposes enhanced pedestrian pathways from Palm Avenue and Florida Street, particularly on the corner of Palm Avenue and Florida Street as recommended by staff. The applicant also proposes to maintain the existing legal, non-conforming pole sign adjacent to Palm Avenue, as it is considered an essential component of the business by the applicant.

Design Review:

Upon reviewing the proposed remodel and addition, staff recognized that the proposed façade alterations would enhance and improve the aesthetic appeal of the building. However, staff still considered the building to be virtually new due to the extent of the demolition and suggested that the applicant consider staff's original request



to increase and improve pedestrian access and appeal by orienting the building towards and along Palm Avenue and Florida Street. As previously discussed, this recommendation was based upon the recently approved commercial zoning amendments that encourage pedestrian-oriented designs for commercial development and require a minimum of 60% of the Palm Avenue frontage to provide active commercial uses. Following review of the project resubmittal, staff acted in concert with the applicant to schedule the project for consideration by the Design Review Board (DRB) with the understanding that staff would recommend a more pedestrian friendly design, though the DRB would provide its own evaluation and recommendation to the City Council.

The DRB reviewed the project and voted to approve the proposed remodel and addition as presented by the applicant by a 3-1 vote. The DRB appreciated the proposed façade alterations and supported the new drive-aisle along Palm Avenue. However, the DRB requested that the screening wall along Palm Avenue be lowered from the proposed five foot height (note that the proposed wall has since been lowered to four feet in height). The Board member who voted against the project's proposed design agreed with staff's recommendation.

Chapter 19.83 of the Imperial Beach Municipal Code (IBMC) states that the intent of design review is to improve the general standards of orderly development in the City and promote and enhance good design, site relationships and other aesthetic considerations for all development. The duties of the DRB are to investigate, review, and evaluate the design, layout and other features of proposed development. Considering the DRB's approval of the proposed remodel, addition, and modified drive-aisles, staff recommends approval of the proposed project by the City Council (acting as the Planning Commission). It is staff's opinion that the improvements should contribute positively to Palm Avenue and Florida Street.



West - Non D/T Elevation



East - Drive Thru Elevation

General Plan/Zoning Consistency: The proposed development is subject to C-1 (General Commercial) zoning requirements. The purpose of the C-1 Zone is to provide areas for businesses to meet the local demand for commercial goods and services. It is intended that the dominant type of commercial activity in the C-1 Zone will be community and neighborhood serving retail and office uses (IBMC 19.26.010). The proposed project would provide an expansion of a fast food restaurant, meeting the general intent of the land use designation.

Pursuant to the IBMC, the 38,392 square foot site would require 5,759 square feet of landscaping to meet the 15% on-site landscaping requirement. The project meets the minimum landscape requirements by proposing 5,788 square feet of landscaping totaling 15.08% of the project site. The new landscaped areas would provide drought tolerant landscaping and the existing landscaping, a majority of which is grass, would continue to be maintained.

Vehicular ingress and egress occurs through two driveways on Palm Avenue and one driveway on Florida Street. Per IBMC 19.48.050.F, one parking space for every seventy-five square feet of net floor area, plus one space per two employees at the highest work shift, are required. The project proposes 1,900 square feet of net floor area and 12 employees at the highest work shift, which necessitates 31 parking spaces. The project proposes 45 parking spaces meeting the parking requirements.

STANDARDS	PROPOSED
There are no front, side and rear yard setbacks in the C-1 zone (Section 19.26.040).	North: 26' setback. East: 49' setback. West: 60' setback. South: 100' setback.
Minimum lot size of 3,000 square-feet (Section 19.26.050).	Two parcels consisting of nine and a half lots totaling 38,392 sq. ft. The lots already exist and would not be modified.
Minimum street frontage of 30 feet (Section 19.26.060).	Palm Avenue frontage of 160 feet. Florida Street frontage of 240 feet.
Commercial landscaping: not less than 15% of total site shall be landscaped and maintained (Section 19.50.040).	15% total amount of landscaping is proposed.
Required parking spaces for food establishments: one space for every 75 square-feet of net floor area, plus one space per two employees (Section 19.48.050.F).	31 spaces would be required; 45 parking spaces are proposed.

Surrounding Areas	Surrounding Zoning	Surrounding Land Use
North	C-1 (General Commercial)	Commercial
South	R-1500/MU-1 (Mixed Use Overlay)	Residential
East	C-1 (General Commercial)	Commercial
West	C-1 (General Commercial)	Commercial

ENVIRONMENTAL DETERMINATION:

This project may be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 as a Class 1 project (Existing Facilities).

COASTAL JURISDICTION:

The project is located in the Non-Appealable area of the California Coastal Commission, as indicated on the Local Coastal Program Post Certification and Appeal Jurisdiction Map, and, as such, is not appealable to the California Coastal Commission under Section 30603(a) of the California Public Resources Code.

FISCAL IMPACT:

The applicant has deposited approximately \$6,000.00 in Project Account Number 130001 to fund the processing of this application.

RECOMMENDATION:

1. Declare the public hearing open;
2. Receive report and entertain public testimony;
3. Close the public hearing; and
4. That the City Council adopt Resolution No. 2013-7438, approving Administrative Coastal Permit (ACP 130001), Design Review Case (DRC 130002), and Site Plan Review (SPR 130003), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

Attachments:

1. Resolution No. 2013-7438
2. Commercial Zoning Amendment Design Guidelines
3. Staff Recommended Building Layout
4. Plans
5. Colored Elevations

RESOLUTION NO. 2013-7438

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING ADMINISTRATIVE COASTAL PERMIT (ACP 130001), DESIGN REVIEW CASE (DRC 130002), AND SITE PLAN REVIEW (SPR 130003) TO REMODEL AND ADD ONTO AN EXISTING MCDONALD'S RESTAURANT AND OTHER SITE MODIFICATIONS AT 1135 PALM AVENUE (APN 626-301-18-00 & 626-301-31-00) IN THE C-1 (GENERAL COMMERCIAL) ZONE. MF 1107.

WHEREAS, on December 18, 2013, the City Council of the City of Imperial Beach held a duly advertised and noticed public hearing to consider the merits of approving or denying an application for an Administrative Coastal Permit (ACP 130001), Design Review Case (DRC 130002), and Site Plan Review (SPR 130003) to remodel and add onto an existing McDonald's restaurant located at 1135 Palm Avenue (APNs 626-301-18-00 and 626-301-31-00). The property is designated C-1 (General Commercial) on the Zoning Map on a site legally described as follows:

APN 626-301-18-00:

Lots 33 through 39 inclusive in Block 32 of South San Diego Company's addition to South San Diego, in the City of Imperial Beach, in the County of San Diego, State of California, according to Map thereof No. 497, filed in the Office of the County Recorder of said County, October 4, 1887, together with that portion of the easterly half of that certain alley adjoining said Lots on the west as shown on said map and as vacated by Resolution No. 1633 of the City Council of the City of Imperial Beach, a certified copy of which was recorded September 24, 1970 as Document No. 173509, lying northerly of the westerly prolongation of the southerly line of said Lot 33 and southerly of the westerly prolongation of the southerly line of the northerly 10.00 feet of said Lot 29, also together with the westerly 10' of that portion of 1st Street now known as Florida Street as shown on said Map and as vacated by said resolution, that would pass by operations of law with the conveyance of said Lots 33 through 39. Except the northerly 10.00 feet of said Lot 39. Also except that portion of Florida Street lying northerly of the easterly prolongation of the southerly line of the northerly 10.00 feet of said Lot 39.

APN 626-301-31-00:

Lots 30 through 32 inclusive in Block 32 of South San Diego Company's addition to South San Diego, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 497, filed in the Office of the County Recorder of San Diego County, October 4, 1887; together with that portion of the easterly one-half of the alley adjoining said Lots 30 through 32 inclusive on the west as vacated and that portion of the westerly one-half of Florida Street adjoining said Lots 30 through 32 inclusive on the east as vacated; and

WHEREAS, on November 21, 2013, the Design Review Board recommended approval of the project design with a vote of 3-1; and

WHEREAS, the City Council finds that the project is consistent with the C-1 (General Commercial) Zone of the Zoning Ordinance, to provide areas for businesses to meet the local demand for commercial goods and services; and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA), it was determined that the project is categorically exempt from the requirements of the CEQA as a Class 1 project pursuant to CEQA Guidelines Section 15301 (Existing Facilities); and

WHEREAS, the City Council considered the information contained in the staff report on this case and public testimony received on this case; and

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

ADMINISTRATIVE COASTAL PERMIT:

- 1. The proposed development conforms to the certified local coastal plan including coastal land use policies.**

The General Plan/Local Coastal Plan designates the site as General Commercial (C-1 Zone), providing for commercial restaurant establishments. The project site is located in a non-appealable coastal zone and complies with the land use designation of the General Plan/Local Coastal Plan.

- 2. The proposed development meets the minimum criteria set forth in the City of Imperial Beach Zoning Ordinance, the City's Minimum Landscape Planting and Irrigation Standards, and the City's Design Guidelines, as applicable.**

The project complies with the setback requirements, landscaping requirements and building height limitation specified in the Zoning Ordinance.

- 3. This project complies with the California Environmental Quality Act.**

This project is categorically exempted from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 (Existing Facilities). The City has prepared a Categorical Exemption per the CEQA requirements for this project and the Notice of Exemption will be filed with the County Clerk in compliance with CEQA.

- 4. Public Notice requirements, pursuant to Zoning Ordinance Section 19.87.100, of the Coastal Development Project have been satisfied.**

The project description and the date of the City Council public hearing were sent to property owners within 300 feet and occupants within 100 feet of the subject site on December 5, 2013, and a public hearing notice was published in the South County Eagle & Times newspaper on December 5, 2013.

DESIGN REVIEW/SITE PLAN REVIEW:

- 5. The proposed use does not have any detrimental effect upon the general health, safety and convenience of persons residing or working in the neighborhood, or is not detrimental or injurious to the value of the property and improvements in the neighborhood.**

The proposed remodel and addition to an existing commercial restaurant use in the C-1 (General Commercial) Zone will not be detrimental to the health, safety or convenience of persons residing or working in the neighborhood, or detrimental or injurious to the property and improvements in the neighborhood because it is consistent with the development standards and zoning designation of the site. The development would not be injurious to the value of the property and improvements in the neighborhood because the proposed building represents an improvement of the existing conditions of the lot.

6. The proposed use does not adversely affect the General Plan or the Local Coastal Plan.

The General Plan/Local Coastal Plan designates the site as General Commercial (C-1 Zone), providing for the development of commercial restaurant establishments. The project site is located in a non-appealable coastal zone and complies with the land use designation of the General Plan/Local Coastal Plan.

7. The proposed use is compatible with other existing and proposed uses in the neighborhood.

The site is bordered by commercially zoned properties and is compatible with the surrounding uses in the neighborhood and the residential property to the south will be screened by a six foot fence. The subject site is in the C-1 (General Commercial) Zone, which provides uses similar in character and scale.

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

The use will provide an expansion to an existing building, which does not negatively impact adjacent structures or uses.

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

The use is properly integrated. The design style and the choice of building materials properly integrate the building with surrounding uses.

10. Access to and parking for the proposed use does not create any undue traffic problem.

Vehicular ingress and egress for the project site will occur via two existing curb cuts on Palm Avenue and one existing curb cut on Florida Street. The ingress and egress for the project should not create undue traffic problems.

11. All other applicable provisions of the Zoning Code are complied with.

The project is consistent with the General Plan and the Zoning development standards for the site.

12. Any other considerations as the Community Development Department deem necessary to preserve the health, safety and convenience of the City in general.

Standard and applicable conditions of approval have been included with the Resolution to further ensure that the health, safety, welfare, and convenience of the City in general is preserved.

13. Public Notice requirements, pursuant to Zoning Ordinance Section 19.87.100, have been satisfied.

The project description and the date of the City Council public hearing were sent to property owners within 300 feet and occupants within 100 feet of the subject site on December 5, 2013, and a public hearing notice was published in the South County Eagle & Times newspaper on December 5, 2013.

ADMINISTRATIVE SIGN PERMIT:

14. The proposed project is consistent with the Design Element of the General Plan.

The proposed signs relate to the design and color of the building and are consistent with the Design Element and General Plan.

15. The proposed project is consistent with Chapter 19.52 of the City of Imperial Beach Municipal Code, entitled "Signs".

The purpose of the sign regulations is to encourage the effective use of signs as a means of communication in the City and to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth. One square foot of signage is allowed for every lineal foot of wall face. The proposed signs are consistent with Chapter 19.52 of the City of Imperial beach Municipal Code.

16. The proposed project will not have a detrimental effect upon the general health, welfare, safety or convenience of persons residing or working in the neighborhood, and will not be detrimental or injurious to the value of property and improvements in the neighborhood.

The proposed signs will not adversely impact adjacent businesses because the signage does not exceed the allowance limits provided for commercial uses.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach that the above-listed findings and recitals are true and correct and are incorporated by reference; and

BE IT FURTHER RESOLVED by the City Council of the City of Imperial Beach that Administrative Coastal Permit (ACP 130001), Design Review Case (DRC 130002), and Site Plan Review (SPR 130003) to remodel and add onto an existing McDonald's restaurant located at 1135 Palm Avenue (APNs 626-301-18-00 and 626-301-31-00) in the C-1 (General Commercial) Zone, are hereby approved subject to the following:

CONDITIONS OF APPROVAL:

A. PLANNING:

1. The site shall be developed in substantial compliance with the plans dated December 4, 2013, on file at the Community Development Department, or as otherwise amended and approved, and the conditions contained herein.
2. Owner(s) shall sign a Reciprocal Easement Agreement that will provide for pedestrian and vehicular access to all common and parking areas. This legal agreement shall be recorded with the County Recorder and is subject to prior approval by the City.
3. Approval of the Administrative Coastal Permit (ACP 130001), Design Review Case (DRC 130002), and Site Plan Review (SPR 130003) is valid for one year from the date of final action by the City Council to expire December 18, 2014, unless vested with substantial construction pursuant to an approved building permit.
4. All building permits required for the project must be obtained from the Imperial Beach Building Department.
5. Signage shall comply with Section 19.52.080 of the Imperial Beach Municipal Code (IBMC), and shall provide channel lettering as depicted on the approved plans.

6. All new landscaped areas should be drought tolerant and all landscaped areas shall be permanently irrigated and maintained in a healthy condition, free from weeds, trash, and debris.
7. Parking lot shall be permanently maintained in a clean manner, free from weeds, trash, and debris.
8. The applicant or applicant's representative shall read, understand, and accept the conditions listed herein and shall, within 30 days, return a signed statement to the Community Development Department accepting said conditions.
9. The applicant shall pay off any deficits in his project account (130001) prior to building permit issuance and prior to final inspection.

B. BUILDING:

10. This project is subject to all Model Codes, State Codes and City Ordinances adopted by the City of Imperial Beach.

C. PUBLIC WORKS:

11. Ensure that the hot water tank P.T. discharge pipe is piped to discharge to the sanitary sewer system or the landscape area. A design that has the water discharge directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order R9-2013-0001.
12. The sewer lateral (existing and new) locations must be drawn on the plans and submitted to the City for review and approval.
13. No building roof or landscape water drains may be piped to the street or onto impervious surfaces that lead to the street. A design that has these water discharges directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order R9-2013-0001.
14. Building foundation elevation shall be reviewed and approved by the City prior to building permit issuance.
15. Final landscape plan drawings should identify the species of plants proposed at each site.
16. Reconstruct all driveways within the project to comply with Regional Standard Drawings, SAN DIEGO REGION G-14A. Note that those driveways along Palm Avenue must be approved by a CALTRANS encroachment permit.
17. Reconstruct pedestrian ramp at the intersection of Palm Avenue / Florida Street to be ADA compliant in accordance with Regional Standard Drawings, San Diego Region D-27, Type A. This work will require a CALTRANS encroachment permit.
18. If it is necessary to cut into the alley pavement as part of this project, all concrete cuts in the alley must be replaced with #4 rebar dowels positioned every 1 foot on center. Concrete specification must be 560-C-3250. Concrete cuts must also comply with item 7 below and cuts parallel to the alley drainage must be at least 1-foot from the alley drain line.
19. For alley, sidewalk or curb & gutter replacement ensure compliance with San Diego Regional Standard Drawing G-11 in that, the "Area to be removed [must be] 5' or from joint to joint in panel, whichever is less." The distance between joints or score marks must be a minimum of 5-feet. Where the distance from "Area to be removed", to existing

- joint, edge or score mark is less than the minimum shown, "Area to be removed" shall be extended to that joint, edge or score mark.
20. For any work to be performed in the street or alley, submit a traffic control plan for approval by Public Works Director a minimum of 5 working days in advance of street work. Traffic control plan is to be per Regional Standard Drawings or CALTRANS Traffic Control Manual.
 21. All street work construction requires a Class A contractor to perform the work. Street repairs must achieve 95% sub soil compaction. Asphalt repair must be a minimum of four (4) inches thick asphalt placed in the street trench. Asphalt shall be AR4000 ½ mix (hot).
 22. For any project that proposes work within the public right-of-way (i.e., driveway removal/construction, sidewalk removal/construction, street or alley demolition/reconstruction, landscaping and irrigation, fences, walls within the public right-of-way, etc.), a Temporary Encroachment Permit (TEP) shall be applied for and approved either prior to or concurrent with issuance of the building permit required for the project. Application for a Temporary Encroachment Permit shall be made on forms available at the Community Development Department Counter
 23. All street work construction requires a Class A contractor to perform the work. All pavement transitions shall be free of tripping hazards.
 24. Construct trash or refuse enclosure and a recycling enclosure to comply with IBMC 19.74.090. Trash and recycling enclosures it to be enclosed by a six-foot high masonry wall and gate. The minimum size refuse enclosure shall be 6' by 9' and the minimum recycling enclosure shall be 4' by 8'.
 25. Any disposal/transportation of solid waste / construction waste in roll off containers must be contracted through the City's waste management provider unless the hauling capability exists integral to the prime contractor performing the work.
 26. Existing parcel impervious surfaces shall not increase beyond the impervious services provided on the approved plans as a post-conversion condition in order to maximize the water runoff infiltration area on the parcel in compliance with Municipal Storm Water Permit – Order R9-2013-0001. New landscape areas, including grass and mulch areas, must be improved to consist of at least 12-inches of loamy soil in order to maximize the water absorption during wet weather condition and minimize irrigation runoff.
 27. Install survey monuments on northeast, southeast and northwest property lines in or adjacent to the sidewalk. Record same with county office of records.
 28. In accordance with I.B.M.C. 12.32.120, applicant must place and maintain warning lights and barriers at each end of the work, and at no more than 50 feet apart along the side thereof from sunset of each day until sunrise of the following day, until the work is entirely completed. Barriers shall be placed and maintained not less than three feet high.
 29. Require applicant to provide verification of post construction Best Management Practice (BMP) maintenance provisions through a legal agreement, covenant, CEQA mitigation requirement, and / or Conditional Use Permit. Agreement is provided through the Community Development Department.
 30. Property owner must complete a Storm Water Management Plan provided through Community Development and institute "Best Management Practices" to prevent contamination of storm drains, ground water and receiving waters during both

construction and post construction. The property owner or applicant BMP practices shall include but are not limited to:

- Contain all construction water used in conjunction with the construction. Contained construction water is to be properly disposed in accordance with Federal, State, and City statutes, regulations and ordinances.
- All recyclable construction waste must be properly recycled and not disposed in the landfill.
- Water used on site must be prevented from entering the storm drain conveyance system (i.e. streets, gutters, alley, storm drain ditches, and storm drain pipes).
- All wastewater resulting from cleaning construction tools and equipment must be contained on site and properly disposed in accordance with Federal, State, and City statutes, regulations, and ordinances.
- Erosion control - All sediment on the construction site must be contained on the construction site and not permitted to enter the storm drain conveyance system. Applicant is to cover disturbed and exposed soil areas of the project with plastic-like material (or equivalent product) to prevent sediment removal into the storm drain system.

31. Applicant must to underground all utilities in accordance with I.B.M.C. 13.08.060.

D. PUBLIC SAFETY

32. Project shall be in compliance with the California Fire Code in effect at time of permit issuance and the most current National Fire Protection Association Standards.

Appeal Process under the California Code of Civil Procedure (CCP): The time within which judicial review of a City Council decision must be sought is governed by Section 1094.6 of the CCP. A right to appeal a City Council decision is governed by CCP Section 1094.5 and Chapter 1.18 of the Imperial Beach Municipal Code.

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

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 18th day of December 2013, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

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

DESIGN GUIDELINES

1.0 Relationship of Buildings to Site and Surrounding Area

- ❑ 1.1 View corridors to the oceanfront should be preserved, or created where possible. This can be accomplished through the use of upper story breezeways or courtyards that provide a view, or at the ground floor with mid-block pedestrian connections, plazas, or paseos that are oriented toward the view.

2.0 Circulation and Parking

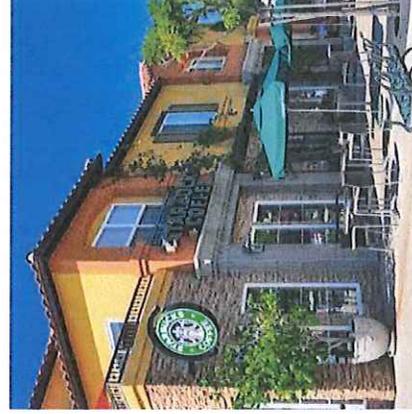
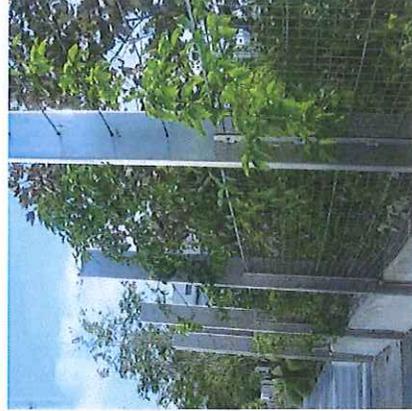
- ❑ 2.1 Curb cuts or access to parking lots should be limited along Seacoast Drive, Old Palm Avenue, Palm Avenue/State Route 75, and 13th Street.
- ❑ 2.2 Parking lots should be placed at the rear of the building where feasible.
- ❑ 2.3 Parking lots should include shade elements such as trees, vine-covered trellises, or overhead solar panels. The design of shade elements should consider safety and visibility.

3.0 Commercial and Mixed-Use Development

- ❑ 3.1 All buildings located along Palm Avenue, Seacoast Drive, or the intersection of 13th Street and Imperial Beach Boulevard should locate their primary entrances facing on or toward the street or another public space that intersects the sidewalk. Primary entrances oriented only to parking lots are discouraged.
- ❑ 3.2 Innovative and imaginative design and architecture is strongly encouraged.

4.0 Building Facades Should Be Well Articulated

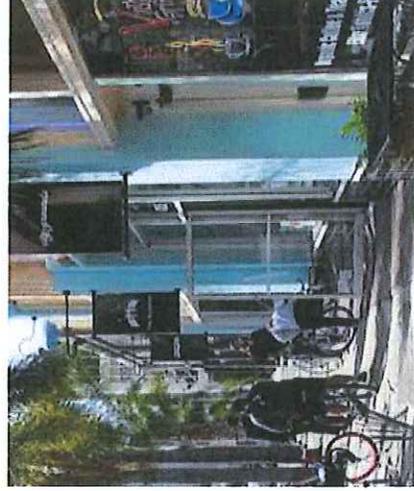
- ❑ 4.1 Variation and expression of building details, form, line, colors, and materials should be used to create visual interest.
- ❑ 4.2 Variation in wall plane and roof line is strongly encouraged to reduce the scale and bulk of the buildings, and to add visual interest.
- ❑ 4.3 Individual units should be expressed where possible.
- ❑ 4.4 Street-facing building facades should incorporate pedestrian-scaled elements such as balconies, awnings, and windows, to enliven the street edge.
- ❑ 4.5 Blank walls, or walls without windows, doors, or other articulation, are strongly discouraged. The maximum length of any blank wall should be limited to twenty feet.



DESIGN GUIDELINES

5.0 Ground Floor Uses and Street Level Design

- ❑ 5.1 Ground floors should consist of primarily active uses, such as active commercial, retail, and restaurants, as well as active residential uses such as building amenities, common rooms, and building lobbies.
- ❑ 5.2 A minimum of sixty percent of the street-facing facades of ground floor non-residential uses should be composed of clear non-reflective glass that allows views of the indoor space. Interior blinds, drapes, posters, signage, and/or interior shelving for product displays may potentially obscure a maximum of twenty-five percent of the required transparent area.
- ❑ 5.3 The maximum height of the bottom sill of required display windows should not exceed thirty inches above the adjacent sidewalk. The minimum head height for storefronts and windows at the ground floor should be eighty inches above the adjacent sidewalk.
- ❑ 5.4 Architectural features such as canopies, awnings, lighting, and other design features should be incorporated into the ground floor to add human scale to the streetscape and add to the pedestrian experience.
- ❑ 5.5 Projects should strive to achieve three-sided or four-sided architecture to shield service and delivery areas, utility boxes, and associated infrastructure.

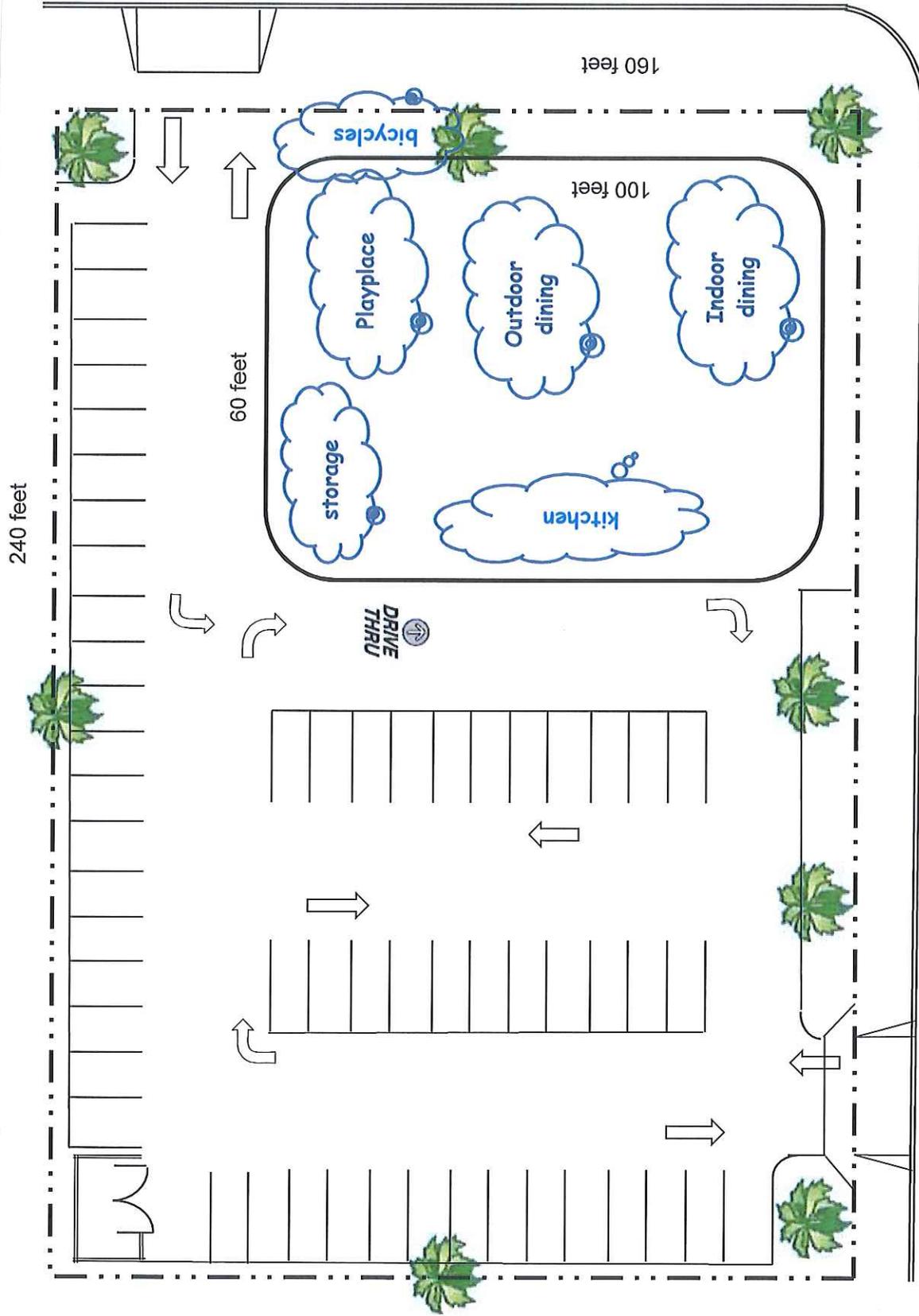


6.0 Landscape Improvements and Open Space

- ❑ 6.1 The public realm should be enhanced by creating an attractive pedestrian atmosphere. This may include the use of landscaping, seat walls, seating, plazas, fountains, public art, and other high-quality design features.
- ❑ 6.2 Common open space should be imaginatively landscaped, well designed, and well maintained.
- ❑ 6.3 Service areas, storage, trash collection areas, and equipment should be located at the rear of buildings if possible, and screened from view by the use of walls, high-quality fencing, planting, or a combination of these solutions.
- ❑ 6.4 Drought-tolerant, native plant materials should be used whenever possible.
- ❑ 6.5 Landscape plans should incorporate provisions for storm water runoff, including bioswales or other comparable methods.



Conceptual Site Plan



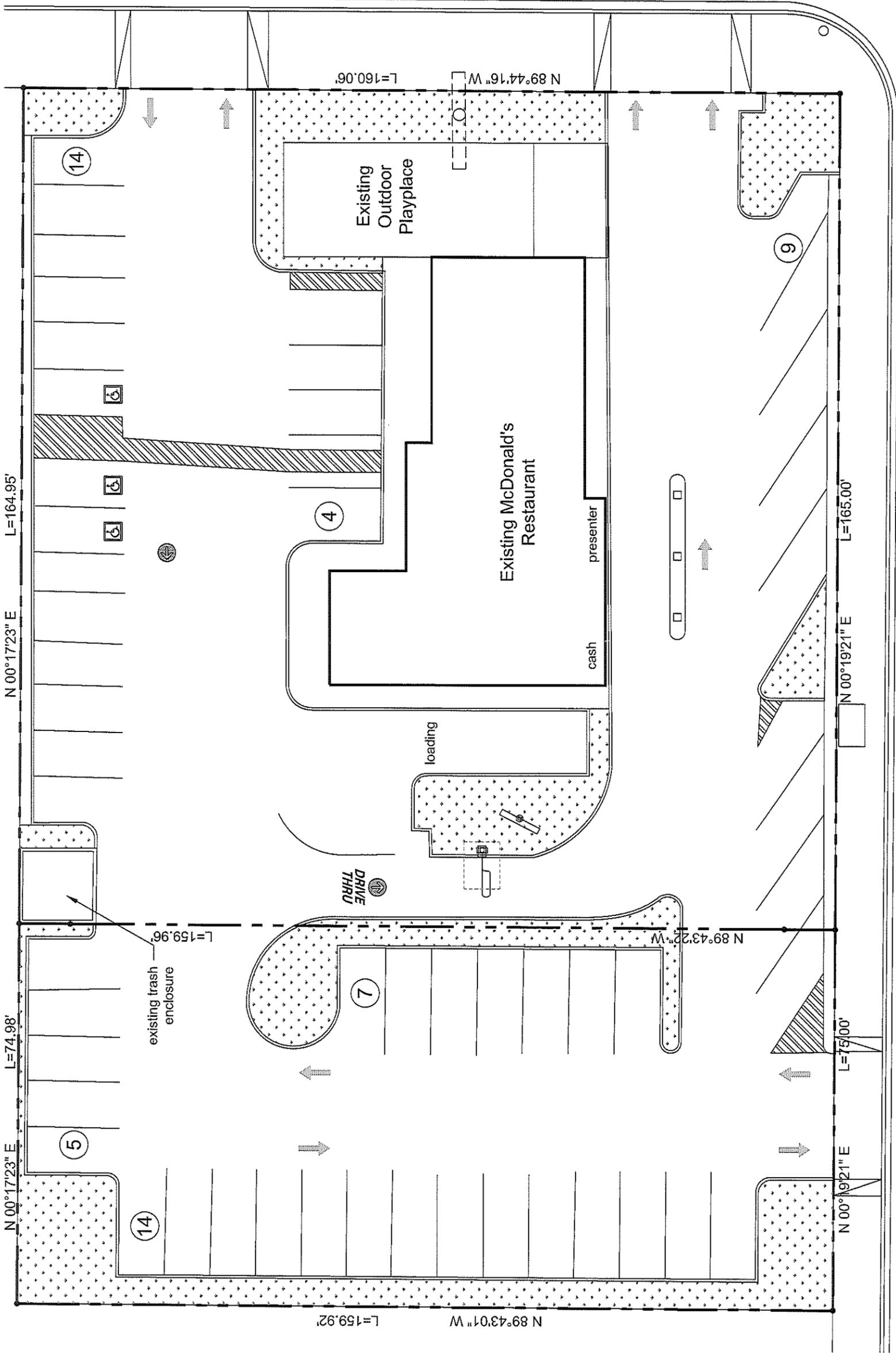
Florida Street

Palm Avenue

Building green
for the future.



Palm Avenue



Florida Street

McDonald's 004-0286

1135 Palm Avenue
Imperial Beach, California

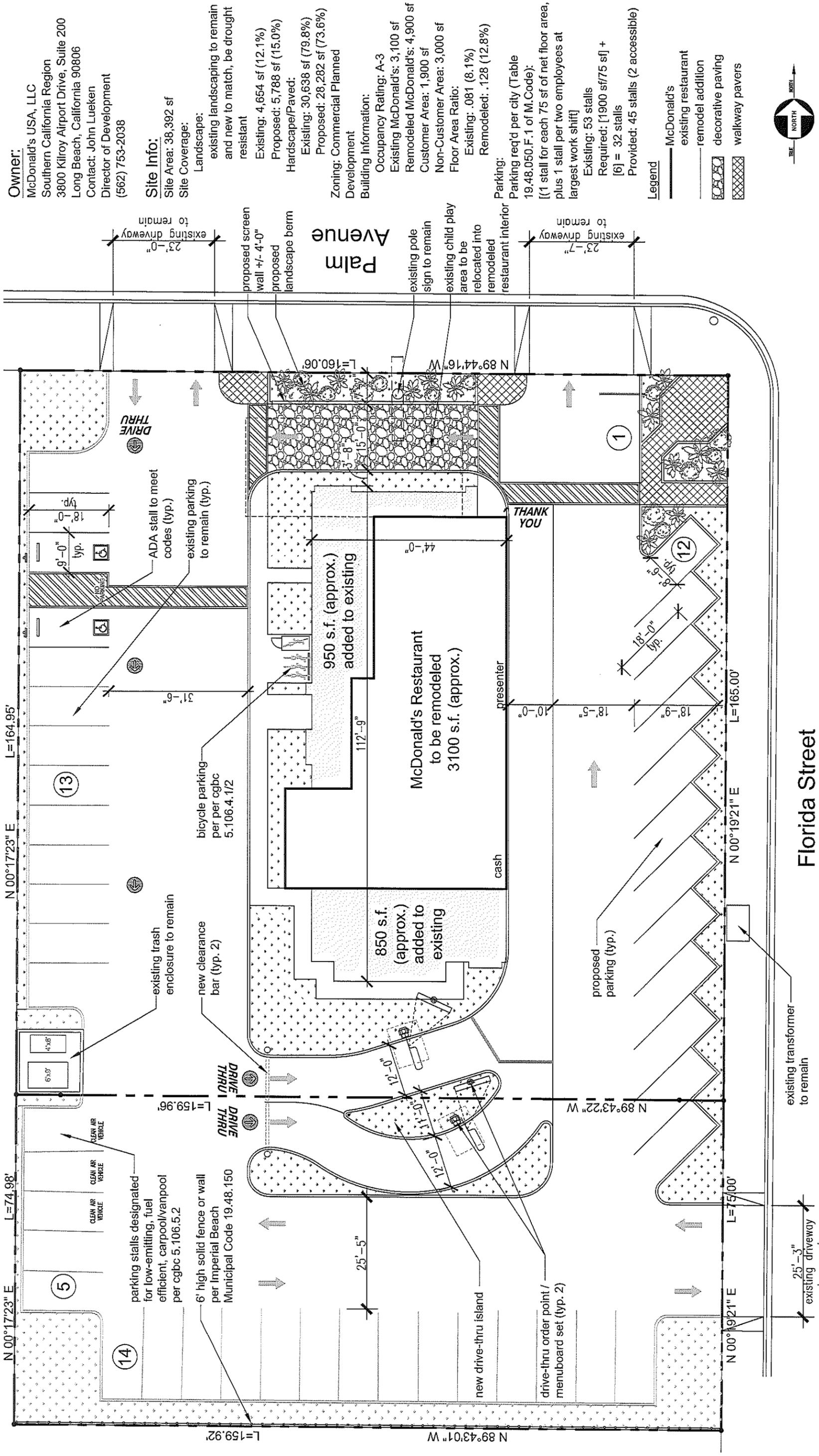
Existing Site Plan

Scale: 1" = 20'
September 3, 2013
P:\12\12250-146D Imperial Beach\Design\Site\004-0286
Site Planning

Project Architect:

BICKEL UNDERWOOD
JAMES S. BICKEL, JR., ARCHITECT
A CALIFORNIA CORPORATION
3600 Birch Street, Suite 120, Newport Beach, CA 92660
949-757-0411
architecture@bickelunderwood.com

This plan was prepared by the undersigned professional engineer or architect and is based on the information furnished to him or her. It is the responsibility of the client to verify the accuracy of the information furnished. The undersigned professional engineer or architect does not warrant the accuracy of the information furnished or the results of the work performed.



Owner:
 McDonald's USA, LLC
 Southern California Region
 3800 Kilroy Airport Drive, Suite 200
 Long Beach, California 90806
 Contact: John Lueken
 Director of Development
 (562) 753-2038

Site Info:
 Site Area: 38,392 sf
 Site Coverage:
 Landscape:
 existing landscaping to remain
 and new to match, be drought
 resistant

Existing: 4,654 sf (12.1%)
 Proposed: 5,788 sf (15.0%)
Hardscape/Paved:
 Existing: 30,638 sf (79.8%)
 Proposed: 28,282 sf (73.6%)
 Zoning: Commercial Planned
 Development

Building Information:
 Occupancy Rating: A-3
 Existing McDonald's: 3,100 sf
 Remodeled McDonald's: 4,900 sf
 Customer Area: 1,900 sf
 Non-Customer Area: 3,000 sf
 Floor Area Ratio:
 Existing: .081 (8.1%)
 Remodeled: .128 (12.8%)

Parking:
 Parking req'd per city (Table
 19.48.050.F.1 of M.Code):
 [(1 stall for each 75 sf of net floor area,
 plus 1 stall per two employees at
 largest work shift)
 Existing: 53 stalls
 Required: [1900 sf/75 sf] +
 [6] = 32 stalls
 Provided: 45 stalls (2 accessible)

Legend
 — McDonald's
 — existing restaurant
 — remodel addition
 [] decorative paving
 [] walkway pavers

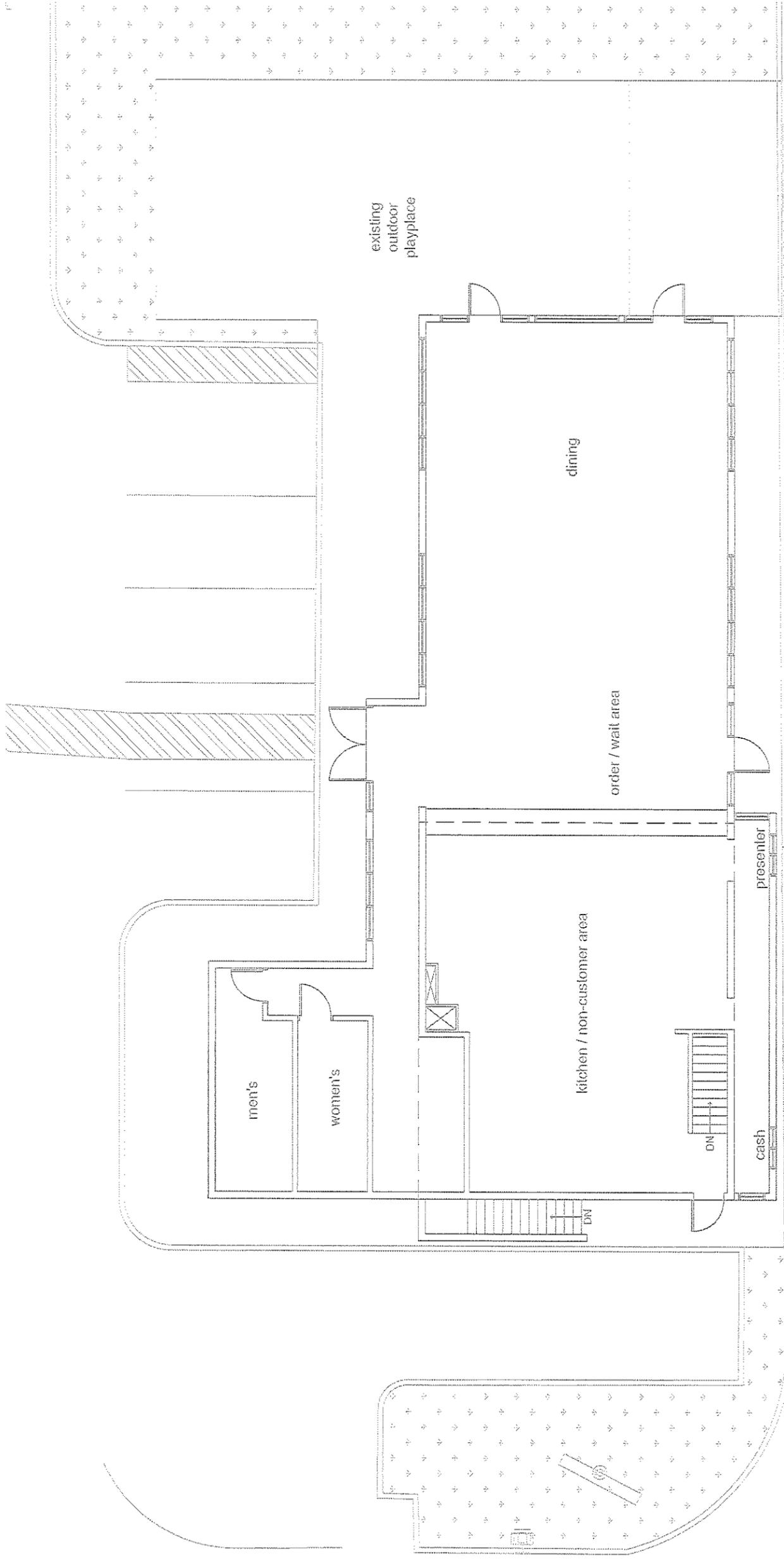


Remodel Site Plan
 Scale: 1" = 20'
 December 2, 2013
 P:\13\12\250-164D Imperial Beach\Design\Site\04-0286
 Site Planning

McDonald's 004-0286

1135 Palm Avenue
 Imperial Beach, California

Project Architect:
BICKEL UNDERWOOD
 JAMES S. BICKEL, JR., ARCHITECT
 A CALIFORNIA CORPORATION
 3600 Birch Street, Suite 120, Newport Beach, CA 92660
 949-757-0411
 architecture@bickelunderwood.com



Legend
 ----- existing basement footprint

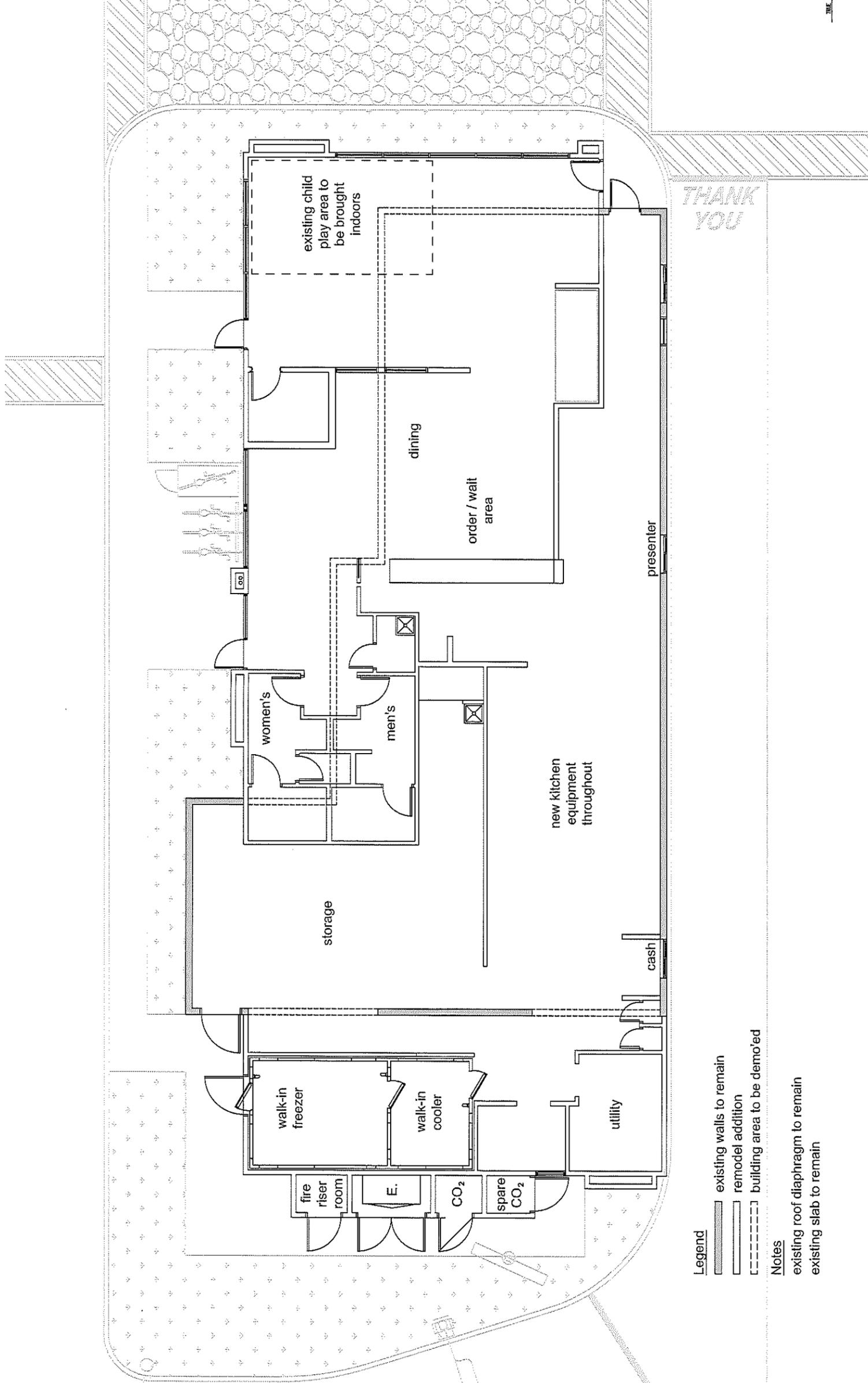
Existing Floor Plan

Scale: 3/32" = 1'
 September 3, 2013
 P:\12\12030-1620 Imperial Beach\Design\Site\004-0286
 Floor Plan.dwg

McDonald's 004-0286
 1135 Palm Avenue
 Imperial Beach, California

Project Architect:
BICKEL UNDERWOOD
 JAMES S. BICKEL, JR., ARCHITECT
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- Legend**
- existing walls to remain
 - remodel addition
 - building area to be demo'd

- Notes**
- existing roof diaphragm to remain
 - existing slab to remain

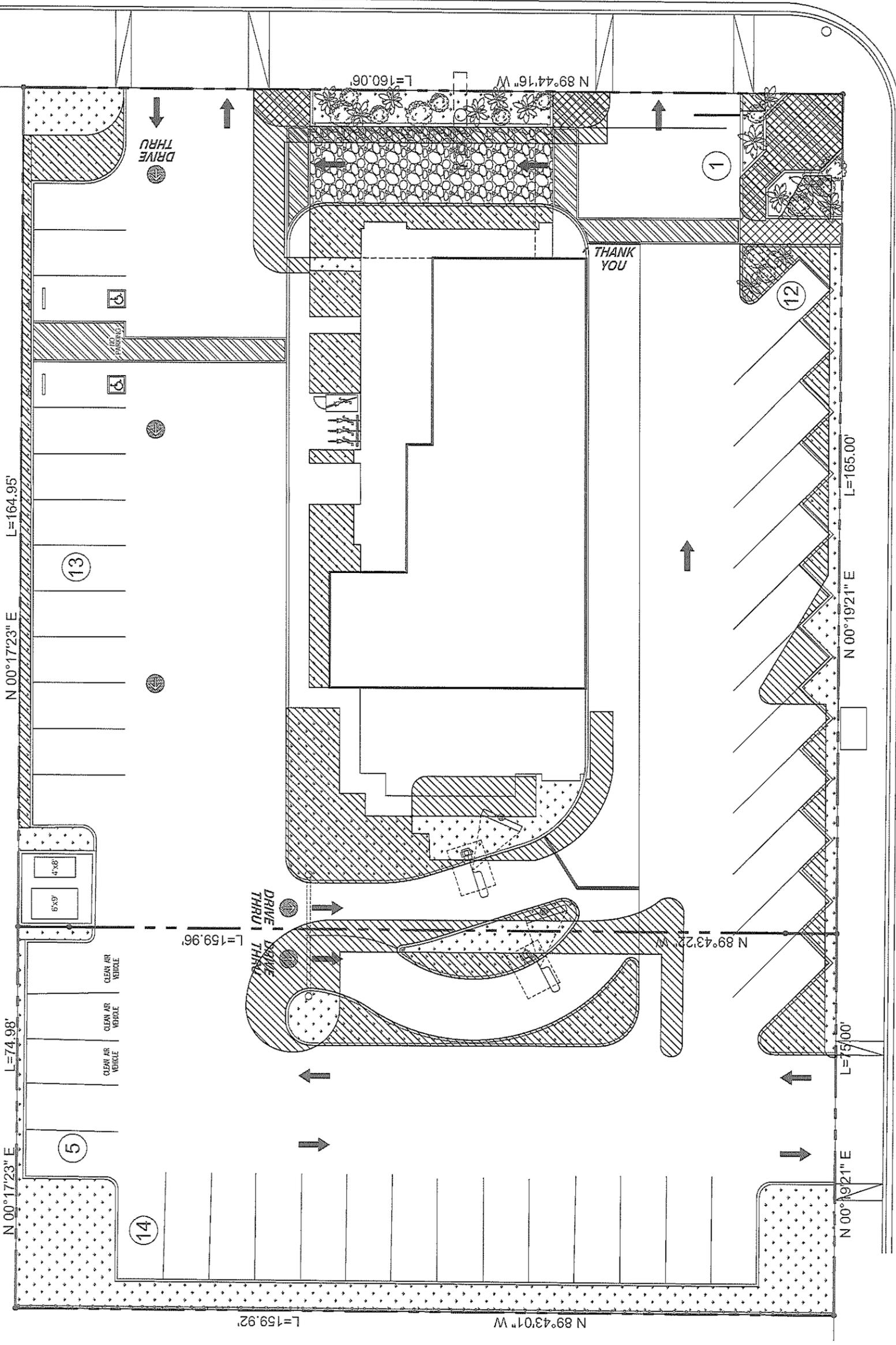


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McDonald's 004-0286

1135 Palm Avenue
 Imperial Beach, California

Remodel Floor Plan
 Scale: 3/32" = 1'
 September 3, 2013
 F:\13\12\286 - McDonald Imperial Beach\Design\Sch\04-0286
 Floor Plan.dwg



- Legend**
- McDonald's
 - existing restaurant
 - remodel addition
 - ▨ decorative paving
 - ▩ walkway pavers
 - ▧ disturbed area
- total approx. 4,818 s.f.

Palm Avenue



Disturbed Area Site Plan

Scale: 1" = 20'

December 2, 2013

Project: 004-0286 - McDonald's (Remodel Addition) Site Plan

Site: 1135 Palm Avenue, Imperial Beach, CA 92660

Florida Street

McDonald's 004-0286

1135 Palm Avenue
Imperial Beach, California

Project Architect:

BICKEL UNDERWOOD
JAMES S. BICKEL, JR., ARCHITECT
A CALIFORNIA CORPORATION
3600 Birch Street, Suite 120, Newport Beach, CA 92660
949-757-0411
architecture@bickelunderwood.com

Proposed Remodel Elevations
1135 Palm Ave.
Imperial Beach, California
004-0286
Scale: 3/32"=1'

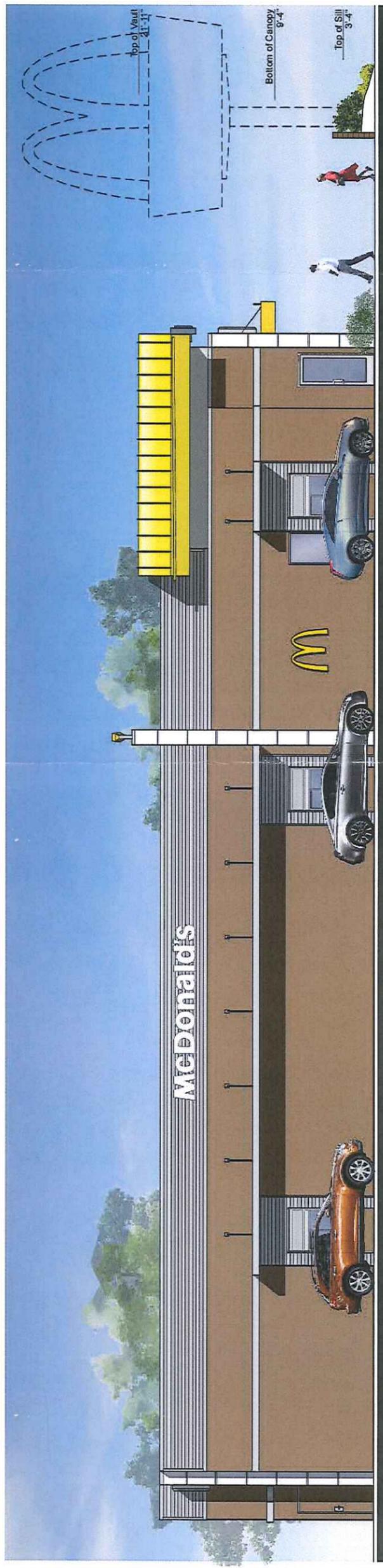
Coyote Brown Color Scheme

Materials Legend

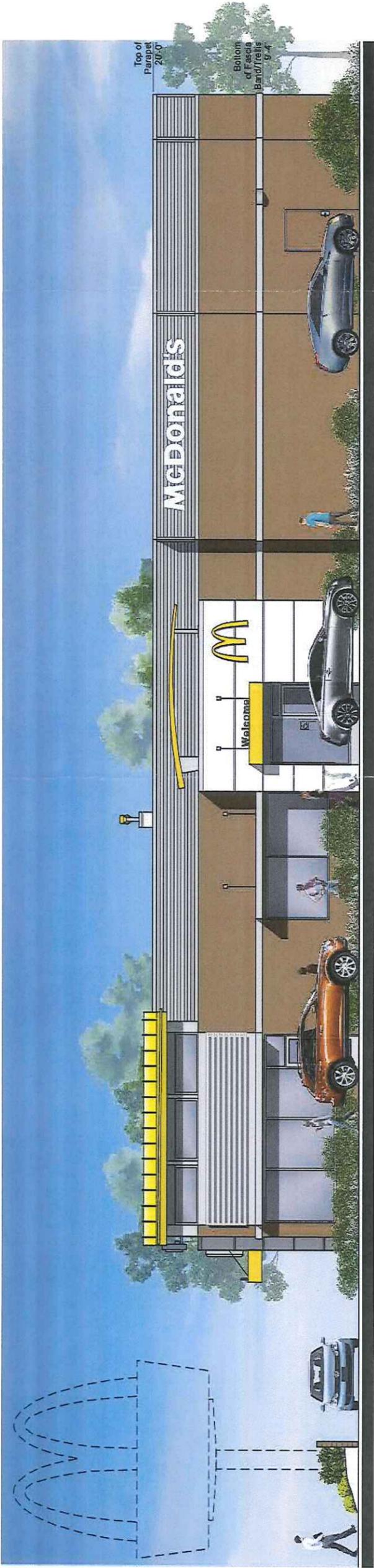
- Plaster - Benjamin Moore - BM-1224 - "Coyote Trail"
- Plaster - Benjamin Moore - BM-2212-70 - "Snow White"
- Canopies (Metal) - Pantone 123
- Aluminum Trellis
- Metal (Coping)



North - Front Elevation



East - Drive Thru Elevation

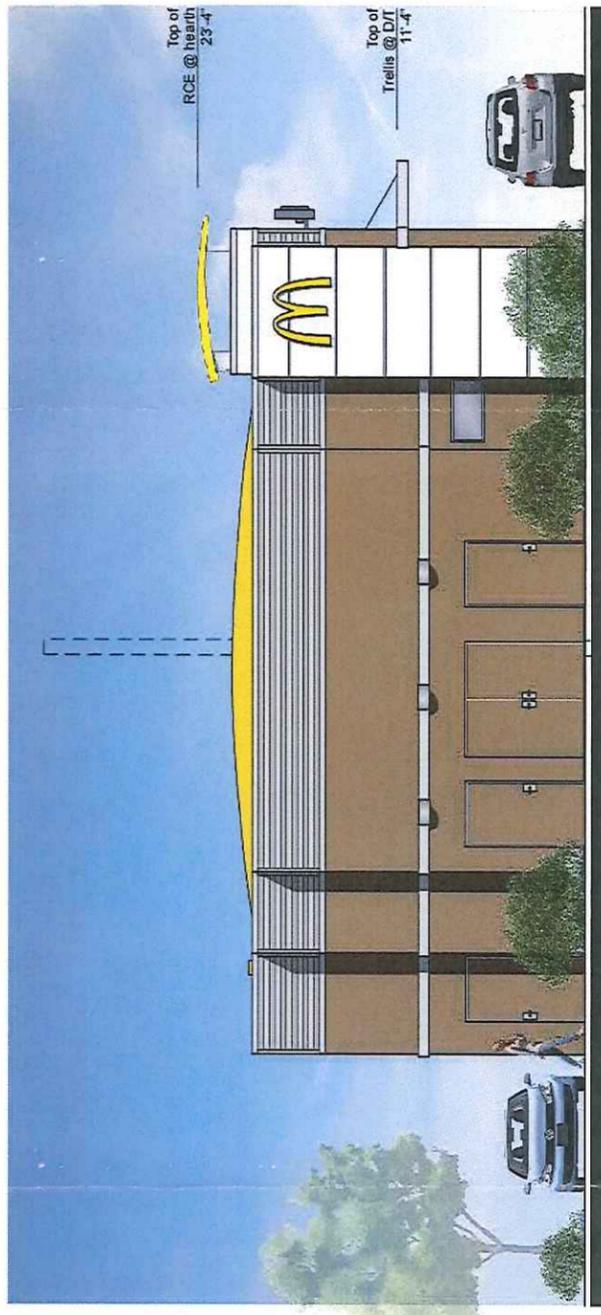


West - Non D/T Elevation

Coyote Brown Color Scheme

Materials Legend

- Plaster - Benjamin Moore - BM-1224 - "Coyote Trail"
- Plaster - Benjamin Moore - BM-2212-70 - "Snow White"
- Canopies (Metal) - Pantone 123
- Aluminum Trellis
- Metal (Coping)



South - Rear Elevation

Proposed Remodel Elevations
1135 Palm Ave.
Imperial Beach, California
004-0286
Scale: 3/32"=1'

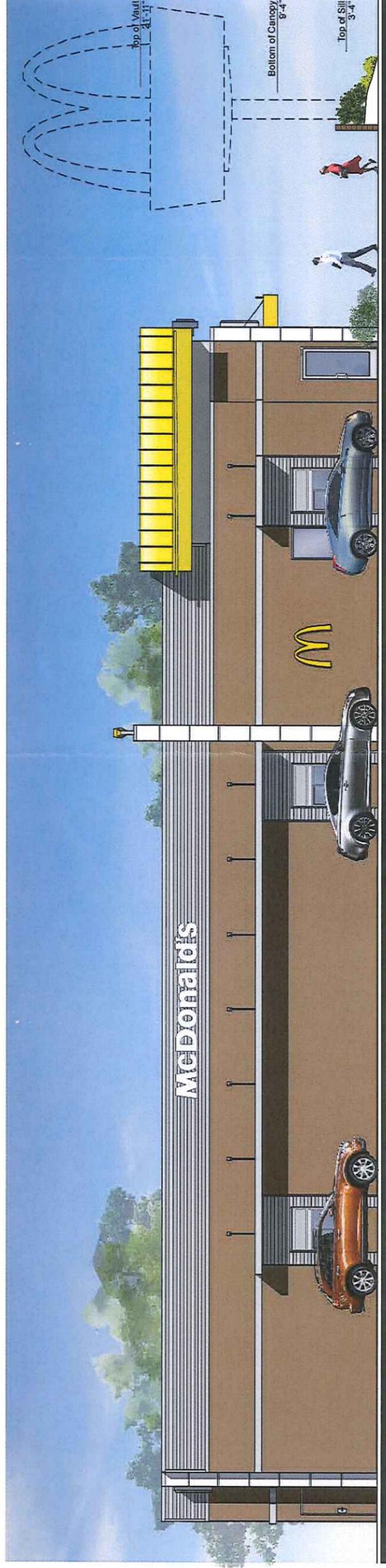
Coyote Brown Color Scheme

Materials Legend

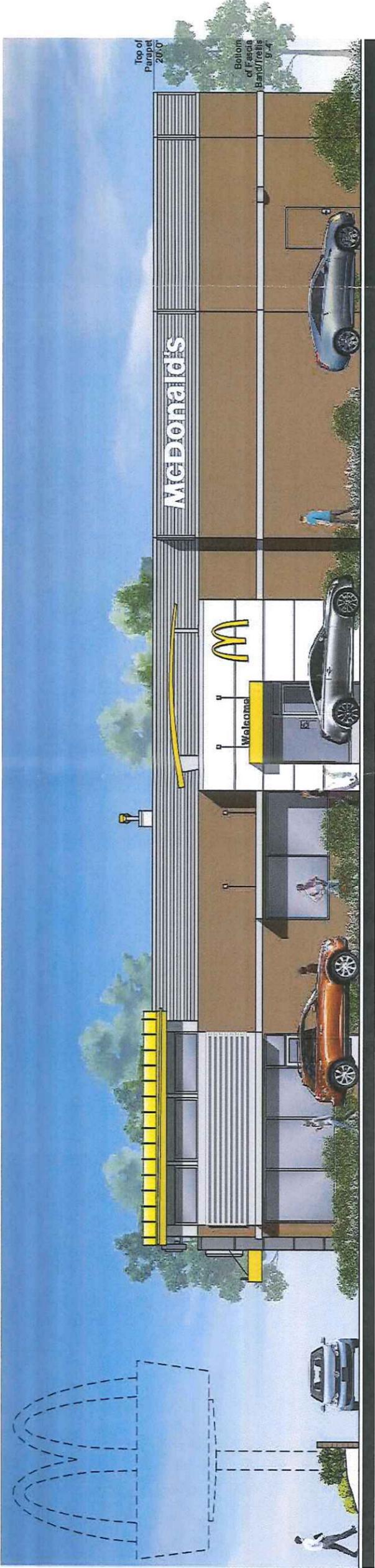
- Plaster - Benjamin Moore - BM-1224 - "Coyote Trail"
- Plaster - Benjamin Moore - BM-2212-70 - "Snow White"
- Canopies (Metal) - Pantone 123
- Aluminum Trellis
- Metal (Coping)



North - Front Elevation



East - Drive Thru Elevation

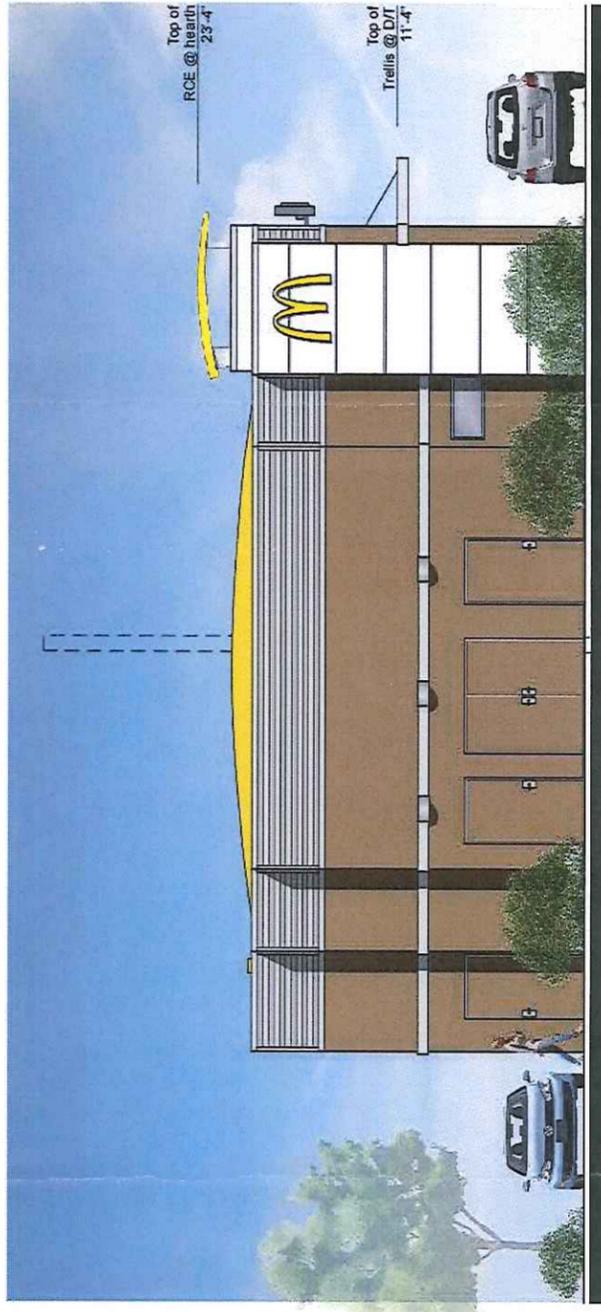


West - Non D/T Elevation

Coyote Brown Color Scheme

Materials Legend

- Plaster - Benjamin Moore - BM-1224 - "Coyote Trail"
- Plaster - Benjamin Moore - BM-2212-70 - "Snow White"
- Canopies (Metal) - Pantone 123
- Aluminum Trellis
- Metal (Coping)



South - Rear Elevation



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: ANDY HALL, CITY MANAGER *AH*

MEETING DATE: DECEMBER 18, 2013

ORIGINATING DEPT.: GREGORY WADE, ASSISTANT CITY MANAGER *GW*
CITY MANAGER/COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: PORT OF SAN DIEGO POND 20 FENCE REPLACEMENT
ALONG PALM AVENUE/STATE ROUTE 75

EXECUTIVE SUMMARY:

The Port of San Diego is proposing aesthetic improvements to the Palm Avenue/State Route 75 frontage of Pond 20 including the replacement of the chain link fencing along this portion of Pond 20. Staff is seeking input and comment from the Tidelands Advisory Committee on proposed concepts for these improvements.

BACKGROUND:

On June 20, 2012, the Board of Port Commissioners of the San Diego Unified Port District approved its Fiscal Year 2014-2018 Capital Improvement Program (CIP). Among the projects funded in this CIP was a project to improve the aesthetic appearance of the Pond 20 frontage along Palm Avenue/State Route 75 – the “Pond 20 Short Term Aesthetic Improvements.” Over the past several months, Port staff has been developing concept plans for the replacement of the chain link fence fronting Palm Avenue/State Route 75 along Pond 20. Port and City staff are now seeking input on the proposed design concepts.

ANALYSIS:

In approving the Fiscal Year 2014-2018 CIP, the Board of Port Commissioners approved \$300,000 for a replacement fence at Pond 20 along Palm Avenue/State Route 75. Conceptual designs for this replacement fence were developed by a Port consultant based upon previous stakeholder input regarding aesthetics, view corridors and community character, as well as safety and maintenance requirements. The proposed fence is intended to protect Pond 20 from wind-blown trash and debris and is also meant to curtail illegal dumping and trespassing. It must also be designed to be visually appealing and require minimal maintenance while also meeting Caltrans design standards. All proposed design concepts were evaluated and considered using these evaluation criteria.

There are essentially two basic fence design concepts each of which has three distinct design options. The first concept is the "Wave Fence" which incorporates a wave or undulating pattern and is a light blue, PVC-coated, chain link fence and frame. The fence would have two different sizes of mesh opening for variety and design interest and custom bent tubing to enhance the wave pattern. Also included with the Wave Fence could be fabricated silhouettes of coastal and marine life as well as surfboards at key locations. The fence height will vary between four (4) to six (6) feet in height.

The second basic design concept is a Wire Mesh Fence consisting of a straight, black, square-tube, steel frame with stainless steel wire mesh. The fencing would provide four-inch openings to allow views through it to Pond 20 and San Diego Bay. This fence could also include fabricated silhouettes of coastal and marine life as well as surfboards at key locations. The fence height would be five (5) feet in height. Both the Wave Fence and Wire Mesh Fence would provide passing platforms at specified locations to meet Americans with Disabilities Act (ADA) requirements.

The Pond 20 fence replacement project is a collaboration of the Port, the cities of San Diego and Imperial Beach and Caltrans. The Port is seeking feedback on the design concepts. These concepts have also been placed at various locations in Imperial Beach including City Hall, the Library and the Tijuana Estuary Visitor Center to solicit additional input from the public.

ENVIRONMENTAL IMPACT:

This project will likely be exempt under CEQA, however, the Port of San Diego would be the lead agency on any environmental review or exemption.

FISCAL IMPACT:

There is no direct fiscal impact to the City of Imperial Beach. The Port has budgeted \$300,000 in its Fiscal Year 2014-2018 CIP for this project.

TIDELANDS ADVISORY COMMITTEE REVIEW:

At their meeting on Tuesday, November 12, 2013, the Tidelands Advisory Committee (the "TAC") provided comments and input on the proposed improvements. Four of the five members were in attendance at their meeting and two favored Option A-1 and two favored Option B-1. All TAC members supported inclusion of the wildlife silhouettes but favored wildlife that frequented or might be seen in that area (i.e., Pond 20). A majority of the TAC did not feel that surfboard elements were appropriate design elements for this location. There were also questions raised about the durability of the two fence types and which might perform better in this environment. The Port responded that both fence materials would perform similarly.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council receive the report and provide comment and input on the Pond 20 fence replacement design concepts for consideration by the Port of San Diego.

Attachments:

1. Pond 20 Fence Replacement Design Concepts

WE NEED

YOUR FEEDBACK

ATTACHMENT 1

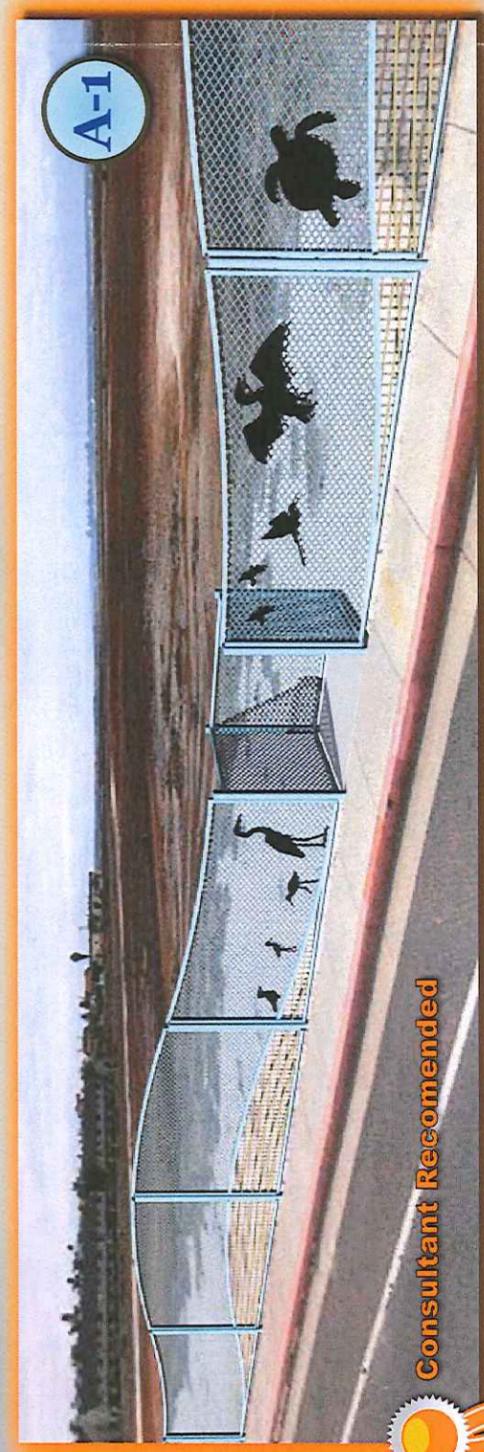
The Port of San Diego is making improvements to Pond 20 along Palm Avenue and would like your feedback.

In June 2012, the Board of Port Commissioners approved \$300,000 for a replacement fence along Palm Avenue. The area for the fence replacement is shown in the map. Conceptual designs for a replacement fence were developed based on previous stakeholder input regarding aesthetics, view corridors, and community character, as well as safety and maintenance requirements.

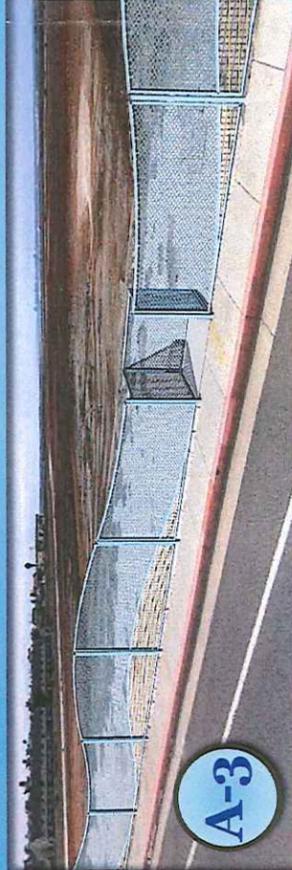
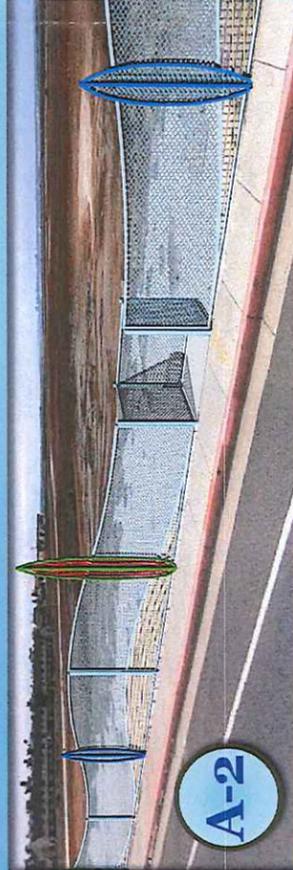
The fence protects Pond 20 from wind-blown trash and debris, but also needs to be visually appealing, relatively maintenance free and compliant with Caltrans fence requirements. All fence designs were evaluated and rated against these criteria.

The Pond 20 fence replacement project along Palm Avenue is collaboration between the Port, the Cities of San Diego and Imperial Beach, and Caltrans. The Port welcomes your feedback on the design concepts presented here. If you would like to send us a comment, please fill out a comment card and leave it in the box provided, or send an email to: pond20@portofsandiego.org.

Thank you for your interest in the improvement of Pond 20.



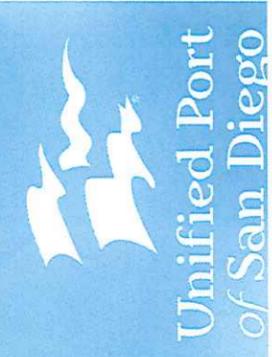
Consultant Recommended



Wire Mesh Fence
The fence will be black, square-tube, steel frame with stainless steel wire mesh. Four inch openings in the mesh will provide a view of the bay. Included in the fence could be metal silhouettes such as coastal and marine life or surfboards at key locations. The fence height will be 5 feet.

Wave Fence
The fence will incorporate a wave pattern into a custom blue color, PVC coated, chain-link fence and frame. The fence will have two different sizes opening for the mesh for variety and custom bent tubing to enhance the wave pattern. Also, included in the fence could be metal silhouettes such as coastal and marine life or surfboards at key locations. The fence height will vary between 4 to 6 feet.

Based on preliminary stakeholder feedback and safety and maintenance criteria, the Wave design with wildlife silhouettes is the consultant-recommended option.





STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ANDY HALL, CITY MANAGER *AH*
MEETING DATE: DECEMBER 18, 2013
ORIGINATING DEPT.: PUBLIC WORKS *AH*
SUBJECT: RESOLUTION NO. 2013-7437 AWARDED A PUBLIC WORKS CONTRACT; TO WIT: RTIP FY 11-12 (STREET IMPROVEMENTS) CIP # S12-104

EXECUTIVE SUMMARY:

This resolution will award a contract for a new street overlay and adjacent improvements on selected streets within the City of Imperial Beach that have deteriorated infrastructure. Those streets are: 1) 12th Street (Holly to Oneonta); 2) Granger (Grove to I.B. Blvd.); 3) Oneonta (10th to Adelfa Court); and 4) Grove Avenue (California to 5th). Additionally this resolution will authorize the contractor to perform storm water interface hardening where the sewer main passes through the storm drain on the 400 & 500 blocks Grove Avenue.

BACKGROUND:

The Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009-2010 through 2013-2014 included annual Street Improvements funded through the TransNet program. The project size was dependent upon the estimated revenue earned through TransNet. The estimated average annual allocation that can be used for CIP projects was approximately \$500,000. Council Resolution No. 2013-7407 adopted October 16, 2013 reaffirmed the funding for this project and gave staff direction to proceed with the work as shown in Exhibit A to Resolution No. 2013-7407. The construction project included street overlay and adjacent improvements on the following streets:

- 1) 12th Street (Holly to Oneonta);
- 2) Granger (Grove to I.B. Blvd.);
- 3) Oneonta (10th to Adelfa Court); and
- 4) Grove Avenue (California to 5th)
- 5) Storm water interface hardening where the sewer main passes through the storm drain on the 400 & 500 blocks Grove Avenue

The project drawings and specification were completed in October 2013. Staff advertised for requests for bids (RFB) for this work on November 7, 2013 in the Eagle & Times Newspaper and on E-Bid Board. The bid opening was scheduled for Tuesday, December 3, 2013.

ANALYSIS:

The project bids were opened and evaluated Tuesday, December 3, 2013 in an advertised public meeting at 2:00 p.m. The lowest responsive and qualified bidder for the RTIP FY 11-12 (Street Improvements) Project S12-104 was KAD Paving Company at a bid price of \$687,905.20 (\$661,535.20 for street work & \$26,370 for sewer work).

The ten (10) contractors who submitted proposals are listed below along with their proposal amounts:

1.	KAD Paving Company	\$ 687,905.20
2.	HTA Engineering & Construction, Inc.	\$ 694,050.00
3.	Southland Paving	\$ 728,640.70
4.	PAL General Engineering & Construction, Inc.	\$ 794,468.00
5.	Portillo Concrete, Inc.	\$ 842,914.08
6.	JUST Construction	\$ 867,000.00
7.	Wier Construction Corp.	\$ 891,520.26
8.	New Century Construction, Inc.	\$ 900,087.82
9.	Tri Group Construction & Development	\$ 909,417.00
10.	Ramona Paving & Construction	\$1,572,584.50

The engineer's estimate for this construction was \$ 935,979.00 (\$838,979 for street work & \$97,000 for sewer work).

ENVIRONMENTAL DETERMINATION:

Project is exempt from CEQA pursuant to CEQA Guidelines Section 15302(c): Replace or Reconstruction of Existing Utility Systems and Facilities.

FISCAL IMPACT:

Revenue (per resolution 2013-7407)

TransNet	\$600,000
Gas Tax	\$400,000
Sewer Enterprise Fund	\$140,000

TOTAL REVENUE \$1,140,000

Expenditures/Encumbrances

Project Design	\$ 82,875
Soils Technical Support	\$ 4,600
Construction Engineering Support	\$ 7,475
Contract Administration	\$ 10,000
Project Construction	\$687,905.20

TOTAL EXPENDITURE \$792,855.20

There is sufficient appropriated funds cover the cost of this project construction. Remaining funds will be used in the next TRANSNET funded project – RTIP FY 12-13 (Street Improvements) project and sewer improvement projects.

RECOMMENDATION:

1. Receive this report.
2. Adopt the attached resolution awarding a contract to the lowest responsive bidder.
3. Authorize the City Manager to sign the construction contract with the lowest responsive bidder.
4. Authorize the City Manager to approve a purchase order for the amount of the bid price.

Attachments:

1. Resolution No. 2013-7437

RESOLUTION NO. 2013-7437**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AWARDDING A PUBLIC WORKS CONTRACT; TO WIT: RTIP FY 11-12 (STREET IMPROVEMENTS) CIP # S12-104**

WHEREAS, the Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009-2010 through 2013-2014 included annual Street Improvements funded through the TransNet program; and

WHEREAS, Council Resolution No. 2013-7407 adopted October 16, 2013 reaffirmed the funding for this project and gave staff direction to proceed with the work as shown in Exhibit A to Resolution No. 2013-7407 (RTIP FY 11-12 (Street Improvements) and Storm Water / Sewer Interface hardening work CIP # S12-104); and

WHEREAS, the construction project included street overlay and adjacent improvements on the following streets:

- 1) 12th Street (Holly to Oneonta);
- 2) Granger (Grove to I.B. Blvd.);
- 3) Oneonta (10th to Adelfa Court); and
- 4) Grove Avenue (California to 5th)
- 5) Storm water interface hardening where the sewer main passes through the storm drain on the 400 & 500 blocks Grove Avenue; and

WHEREAS, staff advertised for requests for bids (RFB) for this work on November 7, 2013 in the Eagle & Times Newspaper and on E-Bid Board; and

WHEREAS, the project bids were be opened and evaluated Tuesday, December 3, 2013 in an advertised public meeting at 2:00 p.m.; and

WHEREAS, the lowest responsive and qualified bidder for the RTIP FY 11-12 (Street Improvements) Project S12-104 was KAD Paving Company at a bid price of \$687,905.20 (\$661,535.20 for street work & \$26,370 for sewer work); and

WHEREAS, the total revenue appropriated for this project is \$1,140,000 (\$1,000,000 for street work & \$140,000 for sewer work); and

WHEREAS, the engineer's estimate for this construction was \$ 935,979.00 (\$838,979 for street work & \$97,000 for sewer work); and

WHEREAS, there is sufficient appropriated revenue (Council Resolution No. 2013-7407) to cover the cost of this project construction.

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

1. The above recitals are true and correct.
2. The legislative body hereby rejects all proposals for bids except that identified as the lowest responsible bid. The bid of the lowest, responsible qualified bidder will be on file with the transcript of these proceedings and open for public inspection in the City Clerk Department on file as Contract No. 2828.
3. The contractor shall not commence construction or order equipment until he has received a Notice to Proceed.

4. The works of improvement shall be constructed in the manner and form and in compliance with the requirements as set forth in the plans and specifications for the project.

5. The City Manager is authorized to sign a purchase order with the lowest responsible qualified bidder.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 18th day of December 2013, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ANDY HALL, CITY MANAGER *RA*
MEETING DATE: DECEMBER 18, 2013
ORIGINATING DEPT.: CITY CLERK *AMH*
SUBJECT: ANNUAL CITY COUNCIL REPRESENTATION ASSIGNMENTS FOR 2014

EXECUTIVE SUMMARY:

Prior to the start of a new calendar year, the Mayor establishes assignments for individual Councilmembers to represent the City on various intergovernmental and other outside organizations.

BACKGROUND:

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Not a project as defined by CEQA.

FISCAL IMPACT:

None.

RECOMMENDATION:

1. Mayor appoint/change City Council Representation Assignments for 2014 in accordance with Chapter 2.18.010.C of the I.B.M.C.
2. City Council approve Mayor's appointments and changes to City Council Representation Assignments for 2014.

Attachments:

1. Draft City Council Representation Assignment List for 2014 will be provided at or prior to the City Council meeting