



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 5, 2012

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

REGULAR MEETING – 6:00 P.M.

THE CITY COUNCIL ALSO SITS AS THE CITY OF IMPERIAL BEACH 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.

REGULAR MEETING CALL TO ORDER

ROLL CALL BY CITY CLERK

PLEDGE OF ALLEGIANCE

INVOCATION

NOVEMBER 6, 2012 GENERAL MUNICIPAL ELECTION RESULTS

1. ADOPTION OF RESOLUTION NO. 2012-7276 – RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2012, DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW. (0430-40)

City Manager's Recommendation:

1. The City Clerk shall recite into the minutes the results of the Canvass of the Election;
2. City Council adopt Resolution No. 2012-7276 declaring the results of the November 6, 2012 Election; and
3. The City Clerk shall issue a Certificate of Election and administer the oath to each person elected.

2.* LEAVING OFFICE PRESENTATION. (0430-23)

City Manager's Recommendation: Recognize outgoing Councilmember Jim King.

3.* OATHS OF OFFICE. (0430-65)

City Manager's Recommendation: Conduct Oaths of Office.

* No Staff Report

RECEPTION IN COMMUNITY ROOM

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.

CALL TO ORDER

ROLL CALL BY CITY CLERK

AGENDA CHANGES

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

COMMUNICATIONS FROM CITY STAFF

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

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1-2.8) - *All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items, unless a Councilmember or member of the public requests that particular item(s) be removed from the Consent Calendar and considered separately. Those items removed from the Consent Calendar will be discussed at the end of the Agenda.*

2.1 MINUTES.

City Manager's Recommendation: Approve the minutes of the Regular and Special Meetings of November 21, 2012.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 81549 through 81594 with a subtotal amount of \$114,799.43 and Payroll Checks/Direct Deposit 44974 through 44995 for P.P.E. 11/15/12 for a subtotal amount of \$133,182.70 for a total amount of \$247,982.13.

2.3 LOCAL APPOINTMENTS LIST. (0460-45)

City Manager's Recommendation: That the City Council approve the Local Appointments List in compliance with Government Code §54972, and designate the Imperial Beach Branch Library (the public library with the largest service population within its jurisdiction) to receive a copy of the list in compliance with Government Code §54973.

2.4 ADOPTION OF FAIR POLITICAL PRACTICES COMMISSION FORM 806 – PUBLIC OFFICIAL APPOINTMENTS (0420-86)

City Manager's Recommendation: Adopt Form 806 listing all Council appointments for which compensation is received and direct the City Clerk to post Form 806 on the City's website and update the form as necessary to reflect new appointments and new positions required to be listed on the Form 806.

2.5 RESOLUTION NO. 2012-7279 AUTHORIZING THE CITY MANAGER TO SIGN AMENDMENTS TO THE AGREEMENTS BETWEEN THE CITY OF IMPERIAL BEACH AND THE SAN DIEGO UNIFIED PORT DISTRICT FOR PUBLIC SAFETY AND TIDELANDS MAINTENANCE SERVICES. (0150-70)

City Manager's Recommendation: Adopt resolution.

2.6 RESOLUTION NO. 2012-7280 DISPOSITION OF SURPLUS PROPERTY. (0389-45)

City Manager's Recommendation: Adopt Resolution No. 2012-7280 authorizing the sale of certain surplus City equipment.

Continued on Next Page

CONSENT CALENDAR (Continued)

- 2.7 ADOPTION OF RESOLUTION NO. 2012-7274 AMENDING FISCAL YEAR 2011-2013 SALARY AND COMPENSATION PLAN TO ADD THE POSITION DESCRIPTION AND SALARY RANGE FOR HUMAN RESOURCES ANALYST & ADOPTION OF RESOLUTION NO. 2012-7275 APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND CYNTHIA TITGEN FOR HUMAN RESOURCES CONSULTING SERVICES. (0510-20, 0520-75 & 0530-60)**
City Manager's Recommendation: Adopt resolutions.
- 2.8 ROTATION OF MAYOR PRO TEMPORE DUTIES. (0410-13)**
City Manager's Recommendation: Select Councilmember Bragg 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.

ORDINANCES – INTRODUCTION/FIRST READING (3.1-3.2)

- 3.1 ORDINANCE NO. 2012-1133 AND RESOLUTION NO. 2012-7278 REGARDING THE ADMINISTRATIVE SERVICE DIRECTOR POSITION. (0510-95)**
City Manager's Recommendation:
1. Receive report;
 2. Adopt Resolution No. 2012-7278.
 3. Introduce Ordinance No. 2012-1133, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH ADDING SECTION 2.17.020, REPEALING SECTION 2.56.020, AND AMENDING VARIOUS SECTIONS OF THE MUNICIPAL CODE CONCERNING THE ADMINISTRATIVE SERVICES DIRECTOR";
 4. City Clerk reads title of Ordinance No. 2012-1133; and
 5. Motion to dispense first reading of Ordinance No. 2012-1133 and set the matter for adoption at an adjourned regular City Council meeting of December 12, 2012.
- 3.2 ORDINANCE NO. 2012-1134 ADDING CHAPTER 12.28.025 STREET PAVEMENT PRESERVATION ORDINANCE. (0720-95)**
City Manager's Recommendation:
1. Receive report;
 2. Consider the ordinance as written;
 3. Introduce Ordinance No. 2012-1134, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ADDING SECTION 12.28.025 TO THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO A STREET PAVEMENT PRESERVATION";
 4. City Clerk reads title of Ordinance No. 2012-1134;
 5. Motion to dispense first reading of Ordinance No. 2012-1134 and set the matter for adoption at an adjourned regular City Council meeting of December 12, 2012.
 6. Approve Council Policy No. 615 in support of Ordinance.

ORDINANCES – SECOND READING/ADOPTION/PUBLIC HEARING (4.1)

4.1 ORDINANCE NO. 2012-1132 REPEALING CHAPTER 8.08 AND ADDING A NEW CHAPTER 8.08 TO TITLE 8 OF THE IMPERIAL BEACH MUNICIPAL CODE CONCERNING PERMANENT AND MOBILE FOOD FACILITIES. (0240-28)

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive report and public testimony;
3. Close the public hearing;
4. Mayor calls for the second reading of the title of Ordinance No. 2012-1132 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, REPEALING CHAPTER 8.08 AND ADDING A NEW CHAPTER 8.08 TO TITLE 8 OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADOPTING BY REFERENCE TITLE 6, DIVISION 1 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES CONCERNING PERMANENT AND MOBILE FOOD FACILITIES";
5. City Clerk to read title of Ordinance 2012-1132; and
6. Motion to waive further reading and adopt Ordinance No. 2012-1132 by title only.

PUBLIC HEARINGS (5)

None.

REPORTS (6.1-6.5)

6.1 PROPOSED BOY SCOUTS OF AMERICA EAGLE PROJECT PRESENTATION – 4TH STREET MEDIAN. (0720-35)

City Manager's Recommendation:

1. Receive report;
2. Receive a presentation from Mr. Gros regarding the proposed improvements;
3. Comment and direct staff and Mr. Gros regarding the design of the proposed project; and
4. Authorize the City Manager to sign the Eagle Project plan for Mr. Gros to continue the project development and construction as approved by City Council and City staff.

6.2 PROPOSED BOY SCOUTS OF AMERICA EAGLE PROJECT PRESENTATION – DEMPSEY HOLDER SAFETY CENTER. (0910-20)

City Manager's Recommendation:

1. Receive report;
2. Receive a presentation from Eagle Candidate Kyle Armstrong regarding the proposed improvements;
3. Comment and direct staff and Eagle Candidate Kyle Armstrong regarding the design of the proposed project; and
4. Authorize the City Manager to sign the Eagle Project plan for Eagle Candidate Kyle Armstrong to continue the project development and construction as approved by City Council and City staff.

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

City Manager's Recommendation:

1. Mayor recommend nomination of a new Imperial Beach representative to fill a three-year term on the Port of San Diego's Public Art Committee; and
2. City Council approve Mayor's recommendation.

Continued on Next Page

REPORTS (Continued)

6.4 RESOLUTION NO. 2012-7281 AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – ECO BIKEWAY 7TH AND SEACOAST (7TH STREET FROM BAYSHORE BIKEWAY TO PALM AVENUE AND PALM AVENUE FROM 3RD STREET TO 7TH STREET – (S05-104). (0680-20)

City Manager's Recommendation:

1. Receive report;
2. Adopt resolution authorizing the City Manager to approve a purchase order for the amount of the bid price; and
3. Authorize the use of TRANSNET funds as a City match for this project.

6.5 RESOLUTION NO. 2012-7277 AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – FY 10/11 ANNUAL MAIN LINE REPAIRS – (W11-201) AND PROJECT BUDGET AMENDMENT OF \$55,000. (0830-10)

City Manager's Recommendation:

1. Receive report;
2. Adopt resolution authorizing the City Manager to transfer \$55,000 from the Sewer Enterprise Reserve Fund to the Fiscal Year 10/11 Annual Main Line Repair CIP project (W11-201) and authorizing the City Manager to approve a purchase order for the amount of the bid price.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7.1)

None.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 425 Imperial Beach Blvd., Imperial Beach, CA 91932 (APN: 632-400-33 and 632-400-35)

Agency Negotiators: City Manager, Assistant City Manager, City Attorney

Negotiating Party: Y.M.C.A.

Under Negotiation: Price and terms of payment

RECONVENE AND ANNOUNCE ACTION (IF APPROPRIATE)

ADJOURNMENT

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

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

www.cityofib.com.

/s/
Jacqueline M. Hald, MMC
City Clerk



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER *GB*

MEETING DATE: DECEMBER 5, 2012

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

SUBJECT: ADOPTION OF RESOLUTION NO. 2012-7276 – RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2012, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

BACKGROUND AND DISCUSSION:

A General Municipal Election was held and conducted in the City of Imperial Beach, California, on Tuesday, November 6, 2012. Pursuant to Resolution No. 2012-7217 adopted June 20, 2012 and Resolution No. 2012-7231 adopted July 18, 2012, the Registrar of Voters of the County of San Diego will canvass the returns of the elections and certify the results to the City Council of the City of Imperial Beach.

This item is placed before the City Council in order to declare the results of the November 6, 2012 General Municipal Election. The "Official Canvass" was not available at the time of agenda posting and will therefore be provided at or prior to the December 5, 2012 City Council meeting.

FISCAL IMPACT:

None.

DEPARTMENT RECOMMENDATION:

1. The City Clerk shall recite into the minutes the results of the Canvass of the Election;
2. City Council adopt Resolution No. 2012-7276 declaring the results of the November 6, 2012 Election; and
3. The City Clerk shall issue a Certificate of Election and administer the oath to each person elected.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.

Attachments:

1. Resolution No. 2012-7276 and Certified Results for the City of Imperial Beach with Write-In Results – TO BE PROVIDED AT OR PRIOR TO THE DECEMBER 5, 2012 CITY COUNCIL MEETING

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

NOVEMBER 21, 2012

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

REGULAR MEETING – 6:00 P.M.

REGULAR MEETING CALL TO ORDER

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

ROLL CALL BY CITY CLERK

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

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MOTION BY BRAGG, SECOND BY SPRIGGS, TO TAKE ITEM NOS. 6.1 AND 7.1 IMMEDIATELY AFTER PRESENTATIONS AND TO PULL ITEM NO. 2.5 FOR DISCUSSION IMMEDIATELY AFTER THE CONSENT CALENDAR. MOTION CARRIED BY THE FOLLOWING VOTE:

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

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

COUNCILMEMBER BRAGG reported on her attendance at the MTS Board meeting. She announced that there will be a security officer on the Blue Line after 8:30 p.m. starting on December 1, 2012.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS (1)

None.

REPORTS (6.1)

**6.1 DESIGN REVIEW BOARD – THREE (3) TERMS EXPIRING DECEMBER 31, 2012.
(0120-30)**

MAYOR JANNEY recommended the reappointment of Janet Bowman, Harold Phelps, and Shirley Nakawatase.

MOTION BY SPRIGGS, SECOND BY BRAGG, TO REAPPOINT MEMBERS JANET BOWMAN, SHIRLEY NAKAWATASE, AND HAROLD PHELPS TO THE DESIGN REVIEW BOARD IN ACCORDANCE WITH CHAPTER 2.18.010.C OF I.B.M.C. FOR TERMS OF OFFICE BEGINNING JANUARY 1, 2013 AND EXPIRING DECEMBER 31, 2016. MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR JANNEY thanked Janet Bowman, Danny Lopez, Shirley Nakawatase, Harold Phelps, and Tom Schaff for their dedicated service on the Design Review Board and he recognized Shirley Nakawatase for serving on the Board for over 20 years.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7.1)

**7.1 2003 TAX ALLOCATION BOND - NOVEMBER 2012 DEBT SERVICE PAYMENT.
(0418-50)**

See Special Meeting Minutes of January 21, 2012.

CONSENT CALENDAR (2.1-2.4)

CITY ATTORNEY LYON announced that a revised staff report and revised Resolution No. 2012-7271 were submitted as last minute agenda information for Item No. 2.4.

MOTION BY BRAGG, SECOND BY SPRIGGS, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.4. MOTION CARRIED BY THE FOLLOWING VOTE:

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

2.1 MINUTES.

Approved the minutes of the Special Workshop Meeting of July 11, 2012, the Special Closed Session Meeting of November 7, 2012 and the Regular City Council Meeting of November 7, 2012.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 81459 through 81548 with a subtotal amount of \$1,564,581.12 and Payroll Checks/Direct Deposit 44952 through 44973 for P.P.E. 11/01/12 for a subtotal amount of \$140,740.63 for a total amount of \$1,705,321.75

2.3 RESOLUTION NO. 2012-7273 AWARDING A TEMPORARY CUSTODIAL CONTRACT TO JANI-KING OF CALIFORNIA, INC. (0900-20)

Adopted resolution.

2.4 RESOLUTION NO. 2012-7271 APPROVING AND ADOPTING THE SIDELETTER OF AGREEMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 221 (SEIU). (0540-50)

Adopted resolution.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

2.5 RESOLUTION NO. 2012-7268 AUTHORIZING THE CITY MANAGER TO SIGN A COMMITMENT LETTER TO THE 2012 RECOVERY STRATEGY FOR THE TIJUANA RIVER VALLEY. (0770-87)

CITY MANAGER BROWN introduced the item.

ENVIRONMENTAL PROGRAM MANAGER HELMER reported on the item.

MAYOR PRO TEM SPRIGGS stressed the importance of the Tijuana River Valley to the region as well as the need for a clean Tijuana River. He questioned the specific efforts involved with the strategy plan and what the cost is to participating agencies.

ENVIRONMENTAL PROGRAM MANAGER HELMER responded that the strategy is to have a collaborative effort between the U.S. and Mexico to control sediment and bacteria. Examples of projects include building sedimentation basins and cleaning up trash on the other side of the border. He spoke about the possibility of participating agencies, such as Imperial Beach working on projects that are funded by grants.

MOTION BY SPRIGGS, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2012-7268 AUTHORIZING THE CITY MANAGER TO SIGN A COMMITMENT LETTER TO THE 2012 RECOVERY STRATEGY FOR THE TIJUANA RIVER VALLEY. MOTION CARRIED BY THE FOLLOWING VOTE:

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

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 ORDINANCE NO. 2012-1131, CHAPTER 13.14 OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO THE REGULATION OF FATS, OILS AND GREASE DISPOSAL IN THE SEWER COLLECTION SYSTEM AND AMENDING SECTION 13.04.040 OF THE IMPERIAL BEACH MUNICIPAL CODE. (0830-95)

CITY MANAGER BROWN reported on the item.

MAYOR JANNEY called for the second reading of the title of Ordinance No. 2012-1131.

CITY CLERK HALD read the title of Ordinance No. 2012-1131 "ADDING CHAPTER 13.14 OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO THE REGULATION OF FATS, OILS AND GREASE DISPOSAL IN THE SEWER COLLECTION SYSTEM AND AMENDING SECTION 13.04.040 OF THE IMPERIAL BEACH MUNICIPAL CODE".

MOTION BY SPRIGGS, SECOND BY BRAGG, TO DISPENSE WITH THE SECOND READING, TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2012-1131 BY TITLE ONLY. MOTION CARRIED BY THE FOLLOWING VOTE:

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

PUBLIC HEARINGS (5.1)

5.1 RESOLUTION NO. 2012-7272 IMPLEMENTING THE PROVISIONS OF SENATE BILL 1186. (0390-40 & 0390-95)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY MANAGER WADE reported on the item.

CITY CLERK HALD announced no public speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY BRAGG, SECOND BY SPRIGGS, TO APPROVE AND ADOPT RESOLUTION NO. 2012-7272 IMPLEMENTING THE PROVISIONS OF SENATE BILL 1186. MOTION CARRIED BY THE FOLLOWING VOTE:

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

MOTION BY SPRIGGS, SECOND BY BRAGG, TO AUTHORIZE A SUPPLEMENTAL OF \$2,200 FOR FY 2012-13 IN THE COMMUNITY DEVELOPMENT, BUILDING DIVISION TO COVER THE COSTS OF IMPLEMENTING THE CASP PROGRAM. THE FUNDS ARE DEDICATED TO PAY FOR THE COSTS FOR TRAINING AND CERTIFICATION OF EXISTING STAFF TO BECOME AN ACCESS SPECIALIST (CASP), TO DEVELOP "BEST PRACTICES" GUIDELINES, AND TO PAY FOR DEVELOPMENT OF MORE EDUCATIONAL AND TRAINING RESOURCES TO PROMOTE COMPLIANCE WITH ADA. MOTION CARRIED BY THE FOLLOWING VOTE:

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

REPORTS (6.2-6.4)

6.2 RESOLUTION NO. 2012-7267 AUTHORIZING CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE SAN DIEGO UNIFIED PORT DISTRICT (PORT DISTRICT) FOR THE ALLOCATION AND USE OF UP TO \$150,000 OF THE PORT DISTRICT'S APPROVED FISCAL YEAR (FY) 2014-2018 CAPITAL IMPROVEMENT PROGRAM (CIP) FUNDS FOR CONSTRUCTION OF THE DATE AVENUE STREET END IMPROVEMENT. (0150-70 & 0720-20)

MAYOR JANNEY announced Item No. 6.2 was removed from the agenda.

6.3 RESOLUTION NO. 2012-7269, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH CREATING THE TEMPORARY POSITION OF SPECIAL PROJECTS MANAGER AND ADOPTING THE JOB DESCRIPTION; AND RESOLUTION NO. 2012-7270, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH APPOINTING MICHAEL MCGRANE AS SPECIAL PROJECTS MANAGER AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SPECIAL PROJECTS MANAGER EMPLOYMENT AGREEMENT. (0510-20 & 0530-50)

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LYON noted for the record that the effective date of the agreement should be November 21, 2012 on page 1 of Resolution No. 2012-7270.

In response to Mayor Pro Tem Spriggs' concern about the employment agreement not listing specific tasks and responsibilities, CITY MANAGER BROWN stated that the tasks will be specific to the winding down of redevelopment.

MOTION BY BRAGG, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2012-7269 CREATING THE TEMPORARY POSITION OF SPECIAL PROJECTS MANAGER AND ADOPTING THE JOB DESCRIPTION. MOTION CARRIED BY THE FOLLOWING VOTE:

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

MOTION BY BILBRAY SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2012-7270 APPOINTING MICHAEL MCGRANE AS SPECIAL PROJECTS MANAGER AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SPECIAL PROJECTS MANAGER EMPLOYMENT AGREEMENT. MOTION CARRIED BY THE FOLLOWING VOTE:

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

6.4 AFFIRMATION OF ADVERTISEMENT OF REQUEST FOR BIDS (RFB) FOR THE ECO-BIKEWAY CONSTRUCTION PROJECT (CIP S05-104). (0680-20)

CITY MANAGER BROWN reported on the item.

City Council discussion ensued. Concern was raised about the project running into the summer months, conflicting with the Sun and Sea Festival, and impacting traffic flow. It was suggested that the project either start earlier or have a shortened project schedule.

PUBLIC WORKS DIRECTOR LEVIEN stated that it is possible to complete the project on schedule, however, unforeseen circumstances could arise resulting in a delay of work. He also stated that it would be a challenge to shorten the project schedule.

**MOTION BY JANNEY, SECOND BY BILBRAY, TO PROCEED WITH THE ADVERTISEMENT
AND OPENING OF BIDS. MOTION CARRIED BY THE FOLLOWING VOTE:**

AYES: COUNCILMEMBERS: BILBRAY, SPRIGGS, JANNEY

NOES: COUNCILMEMBERS: BRAGG

ABSENT: COUNCILMEMBERS: KING

ADJOURNMENT

MAYOR JANNEY announced the Oath of Office Ceremony will take place on December 5th, the December 19th meeting will be cancelled and a Special Meeting will be held on December 12th.

Mayor Janney adjourned the meeting at 7:15 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, MMC
City Clerk

MINUTES

CITY OF IMPERIAL BEACH
CITY COUNCIL
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY
HOUSING AUTHORITY
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY

NOVEMBER 21, 2012

Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

SPECIAL MEETING – 6:00 P.M.

SPECIAL MEETING CALL TO ORDER

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

ROLL CALL BY CITY CLERK

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

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7.1)

7.1 RESOLUTION NO. SA-12-18 AND RESOLUTION NO. HA-12-12 REGARDING PAYMENT OF THE 2003 TAX ALLOCATION BOND DEBT SERVICE PAYMENT FOR NOVEMBER 2012. (0418-50)

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY MANAGER WADE gave a report on the item. He recommended the use of Housing Bond Proceeds to make the November 2012 debt service payment. He stated that the reimbursement of these funds is listed on the third ROPS and was hopeful that the Department of Finance will recognize the reimbursement as an enforceable obligation.

CITY ATTORNEY LYON clarified that the action tonight would be taken under Item No. 7.1 as listed on the Special Agenda.

MOTION BY BILBRAY, SECOND BY SPRIGGS, TO APPROVE AND ADOPT RESOLUTION NO. HA-12-12 AUTHORIZING THE SUCCESSOR AGENCY’S USE AND EXPENDITURE OF LOW AND MODERATE INCOME HOUSING TAX EXEMPT BOND PROCEEDS FROM THE 2003 TAX ALLOCATION BONDS AND RELATED INTEREST EARNINGS TO MAKE THE 2003 TAX ALLOCATION BOND DEBT SERVICE PAYMENT DUE IN NOVEMBER 2012.MOTION CARRIED BY THE FOLLOWING VOTE:

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

MOTION BY BRAGG, SECOND BY SPRIGGS, TO APPROVE AND ADOPT RESOLUTION NO. SA-12-18 AUTHORIZING THE SUCCESSOR AGENCY'S USE AND EXPENDITURE OF LOW AND MODERATE INCOME HOUSING TAX EXEMPT BOND PROCEEDS FROM THE 2003 TAX ALLOCATION BONDS AND RELATED INTEREST EARNINGS TO MAKE THE 2003 TAX ALLOCATION BOND DEBT SERVICE PAYMENT DUE IN NOVEMBER 2012.

Discussion:

MAYOR PRO TEM SPRIGGS commented on the inordinate amount of time City Council and staff is spending on the abolishment of redevelopment and that the decision of the Supreme Court has made the situation even more difficult. He further stated that City Council and staff are doing their best to protect projects, resources and assets. He spoke in support of staff's recommendation and for protecting the general fund reserves.

MAYOR JANNEY also commented on the amount of time and money it is taking to disband redevelopment. He spoke positively about redevelopment funded projects and programs which have improved the City. He expressed disappointment that such projects and programs will no longer be possible due to the elimination of redevelopment.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY BRAGG, SECOND BY SPRIGGS, TO APPROVE AND ADOPT RESOLUTION NO. SA-12-18 AUTHORIZING THE SUCCESSOR AGENCY'S USE AND EXPENDITURE OF LOW AND MODERATE INCOME HOUSING TAX EXEMPT BOND PROCEEDS FROM THE 2003 TAX ALLOCATION BONDS AND RELATED INTEREST EARNINGS TO MAKE THE 2003 TAX ALLOCATION BOND DEBT SERVICE PAYMENT DUE IN NOVEMBER 2012. MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR JANNEY adjourned the meeting at 7:15 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: GARY BROWN, CITY MANAGER *GB*
 MEETING DATE: December 5, 2012 *KV*
 ORIGINATING DEPT.: Kathleen VonAchen
 ADMINISTRATIVE SERVICES DIRECTOR/CITY TREASURER
 SUBJECT: RATIFICATION OF WARRANT REGISTER

BACKGROUND:

None

DISCUSSION:

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

The following registers are submitted for Council ratification.

<u>WARRANT #</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Accounts Payable</u>		
81549-81565	11/15/12	\$ 89,437.55
81566-81588	11/20/12	18,688.08
81589-81594	11/21/12	6,673.80
	Sub-Total	<u>\$ 114,799.43</u>

PAYROLL CHECKS/DIRECT DEPOSIT:

44974-44995	P.P.E. 11/15/12	\$ 133,182.70
	Sub-total	<u>\$ 133,182.70</u>
	TOTAL	<u>\$ 247,982.13</u>

ENVIRONMENTAL DETERMINATION:
Not a project as defined by CEQA

FISCAL IMPACT:
Warrants are issued from budgeted funds.

DEPARTMENT RECOMMENDATION:

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

CITY MANAGER'S RECOMMENDATION:
Approve Department recommendation.

Attachments:

1. Warrant Registers

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
11/15/2012	81549	ISABEL OROSCO	2			204.00
101-3020-422.30-01	10/20/2012	REFUND EXCESS RENTAL COST	9		04/2013	204.00
11/15/2012	81550	ATKINS NORTH AMERICA, INC.	2455			8,666.40
601-5060-436.21-04	10/15/2012	SEP 2012 SEWER SVC FEE ST	1152170	130353	04/2013	8,666.40
11/15/2012	81551	CALIFORNIA AMERICAN WATER	612			1,090.45
101-6040-454.27-02	11/06/2012	05-0092998-9 10/01-11/01	11-26-2012		04/2013	284.84
101-3030-423.27-02	11/06/2012	05-0093917-8 10/01-11/01	11-26-2012		04/2013	78.70
101-5010-431.27-02	11/06/2012	05-0094000-2 10/01-11/01	11-26-2012		04/2013	14.28
101-5010-431.27-02	11/06/2012	05-0094041-6 10/01-11/01	11-26-2012		04/2013	18.14
101-5010-431.27-02	11/06/2012	05-0094076-2 10/01-11/01	11-26-2012		04/2013	18.14
101-5010-431.27-02	11/06/2012	05-0094163-8 10/01-11/01	11-26-2012		04/2013	14.28
101-5010-431.27-02	11/06/2012	05-0094234-7 10/01-11/01	11-26-2012		04/2013	14.28
101-5010-431.27-02	11/06/2012	05-0094268-5 10/01-11/01	11-26-2012		04/2013	56.70
101-5010-431.27-02	11/06/2012	05-0094293-3 10/01-11/01	11-26-2012		04/2013	22.00
101-5010-431.27-02	11/06/2012	05-0094304-8 10/01-11/01	11-26-2012		04/2013	199.98
101-5010-431.27-02	11/06/2012	05-0094973-0 10/01-11/01	11-26-2012		04/2013	369.11
11/15/2012	81552	CVA SECURITY	797			70.00
101-1910-419.20-23	11/01/2012	NOV 2012-EOC	23581	130100	05/2013	30.00
101-1910-419.20-23	11/01/2012	NOV 2012 SPORTS PARK	23682	130100	05/2013	40.00
11/15/2012	81553	COX COMMUNICATIONS	1073			10.93
503-1923-419.29-04	11/02/2012	11/01-11/30 3110015533201	11-22-2012	130126	05/2013	10.93
11/15/2012	81554	EAGLE NEWSPAPER	1204			527.00
245-1240-513.20-06	10/17/2012	HOUSING ELEMENT AD	73642	130022	04/2013	227.00
101-1020-411.28-07	10/17/2012	DISPLAY AD	73642	130208	04/2013	300.00
11/15/2012	81555	KAMAN INDUS TECHNOLOGIES	583			64.26
501-1921-419.28-16	10/22/2012	SUCTION AND RETURN LINE	J994988	130013	04/2013	64.26
11/15/2012	81556	ONE SOURCE DISTRIBUTORS	1071			59.13
101-6040-454.30-02	10/23/2012	LOUVER FACE PLATE	S3885388.001	130014	04/2013	59.13
11/15/2012	81557	PADRE JANITORIAL SUPPLIES	1430			948.10
101-6040-454.30-02	10/24/2012	DISINFECTANT	335414	130025	04/2013	129.30
101-1910-419.30-02	10/31/2012	JANITORIAL SUPPLIES	335729	130025	04/2013	265.91
101-1910-419.30-02	10/31/2012	JANITORIAL SUPPLIES	335788	130025	04/2013	292.52
101-3030-423.30-02	10/24/2012	JANITORIAL SUPPLIES	335370	130025	04/2013	83.96
101-3030-423.30-02	09/17/2012	JANITORIAL SUPPLIES	333804	130025	03/2013	176.41
11/15/2012	81558	PAL GENERAL ENGINEERING INC.	2411			58,639.50
402-5000-532.20-06	10/22/2012	ST IMPRVMENTS P-3B	4		04/2013	58,639.50
11/15/2012	81559	PARTNERSHIP WITH INDUSTRY	1302			1,194.52
101-6040-454.21-04	10/18/2012	P/E 10/15/2012	GS04415	130108	04/2013	1,194.52
11/15/2012	81560	PMI	23			1,159.21
101-6040-454.30-02	10/23/2012	PROTECTIVE GLOVES	0379113	130015	04/2013	544.05

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
101-5010-431.30-02	10/30/2012	DISPOSABLE SAFETY GLOVES	0380242	130015	04/2013	615.16
11/15/2012	81561	PRO LINE PAINT COMPANY	52			423.81
101-6040-454.30-02	10/09/2012	RUST CONVRSN CTG	6437-5	130021	04/2013	119.81
101-6040-454.30-02	10/23/2012	PAINT	6911-9	130021	04/2013	61.40
101-6040-454.30-02	10/29/2012	PAINT/RUST CONVRSN	7056-2	130021	04/2013	242.60
11/15/2012	81562	RCP BLOCK & BRICK INC	115			28.16
601-5060-436.30-02	10/17/2012	MASONRY SAND	1285153	130036	04/2013	28.16
11/15/2012	81563	RECLAIMED AGGREGATES, INC.	2137			455.92
101-5010-431.29-04	10/15/2012	TRUCKS TO RECYCLE	74-ACC-00606	130039	04/2013	200.00
101-5010-431.30-02	10/15/2012	CLASS II BASE	74-MAT-00257	130039	04/2013	255.92
11/15/2012	81564	SAN DIEGO GAS & ELECTRIC	1399			15,746.19
101-3020-422.27-01	11/05/2012	1008 786 9371 09/27-10/26	11-21-2012		04/2013	30.96
101-1910-419.27-01	11/05/2012	1008 786 9371 09/27-10/26	11-21-2012		04/2013	138.82
101-5010-431.27-01	11/05/2012	1008 860 4389 09/25-10/24	11-21-2012		04/2013	84.87
101-3020-422.27-01	11/05/2012	1980 769 7764 09/27-10/26	11-21-2012		04/2013	2,700.74
601-5060-436.27-01	11/05/2012	5263 521 9238 09/25-10/24	11-21-2012		04/2013	10.00
101-6020-452.27-01	11/05/2012	5649 771 4749 09/28-10/29	11-21-2012		04/2013	10.04
101-5010-431.27-01	11/05/2012	5649 771 4749 09/30-10/30	11-21-2012		04/2013	6,712.65
101-5010-431.27-01	11/05/2012	8507 517 8464 09/28-10/29	11-21-2012		04/2013	113.67
601-5060-436.27-01	11/05/2012	8507 517 8464 09/28-10/29	11-21-2012		04/2013	69.31
101-6020-452.27-01	11/05/2012	8507 517 8464 09/27-10/27	11-21-2012		04/2013	901.16
601-5060-436.27-01	11/05/2012	8541 770 1270 09/30-10/30	11-21-2012		04/2013	4,079.01
101-5020-432.27-01	11/05/2012	9169 299 2261 09/25-10/24	11-21-2012		04/2013	894.96
11/15/2012	81565	SPRINT	2040			149.97
101-3020-422.27-05	10/29/2012	09/26/2012-10/25/2012	594768811-059		04/2013	149.97
11/20/2012	81566	ACOM SOLUTIONS, INC	799			275.00
503-1923-419.20-06	10/29/2012	DIGITIZED SIGNATURE	0174442-IN	130367	04/2013	275.00
11/20/2012	81567	AFLAC	120			1,032.58
101-0000-209.01-13	11/08/2012	PR AP PPE 11/01/2012	20121108		05/2013	514.24
101-0000-209.01-13	11/21/2012	PR AP PE 11/15/2012	20121121		05/2013	518.34
11/20/2012	81568	AGRICULTURAL PEST CONTROL	123			95.00
101-6020-452.21-04	10/23/2012	OCT 2012	287681	130101	04/2013	95.00
11/20/2012	81569	AMERICAN MESSAGING	1759			133.06
101-3020-422.21-04	11/01/2012	NOV 2012	L1074045MK	130118	05/2013	133.06
11/20/2012	81570	BDS ENGINEERING INC	372			460.00
202-5016-531.20-06	10/29/2012	OCT 2012	11-19K	111151	04/2013	460.00
11/20/2012	81571	COLONIAL LIFE & ACCIDENT	941			236.28
101-0000-209.01-13	11/08/2012	PR AP PPE 11/01/2012	20121108		05/2013	118.14
101-0000-209.01-13	11/21/2012	PR AP PE 11/15/2012	20121121		05/2013	118.14

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
11/20/2012	81572	COUNTY OF SAN DIEGO RCS	1065				3,677.00
101-3010-421.21-25	11/01/2012	OCT 2012	13CTOFIBN04	130117	05/2013		2,325.50
101-3020-422.21-25	11/01/2012	OCT 2012	13CTOFIBN04	130117	05/2013		53.00
101-3030-423.20-06	11/01/2012	OCT 2012	13CTOFIBN04	130117	05/2013		1,298.50
11/20/2012	81573	D.A.R. CONTRACTORS	1122				347.00
101-3050-425.20-06	11/01/2012	OCT 2012	01001229	130211	05/2013		347.00
11/20/2012	81574	DATAQUICK	1134				75.00
101-1210-413.21-04	11/01/2012	OCT 2012	B1-2091179	130207	05/2013		38.00
101-3020-422.21-04	11/01/2012	OCT 2012	B1-2091179	130207	05/2013		9.50
101-3070-427.21-04	11/01/2012	OCT 2012	B1-2091179	130207	05/2013		27.50
11/20/2012	81575	GTC SYSTEMS INC	1910				97.50
503-1923-419.20-06	10/24/2012	10/12/12 CONSULTING	34288	130447	04/2013		97.50
11/20/2012	81576	I B FIREFIGHTERS ASSOCIATION	214				300.00
101-0000-209.01-08	11/21/2012	PR AP PE 11/15/2012	20121121		05/2013		300.00
11/20/2012	81577	ICMA RETIREMENT TRUST 457	242				6,862.60
101-0000-209.01-10	11/21/2012	PR AP PE 11/15/2012	20121121		05/2013		6,862.60
11/20/2012	81578	INTERSTATE BATTERY OF SAN DIEG	388				92.77
101-6040-454.30-02	10/26/2012	#692 BATTERY	649010859	130012	04/2013		92.77
11/20/2012	81579	LLOYD PEST CONTROL	814				325.00
101-1910-419.21-04	10/11/2012	OCT 2012-CITY HALL	3583477	130097	04/2013		36.00
101-1910-419.21-04	10/11/2012	OCT 2012-FIRE DEPT	3583478	130097	04/2013		36.00
101-1910-419.21-04	10/11/2012	OCT 2012-SHERIFF DEPT	3583664	130097	04/2013		36.00
101-1910-419.21-04	10/12/2012	OCT 2012-MARINA VISTA CTR	3583746	130097	04/2013		53.00
101-1910-419.21-04	10/18/2012	OCT 2012-PUBLIC WORKS	3570783	130097	04/2013		53.00
101-1910-419.21-04	10/23/2012	OCT 2012 DEMPSEY CTR	3571085	130097	04/2013		60.00
101-1910-419.21-04	10/24/2012	OCT 2012 SPORTS PARK	3568911	130097	04/2013		51.00
11/20/2012	81580	QWIK PRINTS	1622				60.00
101-1130-412.21-04	11/01/2012	OCT 2012	123061022	130077	05/2013		60.00
11/20/2012	81581	RANCHO AUTO & TRUCK PARTS	1685				211.14
101-6040-454.30-02	10/23/2012	#619 DENSO	7693-136372	130019	04/2013		98.94
101-6040-454.30-02	10/24/2012	#619 DENSO	7693-136559	130019	04/2013		76.55
101-6040-454.30-02	10/24/2012	#619 OXYGEN SENSOR	7693-136561	130019	04/2013		98.94-
501-1921-419.28-16	11/01/2012	OIL/AIR FILTERS	7693-137333	130019	05/2013		25.74
501-1921-419.28-16	11/01/2012	#600 ROTEX	7693-137341	130019	05/2013		123.01
501-1921-419.28-16	11/01/2012	OIL FILTERS	7693-137344	130019	05/2013		26.79
501-1921-419.28-16	11/01/2012	#60D CREDIT CORE RETURN	7693-137370	130019	05/2013		40.95-
11/20/2012	81582	SEIU LOCAL 221	1821				1,182.88
101-0000-209.01-08	11/21/2012	PR AP PE 11/15/2012	20121121		05/2013		1,182.88
11/20/2012	81583	TREASURER, COUNTY OF S.D.	688				738.45
101-3060-426.21-04	10/24/2012	201/2013 MEMBERSHIP SHARE	UDC 2012-08		04/2013		738.45

FROM 11/15/2012 TO 11/23/2012

BANK CODE 00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
11/20/2012	81584	UNDERGROUND SERVICE ALERT OF	731				48.00
601-5060-436.21-04	11/01/2012	OCT 2012	1020120322	130003	05/2013		48.00
11/20/2012	81585	US BANK	2458				1,260.26
101-0000-209.01-20	11/21/2012	PR AP PE 11/15/2012	20121121		05/2013		1,260.26
11/20/2012	81586	VALLEY INDUSTRIAL SPECIALTIES,	767				135.79
101-6040-454.30-02	10/23/2012	URINAL KIT/WATER SAVER KI	190693	130033	04/2013		135.79
11/20/2012	81587	VORTEX INDUSTRIES, INC.	786				295.00
101-1910-419.21-04	10/26/2012	GLASS ALUMINUM DOOR REPAI	11-703224-1	130096	04/2013		295.00
11/20/2012	81588	WESTERN HOSE & GASKET	836				747.77
601-5060-436.28-01	10/29/2012	TIGER TAILS/LEADER HOSES	271620	130059	04/2013		700.14
601-5060-436.21-04	10/29/2012	VACTOR HOSE REPAIR	271621	130059	04/2013		47.63
11/21/2012	81589	AFLAC	120				4.10
101-0000-209.01-13	11/07/2012	PE 11/15/2012	11-07-2012		05/2013		4.10
11/21/2012	81590	COPY POST PRINTING	1371				308.37
101-1210-413.28-11	10/05/2012	LEAVE SLIPS	23828		05/2013		308.37
11/21/2012	81591	DELTACARE USA	2420				671.66
101-0000-209.01-12	10/25/2012	PR AP PE 10/18/2012	20121025		04/2013		354.57
101-0000-209.01-12	11/08/2012	PR AP PPE 11/01/2012	20121108		05/2013		335.74
101-0000-209.01-12	11/01/2012	NOV 2012 - DENTAL HMO	5011340		05/2013		18.65-
11/21/2012	81592	LEARNSOFT CONSULTING INC	766				3,500.00
101-1210-413.28-04	11/01/2012	TRAINING COUPONS PURCHASE	146672		05/2013		3,500.00
11/21/2012	81593	PREFERRED BENEFIT INS ADMIN IN	37				1,999.48
101-0000-209.01-12	10/25/2012	PR AP PE 10/18/2012	20121025		04/2013		886.07
101-0000-209.01-12	11/08/2012	PR AP PPE 11/01/2012	20121108		05/2013		921.47
101-0000-209.01-12	11/01/2012	NOV 2012 - DENTAL	EIA6702		05/2013		35.74
101-0000-209.01-12	11/01/2012	NOV 2012 - DENTAL INS PRE	EIA6702		05/2013		156.20
11/21/2012	81594	VISION PLAN OF AMERICA	785				190.19
101-0000-209.01-18	10/25/2012	PR AP PE 10/18/2012	20121025		04/2013		90.17
101-0000-209.01-18	11/08/2012	PR AP PPE 11/01/2012	20121108		05/2013		90.17
101-1920-419.29-04	11/01/2012	DEC 2012 - VISION	11-01-2012		05/2013		10.00
101-0000-209.01-18	11/01/2012	DEC 2012 - VISION	11-01-2012		05/2013		.15-

DATE RANGE TOTAL * 114,799.43 *



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: DECEMBER 5, 2012
ORIGINATING DEPT.: JACQUELINE M. HALD, CITY CLERK *JMH*

SUBJECT: LOCAL APPOINTMENTS LIST

BACKGROUND:

Government Code §54972 requires that on or before December 31st of each year, the legislative body shall prepare a Local Appointments List of all appointive terms that will expire during the next calendar year.

DISCUSSION:

In 2013, no terms will expire. Any vacancies that would occur would be unscheduled and notices would be posted as they occur.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Not a project as defined by CEQA.

FISCAL IMPACT:

None.

DEPARTMENT RECOMMENDATION:

It is recommended that the City Council approve the Local Appointments List in compliance with Government Code §54972, and designate the Imperial Beach Branch Library (the public library with the largest service population within its jurisdiction) to receive a copy of the list in compliance with Government Code §54973.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Local Appointments List

**CITY OF IMPERIAL BEACH
2013 LOCAL APPOINTMENTS LIST**

DESIGN REVIEW BOARD COMMITTEE

Qualifications: All members of commissions, boards and committees of the city shall be residents of the city (IBMC Section 2.18.040).

Purpose: All members of the design review board shall investigate, review and evaluate the design, layout and other features of proposed developments and take action, as appropriate, in accordance with the intent and purposes set forth in Chapter 19.83, Design Review (IBMC Section 2.31.030A).

THERE ARE NO SCHEDULED VACANCIES FOR CALENDAR YEAR 2013

TIDELANDS ADVISORY COMMITTEE

Qualifications: All members of commissions, boards and committees of the city shall be residents of the city (IBMC Section 2.18.040).

Purpose: It shall be the duty of the committee to review all matters involving coastal and tidelands issues referred to the committee by resolution of the city council or by the city manager or designee. The city council may delegate particular issues or a general work plan for review and make recommendations within the time limits set out in the referring resolution by the city council (IBMC Section 2.24.050).

THERE ARE NO SCHEDULED VACANCIES FOR CALENDAR YEAR 2013



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER *GB*

MEETING DATE: DECEMBER 5, 2012

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

SUBJECT: ADOPTION OF FAIR POLITICAL PRACTICES COMMISSION FORM 806 – PUBLIC OFFICIAL APPOINTMENTS

BACKGROUND:

The California Fair Political Practices Commission (FPPC) amended FPPC Regulation 18705.5 (Materiality Standard: Economic Interest in Personal Finances) to address public official participation in decisions that would result in the official serving on a position that provides compensation of \$250 or more in any 12-month period. The revised Regulation specifies that before an official can participate in such a decision, the decision making body must first adopt and post on its website, on a form provided by the FPPC, a list that sets forth each appointed position for which compensation is paid, the salary or stipend for each appointed position, the name of the public official who has been appointed to the position and the name of the public official, if any, who has been appointed as an alternate, and the term of the position.

DISCUSSION:

Since the City Council is scheduled to consider appointments to boards and commissions at the December 12, 2012 City Council meeting, City Council must first adopt Form 806 (Attachment 1) and direct the City Clerk to post it on the City's website. The result of adopting Form 806 will be that Councilmembers will no longer have to recuse themselves from decisions regarding appointments to boards and commissions that are listed on the form.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Not a project as defined by CEQA.

FISCAL IMPACT:

None.

DEPARTMENT RECOMMENDATION:

That the City Council adopt Form 806 listing all Council appointments for which compensation is received and direct the City Clerk to post Form 806 on the City's website and update the form as necessary to reflect new appointments and new positions required to be listed on the Form 806.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Form 806

**Agency Report of:
Public Official Appointments**

A Public Document

1. Agency Name City of Imperial Beach <hr/> Division, Department, or Region <i>(If Applicable)</i> City Clerk's Department <hr/> Designated Agency Contact <i>(Name, Title)</i> Jacqueline M. Hald, City Clerk <hr/> <table style="width:100%; border: none;"> <tr> <td style="width:30%; border: none;">Area Code/Phone Number (619) 423-8301</td> <td style="width:30%; border: none;">E-mail jhald@cityofib.org</td> <td style="width:20%; border: none; text-align: center;">Page <u>1</u> of <u>1</u></td> <td style="width:20%; border: none; vertical-align: top;"> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center; font-weight: bold; font-size: 1.2em;">California Form 806</td> </tr> <tr> <td style="text-align: center; font-size: 0.8em;">For Official Use Only</td> </tr> <tr> <td style="text-align: center;">Date Posted: _____</td> </tr> <tr> <td style="text-align: center; font-size: 0.8em;"><i>(Month, Day, Year)</i></td> </tr> </table> </td> </tr> </table>		Area Code/Phone Number (619) 423-8301	E-mail jhald@cityofib.org	Page <u>1</u> of <u>1</u>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center; font-weight: bold; font-size: 1.2em;">California Form 806</td> </tr> <tr> <td style="text-align: center; font-size: 0.8em;">For Official Use Only</td> </tr> <tr> <td style="text-align: center;">Date Posted: _____</td> </tr> <tr> <td style="text-align: center; font-size: 0.8em;"><i>(Month, Day, Year)</i></td> </tr> </table>	California Form 806	For Official Use Only	Date Posted: _____	<i>(Month, Day, Year)</i>
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<i>(Month, Day, Year)</i>									

2. Appointments

Agency Boards and Commissions	Name of Appointed Person	Appt Date and Length of Term	Per Meeting/Annual Salary/Stipend
Metropolitan Transit Systems Board	▶ Name _____ <small style="margin-left: 100px;"><i>(Last, First)</i></small> Alternate, if any _____ <small style="margin-left: 100px;"><i>(Last, First)</i></small>	▶ _____/_____/_____ <small style="margin-left: 100px;"><i>Appt Date</i></small> ▶ <u>1 Year</u> <small style="margin-left: 100px;"><i>Length of Term</i></small>	▶ Per Meeting: \$ <u>150.00</u> ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input checked="" type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <small style="margin-left: 100px;"><i>Other</i></small>
San Diego Association of Governments Board	▶ Name _____ <small style="margin-left: 100px;"><i>(Last, First)</i></small> Alternate, if any _____ <small style="margin-left: 100px;"><i>(Last, First)</i></small>	▶ _____/_____/_____ <small style="margin-left: 100px;"><i>Appt Date</i></small> ▶ <u>1 Year</u> <small style="margin-left: 100px;"><i>Length of Term</i></small>	▶ Per Meeting: \$ <u>150.00</u> ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input checked="" type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <small style="margin-left: 100px;"><i>Other</i></small>
San Diego Association of Governments Board	▶ Name _____ <small style="margin-left: 100px;"><i>(Last, First)</i></small> Alternate, if any <u>(2nd Alt)</u> _____ <small style="margin-left: 100px;"><i>(Last, First)</i></small>	▶ _____/_____/_____ <small style="margin-left: 100px;"><i>Appt Date</i></small> ▶ <u>1 Year</u> <small style="margin-left: 100px;"><i>Length of Term</i></small>	▶ Per Meeting: \$ <u>150.00</u> ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input checked="" type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <small style="margin-left: 100px;"><i>Other</i></small>
Metro Wastewater Commission/JPA	▶ Name _____ <small style="margin-left: 100px;"><i>(Last, First)</i></small> Alternate, if any _____ <small style="margin-left: 100px;"><i>(Last, First)</i></small>	▶ _____/_____/_____ <small style="margin-left: 100px;"><i>Appt Date</i></small> ▶ <u>1 Year</u> <small style="margin-left: 100px;"><i>Length of Term</i></small>	▶ Per Meeting: \$ <u>150.00</u> ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input checked="" type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <small style="margin-left: 100px;"><i>Other</i></small>

3. Verification

I have read and understand FPPC Regulation 18705.5. I have verified that the appointment and information identified above is true to the best of my information and belief.

Signature of Agency Head or Designee

Print Name

Title

(Month, Day, Year)

Comment: _____



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER *GB*
MEETING DATE: DECEMBER 5, 2012
ORIGINATING DEPT.: PUBLIC SAFETY *JC*
SUBJECT: ADOPTION OF RESOLUTION 2012-7279 AUTHORIZING THE CITY MANAGER TO SIGN AMENDMENTS TO THE AGREEMENTS BETWEEN THE CITY OF IMPERIAL BEACH AND THE SAN DIEGO UNIFIED PORT DISTRICT FOR PUBLIC SAFETY AND TIDELANDS MAINTENANCE SERVICES

BACKGROUND:

As of July 1, 2012, the City of Imperial Beach and the San Diego Unified Port District completed the final year of three-year agreements for the provision of Public Safety and Tidelands maintenance services in designated Port areas within the City of Imperial Beach. These include Sheriff, Fire, Emergency Medical, Lifeguard and Animal Control services in the area of Public Safety, and maintenance, landscaping, streets and facilities services related to Tidelands maintenance.

DISCUSSION:

On September 19, 2012, City Council adopted Resolution 2012-7246, extending the Public Safety and Tidelands Maintenance Agreements with the Port of San Diego through November 30, 2012. Negotiations between the Port District and the Cities continue, but will not be complete prior to the November 30, 2012 as anticipated in the current extension. The Port District is therefore requesting an additional four-month extension of the contracts, ending March 31, 2012. The agreement is essentially:

- To engage an extension as allowed in Section 2 of the existing agreement for four additional months
- To include language that makes the new agreements once executed, to apply retroactively to the extension period
- To continue in full force all other terms, covenants and conditions of the original agreements for the duration of the extension.

FISCAL IMPACT:

There is no fiscal impact as a result of this action.

DEPARTMENT RECOMMENDATION:

Adopt Resolution No. 2012-7279 authorizing the City Manager to sign the extensions as presented by the San Diego Unified Port District.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Resolution No. 2012-7279

RESOLUTION NO. 2012-7279

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO SIGN AMENDMENTS TO THE AGREEMENTS BETWEEN THE CITY OF IMPERIAL BEACH AND THE SAN DIEGO UNIFIED PORT DISTRICT FOR PUBLIC SAFETY AND TIDELANDS MAINTENANCE SERVICES.

WHEREAS, the City of Imperial Beach and the San Diego Unified Port District have completed the previous three year contract, and have since entered into an extension to it which ends as of November 30, 2012; and

WHEREAS, the parties continue with negotiations for a new contract and will not be completed prior to the end of the current extension; and

WHEREAS, both parties are interested in executing additional extensions of the prior agreements in order to allow time for the Port District to complete negotiations with the affected Cities and present them to their board for action.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach that the City Manager is authorized to sign Amendment No. 4 to the Agreement Between the San Diego Port District and the City of Imperial Beach for Police, Fire, Emergency Medical, Lifeguard and Animal Control Services, and to sign Amendment No. 4 to the Agreement Between the San Diego Port District and the City of Imperial Beach for Tidelands Maintenance Services, each amendment extending the last fully executed agreements through November 30, 2012.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 5th day of December, 2012, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

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

**AMENDMENT NO. 4 TO AGREEMENT BETWEEN
SAN DIEGO UNIFIED PORT DISTRICT
and
CITY OF IMPERIAL BEACH
for
POLICE, FIRE, EMERGENCY MEDICAL, LIFEGUARD AND
ANIMAL CONTROL SERVICES
AGREEMENT NO. 01-2009**

The parties to this Amendment No. 4 to Agreement are the SAN DIEGO UNIFIED PORT DISTRICT, a public corporation (District) and the CITY OF IMPERIAL BEACH, a municipal corporation (City).

Recitals:

District and City are parties to an Agreement for Police, Fire, Emergency Medical, Lifeguard and Animal Control Services. The Agreement is on file in the office of the District Clerk as Document No. 55351, dated July 9, 2009, as amended by Amendment No.1, Document No. 56834, dated September 13, 2010; Amendment No. 2 Document No. 59127, dated July 2, 2012; Amendment No. 3, Document No. 59435, dated October 15, 2012.

The Parties Agree:

1. As allowed in Section 2, Term of Agreement, this Agreement is extended for an additional four months. Therefore, the Agreement shall cover services rendered from July 1, 2009 to March 31, 2013.
2. As provided in Section 2, Term of Agreement, upon completion of negotiations, Board of Port Commissioners approval, and execution of the documents, the new Agreement will take effect and the extension of the existing agreement will end on the date of the new agreement. The Agreement amount for this extended period will be adjusted based on the final negotiated price for the new Agreement.

* *END OF PAGE* *

3. All other terms, covenants, and conditions in the original Agreement shall remain in full force and effect and shall be applicable to this Amendment.

CITY OF IMPERIAL BEACH

SAN DIEGO UNIFIED PORT DISTRICT

Gary Brown
City Manager

Karen Porteous
Executive Vice President

CITY ATTORNEY

PORT ATTORNEY

**AMENDMENT NO. 4 TO AGREEMENT BETWEEN
SAN DIEGO UNIFIED PORT DISTRICT
and
CITY OF IMPERIAL BEACH
for
TIDELANDS MAINTENANCE SERVICES
AGREEMENT NO. 33-2009**

The parties to this Amendment No. 4 to Agreement are the SAN DIEGO UNIFIED PORT DISTRICT, a public corporation (District) and the CITY OF IMPERIAL BEACH (City).

Recitals:

District and City are parties to an agreement for Tidelands Maintenance Services. The agreement is on file in the office of the District Clerk as Document No. 55592, dated September 30, 2009, as amended by Amendment No. 1, Document No. 56855, dated September 20, 2010, Amendment No. 2, Document No. 59126, dated July 2, 2012 and Amendment No. 3, Document No. 59444, dated October 17, 2012.

The Parties Agree:

1. As allowed in Section 2, Term of Agreement, this Agreement is extended for an additional four months. Therefore, the Agreement shall cover services rendered from October 1, 2009 to March 31, 2013.

2. As provided in Section 2, Term of Agreement, upon completion of negotiations, Board of Port Commissioners approval, and execution of the documents, the new Agreement will take effect and the extension of the existing agreement will end on the date of the new agreement. The Agreement amount for this extended period will be adjusted based on the final negotiated price for the new Agreement.

3. All other terms, covenants, and conditions in the original Agreement shall remain in full force and effect and shall be applicable to this Amendment.

SAN DIEGO UNIFIED PORT DISTRICT

CITY OF IMPERIAL BEACH

Karen Porteous
Executive Vice President

Gary Brown
City Manager

PORT ATTORNEY

CITY ATTORNEY



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER *GB*
MEETING DATE: DECEMBER 5, 2012
ORIGINATING DEPT.: KATHLEEN VONACHEN, ADMINISTRATIVE SERVICES DIRECTOR *KV*
SUBJECT: DISPOSITION OF SURPLUS PROPERTY

BACKGROUND:

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

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

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

City of Imperial Beach Resolution 90-3828 authorized the Administrative Services Director to participate in periodic sales of surplus property by the San Diego County Division of Purchasing and Contracting.

DISCUSSION:

At this time, the City of Imperial Beach has accumulated a number of equipment items that are recommended for transfer to a surplus or unused supplies and equipment category. The following supplies and equipment are recommended for this designation:

1. The items listed in Exhibit “A”.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

Salvage value.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the attached Resolution authorizing the sale / transfer of surplus property as follows:

1. Items listed in Exhibit A, Equipment Inventory List for County Auction

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Resolution 2012-7280
2. Exhibit A – Equipment Inventory List for County Auction

RESOLUTION NO. 2012-7280

A RESOLUTION OF THE CI

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

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 5th day of December 2012, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC

CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Resolution No. 2012-7280 – A Resolution of the City Council of the City of Imperial Beach, California, AUTHORIZING THE SALE OF CERTAIN SURPLUS CITY EQUIPMENT.

CITY CLERK

DATE

**EXHIBIT A – Resolution 2012-7280
IMPERIAL BEACH EQUIPMENT INVENTORY LIST
FOR COUNTY AUCTION**

DATE: December 5, 2012

ITEM	QTY	DESCRIPTION	PROPERTY TAG #
1.	1	Air compressor (4.6CFM@90psi)	n/a
2.	1	50" Zenith Plasma TV (SDCSD #915)	I1083416
3.	1	Toro electric weed trimmer (SDCSD #938)	I1244405
4.	1	Mitsubishi Variable Frequency Drive Unit	n/a
5.	8box	Printer cartridges	n/a
6.	1	Desk telephone	n/a
7.	1	HP C7770B plotter	IB-1174
8.	1	Dosko Root cutter	Fleet 133
9.	1	2000 Mighty Mover Trailer (VIN#4AGCU182XYCO33302)	Fleet 607
10.	1	12" Document Shredder (SDCSD #904)	I0978080
11.	1	PSP video game system (SDCSD #905)	I0988322
12.	1	Minolta Camera (SDCSD #909)	I0373577
13.	1	Sony cybershot camera (SDCSD #913)	I1028970
14.	1	Apple Ipod Nano (SDCSD #920)	I1038910
15.	1	Sony Playstation (SDCSD #921)	I1053846
16.	1	Apple Ipod Shuffle (SDCSD #925)	I1143236
17.	1	Nikon Coolpix camera (SDCSD #929)	I11113433

ITEM	QTY	DESCRIPTION	PROPERTY TAG #
18.	1	Alpine CD car stereo (SDCSD #932)	I11231106
19.	1	Sony cybershot camera w/tripod (SDCSD #933)	I0955044
20.	1	Apple Iphone 4G (AT&T-no SIM) (SDCSD #934)	I1224191
21.	1	Toshiba Variable Frequency Drive Unit	n/a
22.	1	Toshiba Tosvert – 130HI Transistor Inverter	n/a
23.	1	27" Sylvania DVD/VCR/TV Model #6727DD	n/a
24.	1	27" Sylvania TV Model #SST4272	n/a
25.	2	TV Stands w/ casters	n/a
26.	6	Adjustable computer workstations	n/a
27.	1	Pro Traveler 3 Stereo System	n/a
28.	2	Printer: HP LaserJet M1522nf	n/a
30.	1	Printer: Canon H12255	n/a
31.	1	Printer: Epson Stylus Cx6600	n/a
32.	1	Printer: HP LaserJet 1320	n/a
33.	1	Printer: HP LaserJet 4250n	n/a
34.	1	Monitor: HP L1906	n/a
35.	1	Switch: Anatel C3560G	n/a
36.	1	Power Surge: APC RS 800	n/a



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER *GB*

MEETING DATE: DECEMBER 5, 2012

ORIGINATING DEPT.: CITY MANAGER

SUBJECT: ADOPTION OF RESOLUTION NO. 2012-7274 AMENDING FISCAL YEAR 2011-2013 SALARY AND COMPENSATION PLAN TO ADD THE POSITION DESCRIPTION AND SALARY RANGE FOR HUMAN RESOURCES ANALYST & ADOPTION OF RESOLUTION NO. 2012-7275 APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND CYNTHIA TITGEN FOR HUMAN RESOURCES CONSULTING SERVICES

BACKGROUND:

It is the responsibility of the City Manager to recommend to the City Council proposed revisions to the City's Classification and Salary Schedule as needed for the efficient and effective operation of the City. The City's current Human Resources Manager will retire from city service effective December 31, 2012. As a cost savings measure, staff proposes not filling the Human Resources Manager position and instead reclassifying the current Human Resources Technician as a "Human Resources Analyst" to provide the required human resources administrative support to the City Manager's Department. In order to do so, however, the classification of Human Resources Technician must be established as it is not currently a City job classification.

Although the duties performed by the Human Resources (HR) Manager have been a vital part of City operations, the City's current HR Technician has, for the past several years, either performed or provided substantial support in carrying out these duties. Staff believes, therefore, that elevating and reclassifying the HR Technician to an HR Analyst position and utilizing this position to absorb the responsibility of the former HR Manager would most optimally and cost effectively support the City Manager's Department in the performance of the City's HR duties. To offset the loss of the HR Manager position, therefore, the newly-created HR Analyst will be taking over the day-to-day human resources functions of the City.

Additionally, on April 1, 2011, the City entered into a professional services agreement for benefit consultant services with Cynthia Titgen to complete and implement a Study of Employee Benefits. Based upon of this study, recommended changes were proposed and then implemented within approximately one year after initiation of the study. On May 2, 2012, the City amended Ms. Titgen's professional services agreement to provide "extension of staff"

services during the HR Technician's maternity leave.

DISCUSSION:

The positions of HR Manager plus the Human Resources Technician cost the City \$183,790 annually in salary and benefits. As proposed, the position of HR Analyst would cost the City \$794,200 annually in salary and benefits. Therefore, by keeping the HR Manager position vacant and reassigning those job responsibilities to the position of HR Analyst, the City would save approximately \$89,590 per year.

In other cities, the monthly salary for the position of HR Analyst ranges from \$5,756 to \$7,744. Staff recommends that the monthly salary band for the HR Analyst be set at \$4,065 to \$5,227 per month. At the top of this salary band, total compensation for this position, including benefits, will cost the City approximately \$94,200 per year. This is lower than similar positions in other cities within San Diego County and would still be lower than the current salary of the HR Manager.

Based on the duties of the position and study of similar job classifications/positions in other cities, staff has prepared the attached job description which properly describes the duties of the proposed job classification and is more appropriately identified as a Human Resources Analyst.

Additionally, as mentioned above, the City has found Ms. Titgen's consulting services and experience to be a highly valuable and desirable asset to the City, particularly in this time of staff transition. Therefore, based on the savings, and to supplement the City's HR needs after the departure of the HR Manager, staff recommends that the City Council authorize the City Manager to execute a Second Amendment to Ms. Titgen's professional services agreement in an amount not to exceed \$30,000 to provide assistance to staff on human resources projects, programs and analyses.

FISCAL IMPACT:

Human Resources Manager Annual Salary and benefits	\$113,540
Human Resources Technician Annual Salary and benefits	<u>\$ 70,250</u>
Total cost for both positions	\$183,790
Ongoing savings per year	\$ 89,590
Cynthia Titgen Professional Services	\$30,000
Human Resources Analyst Annual Salary and benefits	<u>\$94,200</u>
Total cost for both positions	\$124,200
Ongoing savings per year during 12 month transition	\$ 59,590

By keeping vacant the Human Resources Manager position and appointing the Human Resources Technician to the newly-created Human Resources Analyst position, the City will realize a cost savings of approximately \$89,590 in the first year, decreasing over time with expected merit increases of 5% annually. Even with the additional HR support provided by the proposed continuation of a professional services agreement with Ms. Titgen, the City would still save approximately \$59,590 per year in the first year after implementation of these staffing assignments.

DEPARTMENT RECOMMENDATION:

That the City Council:

1. Adopt Resolution No. 2012-7274 amending the Fiscal Years 2011-2013 Salary and Compensation Plan by adding the position and salary range for Human Resource Analyst; and
2. Adopt Resolution No. 2012-7275 approving and authorizing the City Manager to execute a second amendment to the professional services agreement between the City of Imperial Beach and Cynthia Titgen for Human Resources Consulting Services.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Resolution No. 2012-7274
2. Human Resources Analyst Job Description
3. Resolution No. 2012-7275
4. Second Amended Professional Services Agreement for Cynthia Titgen

RESOLUTION NO. 2012-7274

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING THE FISCAL YEARS 2011-2013 SALARY AND COMPENSATION PLAN BY ADDING THE POSITION DESCRIPTION AND SALARY RANGE FOR HUMAN RESOURCES ANALYST

WHEREAS, the provisions of Ordinance No. 41 of the City of Imperial Beach provides that the compensation and position descriptions of the employees of the City of Imperial Beach may be amended by the City Council from time to time by resolution; and

WHEREAS, the City Manager is recommending revisions to the City's Classification and Salary Schedule as necessary for the efficient and effective operation of the City; and

WHEREAS, the City desires to create and add the job classification of Human Resources Analyst at the salary band of four thousand sixty-five dollars (\$4,065) per month to five thousand two hundred twenty-seven dollars (\$5,227) per month.

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

1. The above recitations are true and correct.
2. The Fiscal Year 2011-2013 Salary and Compensation Plan is hereby amended by creating the job description and classification for Human Resources Analyst and establishing the salary band at \$4,065 to \$5,227 per month for this job classification.
3. That the current Human Resources Technician will assume the title and responsibilities of the Human Resources Analyst.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 5th day of December 2012, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK

**City of Imperial Beach
POSITION DESCRIPTION**

Title:	Human Resources Analyst	Job Number: 3042
Department:	Personnel/City Manager	Workers' Comp Number: 8810
Division:	Personnel	Union: Mid-Management
Date:	December 5, 2012	Salary: Band

GENERAL PURPOSE

Under administrative direction, to perform a variety of professional level administrative, technical and analytical duties in support of the City's human resources functions including recruitment, selection, classification and compensation, benefit administration, workers' compensation, and related functions; provide information to City employees and the general public regarding human resources activities, policies, and procedures; assist in labor relations activities; act as the department liaison; and perform a variety of professional tasks in support of assigned area of responsibility.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the City Manager and Assistant City Manager.

May supervise paraprofessional and clerical/administrative, temporary and volunteer staff.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The following duties are typical for this classification. Incumbents may not perform all of the listed duties and/or may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.

Recruitment, Staffing, and Selection

Perform recruitment and selection activities including job announcement development, advertising for publications, newspapers, job circulars and other listings; distribute and post job announcements; communicate job openings to all departments; post job announcements to the City's web site; respond to requests for information regarding job openings; review and evaluate applications for conformance with recruitment requirements; maintain recruitment files; order written examinations; schedule, proctor, and score examinations; compose applicant correspondence; assist in selecting and instructing interview boards, assessment centers, performance and physical agility examinations; schedule oral board interviews and final selection interviews; schedule facilities for examinations and interviews; establish eligibility lists; coordinate final selection of candidates; verify employment references; coordinate appointments for new employee medical examinations and fingerprint processing; conduct new employee orientations; conduct exit processing and interviews for terminating employees; coordinate and arrange temporary employment and workfare personnel placements for City departments; may represent the City at job fairs and other employment related functions.

Benefit Administration, Leave and Disability Management

Administer the day-to-day activities of the City's benefit plans and retirement programs; deal with vendors on a variety of matters, including billing and employee coverage issues; explain benefits and retirement programs to employees; assist employees with benefit transactions, and respond to employee questions and inquiries regarding benefits; process enrollment transactions via manual and automated systems; coordinate the annual open enrollment and health fair; may conduct presentations regarding benefits and retirement programs; assist in the overall management of the workers' compensation program via a Third Party Administrator; review initial workers' compensation claims and determine type of claim to be established; assist in overseeing the Third Party Administrator's claims handling, policies, and procedures; serve as liaison with injured worker claims; work closely with injured employees and department managers regarding return to work issues; ensure compliance with the Consolidated Omnibus Budget Reconciliation Act (COBRA), the Health Insurance Portability and Accountability Act (HIPAA), the Family and Medical Leave Act (FMLA), and other State and Federal regulations; coordinate City's leave administration program, including leave designation, monitoring, and follow-up with employees; participate in reasonable accommodation meetings as necessary; coordinate catastrophic leave program; assist in the implementation of employee benefit plans and employee development programs; participate and maintain records for the health insurance committee.

Employer-Employee Labor Negotiations

Assist in employer-employee labor negotiations with various bargaining units; conduct and respond to salary, benefit, and classification surveys for the purposes of compensation administration and bargaining unit negotiations; compute and compile survey data and prepare various charts and graphs; work with the Finance Department to calculate negotiated costs.

General Human Resources Administration

Receive, verify, and process employee payroll transactions; coordinate activities with payroll staff and operating departments; provide assistance with employee relations issues; consult with managers and employees regarding the interpretation of personnel practices, policies, and procedures including related laws and regulations; provide information and assistance to departmental personnel regarding employee evaluations; assist with disciplinary actions and other employee relations issues; coordinate and monitor City-wide performance evaluation notifications; coordinate the City's tuition reimbursement and computer loan programs; assist in the development, implementation and improvement of systems and procedures pertaining to human resources functions and operations; prepare and revise class specifications; prepare manuals and materials related to personnel policies and procedures; maintain and update the City's participation in salary and compensation data bases; participate in professional associations and attend association meetings to stay abreast of current developments in human resources.

Budget Administration

Participate in the development and administration of departmental budget; run and monitor expenditure reports; may participate in the forecast of funds needed for benefits, staffing, and professional services; recommend budget adjustments as necessary; coordinate accounts payable processing for the Human Resources Department.

Other Duties and Assignments

Administer the City's employee service award program, including tracking of employees to be recognized; compose and type letters, memoranda, and other correspondence related to assigned human resources programs and activities; perform data entry and prepare related reports; prepare and maintain a variety of files, logs, and records; ensure compliance with State and Federal laws.

DESIRED MINIMUM QUALIFICATIONS

To perform a job in this classification, an individual must be able to perform the essential duties as generally described in this specification. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential duties in this specification. The requirements listed below are representative of the knowledge, skills and/or abilities required.

Knowledge of

Basic understanding of methods and principles of employee classification, compensation, benefits, workers' compensation, recruitment and selection, training, labor relations, human resources administration and functions, data collection and survey methods; filing and record keeping; pertinent Federal, State, and local laws, codes, and regulations; methods and techniques of research and analysis of personnel administrative and statistical data; principles of city government organization, functions, and management; principles and practices of customer service; modern office practices and procedures; basic knowledge of accounting principles and practices; basic principles of business mathematics, basic letter writing and report preparation; basic methods and techniques of public speaking; knowledge of computer and applicable software applications, including Microsoft Office programs: Word, Excel, Outlook, Publisher, and PowerPoint.

Ability to

Exercise good judgment and confidentiality in maintaining critical and sensitive information; interpret and apply policies and procedures, labor agreements, benefit standards, laws and regulations; maintain and update accurate and confidential records and files; respond to requests and inquiries from City employees and the general public; explain and interpret human resources procedures, policies, and rules; research and respond to requests for information; research, compile, analyze, and interpret data; understand, interpret, and apply general and specific administrative and departmental policies and procedures; effectively represent the City to employees and outside individuals and agencies; interpret and apply applicable Federal, State, local policies, laws and regulations; stay abreast of new trends and innovations in field of human resources.

Perform a full range of technical, advanced clerical and routine administrative work involving the use of independent judgment, flexibility, creativity, sensitivity, and personal initiative; work independently and efficiently to carry out assignments; work under steady pressure with frequent interruptions and a high degree of public contact by phone, email or in person; organize duties to meet priorities and deadlines, coordinate projects, and adapt to changing priorities; work cooperatively with other departments; understand and carry out oral and written instruction; communicate clearly and concisely, both orally and in writing; establish and maintain effective relationships with those contacted in the course of work.

EDUCATION AND EXPERIENCE

Any combination equivalent to education and experience that would likely provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the knowledge, skills, and abilities would be:

Education

A Bachelor's degree from an accredited college or university in Human Resources Management, Business Administration, Public Administration, or related field of study; and

Training and Experience

Two (2) years of responsible professional human resources administration experience. A Master's Degree in a related field may be substituted for one (1) year of required experience that provides a generalist background. Experience in public sector is highly desirable.

Licensing Requirements

Possession of a valid "C" California driver's license with a satisfactory driving record.

WORK AND PHYSICAL ENVIRONMENT

The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.

Environment

Standard office setting; on an intermittent basis sit at desk for long periods of time; exposure to computer screens; public contact and interaction.

Physical

Primary functions require sufficient physical ability to work in an office setting and operate office equipment; continuous sitting and upward and downward flexion of neck; fine finger dexterity; light to moderate finger pressure to manipulate keyboard, equipment controls, and office equipment; pinch grasp to manipulate writing utensils; frequent side-to-side turning of neck, walking, standing, bending, stooping, pushing/pulling, and twisting at waist; moderate wrist torque to twist equipment knobs

and dials; lifting objects weighing up to 20 lbs. from below waist to above shoulders and transporting distances up to 50 yards; occasional squatting, kneeling, and reaching above and at shoulder height; moderate grasp to manipulate reference books and manuals; lifting objects weighing 20-35 lbs. from below waist to above shoulders and transporting distances up to 50 feet; may require occasional attendance at off-site trainings, job fairs, and seminars; travel from site to site to conduct business related to human resources training, administration, and staffing.

Vision

See in the normal visual range with or without correction; vision sufficient to read computer screens and printed documents and to operate equipment.

Hearing

Hear in the normal audio range with or without correction.

TOOLS AND EQUIPMENT

Basic office equipment, including office telephone, personal computer, printer, ten-key calculator, facsimile, copier, and postage machine.

SELECTION GUIDELINES

Formal application, rating of education and experience, oral interview, reference check, and job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approval: _____
City Manager

Approval: _____
Personnel Administrator

Resolution No. 2012-7274

Effective Date: December 5, 2012

RESOLUTION NO. 2012-7275**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND CYNTHIA TITGEN FOR HUMAN RESOURCES CONSULTING SERVICES**

WHEREAS, on April 1, 2011, the City of Imperial Beach (the City) entered into a professional services agreement with Cynthia Titgen to provide Employee Benefits Consultant Services to complete and implement a Study of Employee Benefits (the Study); and

WHEREAS, the recommendations of the Study were presented to staff and changes/implementations were completed within approximately one year; and

WHEREAS, on May 2, 2012, the City amended Ms. Titgen's professional services agreement to provide additional "extension of staff" services necessitated by staffing needs created, in part, by the Human Resources Technician's maternity leave; and

WHEREAS, due to the expected retirement of the City's current Human Resources Manager on December 31, 2012, and as a cost savings measure, staff is proposing to keep the Human Resources Manager position vacant and instead create a Human Resources Analyst classification/position and appoint the current Human Resources Technician to the Human Resources Analyst position to provide human resources services for the City; and

WHEREAS, to supplement the City's Human Resources staffing needs, the City also proposes to extend the human resources professional services agreement with Cindy Titgen by executing a second amendment to her current agreement with the City to provide continued services in support of the Human Resources staff of the City.

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

1. That the above recitals are true and correct.
2. That the City Manager is authorized to execute a Second Amendment to the professional services agreement with Cynthia Titgen to provide continued extension of staff services for the City's Human Resources staff in an amount not to exceed \$30,000.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 5th day of December, 2012, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

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

**SECOND AMENDMENT - PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF IMPERIAL BEACH AND CYNTHIA TITGEN
FOR SPECIALIZED SKILLS OF HUMAN RESOURCES, BENEFITS,
POLICY AND PROCEDURES CONSULTING**

This SECOND AMENDED PROFESSIONAL SERVICES AGREEMENT is made this 5th day of December, 2012, by and between the CITY OF IMPERIAL BEACH, hereinafter referred to as "CITY" and "Cynthia Titgen," hereinafter referred to as "CONSULTANT" both of whom understand as follows:

WHEREAS, CITY and CONSULTANT wish for this Second Amended Professional Services Agreement to amend the terms of the Original Agreement dated April 1, 2011 and May 2, 2012, regarding this subject matter and for the new terms to be effective as of December 5, 2012; and

WHEREAS, CITY and CONSULTANT wish for all terms of the Original Agreement and First Amendment referenced above to remain effective to the extent they are not amended by this Second Amended Professional Services Agreement; and

WHEREAS, CITY desires CONSULTANT to furnish professional services related to human resources consulting for the CITY; and

WHEREAS, CITY has determined that CONSULTANT is qualified by experience and ability to perform the services desired by CITY, and CONSULTANT is willing to perform such services, and

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

Section 1. EMPLOYMENT OF CONSULTANT

CITY hereby agrees to engage CONSULTANT and CONSULTANT hereby agrees to perform the services hereinafter set forth, in accordance with all terms and conditions contained herein. CONSULTANT represents that all professional services required hereunder will be performed directly by CONSULTANT and CONSULTANT will not employ any persons for the purposes of performing work under this Contract.

Section 2. SCOPE OF SERVICES

CITY retains CONSULTANT to review and advise the CITY on specialized skills of matters related to employee benefits, recruitment and selection, classification and compensation, employee and labor relations, training, policy and procedure development, compliance with State and Federal regulations, and other special projects and analysis.

CONSULTANT's recommendations shall be to improve the efficiency of service delivery and increase the effectiveness of service delivery.

CONSULTANT shall be considered a member of the CITY's Human Resources Department within the CITY for purposes of determining CONSULTANT's right to access information in the Department's possession, and CONSULTANT shall be under the same obligations imposed on City personnel in a similar situation to maintain the confidentiality of information.

CONSULTANT shall, in a professional manner, personally furnish all of the labor necessary or proper to perform and complete the work and provide the professional services required of CONSULTANT by this Agreement. CONSULTANT shall perform the obligations and tasks, in compliance with all applicable federal, state, and local laws and regulations and with the standard of care applicable to CONSULTANT's profession. CONSULTANT agrees and warrants that she has and will maintain all licenses, permits, and credentials necessary to perform the work required by this Agreement.

Section 3. PROJECT COORDINATION AND SUPERVISION

The CITY MANAGER or designee is hereby designated as the PROJECT COORDINATOR for CITY and will monitor the progress and execution of this Agreement. CONSULTANT shall have overall responsibility for the progress and execution of this Agreement for CONSULTANT.

Section 4. TOTAL COST COMPENSATION

The cost for all work described above shall be charged at a rate of eighty dollars (\$80.00) per hour for work provided and shall present itemized written request for such payment on a bi-weekly or monthly basis. Total compensation shall not exceed \$\$30,000 for work done on or after December 5, 2012. The CONSULTANT will work hours as mutually agreed by the PARTIES, and CITY will process CONSULTANT'S statement and make payment within thirty (30) days of receipt by CITY of CONSULTANT'S statement.

Section 5. LENGTH OF CONTRACT

The term of this Agreement shall be deemed to have commenced on December 5, 2012, and shall continue on an as-needed basis for a period to be determined by CITY, unless otherwise terminated in accordance with Section 7 ("Termination") of this Agreement.

Section 6. OWNERSHIP OF DOCUMENTS

All documents, data, studies, drawings, maps, models, photographs and reports prepared by CONSULTANT under this Agreement shall be considered the property of CITY. CONSULTANT may retain such copies of said documents and materials as desired, but shall deliver all original materials to CITY.

Section 7: TERMINATION

This AGREEMENT shall commence on December 5, 2012, and continue until terminated by CITY or CONSULTANT with fifteen (15) days written notice. Specific work hours and site of work will be mutually agreed upon by the CONSULTANT and CITY MANAGER. If the Agreement is terminated by CITY as provided herein, CONSULTANT shall be paid for all effort and material expended on behalf of CITY under the terms of this Agreement, up to the effective date of termination.

Section 8. HOLD HARMLESS

CONSULTANT agrees to indemnify, defend, save and hold harmless CITY, its elected officials, officers, agents and employees harmless from any and all liability, claims, damages, or injuries to any person, and all expenses of investigating and defending against same which arise from or are connected with CONSULTANT's performance of or failure to perform the work or other obligations of this Agreement, or are caused or claimed to be caused by the negligent acts of CONSULTANT.

Section 9. ASSIGNABILITY

This Agreement shall not be assigned by either party without prior written approval of the other.

Section 10: INDEPENDENT CONTRACTOR

CONSULTANT shall be an independent contractor and not an agent of CITY hereunder. Any provision in this Agreement that may appear to give CITY the right to direct CONSULTANT as to the details of doing the work or to exercise a measure of control over the work means that CONSULTANT shall follow the direction of the CITY as to end results of the work only.

Section 11. AUDIT OF RECORDS

At any time during normal business hours and as often as may be deemed necessary the CONSULTANT shall make available to a representative of CITY for examination all of its records with respect to all matters covered by this Agreement and will permit CITY to audit, examine and/or reproduce such records.

Section 12. ATTORNEY'S FEES

In the event of litigation over the performance of the Agreement, the prevailing party shall be entitled to attorney's fees and costs incurred during the course of litigation.

Section 13. NOTICES

All communications to either party by the other party shall be deemed made when received by such party at its respective name and address, as follows:

Gary Brown
City Manager
City of Imperial Beach
825 Imperial Beach Blvd.
Imperial Beach, CA 91932

Cynthia Titgen
12818 Carriage Heights Way
Poway, CA 92064

Any such written communications by mail shall be conclusively deemed to have been received by the addressee five days after the deposit thereof in the United States Mail, postage prepaid and properly addressed as noted above.

Section 14. WORK PRODUCT AND CONFIDENTIAL COMMUNICATIONS

A. CONSULTANT acknowledges and agrees that all written and oral communications between CITY (including any and all of its personnel) and CONSULTANT, and all work and services performed by CONSULTANT pursuant to this Agreement, are intended to be within the course and scope of the confidential review and analysis as provided in this Agreement. CONSULTANT shall not disclose any written or oral communications between CITY and CONSULTANT, without the prior written consent of CITY, or in accordance with a duly-issued court order.

B. CONSULTANT shall not make any statements to the news media regarding any information related to the services provided under this Agreement.

Section 15. INSURANCE

A. During the term of this Agreement, CONSULTANT shall maintain automobile liability insurance for any vehicle used in connection with the performance of services, which insurance will have coverage limits of not less than \$100,000 per claimant and \$300,000 per incident.

B. CONSULTANT shall maintain during the term of this Agreement workers' compensation insurance in accordance with the provisions of Section 3700 of the California Labor Code, if applicable. This provision shall not apply if CONSULTANT has no employees performing work under this Agreement. If the CONSULTANT has no employees for the purposes of this Agreement, CONSULTANT shall sign the "Certificate of Exemption from Workers' Compensation Insurance" which is attached hereto as Exhibit A.

Section 16. GOVERNING LAW

This Agreement shall be governed and construed in accordance with the laws of the State of California.

Section 17. ENTIRE AGREEMENT

This Agreement sets forth the entire understanding of the parties with respect to the subject matters herein. There are no other understandings, terms or other agreements expressed or implied, oral or written, except as set forth herein.

This SECOND AMENDED PROFESSIONAL SERVICES AGREEMENT supersedes all prior offers, negotiations and agreements, including, but not limited to, the September 22, 2010 Letter Agreement for A Study of Employee Benefits and the corresponding October 21, 2010 Letter Agreement for Additional Consulting Services – Implementation of Benefits Study, and the February 27, 2012 Side Letter Agreement to Proceed, and May 2, 2012 First Amended Professional Services Agreement. Any ongoing obligations of Consultant under these or other agreements, including, but not limited to, indemnity obligations, shall remain in full force and effect.

The terms of the Original Agreement dated April 1, 2011 and First Amended Professional Services Agreement dated May 2, 2012, shall remain effective to the extent they are not amended by this Second Amended Professional Services Agreement.

IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF IMPERIAL BEACH, a
municipal corporation

CONSULTANT

Gary Brown, City Manager

Cynthia Titgen



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER *AB*
MEETING DATE: DECEMBER 5, 2012
ORIGINATING DEPT.: JACQUELINE M. HALD, CITY CLERK *JMH*
SUBJECT: ROTATION OF MAYOR PRO TEMPORE DUTIES

BACKGROUND:

According to California Government Code 36801, the City Council shall meet at the meeting at which the declaration of the election results for a general municipal election is made pursuant to Sections 10262 and 10263 of the Elections Code and, following the declaration of the election results and the installation of elected officials, choose one of its number as mayor pro tempore. Additionally, according to Imperial Beach Municipal Code 2.10.010, the City Council shall, at the next meeting after the first meeting in December, choose one of its members as Mayor pro tempore. Since there is a conflict on the selection process between the California Government Code and the Imperial Beach Municipal Code, State Code will take precedence over the local code.

DISCUSSION:

The Mayor Pro Tempore has all of the powers and duties of the Mayor when the Mayor is absent or unable to act (Imperial Beach Municipal Code Section 2.10.020). The Mayor Pro Tempore shall serve on a rotating basis and be seated at the first meeting in January as provided in Council Policy No. 112.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Not a project as defined by CEQA.

FISCAL IMPACT:

None.

DEPARTMENT RECOMMENDATION:

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

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

- 1. Council Policy No. 112

CITY OF IMPERIAL BEACH
COUNCIL POLICY

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

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

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

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



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER *GB*

MEETING DATE: DECEMBER 5, 2012

ORIGINATING DEPT.: CITY MANAGER

SUBJECT: ADOPTION OF ORDINANCE NO. 2012-1133 AND RESOLUTION NO. 2012-7278 REGARDING THE ADMINISTRATIVE SERVICES DIRECTOR POSITION

BACKGROUND:

The City recently hired a new Administrative Services Director, and in that process drafted an updated Position Description for the position. As a result of the changes to Position Description for Administrative Services Director, it is necessary to amend a number of sections of the Imperial Beach Municipal Code to accurately reflect the duties and title for the position. Additionally, the Position Description needs to be approved by the City Council, along with the compensation for the position, which must be set by ordinance or resolution based upon state law because it includes responsibility for the duties of the City Treasurer.

DISCUSSION:

The updated Position Description for the Administrative Services Director includes Finance, Treasury, Information Technology and Risk Management. This updated Position Description needs to be approved by the City Council, along with the compensation for the position, which pursuant to Government Code section 36517, must be established by ordinance or resolution, because the Administrative Services Director is responsible for the City Treasurer's duties. The attached Resolution is for the purpose of obtaining the City Council's approval of the Position Description and compensation for the position.

The attached Ordinance adds a new section 2.17.020 to the Imperial Beach Municipal Code, to clarify that the Administrative Service Director also serves as the City Treasurer, and to set forth the City Treasurer's duties. Because the Municipal Code contains a number of outdated references to "Finance Director," the Ordinance also amends these sections to reflect the more accurate position title of "Administrative Services Director," along with some other minor cleanup amendments. Finally, Section 2.56.020 of the Imperial Beach Municipal Code is being repealed because it is outdated and unnecessary since the City Council adopts the designated employees and conflict of interest code biannually pursuant to state law. There is no requirement that designated employees pursuant to the conflict of interest code be part of the City's municipal code.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

None.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council:

1. Receive this report;
2. Adopt Resolution 2102-7278.
3. Introduce Ordinance No. 2012-1133, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH ADDING SECTION 2.17.020, REPEALING SECTION 2.56.020, AND AMENDING VARIOUS SECTIONS OF THE MUNICIPAL CODE CONCERNING THE ADMINISTRATIVE SERVICES DIRECTOR";
4. City Clerk reads title of Ordinance No. 2012-1133; and
5. Motion to dispense first reading of Ordinance No. 2012-1133 and set the matter for adoption at an adjourned regular City Council meeting of December 12, 2012.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Resolution No. 2012-7278, with Exhibit A – Position Description for Administrative Services Director
2. Ordinance No. 2012-1133

RESOLUTION NO. 2012-7278

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING THE REVISED POSITION DESCRIPTION FOR ADMINISTRATIVE SERVICES DIRECTOR AND ESTABLISHING THE COMPENSATION FOR THE POSITION

WHEREAS, the Position Description for the Administrative Services Director has been revised in order to include Finance, Treasury, Information Technology and Risk Management; and

WHEREAS, the Administrative Services Director is responsible for the duties of the City Treasurer, according to the Position Description and Imperial Beach Municipal Code section 2.17.020, and

WHEREAS, Government Code section 36517 requires that the compensation for the city treasurer be established by ordinance or resolution, therefore, there is a need to establish the compensation for the Administrative Services Director by resolution in order to comply with state law.

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

1. That the revised Position Description for the Administrative Services Director dated December 5, 2012, attached hereto as Exhibit A, is hereby approved.
2. That the compensation for the Administrative Services Director position is established at \$5,807 to \$10,452.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 5th day of December 2012, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

City of Imperial Beach
Position Description

Title:	Administrative Services Director	Job Number:	2010
Department:	Finance	Workers' Comp Number:	8810
Division:	Management	Employee Labor Group:	Management
Location:	City of Imperial Beach		

GENERAL PURPOSE

Under administrative direction of the City Manager, to plan, organize, direct and coordinate the City's Administrative Services Department which include but are not limited to Finance, Treasury, Information Systems, and Risk Management; to perform highly responsible and complex professional administrative work; Provides professional assistance to City management staff in all assigned functional areas; Provides leadership to staff and as a member of the executive team in fostering cooperative working relationships with officials, staff, citizens, and regulatory agencies; and to do related work as required.

Finance: Oversees and is responsible for planning and execution of all financial and related functions and activities, including accounting, processing financial transactions, reporting and record keeping, processing payroll, billing, developing and implementing financial policies and rules to maintain and improve internal controls, and overseeing financial and management systems and technology services. Functions as the Chief Financial Officer for the City, and coordinates the production and the administration of the City's budget and work program.

Treasury: Oversees and is responsible for planning and execution of all investing, revenue receipts processing and collections, developing and implementing internal controls and investment policies to maintain the safety of the City's cash assets, monitoring cash flow and liquidity, issuance of municipal bonds, and adhering SEC annual and continuing disclosure requirements and bond covenant requirements. Functions as the City Treasurer.

Information technology: Oversees and is responsible for planning and execution of all technology and communication programs and activities including: network & systems management, advising management on technology and communication issues, developing and administering capital & operating technology & communication budgets, developing and implementing technology and communication policies and procedures.

Risk Management: Oversees and is responsible for planning and execution of all risk management and related functions and activities, including: general liability insurance, property insurance, worker's compensation insurance and other related insurance and other related insurance programs of the City, developing and implementing risk management policies and procedures to maintain and improve employee & community safety and ensure the City has appropriate risk management measures in place to protect the City's financial assets and safeguard City employees.

SUPERVISION RECEIVED

Works under the direct supervision of the City Manager

SUPERVISION EXERCISED

Exercises supervision over all personnel in the Administrative Services Department

ESSENTIAL DUTIES AND RESPONSIBILITIESGeneral Administrative Services Responsibilities:

- Develops and directs the implementation of goals, objectives, policies, procedures and work standards for the department, prepares and administers the department's budget.
- Plans, organizes, administers, reviews and evaluates the work of professional and office support staff.
- Develops, reviews and implements administrative policies and procedures to meet legal requirements and City needs. Monitors new legislation impacting administrative services and updates city policies as needed.

- Provides for the selection, training, professional development and work evaluation of department staff; recommends discipline as required; provides policy guidance and interpretation to staff.
- Prepares requests for proposals for a variety of projects and administers contracts.
- Prepares and directs the preparation of a variety of written correspondence, reports, procedures, ordinances and other written materials.
- Monitors changes in laws, regulations and technology that may affect departmental and city-wide operations; implements policy and procedural changes as required.
- Provides professional advice to City's management and City Council on administrative matters.
- May serve as Acting City Manager on an assigned basis.
- Manages the City's enterprise technology and communication networks including the finance and human resources information system.
- Directs the maintenance of working and official departmental files as well as files specific to Finance, Treasury, Information Technology and Risk Management in conformance with regulatory requirements.

Finance:

- Oversees business license, accounts receivable, accounts payable, payroll and other financial functions of the City.
- Coordinates the production of the bi-annual budget for the City, provides for financial forecasting and planning.
- Monitors the adopted budget and prepares a mid-year budget review for submission to the City Council.
- Prepares the Comprehensive Annual Financial Report (CAFR) and/or annual financial statements report.
- Oversees activities in preparation for the annual City financial audit; responds to and implements auditor's recommendations.
- Directs the preparation and reconciliation of journals, ledgers and other accounting records and reports for internal and external use.

Treasury:

- Oversees the City's investment portfolio and ensures that adequate cash is available to meet obligations; prepares periodic reports to the City Council.
- Oversees revenue receipts processing and collections to ensure proper internal controls to mitigate fraud risk and facilitate accurate revenue financial reporting.
- Annually updates the City's investment policy and prepares and presents quarterly investment reports for management and governing body presentation.
- Monitors the City's cash flow and liquidity position, and authorizes transfers of cash between accounts.
- Oversees the management of financing teams in the issuance of municipal bonds and implements all legal requirements contained in the bond documents of current outstanding debt and future debt.

Information Technology:

- Oversees all enterprise technology and communication functions for the City.
- Provides network, system and application maintenance, upgrade and support.
- Coordinates enterprise technology and communications projects throughout the City and provides technical assistance for department specific technology and communication projects.
- Provides assistance to management, supervisors and staff in efficient technology implementation and mission application.
- Provides direction in City-wide technology use, including specialized and reoccurring training programs.
- Ensures the effective administration of the City's technology and communication resources.
- Oversees the administration of the City's Geographic Information System (GIS) program.
- Oversees the administration of the City's website and web based applications and programs.

Risk Management:

- Oversees the City's general liability, property, worker's compensation and other related insurance and safety programs.
- Coordinates the City's risk management and safety programs to ensure compliance with all State and Federal legal requirements.
- Monitors the City's risk management claims and incurred losses.
- In conjunction with the City Attorney, provides risk management review and guidance to management, supervisors and staff regarding existing or proposed City activities, programs and projects to enhance safety and identify and reduce associated risks to acceptable levels.

- Oversees the City's claims administration process.
- May serve as the City's representative to ABAG Plan and the Cities Group Board of Directors.

PERIPHERAL DUTIES

General Administrative Services:

Administrative principles and practices, including goal setting, program development, implementation and evaluation and supervision of staff, either directly or through subordinate levels of supervision. Laws, codes and regulations applicable to municipal administrative services. Techniques for effectively representing the City in contacts with governmental agencies, community groups and various business, professional, regulatory and legislative organizations. Techniques for successfully working with a variety of individuals from various socio-economic, cultural and ethnic backgrounds, in person and over the telephone. Principles of leadership, effective supervision, and effective public presentation. Information technology pertaining to financial and other administrative functions. Records management principles and practices as they relate to finance and other administrative functions.

Finance:

- Principles and practices of public agency finance, including governmental accounting, auditing, and reporting functions. Principles and practices of public agency budget development administration and accountability.

Treasury:

- Principles and practices of public agency finance, including investment, treasury, debt issuance and administration and reporting functions. Principles and practices of public agency prudent investor policies and statutes governing local government investments, knowledge of economics, debt financing structures, revenue services administration and accountability.

Information Technology:

- Principles and practices of technology and communication systems administration. Principles and practices of public agency technology and user support, technology selection and implementation.

Risk Management:

- Principles and practices of public agency risk management and safety program administration. Principles and practices of public agency general liability, property and worker's compensation insurance.

DESIRED MINIMUM QUALIFICATIONS

Education and Experience

- (A) Any combination of experience and training that would provide the required knowledge, skills, and abilities would be qualifying. A typical way to obtain the knowledge, skills and abilities would include:
- (B) Equivalent to graduation from a four year college or university with major course work in public administration, business, accounting, economics, or a field related to the work. A Master's degree is desirable.
- (C) Five (5) years of progressively responsible work experience in the field of municipal government administration, or closely related field at an administrative or management level, preferably in a public agency. CPA or CPFO certification is preferred.

KNOWLEDGE OF

- Principles of organization, administration, economics and budget.
- Federal, state, municipal laws, statutes, codes and ordinances related to the areas in Administrative Services.
- Local government financial practices and procedures.
- Knowledge of state and local laws regarding local government tax and revenue authority as well as grant administration.
- Methods and techniques of research, financial and policy analysis and report presentation.
- Principles of cash flow and investment strategies.
- Principles of debt issuance and administration.
- Assessment and management of information technology systems, including Windows-based network systems, hardware and associated software applications, and internet websites and other functionalities as needed.

ABILITY TO

- Plan, organize, administer, coordinate, review, evaluate and personally participate in a comprehensive municipal financial management, treasury management, information technology, and risk management program.
- Administer multiple programs and the work of professional, technical and office support staff in finance, information technology and risk management. Select, train, motivate, develop, and evaluate the work of staff. Develop and maintain a cohesive team consisting of employees from three distinct professional disciplines.
- Develop and implement goals, objectives, policies, procedures, work standards and internal controls for each division. Identify and make improvements to administrative business processes. Manage the city-wide financial and management information technology program.
- Apply administrative and analytical skills to complete tasks and solve problems in the areas of finance, information technology and risk management. Effectively represent each division and the City in meetings with governmental agencies, contractors, vendors, and various businesses, professional, regulations and ordinances. Prepare and present clear and concise reports, correspondence, policies, procedures and other written materials.
- Use initiative, tact, prudence and independent judgment within general policy and legal guidelines. Establish and maintain effective working relationships with those contacted in the course of the work.
- Maintain an effective investment portfolio within the guidelines established by the City.
- Maintain accurate financial records and prepare and present clear and accurate reports for informational, auditing and operational use.
- Develop and maintain efficient and effective City-wide technology and communication systems.
- Develop and maintain prudent and effective risk management, safety and insurance programs.
- Speak clearly and understandably; read and comprehend complex information

TOOLS AND EQUIPMENT

Personal computer, including word processing; spreadsheet and data base software; 10-key calculator; phone copy machine and fax machine.

PHYSICAL DEMANDS

Possess physical stamina to attend night meetings and travel to meetings; ability to operate a computer using common computer business programs. When driving on City business, maintenance of a California driver's license

and satisfactory driving record is required. Must be able to actively participate in evening meetings including giving presentations in person and on camera before the City Council and members of the public.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those of an employee encounters while performing the essential functions. The noise level in the work environment is usually quiet, although disruptions can occur related to handling disputes with citizens or disruptive City Council meetings.

SELECTION GUIDELINES

- Formal applications, rating of education and experience; oral interview and reference check; job related tests might be required.
- The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employees and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approval: _____
City Manager

Approval: _____
Personnel Administrator

Effective Date: February 17, 1999

Revision History:

Resolution No. 1999-5023
Resolution No. 1999-5106
Resolution No. 2000-5298
Resolution No. 2001-5518
Resolution No. 2003-5832
ResolutionNo. _____

Approval Date: February 17, 1999
Approval Date: July 21, 1999
Approval Date: July 19, 2000
Approval Date: November 7, 2001
Approval Date: September 3, 2003
Approval Date: _____

ORDINANCE NO. 2012-1133

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADDING SECTION 2.17.020, REPEALING SECTION 2.56.020, AND AMENDING VARIOUS SECTIONS OF THE IMPERIAL BEACH MUNICIPAL CODE, CONCERNING THE ADMINISTRATIVE SERVICES DIRECTOR

WHEREAS, the City has recently hired a new Administrative Services Director, and has updated the Position Description for the Administrative Services Director, to include Finance, Treasury, Information Technology and Risk Management;

WHEREAS, as a result of revisions to the Position Description for the Administrative Services Director, there is a need to revise various provisions of the Imperial Beach Municipal Code related to the Administrative Services Director, including to clarify that the Administrative Services Director is responsible for the duties of the City Treasurer; and

WHEREAS, there is also a need to update the Imperial Beach Municipal Code to eliminate the use of "Finance Director" and other outdated terms related to the Administrative Services Director position.

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

SECTION 1.

Chapter 2.17 of the Imperial Beach Municipal Code is hereby amended by adding Section 2.17.020, as follows:

"2.17.020 Duties of the City Treasurer – Administrative Services Director.

The City's Administrative Services Director shall be responsible for performing the duties of the City Treasurer, including, but not limited to: planning and execution of all investing, revenue receipts processing and collections; developing and implementing internal controls and investment policies to maintain the safety of the City's cash assets; monitoring cash flow and liquidity; issuance of municipal bonds; adhering to SEC annual and continuing disclosure requirements; the financial and accounting duties imposed upon the City Clerk by state law, and such additional duties of the City Treasurer as required by state law."

SECTION 2.

Section 2.56.020 of the Imperial Beach Municipal Code is hereby repealed.

SECTION 3.

Section 3.04.230(B) is hereby amended as follows:

“3.04.230 Change orders – General.

1. B. All requests for change orders shall be reviewed by the Finance Director- **Administrative Services Director** to verify that sufficient appropriations exist to fund the requested change order.”

SECTION 4.

Section 4.04.030(C) is hereby amended as follows:

“4.04.030 Exemptions.

C. No business license fee shall be required by those engaged in interstate commerce, provided certification has been witnessed by the Finance Director **Administrative Services Director** on forms supplied by the Finance Director **Administrative Services Director**.”

SECTION 5.

Section 4.04.060 is hereby amended as follows:

“4.04.060 License – Application contents.

Before any license is issued to any person, such person shall make written application therefore to the Finance Director **Administrative Services Director**. Such application shall state the following:

- A. The firm name and the nature of the business or enterprise for which the license is required;
- B. The place where such business or enterprise will be transacted or carried on;
- C. The name of the owner of the business or enterprise; and
- D. The address of the owner of the business or enterprise.

SECTION 6.

Section 4.04.070 is hereby amended as follows:

“4.04.070 License – Form and contents.

All licenses issued under and by virtue of this chapter shall be printed in the blank form, signed by the Finance Director **Administrative Services Director**, and in which shall be set forth the name of the party to which the license is issued, the nature

of the business that he/she is licensed to pursue, the location of the place of business, the length of time for which the same is granted, the date of issuance, and the amount paid therefor.”

SECTION 7.

Section 4.04.080 is hereby amended as follows:

“4.04.080 License – Nontransferable – Change of location.

Each license granted or issued under the provisions of this chapter shall authorize the licensee to transact or carry on the business or calling therein designated and at no other place than as designated on the license. Except as provided in Chapter 4.56 for lawfully established smoke shops and businesses that are displaced due to redevelopment activities, a license issued pursuant to this chapter shall not be assigned or transferable. Additionally, a change of location shall be allowed to the owner of the license not regulated by Chapter 4.56 upon the payment to the ~~Finance Director~~ **Administrative Services Director** of the sum of one dollar and upon approval of the Chief of Police.”

SECTION 8.

Section 4.04.090 is hereby amended as follows:

“4.04.090 License – Duplicate – Fee.

The ~~Finance Director~~ **Administrative Services Director** shall make a charge of ten dollars for each duplicate of a license issued under the provisions of this chapter which has been lost or destroyed.”

SECTION 9.

Section 4.04.110 is hereby amended as follows:

“4.04.110 Issuance – Prerequisites and procedure generally.

Upon application therefor as provided in this chapter, it shall be the duty of the ~~Finance Director~~ **Administrative Services Director** to prepare and issue a license pursuant to this chapter; provided, however, that the ~~Finance Director~~ **Administrative Services Director** shall not issue any such license until it has been noted on the application therefor that the location of the proposed business has been reviewed by the community development department and has been approved or disapproved in accordance with the provisions of the building code and the zoning ordinance. In the event that the applicant is disapproved by said department, the ~~Finance Director~~ **Administrative Services Director** should issue the license as requested, noting upon the application the fact of the disapproval and that the license does not constitute

approval to operate in contravention of said code or ordinance; and, further, that the fee paid under any circumstance is nonrefundable.”

SECTION 10.

Section 4.04.130(B) is hereby amended as follows:

“4.04.130 Issuance restrictions – Prior compliance with other laws

B. Before any license is issued under this chapter, the applicant for a business license may be required to present to the ~~Finance Director~~ **Administrative Services Director** evidence of approval from the Building Department of the City that the applicant’s proposed business does not conflict with any building code provisions and meets all the requirements of existing codes for the City; evidence of approval from the Planning Department of the City that the applicant’s proposed business does not conflict with any zoning code provisions; and the applicant may likewise be required to present to the ~~Finance Director~~ **Administrative Services Director** evidence of a permit by the Chief of Police or the Chief of the Fire Department, or the City Council, when a permit is required by a provision of this code.”

SECTION 11.

Section 4.04.140 is hereby amended as follows:

“4.04.140 Issuance restrictions – Solicitors, peddlers, transient merchants.

The ~~Finance Director~~ **Administrative Services Director** shall issue all licenses, and licenses under Section 4.04.150 and 4.04.160 shall be issued only upon written approval of the Sheriff of the County, or the Chief of Police of the City.”

SECTION 12.

Section 4.04.190 is hereby amended as follows:

“4.04.190 Denial of license – Notification of applicant

The ~~Finance Director~~ **Administrative Services Director** shall notify the applicant of the denial of the license by delivering a notice of such denial to the applicant. Delivery of such notice may be made personally or by placing such notice in an envelope properly addressed to such applicant with postage prepaid, sealed and deposited in the United States Mail.”

SECTION 13.

Section 4.04.210(B) is hereby amended as follows:

“4.04.210 Fees – Collection and disposition by Clerk.

B. All moneys collected under this chapter shall be collected and deposited in the general fund of the City by the ~~Finance Director~~ **Administrative Services Director**.”

SECTION 14.

Section 4.04.280(B) is hereby amended as follows:

“4.04.280 Revocation of licenses.

B. The ~~Finance Director~~ **Administrative Services Director** shall deliver a notice in writing, either personally or by mail, to the person or business holding such license, stating that the ~~Finance Director~~ **Administrative Services Director** is recommending to the City Council the revocation of the license, and a brief summary of the reasons therefore. The notice shall contain the date, time, and place when each such recommendation shall be made to the City Council.”

SECTION 15.

Section 4.04.300(B) is hereby amended as follows:

“4.04.300 Effect of administrative errors.

B. In no event shall any mistake or error made by the ~~Finance Director~~ **Administrative Services Director** in stating the amount of the license provided for in this chapter prevent the collection by the City of an amount that shall be actually due from any person transacting or carrying on a business subject to a license under this chapter.”

SECTION 16.

Section 4.04.310 is hereby amended as follows:

“4.04.310 Enforcement authority.

- A. It shall be the duty of the ~~Finance Director~~ **Administrative Services Director** or authorized deputy to enforce each and all of the provisions of this chapter, and the Chief of Police shall render such assistance in the enforcement of this chapter as may from time to time be required by the ~~Finance Director~~ **Administrative Services Director** or the City Council.
- B. It shall be the duty of the ~~Finance Director~~ **Administrative Services Director** and each of the ~~Finance Director’s~~ **Administrative Services Director’s** assistants to cause a complaint to be filed against any and all persons found to be violating any of the provisions of this chapter.”

SECTION 17.

Section 4.04.320 is hereby amended as follows:

“4.04.320 Right of entry for inspections

The Finance Director, **Administrative Services Director**, in the exercise of duties imposed under this chapter and acting through deputies or duly authorized assistants, shall examine or cause to be examined all places of business in the City to ascertain whether the provisions of this chapter have been complied with. The Finance Director **Administrative Services Director**, and each and all of the Finance Director’s **Administrative Services Director’s** assistants, and any police officer, code enforcement officer, or firefighter shall have the power and authority to enter free of charge and at any reasonable time and place a business required to be licensed under this chapter and demand an exhibition of its license certificate.”

SECTION 18.

Section 4.04.340 is hereby amended as follows:

“4.04.340 Filing of financial statements.

The City Treasurer may require at any time that any retail business as defined in section 4.04.010E submit appropriate financial statements to him in order for the treasurer to determine whether such business is a secondhand dealer as defined in Section 4.32.010 of this code. Such reports shall be submitted to the City Treasurer within thirty days after a request for their production.”

SECTION 19.

Section 4.04.420(A) is hereby amended as follows:

“4.04.420 Fees based on number of employees – Records inspection.

A. In each and every instance where the amount of license fee to be paid by any person shall be based upon the number of employees, the licensee therein named shall and will on the request of the Finance Director **Administrative Services Director**, then and there submit for inspection to the Finance Director **Administrative Services Director** any and all books, papers, accounts, and records, including State and Federal income tax returns, social security returns, and California State sales tax returns pertaining to the business. The license, as required in this chapter, may be based upon the amounts indicated in said books, papers, accounts and records.”

SECTION 20.

Section 4.04.440 is hereby amended as follows:

“4.04.440 Fees based on number of vehicles operated by out-of-town businesses – Determination.

The City Treasurer, using such information as is readily available to him, shall determine the average number of vehicles used by a business located out of the city within the city each month and shall assess the required business license tax based upon such determination.”

SECTION 21.

Section 4.04.480 is hereby amended as follows:

“4.04.480 Appeal.

Any person aggrieved by the action of the ~~Finance Director~~ **Administrative Services Director** in collecting, approving, or disapproving the issuance of a license/permit or in revoking or suspending or refusing to revoke or suspend any license/permit may, within five days after such action, appeal to the City Manager by filing a written notice thereof with the City Clerk. The City Manager shall hold a hearing in the matter, and the City Manager’s decision therein shall be final and conclusive.”

SECTION 22.

Section 4.06.030(C) is hereby amended as follows:

“4.06.030 Regulations generally – License required – Application contents – Fee.

C. No more than two garage sales may be conducted by the same person or persons, or at the same place within the same calendar year. A garage sale license shall be limited to a period of five consecutive days per sale. All personalty and furnishings must be the property of those conducting the sale, and must be used goods. The license may be secured either at the office of the ~~Finance Officer~~ **Administrative Services Director** or by telephoning the ~~Finance Officer~~ **Administrative Services Director**, who will mail the appropriate form to the party so requesting, and who shall, in turn, mail the completed application back to the office of the ~~Finance Officer~~ **Administrative Services Director**.”

SECTION 23.

Section 4.08.020 is hereby amended as follows:

“4.08.020 Permit – Application.

- A. Any person, firm or corporation desiring a permit required by this chapter shall make application therefore to the ~~Finance Director~~ **Administrative Services Director**. The application shall be verified and shall set forth the following:
1. The name and address of the applicant;
 2. If the applicant is a corporation, the name and address of the corporate officers;
 3. The name and address of the proprietor and the persons to be in immediate charge of the place of amusement;
 4. The location at which it is proposed to conduct the place of amusement;
 5. A description of the place of amusement proposed to be conducted and method of operation.
- B. The ~~Finance Director~~ **Administrative Services Director** shall transmit the application to the City Manager for approval or disapproval.”

SECTION 24.

Section 4.08.040(B) is hereby amended as follows:

“4.08.040 Permit – Investigation – Issuance – Terms.

- B. If the City Manager approves the application, the ~~Finance Director~~ **Administrative Services Director** shall issue the permit.”

SECTION 25.

Section 4.10.030 is hereby amended as follows:

“4.10.030 License – Application

Application for the license required by Section 4.10.020 shall be filed with the ~~Finance Director~~ **Administrative Services Director** by the sponsor on behalf of the vendor(s). It is the intent of this chapter to license special event vendors through the sponsors of such shows. Any sponsoring individual or organization shall be licensed under the ordinary business license provisions of Title 4 of this code. This section and/or any other portion notwithstanding, sponsors claiming exemption under Section 4.04.030 of this code shall make application under the provisions of Chapter 4.04.”

SECTION 26.

Section 4.10.040 is hereby amended as follows:

“4.10.040 Licenses – Issuance.

Upon filing by the sponsor, there shall be issued by the ~~Finance Director~~ **Administrative Services Director** a coupon or series of coupons that shall be deemed to be the license(s) for such show. The fee for the issuance of such license(s) shall be

set by resolution. The sponsor will issue a license coupon to each vendor, except that any vendor qualifying for exemption under Section 4.04.030 of this code will not be liable for the license fee.

Each vendor license shall contain the following information:

- A. The name of the sponsor;
- B. The location at which the show is to be held;
- C. Name and signature of the individual vendor, certifying under penalty of perjury the correctness of the information;
- D. Date the show is to be held;
- E. Type of goods offered for sale;
- F. Whether exemption is claimed under Section 4.04.030.

The vendor shall keep the license prominently displayed at all times.”

SECTION 27.

Section 4.10.060 is hereby amended as follows:

“4.10.060 Termination procedures.

Within ten days of the closing of each show, the sponsor shall return to the ~~Finance Director~~ **Administrative Services Director** copies of the licenses that were issued to each vendor, and any unissued coupons for which a refund is requested.”

SECTION 28.

Section 4.16.070(A) is hereby amended as follows:

“4.16.070 Dances and dancehalls – License – Application – Investigation by Police Chief

- A. Immediately upon receipt of any application for a dance or dancehall license, other than a class C license, under the terms of this chapter, one copy of such application shall be delivered by the ~~Finance Director~~ **Administrative Services Director** to the Chief of Police, who shall proceed to investigate the truth of the matters set forth in the application, the character of the applicants, the character of the premises proposed to be licensed, the propriety of the use of such premises for the conduct of the business proposed to be licensed, and the general sentiment in the immediate vicinity of the premises proposed to be licensed.”

SECTION 29.

Section 4.16.100 is hereby amended as follows:

“4.16.100 Dances and dancehalls – License – Issuance and posting

If the City Manager allows the license applied for, the ~~Finance Director~~ **Administrative Services Director** shall issue the license as provided in this chapter. All licenses issued under this chapter shall be kept posted in a conspicuous place on the licensed premises.”

SECTION 30.

Section 4.16.130 is hereby amended as follows:

“4.16.130 Dances and dancehalls – Class C license – Special procedures

Applications for Class C licenses shall be made to and on forms provided by the Chief of Police and shall be accompanied by a deposit of the fee required for said license. The Chief of Police shall make the investigation provided for in Section 4.16.070 and shall allow or disallow the application. If the application is allowed, the Chief of Police shall forthwith transmit to the ~~Finance Director~~ **Administrative Services Director** a notice of the action granting the application, together with the deposit made at the time of filing the application, and the ~~Finance Director~~ **Administrative Services Director** shall issue the license as provided in this chapter. All licenses issued hereunder shall be kept posted in a conspicuous place on the licensed premises. If the application is denied, the Chief of Police shall forthwith inform the applicant of such denial and return to the applicant the deposit. In case of such denial, the applicant may, within ten days from the date of notification of denial, apply to the City Manager for a Class C license in the same manner and under the same procedures for other classes of licenses, except that the Chief of Police recommendation to the City Manager, as required by Section 4.16.070, shall be made within three days after receipt of such an application.”

SECTION 31.

Section 4.20.020(B) is hereby amended as follows:

“4.20.020 License – Required – Application procedure.

B. Applications for the license shall be made to and on forms provided by the ~~Finance Director~~ **Administrative Services Director**. The ~~Finance Director~~ **Administrative Services Director**, before issuing a license, shall determine that the application complies with all applicable ordinances of the City and shall submit the application to the Chief of Police for approval or disapproval. If the Chief of Police disapproves the application, the ~~Finance Director~~ **Administrative Services Director** shall not issue a license, but shall deliver the application to the City Council for final action.”

SECTION 32.

Section 4.28.030 is hereby amended as follows:

“4.28.030 Issuing authority and requirements.

The ~~Director of Finance~~ **Administrative Services Director** is the issuing authority for business licenses, massage establishment permits, and massage technician permits.”

SECTION 33.

Section 4.44.120 is hereby amended as follows:

“4.44.120 License stickers on cabs.

Every taxicab so licensed shall have attached thereto at a location upon the vehicle and in a manner approved by the City Manager a sticker or decal issued by the ~~Finance Director~~ **Administrative Services Director**. This sticker or decal must remain on the vehicle at all times and shall not be transferable.”

SECTION 34.

Section 4.48.020 is hereby amended as follows:

“4.48.020 Permit required.

No person shall operate, maintain, manage or conduct a picture arcade without a written permit from the ~~Finance Director~~ **Administrative Services Director**.”

SECTION 35.

Section 4.52.050(A) and (B) are hereby amended as follows:

“4.52.050 Application for alarm permit.

- A. Every applicant for an alarm permit shall file with the ~~Finance Director~~ **Administrative Services Director**, on forms provided by the City, a legibly written application stating:
1. The name, address and phone number of the applicant;
 2. A description of the property where it is proposed to use an alarm system;
 3. Its location, street and number;
 4. How many separate alarm systems will be used;
 5. A description of the type(s) of alarm system(s) to be used (i.e., burglary, robbery);
 6. The name of the person or company who will install the alarm system at the location;

7. The name, address and phone number of one person or the company who will be available to be contacted in the event of an alarm activation.

B. The applicant may provide the name of an additional person. In the event the name, mailing address or phone number of the person(s) to be contacted changes, the applicant shall supply corrected information to the Finance Director **Administrative Services Director** within five days of the change. If requested by the Police Department, the person(s) listed shall be required to be present at the alarm location within thirty minutes after being advised that the Police Department has received any signal or message of an alarm activation.”

SECTION 36.

Section 4.52.070 is hereby amended as follows:

“4.52.070 Suspension of alarm system permit.

A. Should the Finance Director **Administrative Services Director** be advised by the Chief of Police that the owner or lessee of an alarm system has violated any provisions of this chapter, rules or regulations made pursuant to this chapter, including, but not limited to, false alarms which exceed the numbers permitted pursuant to Section 4.52.090 of this chapter, the Finance Director **Administrative Services Director** may serve such owner or lessee with a written order of suspension, which shall state the reason(s) for such suspension. Such order shall be effective immediately if personally served, or seventy-two hours after the same has been deposited by certified mail in any branch of the United States Post Office, addressed to the owner or lessee of such alarm system at his **or her** address as set forth on the application, and shall contain the following notices:

1. “Any person who willfully continues to be in violation of any provision of the city’s Security Alarm Ordinance shall be guilty of an infraction and be subject to criminal prosecution.”
2. “If this order of suspension is disputed within 15 days of the date of the mailing of the order, it may be appealed to the City Manager in accordance with the provisions of Section 4.52.080 of the Imperial Beach Municipal Code, a copy of which is attached for reference.”

B. Immediately upon such an order becoming effective, such owner or lessee shall immediately discontinue the use of any alarm system.

C. Upon failure of the owner or lessee of an alarm system to pay the false alarm prevention payment provided for in Section 4.52.090, to cause the alarm system or alarm systems to be properly repaired, or to be properly used and operated, or to perfect an appeal to the City Manager, as provided for in Section 4.52.080, such owner or lessee shall immediately discontinue the use of any systems. The alarm system or systems shall not thereafter be used until such payment has been made, such repairs have been effected, or such owner or lessee satisfies the Finance Director **Administrative Services Director** that the system or systems shall be properly used in

the future; and the Finance Director Administrative Services Director shall authorize in writing the use of such system or systems.”

SECTION 37.

Section 4.52.080 is hereby amended as follows:

“4.52.080 Appeals.

A. If any action of the Chief of Police or the Finance Director Administrative Services Director is disputed, the appellant may appeal to the City Manager by filing with the City Clerk a statement addressed to the City Manager setting forth the facts and circumstances regarding the action of the Chief of Police and/or Finance Director Administrative Services Director. The City Clerk shall notify the appellant in writing of the time and place set for the hearing of the appeal. The City Manager or his City Manager’s designated representative, ten days from the date on which such appeal has been filed with the City Clerk, shall hear the appellant and the Finance Director Administrative Services Director and shall consider all relevant evidence and shall determine the merits of the appeal. The City Manager may affirm, overrule or modify the decision of the Finance Director Administrative Services Director and/or the Chief of Police, and the City Manager’s decision shall be final.

B. The right to appeal to the City Manager from an action of the Finance Director Administrative Services Director and/or the Chief of Police shall terminate fifteen days following the deposit of a certified letter in any branch of the United States Post Office, addressed to the owner or lessee of an alarm system at his or her above-mentioned mailing address, or personal service of such letter, advising the appellant of the order of suspension.”

SECTION 38.

Section 4.52.090(A) is hereby amended as follows:

“4.52.090 False alarm prevention payment.

A. When an audible alarm, message or signal is received by the Police Department that evidences a failure to comply with any of the requirements of this chapter, the Finance Director Administrative Services Director when advised by the Chief of Police is authorized to demand that the owner or lessee of the alarm system initiating such audible alarm, message or signal, or his or her representative disconnect the alarm system until it is made to comply with the requirements of this chapter.”

SECTION 39.

Section 12.33.060(D) is hereby amended as follows:

“12.33.060 Surety and insurance.

D. The finance director Administrative Services Director shall forward to the applicant, an accounting of city-incurred expenses in explanation of use of deposited funds and/or additional billing requests.”

SECTION 40.

Section 12.56.060(C) is hereby amended as follows:

“12.56.060 Sports Park – Group use and regulations.

C. At the conclusion of a group’s use of a picnic shelter or ball field, a city representative shall inspect the area to determine that it has been cleaned and that no damage has occurred. Upon confirmation that the area is in satisfactory condition, the cleaning and security deposit shall be refunded. However, if the area has not been properly cleaned or damage to public property is noted, the city manager or designee will cause it to be cleaned or repaired with the actual costs of said work being deducted from the cleaning and security deposit. If the costs of cleaning or repair exceed the amount of the deposit, the group or organization reserving the shelter or ball field will be billed for the balance due. The Finance Director Administrative Services Director shall forward to the group an accounting of city-incurred expenses in explanation of use of deposited funds and/or additional billing requests. Interest shall accrue on all balances not paid within thirty days after the billing date at the rate of one-half of one percent per month or fraction thereof on the original balance due, from the date on which the remittance first became delinquent until paid.”

SECTION 41.

Section 15.48.060(E) is hereby amended as follows:

“15.48.060 Procedures for the levy, collection and disposition of fees.

E. Reports to SANDAG. The finance director Administrative Services Director or his/her designee, shall prepare and deliver to the executive director of SANDAG and to the independent taxpayer oversight committee (ITOC), periodic reports as will be established under Section 15.48.070 of this chapter.”

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days after its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 5th day of December, 2012; and

THEREAFTER ADOPTED at an adjourned regular meeting of the City Council of the City of Imperial Beach, California, on 12th day of December, 2012, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

APPROVED AS TO FORM:

JENNIFER M. LYON
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Ordinance No. 2012-1133

CITY CLERK

DATE



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER *MB*

MEETING DATE: DECEMBER 5, 2012

ORIGINATING DEPT.: PUBLIC WORKS *Hof*

SUBJECT: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH ADDING CHAPTER 12.28.025 STREET PAVEMENT PRESERVATION ORDINANCE

BACKGROUND:

The City of Imperial Beach has invested several million dollars into street improvements in the past few years. When street improvements are made, it is always frustrating to find that the newly paved streets are cut open for underground utility service work. When street pavements are cut for utility work, the street integrity is compromised and the life of a street improvement is shortened by subsequent surface cracking and substructure failures. Street cut moratoriums are often used by municipalities to help retain the useful life of street infrastructure. To date, City staff has worked with the utility companies to reduce the effects of street cuts through quarterly coordination meetings and specific street cut requests, but these have been on an individual cut basis and without specific Council directed standards. This initiative to adopt a Council Ordinance and an associated Council Policy is designed to establish a standard that can be followed and understood by those requesting to perform street cuts, including all utility agencies working within the City of Imperial Beach.

DISCUSSION:

This ordinance if adopted will establish a 5-year moratorium on street cuts for newly paved streets and a 1-year moratorium on newly slurry sealed streets. It provides for exemptions to the moratorium under certain conditions as described in the attached City Council policy. Conditions that might trigger an exemption include:

- facilitation of development on adjacent properties,
- emergency repairs to subsurface facilities,
- underground service connections to adjacent properties,
- upgrading of underground facilities or
- compliance with applicable law

When exemptions are allowed, certain requirements must be followed with respect to cutting, including trench cuts, lateral cuts and longitudinal cuts. When the Public Works Director authorizes an exemption to the street cut moratorium, the following general rules will apply:

- A single lane that is impacted shall have full pavement restoration for the width of the lane.

- If multiple lanes are impacted, the full width of those lanes shall be restored. Given the location and the extent of the trench repair the Public Works Director may authorize repair only to the center of a lane(s).
- Impacted bike lanes will be restored in their entirety

Delays for final repaving may be permitted for certain weather conditions, utility construction conflicts or other timing or quality problems that may arise. More specificity of these rules are found in Attachment 2 (Council Policy)

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

This moratorium should contribute to the newly overlaid streets retaining a 20 – 25 year life cycle; thus reducing the maintenance cost of City streets.

DEPARTMENT RECOMMENDATION:

1. Receive report;
2. Consider the ordinance as written;
3. Introduce Ordinance No. 2012-1134, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ADDING SECTION 12.28.025 TO THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO A STREET PAVEMENT PRESERVATION";
4. City Clerk reads title of Ordinance No. 2012-1134;
5. Motion to dispense first reading of Ordinance No. 2012-1134 and set the matter for adoption at an adjourned regular City Council meeting of December 12, 2012.
6. Approve Council Policy No. 615 in support of Ordinance.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Ordinance No. 2012-1134
2. Council Policy No. 615

ORDINANCE NO. 2012-1134

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ADDING SECTION 12.28.025 TO THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO A STREET PAVEMENT PRESERVATION.

WHEREAS, the City of Imperial Beach ("City") has invested several million dollars into street improvements in the past few years; and

WHEREAS, the City often receives requests to cut open newly paved streets for underground utility service work or other projects; and

WHEREAS, when recently paved streets are cut for utility or other work, street integrity is compromised and the life of street improvements is shortened by subsequent surface cracking and substructure failures; and

WHEREAS, street cuts undertaken on recently paved streets results in increased costs for repair and maintenance for the City; and

WHEREAS, street cut moratoria are often used by municipalities to retain the useful life of street infrastructure; and

WHEREAS, the City Council finds that an ordinance for regulating street cuts is necessary to preserve street improvements in the City; to protect the time and financial investment in street improvements; and to establish standards to facilitate efficient and quality street improvement work; and

WHEREAS, Section 12.28.025 will establish a 5-year moratorium on street cuts for newly paved streets and a 1-year moratorium on newly slurry sealed streets, with certain exemptions, which will preserve the life of City street improvements, protect City time and financial investment in these improvements and establish standards to facilitate efficient and quality street improvements; and

WHEREAS, City staff has regularly consulted with utility companies to reduce the impacts of street cuts and increase the lifespan of street improvements, and also received feedback in drafting this Ordinance.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AS FOLLOWS:

Section 1: A new section 12.28.025 is hereby added to the Imperial Beach Municipal Code to read as follows:

12.28.025. Street Pavement Preservation

A. After any public highway, street or alley has been constructed, reconstructed, or paved by City forces, under City contract, or under permit, the pavement surface shall not thereafter be cut or opened for a period of five (5) years from completion of the construction, reconstruction or paving. For any public highway, street or alley that has been slurry sealed only (without any other construction, reconstruction or pavement work by City forces, under City

contract or under permit) the pavement surface shall not thereafter be cut or opened for a period of one (1) year from completion of the slurry sealing.

B. Pursuant to the terms of an adopted Council Policy, the Public Works Director may grant exemptions to these prohibitions, which may include the facilitation of development on adjacent properties, emergency repairs to subsurface facilities, underground service connections to adjacent properties, upgrading of underground utility facilities or compliance with applicable law.

C. When granting exemptions to this section, the Public Works Director may impose conditions determined appropriate to insure the rapid and complete restoration and the surface paving of the public highway, street or alley. Repaving may include surface grinding, base and sub-base repairs, or other related work as needed, and may include up to full-width surface paving of the public highway, street or alley.

D. When an exemption is granted, if the Public Works Director determines that final repaving of the public highway, street or alley is not appropriate at that particular time for reasons relating to weather or other short term problems, the Public Works Director may grant a delay until proper conditions allow for repaving.

Section 2: 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 3: 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 fifteen (15) days following adoption indicating votes cast.

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days after its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 5th day of December 2012;

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Imperial Beach, California, on the 12th day of December 2012, by the following vote:

AYES:
NAYS:
ABSENT:

Jim Janney, Mayor

ATTEST:

Jacqueline Hald, City Clerk

APPROVED AS TO FORM:

Jennifer M. Lyon, City Attorney

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Ordinance No. 2012-1134, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ADDING SECTION 12.28.025 TO THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO A STREET CUT MORATORIUM."

JACQUELINE HALD, CITY CLERK

DATE _____

CITY OF IMPERIAL BEACH COUNCIL POLICY		
SUBJECT: Street Pavement Preservation	POLICY NUMBER: [615]	PAGE 1 OF 3
ADOPTED BY: Ordinance No. 2012-1134 AMENDED BY:	DATED: December 5, 2012	

BACKGROUND

The City of Imperial Beach spends a significant taxpayer funds each year to improve and maintain public highways, streets and alleys. Millions of dollars have been invested to build, maintain and repair these important assets to the community. The City periodically receives requests to cut or open pavement after the construction, reconstruction or pavement of this infrastructure. This leads to damages to these increased costs to taxpayers. Accordingly, the City Council has adopted IBMC section 12.28.025, which prohibits (1) cuts or openings in public highways, streets or alleys for 5 (five) years after completion of construction, reconstruction or paving work and cuts or openings in public highways, streets or alleys for one (1) year after completion of slurry sealing (the "Moratorium").

PURPOSE

In addition to discussing the Moratorium, IBMC section 12.28.025 also delegates authority to the Public Works Director to grant exemptions, impose conditions for restoration and surface paving and related extensions. IBMC section 12.28.025 mentions the adoption of a Council Policy to provide guidance to the Public Works Director on the parameters for enforcing the Moratorium and exemptions.

POLICIES

The following policies shall apply to requests for cuts or openings on any public highway, street or alley subject to the Moratorium:

1. Prohibitions on cuts or openings

The City Council intends that the Moratorium will apply to most requests for cuts or openings within five years of completion of public highway, street or alley work in the City.

2. Exemptions

The Public Works Director may grant exemptions to the Moratorium in limited circumstances, which include the facilitation of development on adjacent properties, emergency repairs to subsurface facilities, underground service connections to adjacent properties, upgrading of underground facilities or compliance with applicable law.

Each situation will be different and will require thoughtful and reasonable evaluation by the Public Works Director to determine the appropriate scope of work to achieve the following goals of the Moratorium:

- Minimize pavement degradation
- Maintain structural integrity of street
- Maintain a smooth riding surface for all modes
- Limit visual impact and perceptions
 - Minimize cut seams in travel lane wheel wells
 - Minimize cut seams within a bus stop area or pullout
 - Minimize cut seams in relationship to bike lane, parking lane, etc.

3. Conditions of Exemptions

When granting exemptions to the Moratorium, the Public Works Director may impose conditions determined appropriate to insure the rapid and complete restoration and the surface paving of the public highway, street or alley. The following principles shall form the basis for the conditions imposed:

Cutting

When an exemption is allowed, the encroachment applicant (the "Permittee") will make a concerted effort to protect the integrity of the pavement structure, and to ensure a high quality replacement patch or overlay. Depending on the particular trench cut size, location, and construction duration, conditions will be placed on the Permittee to return the street to a similar integrity as prior to the cut occurring. This may require a larger pavement restoration area on each side of the trench, a full-lane-width pavement replacement, or a full curb-to-curb replacement.

Trench Cut Requirements

The actual trench cut will follow the City of Imperial Beach Standard Trench Detail with a minimum 6" overlap on each side of the trench for base replacement. Additional pavement restoration will extend beyond the limits of the trench cut with a minimum grind and overlay of 2" or full depth if the adjacent pavement is 4" or less. The Permittee will be required to remove the AC and replace to the dimensions outlined below, or as directed by the Public Works Director. In most cases, full-width base replacement should not be necessary.

Lateral Cuts

These are generally used to cut into a pre-existing facility to allow for a single connection. This may include full street-width crossings. Most lateral cut requests on streets can be handled through an encroachment permit. The Permittee will follow the City of Imperial Beach Standard Trench Detail, but the pavement replacement will vary:

-
- Where the lateral impacts a travel lane, replace a minimum of 5' (five feet) on each side of the trench.
 - Where the lateral impacts only the parking lane, replace a minimum of 3' (three feet) on each side of the trench.

Longitudinal Cuts – These cuts generally run lengthwise in the roadway. These cuts will require the Permittee to apply for a Temporary Encroachment Permit. The extent of surface pavement replacement width will depend on the location of the longitudinal run in relationship to parking, bike and travel lanes.

General Rules

- A single lane that is impacted shall have full pavement restoration for the width of the lane.
- If multiple lanes are impacted, the full width of those lanes shall be restored. Given the location and the extent of the trench repair the Public Works Director may authorize repair only to the center of a lane(s).
- Impacted bike lanes will be restored in their entirety.

Construction Methods

For large pavement patches (especially longitudinal cuts) the Permittee shall apply the AC using a paving machine. Site specific characteristics (such as truck and bus routes, traffic volumes, etc.) will determine the application methodology allowed or required.

Slurry Seal Exemptions

Since the slurry seal exemption is only 1 year and should generally be able to be planned for, any exemptions granted for cutting a slurry sealed street require slurry sealing any lanes impacted with the full width for a length no less than 25' more on each side of the pavement cut required.

4. Delays for Exemption Cuts or Openings

In the event that an exemption to the Moratorium is granted, the Public Works Director may allow a delay in the final repaving of the public highway, street or alley if the final repaving is not appropriate at that time for any of the following reasons:

- Weather conditions prohibit work related to the final repaving.
- Utilities or other construction would result in conflict in completion of repaving or would result in duplicative work shortly thereafter
- Other short term problems that would affect the timing, quality or other aspects of the repaving work.



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER *AB*

MEETING DATE: DECEMBER 5, 2012

ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR *GW*
JENNIFER M. LYON, CITY ATTORNEY

SUBJECT: PUBLIC HEARING/SECOND READING/ADOPTION OF
ORDINANCE NO. 2012-1132 REPEALING CHAPTER 8.08 AND
ADDING A NEW CHAPTER 8.08 TO TITLE 8 OF THE IMPERIAL
BEACH MUNICIPAL CODE CONCERNING PERMANENT AND
MOBILE FOOD FACILITIES.

BACKGROUND:

The County of San Diego through its Department of Environmental Health (DEH) currently implements the restaurant "ABC" letter grading system for fixed location restaurants throughout the County, including in the City of Imperial Beach. The system has been used for restaurants throughout the County since the 1950's.

On July 25, 2012, the San Diego County Board of Supervisors approved Ordinance No. 10218 that extends its "ABC" letter grading system to mobile food facilities that prepare food, including food trucks and coffee carts. However, unlike its regulatory system for permanent restaurants, which has been adopted by the local jurisdictions within the County (including the City of Imperial Beach by Chapter 8.08 "Public Health Food Permits" of the Imperial Beach Municipal Code), its regulation of mobile food facilities may currently only be enforced in the unincorporated areas of the County. To make the County's regulations for mobile food facilities effective county-wide, the County has asked the City of Imperial Beach, as well as all other cities in the County, to adopt its changes into our Municipal Code.

CURRENT CONSIDERATION:

The current item in front of the City Council contemplates repealing Chapter 8.08 "Public Health Food Permits" of the Municipal Code and adding a new Chapter 8.08 that adopts by reference Title 6, Division 1 of the San Diego County Code of Regulatory Ordinances concerning both permanent and mobile food facilities. By adopting the proposed ordinance the City would be (1) adopting the County's recently enacted regulations for mobile food vendors and (2) cleaning up the City's currently enacted regulations applicable to fixed location restaurants currently set forth in Chapter 8.08. With regard to the City's currently adopted regulations of fixed location restaurants, staff has determined the City's code provisions are out-of-date or inconsistent with the County's Code. These proposed changes are discussed in more detail below:

A. Mobile Food Vendors:

The County's recently enacted regulations regarding mobile food facilities consist of four key components:

1. A scored inspection report and grading process similar to fixed location restaurants:

A new scored food safety inspection report was designed by the County to evaluate safe food handling practices, as well as the unique operations, and equipment of mobile food facilities. The new report will facilitate the scoring and posting of a letter grade on each mobile food facility notifying the public of its relative degree of compliance during the last inspection.

2. A mapping mechanism to help better locate mobile food facility route stops:

Several tracking options were evaluated by the County to find a practical way of finding these transient facilities in the field. The best option was a combination of route stop reporting and online route mapping using the ArcGIS Online Mapping System.

3. Educational materials and outreach workshops:

Materials are being developed by the County to educate operators of mobile food facilities on the new grade card system. The information will also be made available on the DEH website at www.sdcdeh.org. Outreach workshops on how to earn an "A" will be conducted in English and Spanish for mobile food facility operators before the grading process is rolled out. In addition, a public outreach campaign will be developed to educate consumers on the new grading system to ensure they make good, safe dining choices.

4. Reporting mobile food facility inspection results online:

A summary of mobile food facility inspection results will be posted at www.EatSafeSanDiego.org where restaurant inspection results are currently posted. DEH will implement a new data management system, "Accela," later this year. Accela will support the use of mobile inspection units in the field and will allow DEH to capture inspection results electronically and post them online.

Fees to cover the cost of this program regarding mobile food facilities will be collected by the County DEH in the amount established in the County Code from persons and businesses required to obtain a health-related permit or related service. The County and the City already have an agreement under which the County provides services of this kind within the City, on a fee supported basis. To support that arrangement, the City has ordinance provisions in place that provide for the County to collect appropriate fees from businesses within the City that are subject to County administered regulatory programs.

Adoption of the County's provisions regarding mobile food facilities will grant DEH the authority to enforce the posting of a letter grade on mobile food facilities operating with the City. The County enforcement of the mobile food facilities program is proposed to begin in December 2012, when the annual health permits are issued to retail food establishments during the inspection certification process.

Staff believes that adopting the County’s regulations pertaining to mobile food facilities (including the extension of the widely recognized letter grading system to mobile food facilities in the City) would benefit the citizens of the City because it will provide consumers with more information about the overall operating conditions of these facilities and help them to better distinguish unpermitted food vendors.

B. Existing Restaurants:

The adoption of the proposed ordinance would bring the City’s regulations pertaining to fixed location food facilities (currently set forth in IBMC Chapter 8.08) into consistency with state and county law. Staff discovered the need to update Chapter 8.08 after reading it in conjunction with state law, specifically the California Retail Food Code, California Health and Safety Code section 113700 et seq. (the “CRFC”) and the County Code’s provisions contained in Chapter 1 of Division 1 of Title 6 pertaining to retail food facilities. Specifically, staff discovered that provisions in the currently enacted Chapter 8.08 of the IBMC were out of date and duplicative or contradictory to the County Code. For these reasons, staff recommends the repeal of this Chapter and adoption of the County Code as it pertains to permanent food facilities by reference. Staff believes this “clean up” will also make these rules more user friendly for both persons responsible for their enforcement as well as upon existing restaurants who should be familiar with both the CRFC and the County’s provisions regarding the “ABC” grading system. These changes will not cause any significant changes in substantive regulations applicable to fixed location restaurants in the City. A summary of the currently enacted provisions of Chapter 8.08 and the proposed revisions set forth by the proposed ordinance are summarized below:

	Currently enacted provisions of IBMC Chapter 8.08	Provisions of Chapter 1 of Division 1 of Title 6 of the County Code proposed to be adopted
<u>Definitions</u>	This chapter does not set forth definitions, and employs terms that are out of date and inconsistent with the CRFC.	The proposed ordinance sets forth definitions applicable to retail food facilities under the CRFC and the local “ABC” grading program.
<u>Enforcement</u>	Provides that the director of public health of the county is authorized to enforce this chapter.	Provides that the DEH is the local enforcement agency for the CRFC and the regulations adopted by the County, including the “ABC” Grading System.
<u>Permit Requirement</u>	Provides that all persons selling food are required to obtain a public health permit from the director of public health.	Provides that persons required to obtain a food facility permit pursuant to the CRFC must submit an application for a food facility permit from the DEH.
<u>Permit Fees</u>	Requires persons applying for a permit to pay the annual inspection fee established by the Board of Supervisors of the County.	Provides that persons required to obtain a food facility permit pursuant to the CRFC shall pay the fee required by the County.
<u>Issuance of Permit</u>	(1) Requires the health officer to investigate whether establishments conform to the requirements of the chapter and the California Restaurant Act (this Act has been repealed), (2) requires a permit to be granted if the establishment is in conformance with chapter, (3) sets forth an appeal process for persons aggrieved by the denial of permit, and (4) sets forth provision regarding permit revocability.	(1) Recognizes that the California Restaurant Act has been repealed by the state legislature and acknowledges that permits will be issued in conformance with the CRFC (not local law, which is preempted), (2) acknowledges that appeal rights and any conditions upon permits are covered by the CRFC, and (3) sets forth provisions regarding the revocability of permits.

<u>Permit Requirement for Separate Location</u>	Specifically requires a separate permit for each place of business used by the permittee.	Recognizes that the requirement for a separate permit at each location is established by the CRFC, not local law, which is preempted.
<u>Penalties for Operating Without a Permit</u>	Allows the recovery of \$150 or one hundred fifty percent of the fee, whichever is less as a penalty.	Allows the recovery of enforcement costs from the violator, up to a maximum of three times the cost of the permit as a penalty.
<u>Grading System</u>	Employs the "ABC" grading system for fixed location food facilities, wherein the board of health (1) issues an alphabetical grade card to each food facility during an inspection, (2) requires any facilities receiving a grade below a "B" to correct all deficiencies within 30 days and provide for re-inspection, (3) provides for the closure of a facility if, after re-inspection, it does not obtain a "B" score or better, and (4) sets forth hearing provisions regarding the suspension or revocation of a permit.	Employs the "ABC" grading system for fixed location food facilities, wherein the DEH (1) issues an alphabetical grade card to each food facility during an inspection, (2) may require facilities receiving a grade of "B" or "C" to submit to subsequent re-grade inspection within 30 days, until the facility receives an "A" grade, (3) may temporarily suspend a food facility permit, and (4) sets forth hearing provisions regarding the suspension or revocation of a permit.
<u>Posting of Grade Requirements</u>	Requires posting of alphabetical grade card at all times in certain locations at food facility.	Requires posting of alphabetical grade card at all times in certain locations at food facility.
<u>Appeals Process</u>	If it appears to that there has been a violation of the chapter, the director of public health shall order that a hearing be held and act as the hearing officer. The decisions of the hearing officer may be appealed to the City Council.	If permit holder requests a hearing on any decision to modify, suspend or revoke a permit for violations of the CRFC, a hearing shall be scheduled with a DEH employee. The decision of this employee can be appealed to the County Appellate Hearing Board.
<u>Provisions Regarding Farm Produce</u>	Provides that all farmers or ranchers shall not be charged a fee for a health related permit for the sale of fruits, vegetables and farm produce if all of the following are true: (1) each and every provision of the code regulating the type of produce to be sold or distributed is complied with, (2) the sale is not made within the right-of-way of any public street or highway, and (3) the produce is sold from the property on which it was grown.	Does not make a similar provision.

After staff's review of the currently enacted IBMC chapter pertaining to fixed location restaurants and the proposed ordinance, it believes adoption of the proposed ordinance would have the effect of solving the problems created by the current version of Chapter 8.08 (namely that it is out of date), while continuing to impose essentially the same requirements upon fixed location food facilities throughout the City.

The first reading and introduction of the ordinance took place at the November 7, 2012 City Council meeting.

ENVIRONMENTAL DETERMINATION: This project may be categorically exempted from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15321 (Enforcement Actions by Regulatory Agencies).

FISCAL ANALYSIS:

No fiscal impact to the City.

DEPARTMENT RECOMMENDATION:

1. Declare the public hearing open;
2. Receive report and public testimony;
3. Close the public hearing
4. Mayor calls for the second reading of the title of Ordinance No. 2012-1132 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, REPEALING CHAPTER 8.08 AND ADDING A NEW CHAPTER 8.08 TO TITLE 8 OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADOPTING BY REFERENCE TITLE 6, DIVISION 1 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES CONCERNING PERMANENT AND MOBILE FOOD FACILITIES";
5. City Clerk to read Ordinance 2012-1132; and
6. Motion to waive further reading and adopt Ordinance No. 2012-1132 by title only.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Proposed ordinance
2. Current IBMC Chapter 8.08
3. County correspondence
4. Notice of Public Hearing for 12/5/12 (Published on 11/15/12 & 11/22/12)
5. Current County Code Sections

ORDINANCE NO. 2012-1132**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, REPEALING CHAPTER 8.08 AND ADDING A NEW CHAPTER 8.08 TO TITLE 8 OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADOPTING BY REFERENCE TITLE 6, DIVISION 1 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES CONCERNING PERMANENT AND MOBILE FOOD FACILITIES**

WHEREAS, the current version of Municipal Code Chapter 8.08, among other things, requires fixed location food facilities in the City of Imperial Beach (the "City") to obtain a County of San Diego (the "County") issued health-related permit, requires such establishments to comply with the County administered letter grading system, and sets forth appeal and hearing procedures for persons who have been denied a food permit or had their food permit revoked or suspended; and

WHEREAS, state, not local law, specifically the California Retail Food Code, California Health and Safety Code §§ 113700 et seq. (the "CRFC") sets forth health and sanitation standards for retail food facilities, a requirement that all food facilities operating in the state obtain a health-related permit, and also allows local governing bodies to adopt an evaluation or grading system for food facilities; and

WHEREAS, the County, through Title 6, Division 1 of the San Diego County Code of Regulatory Ordinances and the City, through Chapter 8.08 of the Imperial Beach Municipal Code, have set forth a grading system for fixed location food facilities in their respective jurisdictions, both of which are currently being enforced by the County through its Department of Environmental Health (DEH); and

WHEREAS, mobile food facilities (food carts and food trucks that prepare and serve food) are currently not inspected or graded in the County or the City program; and

WHEREAS, to better inform the public, the San Diego County Board of Supervisors adopted an ordinance that modified the County Code of Regulatory Ordinances, sections 61.101 to 61.115 of Chapter 1, Division 1, Title 6, which extended the letter grade system currently used for restaurants to mobile food facilities; and

WHEREAS, these changes by the County with regard to mobile food facilities will improve public notification, help customers to easily identify vendors in good compliance, and provide more information about the overall conditions of these facilities to improve safe dining choices; and

WHEREAS, it necessary to update the current Chapter 8.08 in the Imperial Beach Municipal Code to make it consistent with state law and to make its enforcement and implementation more efficient by the County within the City; and

WHEREAS, a new ordinance, which adopts by reference the provisions of the San Diego County Code of Regulatory Ordinances concerning permanent and mobile food facilities, at Title 6, Division 1 of the County Code can solve the problems created by the current version of Chapter 8.08, while continuing to impose the same requirements upon fixed location food facilities throughout the City and creating similar requirements upon mobile food vendors in order to protect the health and safety of the City's residents.

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

SECTION 1. The current Chapter 8.08 of the Imperial Beach Municipal Code is hereby repealed.

SECTION 2. This new version of Chapter 8.08 is hereby added to the Imperial Beach Municipal Code, to read as follows:

“CHAPTER 8.08. REGULATION OF RETAIL FOOD FACILITIES

8.08.010. Provisions adopted by reference.

The provisions of the San Diego County Code of Regulatory Ordinances concerning permanent and mobile food facilities, at Title 6, Division 1 of the County Code, are incorporated into this Code by reference.

8.08.020. Fees.

All persons and businesses required to obtain a health-related permit or related service from the County of San Diego, Department of Environmental Health (DEH) pursuant to this code shall pay the County the fee established in the County Code for that permit or service, including delinquent payment fees.”

SECTION 3. 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.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 7th day of November, 2012; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Imperial Beach, California, on the 5th day of December, 2012, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

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

APPROVED AS TO FORM:

**JENNIFER M. LYON
CITY ATTORNEY**

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Ordinance No. 2012-1132.

CITY CLERK

DATE

Imperial Beach Municipal Code

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Title 8. HEALTH AND SAFETY

Chapter 8.08. PUBLIC HEALTH FOOD PERMITS

8.08.010. Required.

No person shall sell, offer for sale, barter, trade or give away any food or beverage and no person shall permit the same to be done from any establishment unless such establishment has a valid public health permit, which permit has not been revoked or suspended. (Ord. 205 § 33.110, 1962: prior code § 3311)

8.08.020. Application.

Every person applying for a permit shall file with the health department a written application which shall set forth the name and address of the applicant, a description of the premises wherein or whereon it is proposed to conduct the establishment, the type and nature of the establishment proposed, and such other information as the board of health by rule may require. Every applicant for a permit shall pay to the health officer the annual inspection fee established by this chapter at the time of making such an application. (Ord. 205 § 33.111, 1962: prior code §§ 3321, 3321.1)

8.08.030. Investigation—Issuance or denial.

A. Upon the filing of the application and the payment of the required fee, it shall be the duty of the health officer to investigate the information contained in the application and the sanitary conditions of, in and about the establishment, and to determine whether or not such establishment conforms to the requirements of this chapter, the California Restaurant Act, the rules of the Board of Health, and the rules and regulations of the State Board of Health.

B. The health officer shall grant the permit if such establishment is sanitary and does conform with such laws and such rules and regulations; otherwise, he/she shall deny such application. The health officer shall send, deliver or give written notice of such grant or denial to the applicant within five days following such grant or denial. A permit for which application is made pursuant to this chapter may be granted at any time during the year. (Ord. 205 § 33.112, 1962: prior code §§ 3322—3322.3)

8.08.040. Denial—Appeal.

A person aggrieved by the denial to him of a permit may appeal from such denial to the city council in the manner set forth in Section 8.08.180. (Ord. 205 § 33.113, 1962: prior code § 3324)

8.08.050. Condition of revocability or suspension.

A permit shall be granted only on the express condition that it is subject to revocation or suspension upon a showing satisfactory to the health officer of the violation by the permittee, his employee, servant or agent, or any other person acting with his consent or under his authority, of any provision of this chapter, the California Restaurant Act, rule of the board of health, or rule or regulation of the State Board of Health. (Ord. 205 § 33.114, 1962: prior code § 3323)

8.08.060. Separate permits required for each location.

A separate permit shall be required for each place of business, concession or vehicle used by the permittee. (Ord. 205 § 33.115, 1962: prior code § 3311.1)

8.08.070. Annual inspection fees—Designated.

Every person applying for a permit under the provisions of this chapter shall at the time of making application for the permit pay the annual inspection fee established from time to time by the board of supervisors of the county of San Diego. (Ord. 685 § 1, 1986)

8.08.080. Delinquent payments.

A. Any fee which is not paid by the first day of the month following the month in which it is due is thirty days delinquent, and on the first day of the next following month, if still unpaid, is sixty days delinquent.

B. In any case where a fee is sixty days delinquent, an additional penalty of fifty dollars or an amount equal to fifty percent of the fee, whichever is less, shall be added to and collected with the required fee.

C. In any case where a fee is sixty days delinquent, an additional penalty of one hundred dollars or an amount equal to the fee for a total penalty of one hundred fifty dollars or one hundred fifty percent of the fee, whichever is less, will be added to and collected with the required fee.

D. The imposition of or payment of the penalty imposed by this section shall not prevent the imposition of any other penalty prescribed by this code or any ordinance nor prosecution for violation of this code or any ordinance.

E. The delinquent penalty fee may be waived by the deputy director of environmental health services in case of error made by environmental health services staff or when the applicant has not held a health permit during the past five years, and was unaware that a health permit was required. (Ord. 794 § 1, 1989)

8.08.100. Nontransferability.

A permit is not transferable from one person or one place to another, and shall be deemed voided if removed from the place or location specified in the written application and in the permit. (Ord. 205 § 33.118, 1962: prior code § 3311.2)

8.08.110. Scorecards—Minimum score for permit and operation.

The board of health, by regulation, may adopt a scorecard for the grading of establishments undergoing inspection. No permit shall be issued to any establishment scoring less than eighty percent on the scorecard. Each establishment shall maintain standards of sanitation and health sufficient to score eighty percent on the scorecard at all times. If upon inspection any establishment fails to attain a score of eighty percent, due written notice shall be served on the applicant for the permit. The notice shall list the deficiencies and state that such deficiencies must be corrected within thirty days, at which time a reinspection will be made. An establishment failing to comply with the written notice or failing to attain a score of eighty percent on the reinspection shall immediately close and remain closed until a score of at least eighty percent is achieved on a reinspection by the department. (Ord. 205 § 33.119 (part), 1962: prior code §§ 3331—3331.5)

8.08.120. Scorecards—Alphabetical grades.

The health officer shall issue an alphabetical gradecard to each restaurant inspected, which gradecard shall be displayed at all times while the restaurant is open to the public. Restaurants scoring ninety percent or more on the scorecard shall receive an A gradecard; those scoring eighty to eighty-nine and one-half percent shall receive a B scorecard; those scoring below eighty percent shall receive a C scorecard. (Ord. 205 § 33.119 (part), 1962: prior

code §§ 3331.6—3331.63)

8.08.130. Permit and grade card to be posted.

Every health permit and/or alphabetical grade card issued shall be kept posted in a conspicuous place in the establishment for which the permit is issued. The health officer shall prescribe the location in or on the establishment where such permit shall be kept posted. Alphabetical grade cards shall be posted in the front window of the establishment so as to be clearly visible to patrons entering the establishment or in a display case mounted on the outside front wall of the establishment within five feet of the front door, or in some other location clearly visible to patrons entering the establishment which has been approved by the health officer. The alphabetical grade card shall be protected from damage by weather conditions and shall not be defaced, marred or camouflaged or hidden so as to prevent the general public from observing it. (Ord. 523 § 1, 1981; Ord. 205 § 33.120, 1962; prior code §§ 3332—3332.2)

8.08.140. Farm produce—Terms of free permit.

All farmers or ranchers may dispose of fruits, vegetables and farm produce actually produced on their ranches, farms or property, and a permit will be issued therefor without charge provided that each and every provision of this code regulating the type of produce to be sold or distributed is complied with, that the sale or distribution of such produce or food is not made or done within the right-of-way of any public street or highway in the city, and that the produce is sold from the property on which it is grown. (Ord. 205 § 33.121, 1962; prior code §§ 3333, 3333.1)

8.08.150. Revocation or suspension—Hearing.

A. The director of public health shall order that a hearing be held, with himself as hearing officer, to determine whether or not the health permit of an establishment should be suspended or revoked whenever it appears to him, by reason of either citizen complaint or health department investigation, that the holder of such permit or his employee, servant or agent, or any person acting with his consent or under his authority, has or may have violated any provision of this chapter or any relevant requirement established or provided by law.

B. Any hearing pursuant to this section and any order of suspension or revocation resulting therefrom is supplemental to and shall not bar or foreclose subsequent proceedings against such person by the filing of a criminal misdemeanor complaint punishable as provided in Section 8.04.040. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by such person and shall be punishable accordingly. (Ord. 205 § 33.123, 1962; prior code §§ 3334—3334.2)

8.08.160. Hearing—Notice.

Upon the determination that a hearing be held pursuant to Section 8.08.150, the health officer shall immediately send to the permittee a notice of hearing, which shall provide substantially as follows:

NOTICE OF HEARING

To: (name and address of permittee)

Notice is hereby given that on _____ the Director of Public Health of the City of Imperial Beach ordered that a hearing be held on (date and hour) at (place of hearing) to determine whether or not Health Permit No. _____, issued to you for the establishment known as _____, should be suspended or

revoked.

The actions or inactions complained of are as follows: (set forth actions or inactions and the dates of such, and the code sections, statutes or regulations violated).

Be prepared to present evidence and witnesses on your behalf at this hearing if you so desire. You may be represented by legal counsel. Your failure to appear will not prevent the issuance of an order of suspension or revocation should such order appear justified by the evidence presented.

(Ord. 205 § 33.124, 1962: prior code § 3335)

8.08.170. Hearing—Rules and procedure.

The following rules and procedures shall govern hearings held pursuant to this chapter:

A. **Hearing Officer.** The Director of Public Health shall be the hearing officer. Upon the disqualification of the Director of Public Health to act as hearing officer, either on his/her own motion or that of the permittee acceded in by the director, any member of the board of health may act as hearing officer. The sole grounds for disqualification are financial interest, bias or prejudice; prior knowledge of the facts alone does not constitute bias or prejudice.

B. **Time.** The hearing date shall be no less than ten and no more than thirty days following the date on which notice thereof was sent to the permittee.

C. **Continuance.** The hearing officer may order such continuance or continuances as he/she deems necessary and proper.

D. **Transcript of Hearing.** The city is not required to furnish a shorthand reporter or any other method of reporting the hearing; the permittee may furnish such at his/her sole and nonreimbursable cost and expense if he/she so desires.

E. **Waiver of Irregularities.** Any procedural or evidentiary irregularities in the hearing are deemed to be waived unless objection is taken thereto and a specific ruling requested thereon.

F. **Findings.** Specific findings, including a finding that the public health, safety and welfare are subject to a clear and present danger, may be made but are not required. If specific findings are not made the hearing officer shall make a general finding that the actions or inactions complained of, as set forth in the notice of hearing, are true or untrue, and that such actions or inactions do or do not constitute a violation of the condition set forth in Section 8.08.050.

G. **Decision and Order.** If the hearing officer finds that the actions or inactions complained of are untrue, he shall order that the proceedings are dismissed. If the hearing officer finds that the actions or inactions complained of are true, and that a violation as aforesaid has occurred, he shall order either that the permit be suspended for a period not to exceed six months or that the permit be revoked. The decision and order of the hearing officer shall be final unless an appeal is taken pursuant to Section 8.08.180.

H. **Modification or Rescission of Order of Suspension.** If the hearing officer orders that the permit be suspended for a certain period, the permittee may subsequently petition for the modification or rescission of the order of suspension and the reinstatement of the permit. The hearing officer, in his discretion, may grant or deny the petition; or he may grant the petition subject to the condition of the imposition of a probationary period, during which period any violation by the permittee of the condition set forth in Section 8.08.050 is grounds for summary suspension of the permit for the remainder of the period established by the original order of suspension, and is also grounds for the institution of new proceedings for suspension or revocation of the permit. The order of the hearing officer with respect to such petition is final, and no administrative appeal shall lie therefrom.

I. **Probation.** If the hearing officer orders that the permit be suspended or revoked, he may, in the interests of justice and equity, further order that the order of suspension or revocation be stayed and the permittee be laced

on probation for a period not to exceed three years. The hearing officer may grant probation on such conditions as he/she deems to be fair and reasonable. If the permittee is dissatisfied with the order of probation, or with the conditions thereof, he/she may reject the offer of probation, in which event the order of suspension or revocation shall become final; if the permittee is satisfied with the order of probation he/she shall indicate such assent, and his/her agreement to be bound by the terms thereof, by affixing his/her signature thereto.

Upon the charge by the health officer of the violation by the permittee of a condition of probation, a hearing shall be held pursuant to this section, limited to the issue of whether or not such condition was in fact breached. If it is found that the condition was breached, the original order of suspension or revocation shall be forthwith enforced, and probation in the same matter shall not be granted again.

Upon the petition of the permittee for termination of probation and release from the conditions thereof, the rules and procedures established by subsection H of this section shall apply except that the hearing officer shall either grant or deny such petition, and shall not impose any condition on such grant or denial. (Ord. 205 § 33.125, 1962: prior code §§ 3336—3336.96)

8.08.180. Appeals—Application.

Any permittee aggrieved by the decision or the order of the hearing officer or by the denial of an application for a health permit may, within fifteen days of the date of the written announcement of the decision and order, or of the denial, appeal to the city council. Such appeal shall be effected by depositing in the office of the clerk to the city council, within fifteen days, a notice of appeal which sets forth the notice of hearing and the decision and order of the hearing officer. The clerk shall present the notice of appeal to the city council at their next regular meeting, at which time the council shall set the matter for hearing de novo at the earliest date possible in light of its regular business. (Ord. 205 § 33.126, 1962: prior code § 3337—3337.2)

8.08.190. Appeals—Rules and procedures.

The following rules and procedures shall govern appeals pursuant to this chapter:

A. Effect of Appeal. Upon the filing of the notice of appeal, the order of the hearing officer shall be stayed unless the hearing officer has found that the public health, safety and welfare are threatened, in which case the director of public health shall make such order or orders as are necessary to safeguard the public health, safety and welfare. If the permittee agrees in writing to comply with such order or orders pending the outcome of the appeal, the order of the hearing officer shall in that case also be stayed; otherwise it shall not be stayed.

B. Hearing De Novo. The city council shall hold a hearing de novo at which time the health officer and the permittee may offer any and all relevant evidence, whether or not such evidence was before the hearing officer, and may make oral arguments. The city council is not bound or limited in any way by the evidence before the hearing officer, although it may consider such evidence, or by the rulings, findings, decision or order of the hearing officer.

C. Procedures. The provisions of subsections C through I of Section 8.08.170 apply to hearings conducted pursuant to this section; provided, that in the hearings conducted pursuant to this section the city council shall exercise the powers given to the hearing officer by said subsections of Section 8.08.170; and further provided, that the decision and order of the city council shall be final for all purposes. (Ord. 205 § 33.127, 1962: prior code § 3338)



County of San Diego

JACK MILLER
Director

DEPARTMENT OF ENVIRONMENTAL HEALTH
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
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ELIZABETH POZZEBON
Assistant Director

July 25, 2012

Mr. Gary Brown, City Manager
CITY OF IMPERIAL BEACH
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

CITY MANAGER &
CITY CLERK OFFICES

2012 JUL 26 PM 4: 21

Extending the Letter Grade to Mobile Food Facilities

Dear Mr. Brown:

The County, through its Department of Environmental Health (DEH), currently implements the restaurant "ABC" letter grading system throughout the County, including in your City. On July 11, 2012, the San Diego County Board of Supervisors approved an ordinance that requires mobile food facilities that prepare food, such as food trucks and coffee carts, to conform to a letter grading system. The system is similar to the ABC grading program that has been used for restaurants throughout the County since the 1950's. However, this County ordinance only applies to mobile food facilities operating in the unincorporated areas of the County. In order for this food safety program enhancement to be successful, we need your help in adopting these changes into your municipal code so that we can implement this program improvement county-wide.

Extending the widely recognized letter grading system to mobile food facilities that prepare food will provide consumers with more information about the overall operating condition of the mobile food facility and help to better distinguish them from unpermitted food vendors. To assist with the region-wide adoption process, the County has prepared the attached model ordinance entitled "An Ordinance Allowing Grading of Mobile Food Facilities that Prepare Food" for your use. Adoption of a City ordinance based on this model will incorporate the changes to the County program by reference, and grants DEH the authority to enforce the posting of a letter grade on mobile food facilities operating within your City.

The County and the City already have an agreement under which the County provides services of this kind within the City, on a fee supported basis. To support that arrangement, your City has ordinance provisions in place that provide for the County to collect appropriate permit fees from businesses within the City that are subject to County administered regulatory programs. Section 3 of the attached model ordinance will update fee provisions for your City by reference to fees in the County Code. When an ordinance is presented to your City Council for adoption, notice and hearing requirements for an increased fee may be applicable. My staff and County Counsel are available to assist you in preparing final ordinance language that conforms to any advice your City Attorney may provide on required procedures.

Extending the Letter Grade to Mobile Food Facilities
Page 2
July 25, 2012

In the near future, we will also contact you or staff you designate on additional municipal code updates for programs DEH administers in your City. Some programs need updates and some will be proposed for elimination. We will also ask for an ordinance to enable us to implement the new State Safe Body Art Act (which took effect as of July 1, 2012) on a consistent basis county-wide. But action on mobile food facility grading is more urgent because we hope to roll that program out on a consistent basis County-wide on December 1, 2012.

We are available to discuss the proposed ordinance changes, and we would be glad to present information about the ABC grading program to your City Council. A fact sheet on the new letter grading system for mobile food facilities is attached to this letter. My contact person is Gloria Estolano, Chief of the Food and Housing Division and she can be reached at (858) 505-6898.

Thanks in advance for your help in extending the ABC grading to mobile food operations throughout San Diego County.

Sincerely,



JACK MILLER, Director

- Attachments:
- 1) FACT SHEET - Letter Grading for Mobile Food Facilities that Prepare Food
 - 2) An Ordinance Allowing Grading of Mobile Food Facilities that Prepare Food
 - 3) An Ordinance Amending Portions of the County Code of Regulatory Ordinances Relating to Mobile Food Facilities

**NOTICE OF PUBLIC HEARING
City of Imperial Beach
MOBILE FOOD FACILITIES LETTER GRADE ORDINANCE**

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CA, will conduct a Public Hearing on December 5, 2012 at 6:00 p.m. in the City Council Chambers located at 825 Imperial Beach Boulevard, Imperial Beach, California, to consider an Ordinance repealing Chapter 8.08 "Public Health Food Permits" of the City of Imperial Beach Municipal Code and adding a new Chapter 8.08 adopting by reference Title 6, Division 1 of the San Diego County Code of Regulatory Ordinances concerning permanent and mobile food facilities. The proposed ordinance would bring Chapter 8.08 in conformance with state and county law, require both mobile and permanent food facilities to comply with the County letter grade system for evaluating safe food handling practices, and require all persons and businesses in the City required to obtain a health-related permit or related service from the County of San Diego, Department of Environmental Health pursuant to local or state law to pay the County the fee established in the County Code for that permit or service, including the delinquent payment fees. A copy of the primary code being considered for adoption by reference is on file with the City Clerk, and is open to public inspection at the City Clerk's Office.

Persons interested may appear before the Council at the above date, place and time. If you challenge the matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk at, or prior to, the public hearing.

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

/s/

Jacqueline M. Hald, MMC
City Clerk
(619) 423-8301 / 711(Calif. Relay Service)
Dated & posted: 11/9/12
To be published: 11/15/12 and 11/22/12

ORDINANCE NO. 10218 (N.S.)AN ORDINANCE AMENDING PORTIONS OF THE COUNTY CODE OF REGULATORY
ORDINANCES RELATING TO
MOBILE FOOD FACILITIES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1: The Board of Supervisors finds and determines that provision should be made for improved public notification signage for mobile food facilities that prepare and serve ready-to-eat food by establishing a letter grading system similar to that used by the Department of Environmental Health (DEH) to rate restaurants. This ordinance amends appropriate sections of the San Diego County Code of Regulatory Ordinances to implement regulations which will extend the restaurant letter grading program to approximately 550 mobile food facilities that prepare and serve ready to eat food allowing consumers to make safe dining choices.

Section 2: Title 6, Division 1, Chapter 1 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 61.101. PURPOSE.

Health and Safety Code (H & S Code) sections 113700 et seq., also referred to as the California Retail Food Code (CRFC), provide Statewide health and sanitation standards for retail food facilities. These sections allow a county to establish some local requirements for retail food facilities and their employees. These sections also provide that a local enforcement agency shall have primary enforcement responsibility for the State regulations in its jurisdiction. The purpose of this chapter is to adopt additional regulations for retail food facilities and their employees to protect the public health and safety in San Diego County and to appoint the Department of Environmental Health to enforce State and County regulations for retail food facilities and their employees.

SEC. 61.102. DEFINITIONS.

The following definitions shall apply to this chapter:

- (a) "DEH" means the Department of Environmental Health.
- (b) "Director" means the Director of DEH and any person appointed or hired by the Director to enforce or administer this chapter.
- (c) "Equipment" has the same meaning as the term "equipment" in H & S code section 113777.
- (d) "Food" has the same meaning as the term "food" in H & S code section 113781.
- (e) "Food facility" has the same meaning as the term "food facility" in H & S code section 113789.
- (f) "Food handler" means a person who prepares, handles, packages, serves or stores food or handles utensils, or assists another person in any of those tasks at a food facility that requires a permit pursuant to this chapter.

(g) "Imminent health hazard" has the same meaning as the term "imminent health hazard" in H & S code section 113810.

(h) "Limited food preparation facility" means for purposes of section 65.107(a), a retail food facility that only serves frozen ice cream, hot dogs, beverages that are not potentially hazardous, coffee or cocoa based beverages that may contain cream, milk or similar dairy products requiring no preparation other than heating, blending, assembly, scooping or dispensing. A limited food preparation facility also includes an Alcoholic Beverage Control license type 42 or 48 facility, as long as that facility does not engage in slicing, chopping or grinding of raw potentially hazardous foods, reheating for hot holding, washing of foods, or cooking, baking, barbecuing, broiling, frying or grilling any food.

(i) "Prepare" means to package, process, assemble, portion or engage in any operation that changes the form, flavor or consistency of food, but does not include trimming produce.

(j) "Ready-to-eat food" has the same meaning as the term "ready-to-eat food" in H & S code section 113881.

(k) "Tableware" has the same meaning as the term "tableware" in H & S code section 113926.

(l) "Utensil" has the same meaning as the term "utensil" in H & S code section 113934.

SEC. 61.103. DEPARTMENT OF ENVIRONMENTAL HEALTH TO ENFORCE RETAIL FOOD REGULATIONS.

DEH shall be the local enforcement agency for the CRFC and the regulations adopted in this chapter.

SEC. 61.104. PERMIT REQUIRED FROM DEPARTMENT OF ENVIRONMENTAL HEALTH.

A person who is required to obtain a food facility permit pursuant to the CRFC shall submit an application for the permit to DEH on a form provided by the department. The application shall be accompanied by the fee required in Title 6, Division 5, Chapter 1.

SEC. 61.105. PENALTY FOR ACTIVITIES WITHOUT A PERMIT.

When DEH initiates an enforcement action against a person operating a food facility without a permit required by the CRFC the department may recover its enforcement costs from the violator, up to a maximum of three times the cost of the permit. After the enforcement activity has been completed, DEH may send the violator a penalty assessment for its enforcement costs. The violator shall pay the assessment within 15 days from the date of the assessment or at the time the violator applies for the permit, whichever occurs first.

SEC. 61.106. PLAN REVIEW FEE.

A person required to submit written plans and specifications to DEH pursuant to H & S code section 114380 shall pay the plan review fee required in Title 6, Division 5 at the time the person submits plans and specifications.

SEC. 61.107. GRADING SYSTEM FOR CERTAIN FOOD FACILITIES.

(a) The Director may adopt regulations to grade permanent or mobile food facilities that prepare ready-to-eat food, using a letter grade system. The grading system may be used during any inspection DEH conducts. An "A" grade shall represent a score of 90 percent or higher. A "B" grade shall represent a score of 80 to 89 percent. A "C" grade shall represent a score less than 80 percent. DEH shall issue an alphabetical grade card to each food facility graded during an inspection pursuant to this section and shall provide the permit holder with a list of deficiencies found during the grading inspection. If DEH determines from the inspection, however, that the facility presents an imminent health hazard that warrants immediate closure DEH shall not issue the facility a grade card.

(b) DEH may order a food facility permit holder receiving a grade of "B" or "C" to submit to subsequent re-grade inspections within 30 days, until the facility receives an "A" grade. DEH may also order a permit holder to correct a deficiency found during an inspection in less than 30 days. The permit holder shall pay DEH a re-grade fee at the time of each re-grade inspection, as specified in Title 6, Division 5, Section 65.107 (d).

(c) DEH may use information obtained during an inspection pursuant to this section to temporarily suspend a food facility permit and order a food facility to immediately close due to an imminent health hazard that cannot be immediately corrected. DEH may also use the information obtained during an inspection to modify, suspend or revoke the food facility's permit.

(d) If DEH determines that a food facility should be ordered to show cause at a hearing why its permit should not be suspended or revoked, DEH may require the facility to post a specified alternative notice instead of a grade card, until that hearing process is concluded and a decision concerning the permit is rendered.

(e) If DEH determines that the public should be informed of temporary conditions affecting a food facility, such as a boil water order or a closure order for only a portion of the facility, DEH may require the facility to post a specified notice, and may direct that such posting be maintained either instead of or in addition to posting a grade card.

(f) Violations of the requirements of this code related to food facility grading shall be subject to the penalties and procedures set out in Division 8 of Title 1 of this code.

SEC. 61.108. ALPHABETICAL GRADE CARD TO BE POSTED.

(a) The permit holder of a permanent or mobile food facility that prepares ready-to-eat food shall post the alphabetical grade card DEH issues, or any alternative notice specified by DEH pursuant to Section 61.107, whenever the facility is open for business. The grade card or alternative notice shall be posted so that it is clearly visible to patrons of the facility so that statements on the card may be read.

(b) If the food facility is enclosed, the permit holder shall post the grade card or alternative notice: (1) in the front window of the facility, (2) in an accessible display case mounted on the outside of the front door, (3) in an accessible display case mounted on the outside front wall of the facility within five feet of the front door or (4) in some other location DEH approves. If the food facility has a drive-through feature, the permit holder shall also post the grade card or alternative notice at the drive-in pickup window of the facility.

(c) If the food facility is not enclosed, the permit holder shall display the grade card or alternative notice in a location clearly visible to any patron of the facility. DEH may require the permit holder of an unenclosed facility to display the grade card or alternative notice in a specific location.

(d) The permit holder shall protect the alphabetical grade card or alternative notice from damage by weather conditions and shall not allow the card or alternative notice to be defaced, marred, camouflaged or hidden so as to prevent the general public from observing it. The permit holder shall request a new card or alternative notice from DEH within one business day of the grade card or alternative notice being damaged, marred, altered or lost.

SEC. 61.109. HEARING REQUESTED BY PERMIT HOLDER OR DEPARTMENT OF ENVIRONMENTAL HEALTH; APPEALS.

(a) If a permit holder requests a hearing within 15 days after receiving notice that DEH proposes to suspend or revoke a food facility permit pursuant to the CRFC, or if DEH temporarily closes a food facility for an imminent health hazard, the Director shall schedule a hearing. The Director shall also schedule a hearing when DEH proposes to modify, suspend or revoke a permit for serious or repeated violations of the CRFC. A hearing pursuant to this section shall be with a DEH employee, at the supervisor level or higher, who was not involved in the decision to propose to modify, suspend or revoke the permit or to temporarily close the facility.

(b) The permit holder may appeal the decision made at the hearing to the Appellate Hearing Board as provided in Chapter 1 of Division 6 of Title 1 of this Code. Filing an appeal shall stay the decision of the DEH hearing officer, unless the DEH hearing officer determined that an imminent health hazard required closure of the facility.

(c) The Clerk shall endeavor to schedule the appeal hearing on an expedited basis if the food facility must remain closed until that appeal is heard.

SEC. 61.110. ADMINISTRATIVE PROBATION.

(a) A permit holder and DEH may enter into a written administrative probation agreement to modify a decision by a departmental hearing officer to suspend a permit.

(b) If a permit holder fails to comply with the terms of an administrative probation agreement DEH may reinstate the original permit suspension and enforce any additional violation of the CRFC. The Director shall be the sole judge of whether the permit holder failed to comply with the agreement.

SEC. 61.111. NOTICE OF CLOSURE OF FOOD FACILITY.

(a) If the Director determines that a food facility is operating without a permit required by the CRFC the Director may order the person who owns or operates the facility to close immediately. In addition to taking any legal action authorized by law to compel a facility owner or operator to cease operating without a permit, the Director may post a notice of closure at or on a food facility operating without a permit, advising the public that the facility does not have a permit to sell food.

(b) The Director may also post a notice of closure on a food facility:

(1) When the Director orders the facility to close due to an imminent health hazard that the food facility does not immediately correct.

(2) When the Director suspends or revokes the facility's permit.

(c) No person other than the Director shall remove a notice posted by the Director pursuant to this section.

SEC. 61.112. INSPECTIONS AND TRACKING MOBILE FOOD FACILITIES.

(a) A mobile food facility permit holder shall pass an annual certification inspection at the same time the permit holder renews the annual permit or at a later date that DEH designates. A mobile food facility permit holder that passes inspection shall be issued a certification sticker, which the permit holder shall display on the mobile food facility at all times. If the mobile food facility permit holder fails to timely complete the annual inspection process the permit holder shall pay a late fee of 50% of the cost of the permit. No person shall operate or allow another person to operate a mobile food facility unless the facility passes the annual inspection. The mobile food facility may also be inspected in the field as authorized by the Director.

(b) The Director may establish a program to ensure that Mobile Food Facilities can be efficiently located in the field for inspections and grading, and may implement that program through permitting conditions.

A current list of locations at which a mobile food permit holder will operate shall be submitted to DEH along with a current cell phone number. DEH shall be notified in a timely manner whenever a change is made.

SEC. 61.113. RENTING OR LEASING EQUIPMENT AND UTENSILS.

(a) No person shall rent or lease equipment, tableware or utensils to a food facility without a permit issued by DEH.

(b) No person shall rent or lease equipment, tableware or utensils to a food facility unless it complies with the following requirements:

(1) The equipment is stored in a building that complies with the requirements the CRFC requires a food facility to comply with for storing equipment in a building.

(2) The tableware and utensils have been cleaned and sanitized by the same methods the CRFC requires a food facility to follow.

SEC. 61.114. FOOD HANDLER REQUIREMENTS.

(a) Except as provided in subsection (e) below no person shall employ a person as a food handler in a food facility unless the food handler: (1) has been issued a current food handler training certificate as provided in subsection (b), or (2) is supervised by a food safety certified owner or employee pursuant to the CRFC and has passed a food handler test, as described in subsection (d) below. A person may employ a food handler, however, who for the first ten days of employment has not passed the food handler test.

(b) The Director, or a person the Director authorizes, may issue a food handler training certificate to a person who successfully completes a three hour food sanitation training course and scores a grade of 80% or higher on a proficiency test, provided the Director approves the instructor, the course and the test. To be approved, the course of instruction shall include all of the following subjects:

(1) Major causes of foodborne illness.

- (2) Time and temperature control of potentially hazardous foods.
- (3) Proper employee health and hygiene practices.
- (4) Methods to protect food from contamination.
- (5) Required consumer advisories.
- (6) Approved food sources.
- (7) Washing and sanitizing of utensils and equipment.
- (8) Pest control.

(c) A food handler training certificate shall be valid for three years from the date it is issued. A person issued a food handler training certificate continuing employment at the facility shall obtain a new certificate every three years. The Director or a person the Director authorizes may renew a food handler training certificate for additional three year periods if the food handler is able to obtain a score of 80% or higher on the proficiency test at renewal time. If the food handler is unable to achieve a score of 80% on the test, the food handler shall repeat the food handler training certificate course and pass the proficiency test in order to obtain a renewal certificate. The Director may also require a person with a food handler training certificate to retake the training certificate course or retake and pass the proficiency test after less than three years from the date the certificate is issued.

(d) A food safety certified owner or employee may administer a food handler test that the Director prepares covering fundamental principles of food safety practices. A grade of 80% or higher is a passing grade. The food handler's passing test score shall be valid for three years from the test date or until the food handler ceases working as a food handler at the facility. A food handler continuing employment at the facility shall obtain a passing grade on the food handler test every three years. The Director may require a food handler to retake the test after less than three years.

(e) Notwithstanding the requirements of this section, the Director may allow the owner or operator of a temporary food facility to employ a food handler who does not have a current food handler certificate or who has not passed the food handler test within the last three years if: (1) the temporary food facility complies with H & S Code section 113947.1(c) and (2) the food handler is able to demonstrate adequate knowledge of food safety principles related to the operation of the temporary food facility. If a temporary food facility operator has passed the approved and accredited food safety certification examination specified in H & S code sections 113947.2 and 113947.3 the temporary food facility may apply for an annual temporary food facility permit rather than having to obtain a temporary event permit for each temporary event the facility participates in.

SEC. 61.115. FOOD HANDLER RECORDS.

The permit holder of a food facility shall maintain at the food facility a complete list of all food handlers and food safety certificate holders the facility employs. The permit holder shall also maintain a copy of any employed food handler's current: (a) food handler training certificates, (b) food handler test and (c) food safety certificate required by the CRFC. The Director may inspect any of these records the permit holder is required to maintain at the facility whenever the facility is open for business.

Section 3: This ordinance shall take effect and be in force thirty days after its passage and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 25th day of July, 2012.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL
BY

Rodney F. Lorang, Senior Deputy



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER *MB*
MEETING DATE: DECEMBER 5, 2012
ORIGINATING DEPT.: PUBLIC WORKS *HAL*
SUBJECT: PROPOSED BSA EAGLE PROJECT PRESENTATION - 4th STREET MEDIAN

BACKGROUND:

Recently City Council approved a modification to the Sports Park / 4th Street exit. Street Division has now completed the reconstruction of this exit. The reconstruction included the extension and modification to the island or median separating the entrance from the exit at 4th Street. The island or median is in need of landscape improvements to complete the project started by Street Division. See photographs included as Attachment 1. It is staff's recommendation that the median be landscaped with additional trees and turf similar to that in the old part of the median.

Boy Scouts of America has an award program by which boys who complete certain advancement requirements, perform a significant community service project and meet identified character standards are awarded the rank of Eagle. It is the opinion of City staff that the project identified above – extension of an irrigation system for extended median and the planting of new trees and seeding of new turf area in the median qualifies as a “significant community service project.”

DISCUSSION:

BSA Troop 53, Eagle Scout Candidate Jason Gros has indicated an interest in performing the landscape improvements in the Sports Park / 4th Street median. Staff is willing to work with Mr. Gros in designing and constructing the project. Mr. Gros would design the improvements, plan, organize and supervise the construction of the project, should City Council approve his project

ENVIRONMENTAL DETERMINATION:

This project was evaluated for CEQA requirements and is determined to be Categorically Exempt per section 15301 - Existing Facilities – Class 1.c.

FISCAL IMPACT:

The cost of the project would come from the Park Maintenance Division Operating and Maintenance (O&M) budget. The total project costs are estimated at approximately \$1,000.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Receive a presentation from Mr. Gros regarding the proposed improvements.
3. Comment and direct staff and Mr. Gros regarding the design of the proposed project
4. Authorize the City Manager to sign the Eagle Project plan for Mr. Gros to continue the project development and construction as approved by City Council and City staff.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Three photographs of Sports Park - 4th Street Improvement Project









**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER *MB*
MEETING DATE: DECEMBER 5, 2012 *Hof*
ORIGINATING DEPT.: PUBLIC WORKS
SUBJECT: PROPOSED BSA EAGLE PROJECT PRESENTATION –
DEMPSEY HOLDER SAFETY CENTER

BACKGROUND:

Dempsey Holder Safety Center west entrance is currently consists of a sod surface. The west entrance is often inundated with blown sand that imbeds in the turf and makes the surface uneven and a trip or fall concern. Removing sand from turf surfaces is primarily limited to removing the top layer and that imbedded in the turf is not able to be removed. Over time the turf surface becomes uneven and a trip hazard. Lifeguards have long expressed concern when passing through this undulating west entrance for emergency response events. Emergency response leads to rapid exits which leads to a more susceptible trip and fall which leads to delayed responses to the emergency. Please note attachment 1 showing the Dempsey Center west entrance area. The Lifeguards would prefer a permeable block surface that can be swept clear of blown sand and keep the west entrance free of trip hazards.

Boy Scouts of America has an award program by which boys who complete certain advancement requirements, perform a significant community service project and meet identified character standards are awarded the rank of Eagle. It is the opinion of City staff that the project identified above – removal of the sod and replace the sod with a permeable block surface qualifies as a “significant community service project.”

DISCUSSION:

BSA Troop 211, Eagle Scout Candidate Kyle Armstrong has indicated an interest in performing the turf replacement with block paving at the west entrance to the Dempsey Holder Safety Center. Staff is willing to work with Eagle Candidate Armstrong in designing and constructing the project. Eagle Candidate Armstrong would design the improvements, plan, organize and supervise the construction of the project, should City Council approve his project

ENVIRONMENTAL DETERMINATION:

This project was evaluated for CEQA requirements and is determined to be Categorically Exempt per section 15301 - Existing Facilities – Class 1.c.

FISCAL IMPACT:

The cost of the project would come from the Lifeguard Division Operating and Maintenance (O&M) budget. The total project costs are estimated at approximately \$1,000.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Receive a presentation from Eagle Candidate Kyle Armstrong regarding the proposed improvements.
3. Comment and direct staff and Eagle Candidate Kyle Armstrong regarding the design of the proposed project
4. Authorize the City Manager to sign the Eagle Project plan for Eagle Candidate Kyle Armstrong to continue the project development and construction as approved by City Council and City staff.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Photographs of current West entrance of Dempsey Holder Safety Center





IMPERIAL BEACH
LIFEGUARD
CALIFORNIA

STAFF ONLY
PLEASE USE NORTH
FACING DOOR









**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER *GB*

MEETING DATE: DECEMBER 5, 2012

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

SUBJECT: APPOINTMENT OF IMPERIAL BEACH REPRESENTATIVE TO SERVE ON THE PORT OF SAN DIEGO'S PUBLIC ART COMMITTEE

BACKGROUND:

The Port of San Diego's Public Art Committee (PAC) serves as an advisor to the Public Art Office and to the Board of Port Commissioners, upholding the Port of San Diego's vision for public art, ensuring that the Port's public art policies and procedures are followed, and supporting the development and stewardship of the Port's public art collection and other public art on Port property. PAC members support and advocate for high-quality Public Art throughout the tidelands.

On September 12, 2012, the City of Imperial Beach was informed that Daniel Lopez, the member previously recommended for the PAC, was no longer able to participate on the committee due to time constraints. Therefore, the Port is requesting a recommendation of another candidate to serve on the PAC.

DISCUSSION:

The mayor of each of the Port's member cities is responsible for recommending one candidate for PAC membership of the Public Art Committee. Appointments to all commissions, boards, and committees shall be made by the Mayor, with the approval of the City Council.

FISCAL ANALYSIS:

None associated with this report.

DEPARTMENT RECOMMENDATION:

1. Mayor recommend nomination of a new Imperial Beach representative to fill a three-year term on the Port of San Diego's Public Art Committee; and
2. City Council approve Mayor's recommendation.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER *GB*

MEETING DATE: DECEMBER 5, 2012

ORIGINATING DEPT.: PUBLIC WORKS *HOL*

SUBJECT: RESOLUTION NO. 2012-7281 AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – ECO BIKEWAY 7TH AND SEACOAST (7TH STREET FROM BAYSHORE BIKEWAY TO PALM AVENUE AND PALM AVENUE FROM 3RD STREET TO 7TH STREET – (S05-104)

BACKGROUND:

The Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2004-2005 through 2008-2009 appropriated funds for design, CEQA, and Bicycle Transportation Plan (BTP) of the Eco Bikeway 7th and Seacoast Drive (7th Street from Bayshore Bikeway to Palm Avenue and Palm Avenue from 3rd Street to 7th Street) project CIP S05-104. The design drawings, the CEQA and the BTP were completed in FY 2008/2009. Staff was directed to identify and apply for grant funds for the construction of this project. In FY 2009/2010 staff applied for a Bicycle Transportation Account (BTA) grant for \$1,800,000. In August 2010 the City was advised that this project was not selected for funding. On May 18, 2011 City Council directed staff to continue pursuing grant opportunities for the project. On June 20, 2012 City Council adopted Resolution No. 2012-7222 authorizing the City Manager to submit an application to SANDAG for Active Transportation Grant Program funding in the amount of \$1,500,000. Further, Resolution No. 2012-7222 committed to providing \$600,000 of TRANSNET matching funds towards project construction as authorized in April 4, 2012, City Council adopted Resolution 2012-7177. Resolution 2012-7177 adopted the TRANSNET Local Street Improvement Program of projects for Fiscal Years 2013 through 2017. This list of projects included Palm Avenue between 3rd Street and Delaware Street. On July 17, 2012 staff forwarded a grant application to SANDAG for the Active Transportation Grant requesting \$1,500,000 in grant funding.

In September 2012 SANDAG advised that the City would be awarded an Active Transportation Grant Program in the amount of \$1,500,000. On November 1, 2012 staff advertised a Request for Bids (RFB) in the Imperial Beach Eagle & Times and other sources starting November 1, 2012. Bid opening was Thursday, November 29, 2012.

DISCUSSION:

Bids were opened and evaluated in an advertised public meeting, at 2:30 p.m., November 29, 2012. (state number) bids were received, opened and evaluated. The lowest of the (state number) bids received was from (state name).

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

- ##### \$ ____.
- %%%%%%%%%% \$ ____,__

The Engineer's Estimate was \$2,100,000.

ENVIRONMENTAL DETERMINATION:

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

FISCAL IMPACT:

Revenue:	TRANSNET	\$ 600,000
	Active Transportation Account Grant	\$1,500,000
	<u>TOTAL FUNDS AVAILABLE</u>	<u>\$2,100,000</u>
Expenditure:	Construction Admin Consultant	\$ 30,000
	Public Works Admin	\$ 30,000
	Construction Contract	\$ ____,__
	TOTAL EXPENDITURES	\$ ____,__

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Adopt the attached resolution.
3. Authorize the use of TRANSNET funds as a City match for this project.
4. Authorize the City Manager to approve a purchase order for the amount of the bid price.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Resolution No. 2012-7281

RESOLUTION NO. 2012-7281

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AWARDED A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – ECO BIKEWAY 7TH AND SEACOAST (7TH STREET FROM BAYSHORE BIKEWAY TO PALM AVENUE AND PALM AVENUE FROM 3RD STREET TO 7TH STREET – (S05-104)

WHEREAS, the Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2004-2005 through 2008-2009 appropriated funds for design, CEQA, and Bicycle Transportation Plan (BTP) of the Eco Bikeway 7th and Seacoast Drive (7th Street from Bayshore Bikeway to Palm Avenue and Palm Avenue from 3rd Street to 7th Street) project CIP S05-104; and

WHEREAS, the design drawings, the CEQA and the BTP were completed in FY 2008/2009; and

WHEREAS, staff was directed to identify and apply for grant funds for the construction of this project; and

WHEREAS, on June 20, 2012 City Council adopted Resolution No. 2012-7222 authorizing the City Manager to submit an application to SANDAG for Active Transportation Grant Program funding in the amount of \$1,500,000; and

WHEREAS, Resolution No. 2012-7222 committed to providing \$600,000 of TRANSNET matching funds towards project construction; and

WHEREAS, on April 4, 2012 City Council adopted Resolution 2012-7177 submitting the TRANSNET Local Street Improvement Program of projects for Fiscal Years 2013 through 2017 which included the project on Palm Avenue between 3rd Street and Delaware Street; and

WHEREAS, on July 17, 2012 staff forwarded a grant application to SANDAG for the Active Transportation Grant requesting \$1,500,000 in grant funding; and

WHEREAS, in September 2012 SANDAG advised that the City would be awarded an Active Transportation Grant Program in the amount of \$1,500,000; and

WHEREAS, on November 1, 2012 staff advertised a Request for Bids (RFB) in the Imperial Beach Eagle & Times and other sources starting November 1, 2012; and

WHEREAS, bids were opened and evaluated in an advertised public meeting, at 2:30 p.m., November 29, 2012; and

WHEREAS, the lowest of the (state number) bids received was from (state name); and

WHEREAS, the Engineer's Estimate was \$2,100,000.

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. _____.

- 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 5th day of December 2012, 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: GARY BROWN, CITY MANAGER *MB*

MEETING DATE: DECEMBER 5, 2012

ORIGINATING DEPT.: PUBLIC WORKS *Hof*

SUBJECT: RESOLUTION NO. 2012-7277 AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – FY 10/11 ANNUAL MAIN LINE REPAIRS – (W11-201) AND PROJECT BUDGET AMENDMENT OF \$55,000

BACKGROUND: The Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009-2010 through 2013-2014 included sewer projects – Annual Main Line Repairs. The Fiscal Year 10/11 Annual Main Line Repair CIP included main line repairs on pipe sections numbered 99, 286, 410, 547, 548, 55, 108, 109, and 401, and repairs to man-holes 196, 195, 194, and 50.

Tran Consulting Engineers, Inc. completed the plans and specifications for the “FY 10/11 Annual Main Line Repair –” on or about August 15, 2012. The project was advertised in the Imperial Beach Eagle & Times and other sources starting September 6, 2012. Bid opening was Thursday, September 27, 2012. On October 17, 2012 City Council adopted Resolution 2012-7257 rejecting all bids.

On November 1, 2012, the project was re-advertised with revised bid specifications in the Imperial Beach Eagle & Times and other sources. Bid opening was Thursday, November 29, 2012.

DISCUSSION: Bids were opened and evaluated in an advertised public meeting, at 2:00 p.m., November 29, 2012. (state number) bids were received, opened and evaluated. The lowest of the (state number) bids received was from (state name).

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

- ##### \$____.____
- %%%%%%%%%% \$____,____

The Engineer’s Estimate was \$210,000.

The Sewer Enterprise Fund revenue for this project was provided in the 5-Year CIP at a total appropriated expenditure of \$220,000.

This project will exceed the budget appropriation by approximately \$55,000. It is recommended that the project budget be amended to add \$55,000 from the Sewer Enterprise Fund Reserve.

ENVIRONMENTAL DETERMINATION:

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

FISCAL IMPACT:

Revenue:	Sewer Enterprise Fund	\$220,000
	Budget Amendment	\$ 55,000
Expenditure:	Tran Consulting Engineers	\$ 49,915
	#####	\$____,____
	Staff Administration	\$ 15,000
	TOTAL EXPENDITURES	\$____,____

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Adopt the attached resolution.
3. Authorize the City Manager to transfer \$55,000 from the Sewer Enterprise Reserve Fund to the Fiscal Year 10/11 Annual Main Line Repair CIP project (W11-201).
4. Authorize the City Manager to approve a purchase order for the amount of the bid price.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Resolution No. 2012-7277

RESOLUTION NO. 2012-7277

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AWARING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – FY 10/11 ANNUAL MAIN LINE REPAIRS – (W11-201) AND PROJECT BUDGET AMENDMENT OF \$55,000

WHEREAS, the Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009-2010 through 2013-2014 included sewer projects – Annual Main Line Repairs; and

WHEREAS, the Fiscal Year 10/11 Annual Main Line Repair CIP included main line repairs on pipe sections numbered 99, 286, 410, 547, 548, 55, 108, 109, and 401, and repairs to man-holes 196, 195, 194, and 50; and

WHEREAS, Tran Consulting Engineers, Inc. completed the plans and specifications for the “FY 10/11 Annual Main Line Repair –” on or about August 15, 2012; and

WHEREAS, on November 1, 2012, the project was advertised in the Imperial Beach Eagle & Times and other sources; and

WHEREAS, bids were opened and evaluated in an advertised public meeting, at 2:00 p.m., November 29, 2012; and

WHEREAS, (state number) bids were received, opened and evaluated; and

WHEREAS, the lowest of the (state number) bids received was from (state name); and

WHEREAS, the Engineer’s Estimate was \$210,000; and

WHEREAS, the Sewer Enterprise Fund revenue for this project was provided in the 5-Year CIP at a total appropriated expenditure of \$220,000; and

WHEREAS, this project will exceed the budget appropriation by approximately \$55,000; and

WHEREAS, it is recommended that the project budget be amended to add \$50,000 from the Sewer Enterprise Fund Reserve.

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. _____.
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.

6. The City Manager is authorized to transfer \$55,000 from the Sewer Enterprise Reserve Fund to the Fiscal Year 10/11 Annual Main Line Repair CIP project (W11-201).

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 5th day of December 2012, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK