



# 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**

**MAY 16, 2012**

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

***CLOSED SESSION MEETING – 5:15 P.M.  
REGULAR MEETING – 6:00 P.M.***

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

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

**CLOSED SESSION CALL TO ORDER**

**ROLL CALL BY CITY CLERK**

**CLOSED SESSION**

**1. CONFERENCE WITH LABOR NEGOTIATOR**

Pursuant to Government Code Section 54957.6:

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

**2. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (1 CASE)**

Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b)(3)(A)

**3. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (1 CASE)**

Initiation of litigation pursuant to Govt. Code Section 54956.9(c)

**RECONVENE AND ANNOUNCE ACTION (IF APPROPRIATE)**

**REGULAR MEETING CALL TO ORDER**

**ROLL CALL BY CITY CLERK**

**PLEDGE OF ALLEGIANCE**

**AGENDA CHANGES**

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

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.

## **COMMUNICATIONS FROM CITY STAFF**

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

### **PRESENTATIONS (1.1-1.3)**

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

City Manager's Recommendation: Present the Recycle All-Star award certificate, \$100 check, and other premiums to Patrick Orourke.

#### **1.2\* PRESENTATION OF PROCLAMATION – PUBLIC WORKS WEEK. (0270-30)**

#### **1.3\* PRESENTATION ON THE BAYSHORE BIRDING AND WALKING TRAIL PROJECT BY KURT ROBLEK, WILDLIFE REFUGE SPECIALIST, TIJUANA SLOUGH AND S.D. BAY NATIONAL WILDLIFE REFUGES. (0620-25)**

\* No Staff Report

**CONSENT CALENDAR (2.1-2.4)** - *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 Meeting of April 4, 2012.

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

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 80429 through 80492 with a subtotal amount of \$138,705.70 and Payroll Checks 44597 through 44621 for a subtotal amount of \$142,559.33 for a total amount of \$277,411.40.

#### **2.3 RESOLUTION NO. 2012-7192 AUTHORIZING THE EXPENDITURE PLAN FOR THE FY 2011-2012 SUPPLEMENTAL LAW ENFORCEMENT STATE FUNDING (SLESF) GRANT ALSO KNOWN AS THE COPS GRANT. (0530-60)**

City Manager's Recommendation: Adopt resolution.

#### **2.4 RESOLUTION NO. 2012-7193 APPROVING PLANNING COMMISSION INTERPRETATION (PCI 110029) THAT AMENDS PARAMETERS FOR CERTAIN VENDING MACHINES THAT ARE ALLOWED TO OPERATE OUTDOORS IN COMMERCIAL ZONES – MF 1048. (0610-95)**

City Manager's Recommendation: Adopt resolution.

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

#### **3.1 ORDINANCE NO. 2012-1129 AMENDING SECTION 10.56.180 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO RIDING BICYCLES ON SIDEWALKS. (0680-95)**

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the first reading of the title of Ordinance No. 2012-1129 "AN ORDINANCE OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING SECTION 10.56.180 OF THE IMPERIAL BEACH MUNICIPAL CODE, PERTAINING TO RIDING BICYCLES ON SIDEWALKS";
3. City Clerk to read title of Ordinance No. 2012-1129; and
4. Motion to waiver further reading and introduce Ordinance No. 2012-1129 by title only and set the matter for adoption at the next regularly scheduled City Council meeting.

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

**4.1 SECOND READING AND ADOPTION OF ORDINANCE NO. 2012-1128 ADOPTING THE REVISED SEWER SERVICE RATES FOR SANITARY SEWER SERVICE AND AMENDING SECTION 13.06.140 B. OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES. (0830-95)**

City Manager's Recommendation:

1. Receive the report and public testimony;
2. Mayor calls for the reading of the title of Ordinance No. 2012-1128;
3. City Clerk second reading of the title of Ordinance No. 2012-1128 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING THE REVISED SEWER SERVICE RATES FOR SANITARY SEWER SERVICE AND AMENDING SECTION 13.06.140 B. OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES"; and
4. Motion to waive further reading and adopt Ordinance No. 2012-1128 by title only.

**ORDINANCES – SECOND READING & ADOPTION/PUBLIC HEARING (4.2)**

**4.2 SECOND READING/ADOPTION OF ORDINANCE NO. 2012-1127: REX BUTLER FOR BIKEWAY VILLAGE LLC (APPLICANT) AND THE CITY OF IMPERIAL BEACH: ADOPTION OF COMMERCIAL/RECREATION-ECOTOURISM (C/R-ET) ZONE AND THE REZONING FROM R-3000-D (RESIDENTIAL TWO-FAMILY – DETACHED) TO C/R-ET FOR THE CONVERSION/REDEVELOPMENT OF EXISTING WAREHOUSE BUILDINGS TO ECOTOURISM COMMERCIAL USES AT 536 13<sup>TH</sup> STREET & 535 FLORENCE STREET AND AIRPORT PARCEL 616-021-10-00 @ 500 13<sup>TH</sup> STREET. MF 1034. (0610-95)**

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive report and entertain testimony;
3. Close public hearing;
4. Mayor calls for the second reading of the title of Ordinance No. 2012-1127 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADDING CHAPTER 19.25 COMMERCIAL/RECREATION – ECOTOURISM (C/R-ET) ZONE AND APPLYING THE C/R-ET ZONE TO THE BIKEWAY VILLAGE SITE";
5. City Clerk to read title of Ordinance 2012-1127; and
6. Motion to waive further reading and adopt Ordinance No. 2012-1127 by title only.

**PUBLIC HEARINGS (5.1)**

**5.1 CONSIDER ADOPTION OF THE INTEGRATED SOLID WASTE MANAGEMENT SERVICES MAXIMUM FEE INCREASE REQUESTED BY EDCO DISPOSAL CORPORATION. (0270-40)**

City Manager's Recommendation:

1. Open the public hearing;
2. Receive the report;
3. Close the public hearing;
4. Consider proposed changes to the maximum allowable Integrated Solid Waste Management Services fees charged by EDCO Disposal Corp. becoming effective July 1, 2012. A 3.5% adjustment of the refuse rate is being proposed due to the increased costs of providing refuse collection and recycling services to the single-family residential units and 3.6% for business and multi-family communities and 3.1% for the roll off component. The amount of refuse bill is determined by the quantity and size of the refuse containers and the frequency of collection;
5. Direct staff to mail out notices to property owners on the rate increase at least 30 days before going into effect; and
6. Adopt resolution.

## **REPORTS (6.1-6.5)**

- 6.1 RESOLUTION NO. 2012-7194 AWARDED CITY ENGINEER SERVICES CONTRACT TO ATKINS NORTH AMERICA, INC. (0700-05)**  
City Manager's Recommendation:  
1. Receive report and  
2. Adopt resolution.
- 6.2 RESOLUTION NO. 2012-7196 AWARDED A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – 13<sup>TH</sup> STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S12-103). (0720-50)**  
City Manager's Recommendation:  
1. Receive report and  
2. Adopt resolution.
- 6.3 REPORT ON RESULTS OF CAPITAL IMPROVEMENTS PROGRAM PROJECT “TELEWISE PIPE SECTIONS / SEWER MAINS” W10-202 AND RESOLUTION TO AMEND THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM FY 2009-2010 THROUGH 2013-2014 “ANNUAL MAIN LINE REPAIRS” CIP BUDGET. (0830-10)**  
City Manager's Recommendation:  
1. Receive report;  
2. Authorize the reordering of the “Annual Main Line Repairs” CIP projects to insert the “red flag” and “high priority” projects described above in the Y8 11/12 work year and to defer the work scheduled for “Annual Main Line Repairs” CIP Projects beginning in Y8 11/12 and sequentially thereafter by one year; and  
3. Authorize an increase in the Y8 11/12 Annual Main Line Repairs” CIP budget to \$400,000.
- 6.4 RESOLUTION NO. 2012-7190 APPROVING CHANGE ORDER NO. 1 TO THE STREET IMPROVEMENT RDA PHASE 3B CIP (S04-108) PROJECT AND TRANSFERRING FUNDS FROM THE SEWER ENTERPRISE FUND RESERVE TO CIP S04-108. (0830-35)**  
City Manager's Recommendation:  
1. Receive report;  
2. Approve the installation of an activated carbon filter system in Pump Station 1B per the drawings prepared by Tran Consulting Engineers, Inc.; and  
3. Adopt resolution approving change order no. 1 to Street Improvements RDA Phase 3B, contract with PAL General Engineering Inc. and approving the transfer of funds from the Sewer Enterprise Fund Reserve to the Street Improvements RDA Phase 3B (CIP S04-108).
- 6.5 RESOLUTION NO. 2012-7199 AUTHORIZING THE CITY MANAGER TO IMPLEMENT LAYOFFS OF CITY EMPLOYEES IN ORDER TO REMEDY THE IMPENDING SHORTFALL OF THE CITY'S GENERAL FUND. (0500-35)**  
City Manager's Recommendation: Adopt resolution.

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

- 7.1 RESOLUTION NO. SA-12-07 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE ADVANCE AND ALLOCATION OF AN ADDITIONAL PORTION OF TAX INCREMENT FUNDS ALLOCATED FOR HOUSING PURPOSES IN THE TOTAL AMOUNT OF \$369,637 TOWARD PAYMENT OF THE DEBT SERVICE ON THE 2003 TAX ALLOCATION BONDS SERIES DUE ON OR BEFORE MAY 25, 2012 UPON CERTAIN CONDITIONS. (0418-20 & 0418-95)**  
City Manager's Recommendation: Adopt resolution.

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

## **ADJOURNMENT**

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

FOR YOUR CONVENIENCE, A COPY OF THE AGENDA AND COUNCIL MEETING PACKET MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK AT CITY HALL OR ON OUR WEBSITE AT [www.cityofib.com](http://www.cityofib.com).

\_\_\_\_\_/s/\_\_\_\_\_  
Jacqueline M. Hald, MMC  
City Clerk



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** 5/16/2012  
**ORIGINATING DEPT.:** PUBLIC WORKS *gab*  
**SUBJECT:** RECYCLE ALL-STAR AWARD PRESENTATION

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**BACKGROUND:**

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

**DISCUSSION:**

On 4/30/2012, City inspectors canvassed the 300 block of 8th St. in search of a Recycle All-Star. The following resident was selected as the Recycle All-Star for the month of May: Patrick Orouke.

The above resident has been notified of his/her award by telephone and invited to accept the Recycle All-Star award at the 5/16/2012 City Council meeting.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

Not a project as defined by CEQA.

**FISCAL ANALYSIS:**

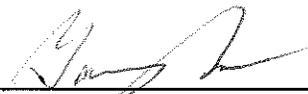
None

**DEPARTMENT RECOMMENDATION:**

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

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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



**DRAFT**

**MINUTES**

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

**APRIL 4, 2012**

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

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

**CLOSED SESSION CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 5:05 p.m.

**ROLL CALL BY CITY CLERK**

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

**CLOSED SESSION**

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

**1. CONFERENCE WITH LABOR NEGOTIATOR**

Pursuant to Government Code Section 54957.6:

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

**2. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (9 CASES)**

Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b)(3)(A)

**3. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (9 CASES)**

Initiation of litigation pursuant to Govt. Code Section 54956.9(c)

**MOTION CARRIED BY THE FOLLOWING VOTE:**

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

MAYOR JANNEY adjourned the meeting to Closed Session at 5:06 p.m. and he reconvened the meeting to Open Session at 6:02 p.m.

April 4, 2012

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council discussed:

- Item No. 1 – Direction was given and no reportable action was taken.
- Item No. 2 – One (1) case was discussed, direction was given and no reportable action was taken. Eight (8) cases were removed.
- Item No. 3 – One (1) case was discussed, direction was given and no reportable action was taken. Eight (8) cases were removed.

### **REGULAR MEETING CALL TO ORDER**

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

### **ROLL CALL BY CITY CLERK**

Councilmembers present:	King, Bilbray
Councilmembers absent:	Bragg
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 BILBRAY, SECOND BY KING, TAKE ITEM NO. 6.1 BEFORE ITEM NO. 5.1.**

**MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**NOES: COUNCILMEMBERS: NONE**

**ABSENT: COUNCILMEMBERS: BRAGG**

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

COUNCILMEMBER KING reported on his attendance at the South County Economic Development Council meeting where there was a presentation on economic development.

MAYOR PRO TEM SPRIGGS reported that he and the Mayor also attended the South County Economic Development Council meeting. He noted that the informational handout from the meeting, which was provided as last minute agenda information, is applicable to Item No. 6.2.

MAYOR JANNEY spoke about attending a groundbreaking ceremony today for a Habitat for Humanity project on Florida Street.

### **COMMUNICATIONS FROM CITY STAFF**

None.

### **PUBLIC COMMENT**

JOHN PERNO submitted photos of 1293 Florence St. and questioned if the Notice of Violation for overgrown vegetation was warranted and if the process was a wise outlay of staff's time. He claimed that the City's property located at 10<sup>th</sup> and Donax was in a worse condition.

April 4, 2012

**PRESENTATIONS (1.1-1.2)**

**1.1 2012 SAN DIEGO REGIONAL QUALITY OF LIFE DASHBOARD: WHAT DOES IT MEAN FOR IMPERIAL BEACH? (0140-85)**

ANN TARTE, Executive Director for the Equinox Center, gave a PowerPoint presentation on the 2012 San Diego Regional Quality of Life Dashboard. In response to Mayor Janney's question regarding possible causes of the high level of children's asthma rates, she stated that indoor causes can be due to older homes, inefficient heating systems, and homes with smokers. An outdoor cause can be pollution from the border crossing. She stated that they will do further research into the causes of the high level of children's asthma rates. They will also look into why the benchmark for affordability of housing is set at 30% of income.

**1.2 PRESENTATION ON SOUTHERN CALIFORNIA COASTAL OCEAN OBSERVING SYSTEM (SCCOOS). (0830-90)**

LISA HAZARD, Operations Manager for the Scripps Institute of Oceanography's (SIO) Coastal Observing Research and Development Center, gave a PowerPoint presentation on the item. In response to Mayor Pro Tem Spriggs' question about if the situation has gotten better or worse over the five-year time period, she stated that the trends have remained the same.

ENVIRONMENTAL PROGRAM MANGER HELMER stated that he will return to City Council at the next regular meeting with a report on water quality.

**CONSENT CALENDAR (2.1-2.4)**

**MOTION BY BILBRAY, SECOND BY KING, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.4. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**NOES: COUNCILMEMBERS: NONE**

**ABSENT: COUNCILMEMBERS: BRAGG**

**2.1 MINUTES.**

Approved the minutes of the Special Meetings of January 26, 2012 and February 8, 2012.

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

Ratified the following registers: Accounts Payable Numbers 80141 through 80264 with a subtotal amount of \$974,543.87 and Payroll Checks 44527 through 44549 for a subtotal amount of \$143,717.82 for a total amount of \$1,118,261.69.

**2.3 RESOLUTION NO. 2012-7176 AUTHORIZING SALE OF SURPLUS PROPERTY. (0380-45)**

Adopted resolution.

**2.4 RESOLUTION NO. 2012-7178 IN SUPPORT OF THE CHULA VISTA LOCAL COASTAL PROGRAM AND BAYFRONT MASTERPLAN. (0620-70)**

Adopted resolution.

**ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3)**

None.

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

None.

April 4, 2012

**REPORTS (6.1)**

**6.1 BICYCLE TRANSPORTATION ACCOUNT (BTA) GRANT APPLICATION TO CONVERT 13<sup>TH</sup> STREET TO INCLUDE A CLASS 2 BIKELANE. (0390-86)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a Power Point presentation on the item.

RYAN ZELLERS, with KOA, reported on converting 13<sup>th</sup> Street from a four vehicle lane road to a three vehicle lane road with a Class 2 bikelane from Iris Avenue to the Bayshore Bikeway. He noted that capacity volume is not lost when converting from a four lane road to a three lane road. The project will allow for bicyclists to have a direct connection from the Bayshore Bikeway, connect to a large employment center, complete part of the City's BTP Plan, help promote safety for pedestrians, bicyclists and vehicles, and promote healthy communities.

COUNCILMEMBER BILBRAY encouraged staff to address traffic congestion at the NOLF entrance (located at the southern end of 13<sup>th</sup> Street and Iris) when the project is designed.

**CONSENSUS OF CITY COUNCIL TO DIRECT STAFF TO PREPARE A BTA GRANT FOR THE PURPOSE OF CONVERTING 13<sup>TH</sup> STREET TO INCLUDE A CLASS 2 BIKELANE.**

**PUBLIC HEARINGS (5.1)**

**5.1 RESOLUTION NO. 2012-7177 ADOPTING THE TRANSNET EXTENSION LOCAL STREET AND ROAD PROGRAM OF PROJECTS FOR FISCAL YEARS 2013-2017. (0680-80)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item. He announced a revised Exhibit A to Resolution No. 2012-7177 was submitted as last minute agenda information.

MAYOR JANNEY asked staff to determine the requirements for installing ADA-compliant access ramps at corners and within sidewalks.

PUBLIC WORKS DIRECTOR LEVIEN reviewed the source of TransNet funding, the types of projects funded through TransNet and the projected budget for future projects.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

**MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2012-7177 ADOPTING THE TRANSNET EXTENSION LOCAL STREET AND ROAD PROGRAM OF PROJECTS FOR FISCAL YEARS 2013-2017 WITH THE REVISED EXHIBIT A TO THE RESOLUTION. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

April 4, 2012

## **REPORTS (6.2)**

### **6.2 SHORT TERM BUDGET IDEAS AND LONGER TERM VISION. (0330-30)**

Eight (8) letters in opposition to the elimination of the Sports Park program were submitted as last minute agenda information.

CITY MANAGER BROWN gave a PowerPoint presentation on the item.

DAVID GARCIAS, President of SEIU, encouraged City Council to consider a balanced approach to reducing costs and increasing revenues (additional speaking time donated by Mike Murphy and Guy Nelson).

STEPHANIE KINNAMON spoke in opposition to reducing services at the Senior Center and at the Sports Park.

JOHN PERNO reminded City Council that their first job is to represent the residents of Imperial Beach. He offered his suggestions for short term cost reductions and revenue enhancements (additional speaking time donated by Alan Winkelman).

TIM ONEAL spoke in opposition to cutting the Sports Park and the Senior Center.

City Council reviewed the short term budget ideas presented by staff and decided the following:

1. Staffing – Pursue Voluntary Separation Program to achieve \$100,000 - \$200,000 in savings
2. Parks and Recreation – Pursue a net reduction of \$50,000
  - Staff to present revenue ideas at a future City Council meeting
  - End contract for Sports Park grounds maintenance
3. Senior Program – Seek more volunteers
4. Public Relations contract – End contract to achieve a \$15,000 savings
5. Special Events – Participate in Big Bay Boom at a cost of \$30,000
6. Fee Increases – Proceed, revenues projected to be \$30,000 - \$100,000
7. Vacation Rentals – Get more information, revenues projected to be \$50,000 - \$100,000
8. Parking Enforcement – Proceed, potential revenue unknown at this time
9. Card Room Gambling – Do not pursue
10. Advertising – Proceed, potential revenue unknown at this time
11. Change agency for collecting parking ticket fines – Proceed, revenues projected to be \$25,000 - \$50,000
12. Franchise Fee – Mayor and City Manager to meet with CalAM, potential revenue unknown at this time
13. Sheriff's Costs
  - Staff to estimate the cost to retain current staffing level and will determine what incremental staff decreases will save the city.
14. End contracts for grounds and maintenance – Do not pursue
15. Contract for custodial services – Do not pursue
16. Close all Fridays – Look at voluntary program, potential savings unknown at this time
17. Charge for sidewalk repairs – Do not pursue

MAYOR JANNEY suggested that the discussion on long term goals take place at the next City Council meeting.

**I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7.1-7.2)**

**7.1 RESOLUTION NO. SA-12-05 AND NO. SA-12-06 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY AMENDING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) ADOPTED BY THE SUCCESSOR AGENCY ON FEBRUARY 15, 2012 BY RESOLUTION NO. SA-12-02 FOR THE PERIOD ENDING JUNE 30, 2012, AND ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD FROM JULY 1, 2012 THROUGH DECEMBER 31, 2012. (0418-50)**

A revised staff report, resolution and Exhibit A (ROPS) to Resolution No. SA-12-08 were submitted as last minute agenda information.

FINANCE DIRECTOR MCGRANE reported on the item.

**MOTION BY JANNEY, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. SA-12-05 AND NO. SA-12-06 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY AMENDING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) ADOPTED BY THE SUCCESSOR AGENCY ON FEBRUARY 15, 2012 BY RESOLUTION NO. SA-12-02 FOR THE PERIOD ENDING JUNE 30, 2012, AND ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD FROM JULY 1, 2012 THROUGH DECEMBER 31, 2012. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**7.2 RESOLUTION NO. SA-12-04 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE SUCCESSOR AGENCY'S ADMINISTRATIVE BUDGET AND RELATED ACTIONS. (0418-05)**

A revised staff report and resolution were submitted as last minute information.

FINANCE DIRECTOR MCGRANE reported on the item.

**MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. SA-12-04 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE SUCCESSOR AGENCY'S ADMINISTRATIVE BUDGET AND RELATED ACTIONS. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

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

None.

Page 7 of 7

I.B. City Council & Redevelopment Agency Successor Agency Minutes - **DRAFT**

April 4, 2012

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 10:02 p.m.

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James C. Janney, Mayor

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Jacqueline M. Hald, MMC  
City Clerk





STAFF REPORT  
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL  
 FROM: GARY BROWN, CITY MANAGER  
 MEETING DATE: May 16, 2012  
 ORIGINATING DEPT.: Michael McGrane *mmg*  
 Finance Director  
 SUBJECT: RATIFICATION OF WARRANT REGISTER

**BACKGROUND:**

None

**DISCUSSION:**

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

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

The following registers are submitted for Council ratification.

<u>WARRANT #</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Accounts Payable</u>		
80429-80470	04/27/12	\$ 121,852.09
80471-80492	05/03/12	16,853.61
	<b>Sub-Total</b>	<b>\$ <u>138,705.70</u></b>

**PAYROLL CHECKS:**

44597-44621	P.P.E. 04/19/12	\$ 142,559.33
	<b>Sub Total</b>	<b>\$ 142,559.33</b>
	<b>TOTAL</b>	<b>\$ <u>277,411.40</u></b>

**FISCAL IMPACT:**

Warrants are issued from budgeted funds.

**DEPARTMENT RECOMMENDATION:**

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

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



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Gary Brown, City Manager

Attachments:

1. Warrant Registers

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
04/27/2012	80429	ADT SECURITY SERVICES, INC.	103				85.32
101-6010-451.21-04	04/07/2012	MAY 2012	69377762	120227	10/2012		85.32
04/27/2012	80430	AFLAC	120				980.58
101-0000-209.01-13	04/12/2012	PR AP PE 04/05/2012	20120412		10/2012		490.29
101-0000-209.01-13	04/26/2012	PR PA PE 04/19/2012	198668		10/2012		490.29
04/27/2012	80431	ALPHA FORMA, LLC	2375				3,630.47
101-5050-535.20-06	12/20/2011	09/21-12/20/11 TRASH TRKN	IB003	120301	06/2012		3,630.47
04/27/2012	80432	ARROW PIPELINE REPAIR, INC.	1861				2,620.00
601-5060-436.21-04	04/19/2012	BROKEN PIPE REPAIR	9168	120883	10/2012		2,620.00
04/27/2012	80433	AT&T TELECONFERENCE SERVICES	1827				476.95
101-1110-412.30-02	04/01/2012	MAR 2012 TELECONFERENCES	04-01-2012	120487	10/2012		476.95
04/27/2012	80434	BAY CITY ELECTRIC WORKS	369				456.25
101-1910-419.21-04	03/31/2012	MAR 2012-MAINTENANCE	W97379	120555	09/2012		456.25
04/27/2012	80435	BDS ENGINEERING INC	372				1,333.50
101-0000-221.01-02	04/04/2012	MAR 2012 PLAN CHECK	12-02B		10/2012		157.00
101-0000-221.01-02	04/04/2012	MAR 2012 PLAN CHECK	12-02B		10/2012		229.00
215-6026-452.20-06	04/04/2012	MARCH 2012 ASSESSMENT	12-04		10/2012		947.50
04/27/2012	80436	CITY OF CHULA VISTA	831				1,000.00
503-1923-419.20-06	04/17/2012	HP PLOTTER PURCHASE	SB41712-1		10/2012		1,000.00
04/27/2012	80437	CMC DIRT WORKS	2436				900.00
601-5060-436.21-04	04/19/2012	PVC SEWER MAIN SADDLE Y	345		10/2012		900.00
04/27/2012	80438	COLONIAL LIFE & ACCIDENT	941				266.88
101-0000-209.01-13	04/12/2012	PR AP PE 04/05/2012	20120412		10/2012		133.44
101-0000-209.01-13	04/26/2012	PR PA PE 04/19/2012	20120426		10/2012		133.44
04/27/2012	80439	COUNTY OF SAN DIEGO RCS	1065				3,412.00
101-3010-421.21-25	04/01/2012	MAR 2012	12CTOFIBN09	120368	10/2012		2,325.50
101-3020-422.21-25	04/01/2012	MAR 2012	12CTOFIBN09	120368	10/2012		53.00
101-3030-423.20-06	04/01/2012	MAR 2012	12CTOFIBN09	120368	10/2012		1,033.50
04/27/2012	80440	COUNTY RECORDER	1818				100.00
101-1230-413.20-06	04/19/2012	NOA-PEIR SCH# 2011042048	04-19-2012		10/2012		50.00
101-0000-221.01-02	04/11/2012	NOE- 1105 DONAX AVE	MF 1077		10/2012		50.00
04/27/2012	80441	COX COMMUNICATIONS	1073				140.74
101-6010-451.29-04	04/15/2012	04/13-05/12 3110015531401	05-03-2012	120188	10/2012		140.74
04/27/2012	80442	CYNTHIA TITGEN	2340				858.00
101-1130-412.20-06	04/23/2012	04/01/12-04/19/12	04-23-2012	120101	10/2012		858.00
04/27/2012	80443	DKC ASSOCIATES, INC.	2187				1,140.00
101-1110-412.20-06	04/19/2012	04/06-04/19/2012	247	120117	10/2012		387.60

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
405-1260-413.20-06	04/19/2012	04/06-04/19/2012	247	120117	10/2012	376.20	
502-1922-419.20-06	04/19/2012	04/06-04/19/2012	247	120117	10/2012	376.20	
04/27/2012	80444	EL TAPATIO INC	1407			220.89	
101-5020-432.28-04	04/17/2012	LUNCH FOR SEMINAR 4/17/12	7385	F12080	10/2012	199.34	
101-1010-411.29-04	04/18/2012	LRG RED BOW VETERANS PARK	7398	F12081	10/2012	21.55	
04/27/2012	80445	GCR TIRE CENTERS	1702			419.68	
501-1921-419.28-16	04/09/2012	TIRES	832-10924	120059	10/2012	419.68	
04/27/2012	80446	GOOGLE, INC.	2009			72.10	
503-1923-419.20-06	04/05/2012	FEB/MAR 2012	1490605	120229	10/2012	72.10	
04/27/2012	80447	GTC SYSTEMS INC	1910			975.00	
503-1923-419.20-06	03/30/2012	CONSULTING SVCS	33197	120802	09/2012	975.00	
04/27/2012	80448	HEALTH AND HUMAN RESOURCE CENT	90			378.48	
101-1130-412.20-06	04/03/2012	APRIL 2012	64143	120097	10/2012	378.48	
04/27/2012	80449	HELTERS ELECTRIC COMPANY, INC.	2396			13,140.18	
248-1920-519.20-06	04/12/2012	C&G-1029 4TH STREET	109102	120473	10/2012	13,140.18	
04/27/2012	80450	I B FIREFIGHTERS ASSOCIATION	214			300.00	
101-0000-209.01-08	04/26/2012	PR PA PE 04/19/2012	20120426		10/2012	300.00	
04/27/2012	80451	I LOVE A CLEAN SAN DIEGO	278			1,125.00	
601-5050-436.20-06	04/06/2012	MAR 2012 ENVIRO EDUCATION	3095	120946	10/2012	1,125.00	
04/27/2012	80452	ICMA RETIREMENT TRUST 457	242			6,733.45	
101-0000-209.01-10	04/26/2012	PR PA PE 04/19/2012	20120426		10/2012	6,733.45	
04/27/2012	80453	INTERSTATE BATTERY OF SAN DIEG	388			204.94	
501-1921-419.28-16	03/29/2012	REPLACEMENT BATTERY #110	649009563	120021	09/2012	99.24	
501-1921-419.28-16	04/19/2012	#119 MTP-78	649009691	120021	10/2012	105.70	
04/27/2012	80454	JESSOP & SON LANDSCAPING	479			3,052.83	
101-6010-451.21-04	04/19/2012	APRIL 2012	923357	120228	10/2012	3,052.83	
04/27/2012	80455	KANE, BALLMER & BERKMAN	1828			2,555.33	
405-1260-413.20-06	04/06/2012	MAR 2012 RDA ISSUES	17908	120948	10/2012	2,555.33	
04/27/2012	80456	KEYSER MARSTON ASSOC INC	620			4,675.68	
245-1240-513.20-06	04/05/2012	MAR 2012-AMERICAN LEGION	0024975	111162	10/2012	1,090.63	
402-5000-532.20-06	04/05/2012	MARCH 2012-9TH/PALM	0024975		10/2012	280.63	
101-0000-221.01-02	04/05/2012	MARCH 2012-SEACOAST	0024975		10/2012	67.50	
217-5000-532.20-06	04/05/2012	MARCH 2012-10TH/DONAX	0024975		10/2012	3,236.92	
04/27/2012	80457	MASON'S SAW & LAWNMOWER	923			93.10	
101-6020-452.28-01	04/13/2012	AIR FILTERS/ROTARY BLADES	272431	120039	10/2012	93.10	
04/27/2012	80458	MCDUGAL LOVE ECKIS &	962			40,855.03	
101-1220-413.20-02	03/31/2012	MAR 2012 RETAINER	03-31-2012	120240	09/2012	8,227.00	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
405-1260-413.20-01	03/31/2012	MARCH 2012	03-31-2012	09/2012 292.55
101-1220-413.20-01	03/31/2012	MARCH 2012	03-31-2012	09/2012 946.48
502-1922-419.20-01	03/31/2012	MARCH 2012	03-31-2012	09/2012 130.05
101-1220-413.21-04	03/31/2012	MARCH 2012	03-31-2012	09/2012 9,421.56
101-1220-413.20-01	03/31/2012	MARCH 2012	03-31-2012	09/2012 5,719.09
101-1220-413.20-01	03/31/2012	MARCH 2012	03-31-2012	09/2012 780.43
405-1260-413.20-01	03/31/2012	MARCH 2012	03-31-2012	09/2012 1,163.10
405-1260-513.20-06	03/31/2012	MARCH 2012	03-31-2012	09/2012 289.00
216-1240-413.20-01	03/31/2012	MARCH 2012	03-31-2012	09/2012 10.96
216-5000-532.20-01	03/31/2012	MARCH 2012	03-31-2012	09/2012 72.25
217-5000-532.20-01	03/31/2012	MARCH 2012	03-31-2012	09/2012 180.63
101-1220-413.20-01	03/31/2012	MARCH 2012	03-31-2012	09/2012 10,890.86
101-1220-413.20-01	03/31/2012	MARCH 2012	03-31-2012	09/2012 28.90
101-1220-413.21-04	03/31/2012	MARCH 2012	03-31-2012	09/2012 2,702.17
04/27/2012	80459	MOBILE HOME ACCEPTANCE CORPORA	1533	
408-5020-432.25-01	04/23/2012	05/07/2012-06/06/2012	164993	120205 10/2012 296.31
04/27/2012	80460	PRINCIPAL FINANCIAL GROUP	2414	
101-0000-209.01-14	04/12/2012	PR AP PE 04/05/2012	20120412	10/2012 587.06
101-0000-209.01-16	04/12/2012	PR AP PE 04/05/2012	20120412	10/2012 561.11
101-0000-209.01-21	04/12/2012	PR AP PE 04/05/2012	20120412	10/2012 728.41
101-0000-209.01-14	04/26/2012	PR PA PE 04/19/2012	20120426	10/2012 587.32
101-0000-209.01-16	04/26/2012	PR PA PE 04/19/2012	20120426	10/2012 561.11
101-0000-209.01-21	04/26/2012	PR PA PE 04/19/2012	20120426	10/2012 728.73
101-0000-209.01-14	04/25/2012	APR 2012 -LTD, STD, LIFE,	05-01-2012	10/2012 .26
101-0000-209.01-12	04/25/2012	APR 2012 -LTD, STD, LIFE,	05-01-2012	10/2012 .32
04/27/2012	80461	RCP BLOCK & BRICK INC	115	
402-5000-532.20-06	04/02/2012	#30 SILICA SAND	1283236	120045 10/2012 313.23
04/27/2012	80462	RECON ENVIROMENTAL, INC.	2300	
409-1230-519.20-06	04/05/2012	MAR 2012 BIKEWAY VILLAGE	45080	110731 10/2012 1,530.00
04/27/2012	80463	SEIU LOCAL 221	1821	
101-0000-209.01-08	04/26/2012	PR PA PE 04/19/2012	20120426	10/2012 1,346.67
04/27/2012	80464	SKS INC.	412	
501-1921-419.28-15	04/12/2012	100 G DIESEL/998 G REG	1247395-IN	120058 10/2012 8,825.81
501-1921-419.28-15	04/19/2012	940 G REG/241 G DIESEL	1247524-IN	120058 10/2012 4,250.06
04/27/2012	80465	TRANSWORLD SYSTEMS INC.	2160	
101-1910-419.21-04	03/31/2012	MARCH 2012 COLLECTIONS	489088	10/2012 1,354.75
101-0000-321.72-10	03/31/2012	MARCH 2012 COLLECTIONS	489088	10/2012 120.00-
101-0000-323.71-03	03/31/2012	MARCH 2012 COLLECTIONS	489088	10/2012 120.00-
101-0000-344.76-03	03/31/2012	MARCH 2012 COLLECTIONS	489088	10/2012 60.00-
04/27/2012	80466	UNION BANK PARS-#6746022400	2400	
101-0000-209.01-20	04/26/2012	PR PA PE 04/19/2012	20120426	10/2012 1,962.72
04/27/2012	80467	VERIZON WIRELESS	2317	
101-5020-432.27-05	04/08/2012	03/09/2012-04/08/2012	1073198973	10/2012 1,421.25
				596.06

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
101-3040-424.27-05	04/08/2012	03/09/2012-04/08/2012	1073198973		10/2012	57.92
101-3020-422.27-05	04/08/2012	03/09/2012-04/08/2012	1073198973		10/2012	107.19
101-3030-423.27-05	04/08/2012	03/09/2012-04/08/2012	1073198973		10/2012	312.85
101-3070-427.27-05	04/08/2012	03/09/2012-04/08/2012	1073198973		10/2012	81.54
101-1230-413.27-05	04/08/2012	03/09/2012-04/08/2012	1073198973		10/2012	102.16
503-1923-419.27-05	04/08/2012	03/09/2012-04/08/2012	1073198973		10/2012	153.84
503-1923-419.27-05	04/08/2012	03/09/2012-04/08/2012	1073198973		10/2012	9.69
04/27/2012	80468	WALKSANDIEGO	1551			7,838.96
101-5020-432.20-06	03/31/2012	MAR 2012 GRANT-LETS MOVE	131-13	110859	09/2012	7,838.96
04/27/2012	80469	WAXIE SANITARY SUPPLY	802			1,260.30
101-6040-454.30-02	04/10/2012	TRASH LINERS/TOILET PAPER	73220195	120025	10/2012	1,260.30
04/27/2012	80470	WHITE CAP CONSTRUCTION SUPPLY	1434			45.39
101-5010-431.30-02	04/09/2012	HAMMER BIT/LUMBER CRAYON	15063641	120027	10/2012	45.39
05/03/2012	80471	AGRICULTURAL PEST CONTROL	123			95.00
101-6020-452.21-04	04/24/2012	APR 2012	272084	120242	10/2012	95.00
05/03/2012	80472	ALAYNE ROSENSTEIN	2378			92.00
101-3030-423.28-04	04/25/2012	REIMBURSE BMT STATE &	008006		10/2012	92.00
05/03/2012	80473	ASBURY ENVIRONMENTAL SERVICES	277			261.19
101-5040-434.21-04	04/09/2012	MERCURY WASTE PICKUP	130393096	120016	10/2012	211.62
501-1921-419.30-02	04/25/2012	55 GALLON DRUM	130394226	120016	10/2012	49.57
05/03/2012	80474	AT&T	2430			3,071.69
503-1923-419.27-04	04/20/2012	3372571583448	3315232		10/2012	355.49
503-1923-419.27-04	04/20/2012	3393431504727	3313624		10/2012	177.75
503-1923-419.27-04	04/20/2012	3393439371447	3316322		10/2012	177.75
503-1923-419.27-04	04/20/2012	3393442323406	3316631		10/2012	177.75
101-1210-413.27-04	04/17/2012	6194235034	3306048		10/2012	16.20
101-3020-422.27-04	04/17/2012	6194237246664	3305267		10/2012	.70
101-5020-432.27-04	04/15/2012	6194238311966	3302037		10/2012	6.46
101-3030-423.27-04	04/15/2012	6194238322966	3302038		10/2012	3.01
503-1923-419.27-04	04/11/2012	6194243481712	3282279		10/2012	15.81
101-1230-413.27-04	04/17/2012	6196281356950	3305270		10/2012	11.72
101-1920-419.27-04	04/17/2012	6196282018442	3305276		10/2012	.10
601-5060-436.27-04	04/15/2012	C602221236777	3302029		10/2012	19.21
101-1920-419.27-04	04/15/2012	C602224829777	3303100		10/2012	100.46
101-1110-412.27-04	04/15/2012	C602224831777	3303102		10/2012	110.13
101-1020-411.27-04	04/15/2012	C602224832777	3303103		10/2012	59.18
101-1230-413.27-04	04/15/2012	C602224833777	3303104		10/2012	278.52
101-1130-412.27-04	04/15/2012	C602224834777	3303105		10/2012	83.61
101-6030-453.27-04	04/15/2012	C602224836777	3303107		10/2012	77.80
101-6010-451.27-04	04/15/2012	C602224837777	3303108		10/2012	70.23
101-3020-422.27-04	04/15/2012	C602224838777	3303109		10/2012	286.07
101-3030-423.27-04	04/15/2012	C602224839777	3303110		10/2012	211.46
101-5020-432.27-04	04/15/2012	C602224840777	3303111		10/2012	296.91

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
601-5060-436.27-04	04/15/2012	C602224841777	3303112		10/2012	149.22
101-1210-413.27-04	04/15/2012	C602224835777	3303106		10/2012	195.35
101-1210-413.27-04	03/15/2012	C602224835777	3223656		10/2012	190.80
101-3020-422.27-04	04/15/2012	6194238225966	3302035		10/2012	.36
101-3030-423.27-04	03/15/2012	6194238322966	3222587		10/2012	.36-
05/03/2012	80475	CALIF ELECTRIC SUPPLY	609			1,343.45
101-6040-454.30-02	04/17/2012	BALLAST/IGNITOR/SWITCH	1069-637880	120036	10/2012	1,260.99
601-5060-436.28-01	04/25/2012	REWIRE RECONDUIT MOTOR	1069-639253	120036	10/2012	82.46
05/03/2012	80476	CAREER SURVIVAL GROUP, LLC	2429			1,300.00
101-3020-422.20-06	04/13/2012	POLICY REVIEW/FORAMTTING	IBFD 2012-1	120806	10/2012	650.00
101-3030-423.20-06	04/13/2012	POLICY REVIEW/FORAMTTING	IBFD 2012-1	120806	10/2012	650.00
05/03/2012	80477	CDW GOVERNMENT INC	725			94.82
503-1923-419.20-06	04/09/2012	WIRELESS INJECTORS	J175156	120085	10/2012	94.82
05/03/2012	80478	COMPUTERLAND OF SILICON VALLEY	2289			215.50
503-1923-419.30-22	04/09/2012	DATA TAPE	217744	120885	10/2012	215.50
05/03/2012	80479	CYNTHIA TITGEN	2340			1,050.00
101-1130-412.20-06	04/25/2012	04/19/12-04/24/12	04-25-2012	120101	10/2012	1,050.00
05/03/2012	80480	ERIKA CORTEZ	1789			88.00
101-1130-412.28-04	01/19/2012	CORTEZ,E/LEICHTLE,L-IPMA	01-19-2012		10/2012	50.00
101-0000-221.01-02	02/21/2012	RECORDING FEE	329800120120221		10/2012	19.00
101-0000-221.01-02	02/17/2012	RECORDING FEE-RELEASE OF	329684020120217		10/2012	19.00
05/03/2012	80481	FASTENAL	909			77.28
101-6040-454.30-22	04/05/2012	NARCRMPDWIREWHEEL	CACHU27335	120019	10/2012	53.27
101-6040-454.30-02	04/19/2012	PLATFORM SCREWS-CARNATION	CACHU27492	120019	10/2012	24.01
05/03/2012	80482	FEDERAL EXPRESS CORP.	911			16.30
101-5020-432.28-09	04/20/2012	04/20/12-CA ENVIRONMENTAL	7-862-63900	120239	10/2012	16.30
05/03/2012	80483	GRAINGER	1051			2,223.47
601-5060-436.30-02	04/03/2012	DIG ALERT PAINT	9793650913	120020	10/2012	62.82
601-5060-436.30-02	04/03/2012	GRN DIG ALERT PAINT	9794003310	120020	10/2012	18.75
601-5060-436.30-02	04/11/2012	KNEE BOOTS	9800247562	120020	10/2012	92.61
101-5030-433.30-02	04/12/2012	PROTECTIVE GLOVES	9801924532		10/2012	178.22
405-5030-433.30-02	04/09/2012	GREEN SPRAY PAINT	9798555471	120020	10/2012	50.55
405-5030-433.30-02	04/19/2012	SAFETY EYEWEAR/EAR MUFF	9807739488	120020	10/2012	110.85
601-5060-436.28-01	04/24/2012	PS 2-7.5HP MOTOR	9810598012	120020	10/2012	1,048.41
101-6020-452.28-01	04/24/2012	SPRAY PAINT-GRAY	9811307413	120020	10/2012	34.74
101-6020-452.28-01	04/25/2012	HIGH PRESSURE SODIUM LAMP	9811561811	120020	10/2012	626.52
05/03/2012	80484	BRITTANY HANSEN	2123			81.39
101-3030-423.30-02	04/17/2012	REIMBURSE FUEL FOR TRAVEL	454496		10/2012	81.39
05/03/2012	80485	KEITH MCCLOSKEY	2437			37.00
101-3030-423.28-04	04/12/2012	REIMBURSE TUITION FEES	963080		10/2012	37.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT	
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR	TRN AMOUNT
05/03/2012	80486	KOA CORPORATION	611	5,095.00	
210-1235-513.20-06	03/31/2012	MAR 2012 -13TH/EBONY	JB14146X5	120488 09/2012	3,855.00
210-1235-513.20-06	03/31/2012	MAR 12-1B BL/5TH ST CRWLK	JB14145X5	120563 09/2012	1,240.00
05/03/2012	80487	MANAGED HEALTH NETWORK	2432	436.80	
101-1130-412.20-06	03/17/2012	APR 2012	3200036379	120951 09/2012	436.80
05/03/2012	80488	ONE SOURCE DISTRIBUTORS	1071	245.78	
101-6020-452.28-01	04/03/2012	REPLACEMENT LENS	S3739823.001	120023 10/2012	245.78
05/03/2012	80489	PARS	2425	400.00	
101-1920-419.20-06	04/09/2012	FEB 2012	22670	120805 10/2012	80.00
101-3020-422.20-06	04/09/2012	FEB 2012	22670	120805 10/2012	80.00
101-3030-423.20-06	04/09/2012	FEB 2012	22670	120805 10/2012	80.00
101-6010-451.20-06	04/09/2012	FEB 2012	22670	120805 10/2012	80.00
101-6040-454.20-06	04/09/2012	FEB 2012	22670	120805 10/2012	80.00
05/03/2012	80490	TINA BARCLAY, PETTY CASH CUSTO	2102	190.71	
408-1920-519.20-06	04/05/2011	RECORDING FEE-TERMINATION	2011-0175851	10/2012	7.00
245-1240-413.20-06	05/11/2011	KEY COPY RDA PROPERTY	030189	10/2012	1.75
101-1230-413.28-04	05/27/2011	WADE,G-LUNCH @ SANDAG MTG	000120	10/2012	10.00
101-3070-427.30-01	05/26/2011	CLIP ON BADGE HOLDER	178979	10/2012	14.08
101-1230-413.29-02	07/28/2011	LANE,J-BDAY APPRECIATION	100720	10/2012	12.79
101-5000-532.20-06	07/28/2011	COPY FEES-9TH & PALM	253459120110728	10/2012	2.00
405-1260-413.28-04	09/13/2011	SELBY,J-MTG PARKING FEES	35081	10/2012	16.00
405-1260-413.28-04	09/13/2011	CUMMING,E-MTG PARKING FEE	35083	10/2012	14.00
101-1230-413.28-11	10/21/2011	MAPS FROM COUNTY RECORDER	259108620111021	10/2012	16.00
101-5000-532.20-06	12/19/2011	SELBY,J-MTG PARKING FEES	12-19-2011	10/2012	29.00
101-1230-413.20-06	12/19/2011	RECORDING FEE-TEP 11	2011-0680315	10/2012	34.00
101-3040-424.30-01	04/10/2012	FLASHLIGHT/SCREWDRIVER/	862297	10/2012	19.09
101-1230-413.28-04	04/24/2012	NAKAGAWA,J-SDAPA LUNCH	04-24-2012	10/2012	15.00
05/03/2012	80491	TRAFFIC SAFETY MATERIALS, LLC.	2369	382.73	
101-5010-431.21-23	04/11/2012	SQ ANCHORS/POSTS/RIVETS	1697	120203 10/2012	382.73
05/03/2012	80492	UNDERGROUND SERVICE ALERT OF	731	55.50	
601-5060-436.21-04	05/01/2012	APRIL 2012	420120320	120106 11/2012	55.50

DATE RANGE TOTAL \* 138,705.70 \*



STAFF REPORT  
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: May 16, 2012

ORIGINATING DEPT.: PUBLIC SAFETY *JB*

SUBJECT: ADOPTION OF RESOLUTION 2012-7192 AUTHORIZING THE EXPENDITURE PLAN FOR THE FY 2011-2012 SUPPLEMENTAL LAW ENFORCEMENT STATE FUNDING (SLESF) GRANT ALSO KNOWN AS THE COPS GRANT

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**BACKGROUND:**

The City of Imperial Beach has been receiving grant funds for the purpose of supplemental law enforcement activities for the past several years. This grant, known as the Supplemental Law Enforcement State Funding (SLESF), is often referred to as the COPS Grant. This grant's purpose is specifically targeted at adding additional law enforcement personnel within jurisdictions that receive the funding. Since April 18, 2001, the City Council has authorized the expenditure of these grant funds for the purpose of partially funding the City's motorcycle traffic safety unit. Prior to the Council's action on April 18, 2001, the City had not had the services of a motorcycle traffic safety unit for many years. The City experiences many significant traffic related incidents. Motorcycle units are highly effective traffic safety resources that can be a very useful tool in attempting to curtail the traffic safety issues identified in the report.

**DISCUSSION:**

Staff has been notified that \$100,000 was allocated as the City's share of the Supplemental Law Enforcement Fund State Funding grant for FY 2011-2012. The grant requires that the entire \$100,000 be used to partially fund the cost of the motorcycle unit for FY 2011-2012. The annual cost for the motorcycle unit is approximately \$208,000. This action approves an amendment the 2011/2012 budget with an increase of \$100,000 in grant revenue to the General Fund. It is anticipated that the City will be notified of its allocation for Fiscal Year 2012/2013 during the fall of 2012, at which time we will bring a resolution to City Council, should funds be awarded.

**FISCAL IMPACT:**

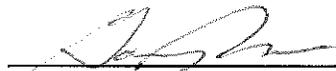
Adoption of this resolution will result in a revenue increase of \$100,000 to the General Fund, for the purpose of funding a portion of one motorcycle traffic officer currently staffed at the Imperial Beach Sheriff Station.

**DEPARTMENT RECOMMENDATION:**

Adopt Resolution No. 2012-7192 approving the proposed expenditure plan of SLESF (COPS) grant funds for FY 2011-2012

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



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Gary Brown, City Manager

Attachments:

1. Resolution No. 2012-7192

**RESOLUTION NO. 2012-7192****A RESOLUTION OF THE CITY COUNCIL OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE EXPENDITURE PLAN FOR THE FY 2011/2012 SUPPLEMENTAL LAW ENFORCEMENT STATE FUNDING (SLESF) GRANT ALSO KNOWN AS THE COPS GRANT**

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

**WHEREAS**, the City received notice of grant award for \$100,000 from the Supplemental Law Enforcement State Funding (SLESF) Grant, with zero City matching funds required; and

**WHEREAS**, the City will use these funds to partially fund a motorcycle unit; and

**WHEREAS**, there is a need to adjust the two-year budget adopted by City Council to amend fiscal year 2011/2012 with an increase of said funds, and;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council authorizes the following expenditure budget amendment in the amount of **\$100,000**:

Budget Account #	Description of BA	Adjustment Amount
<b>Revenue - 212-0000-336-40-02</b>	<b>SLESF Grant</b>	<b>+\$100,000</b>
<b>Expenditure - 212-3036-421-20-06</b>	<b>SLESF Grant</b>	<b>+\$100,000</b>

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 16<sup>th</sup> of May 2012, by the following roll call vote:

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

*JIM JANNEY*

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**JIM JANNEY, MAYOR**

**ATTEST:**

*Jacqueline M. Hald*

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

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2012-7192 A RESOLUTION OF THE CITY COUNCIL OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE EXPENDITURE PLAN FOR THE FY 2011/2012 SUPPLEMENTAL LAW ENFORCEMENT STATE FUNDING (SLESF) GRANT ALSO KNOWN AS THE COPS GRANT

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CITY CLERK

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DATE





**STAFF REPORT  
CITY OF IMPERIAL BEACH**

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

**MEETING DATE:** MAY 16, 2012  
**ORIGINATING DEPT.:** COMMUNITY DEVELOPMENT DEPARTMENT  
GREG WADE, ASSISTANT CITY MANAGER/COMMUNITY DEVELOPMENT DIRECTOR  
JIM NAKAGAWA, AICP, CITY PLANNER  
TYLER FOLTZ, ASSOCIATE PLANNER TF

**SUBJECT:** CONSENT AGENDA: PLANNING COMMISSION  
INTERPRETATION (PCI 110029) THAT AMENDS  
PARAMETERS FOR CERTAIN VENDING MACHINES THAT  
ARE ALLOWED TO OPERATE OUTDOORS IN COMMERCIAL  
ZONES – MF 1048.

**PROJECT DESCRIPTION/BACKGROUND:**

On September 7, 2011 the City Council, acting as Planning Commission, approved Resolution 2011-7078 that allows certain vending machines to operate outdoors in commercial zones as long as the machines meet the following parameters:

1. Vending machines approved for outdoor use shall only dispense specific retail merchandise, which includes movies, water, and ice. All merchandise is subject to approval of the Community Development Department. The Community Development Department may refer review of any proposed vending machine merchandise to the City Council.
2. Vending machines shall only locate in commercial zones, excluding Seacoast Drive where vending machines shall be prohibited.
3. Vending machines shall only locate along the face of a building or structure designed to accommodate them.
4. Vending machines shall locate entirely on private property.
5. Vending machines may require approval of a site plan review by the Community Development Department if impacts are anticipated. The Community Development Department may refer review of any proposed vending machine location to the City Council.
6. Vending machines shall only locate at retail commercial markets or convenience stores.
7. Vending machines shall not negatively alter the appearance of a building. The Community Development Department may refer review of any proposed vending machine(s) to the Design Review Board if significant aesthetic impacts are anticipated.

8. Vending machines should locate within an enclosed area or structure, or be screened by fences, walls, buildings, or landscaping wherever possible.
9. One vending machine is allowed per building. Buildings that exceed 100 lineal feet may provide a maximum of two vending machines.
10. Vending machines shall not exceed 10% of a storefront, and shall not exceed 5 feet in width, and shall not exceed 7 feet in height.
11. Vending machines should not locate near the main entrance to the building.
12. Vending machines shall not obstruct required fire, building, and disabled access.
13. Vending machines shall not limit vehicular sight distances or create unsafe hazards.
14. Vending machines are prohibited from locating within parking lots. Parking spaces shall not be removed to accommodate a vending machine.
15. Vending machines are prohibited from locating on landscaping. Landscaping shall not be removed to accommodate a vending machine.
16. Vending machines shall be well maintained.
17. Vending machine companies shall obtain a business license with the City of Imperial Beach.

It was brought to staff's attention that some vending machines that were intended to be allowed narrowly exceed the dimension limitations provided in parameter #10. It is staff recommendation to revise parameter #10 to state the following:

10. Vending machines shall should not exceed approximately 10% of a storefront, and shall should not exceed 5 6 feet in width, and shall should not exceed 7 7.5 feet in height.

This revision would be in substantial compliance with what was originally approved and would allow staff greater flexibility when reviewing proposed design configurations that would meet the intent of the parameters but may not meet certain dimension limitations.

**GENERAL PLAN/LOCAL COASTAL PLAN/ZONING CONSISTENCY:**

Outdoor vending machines may be allowed under Imperial Beach Municipal Code Section 19.72.040, Exempted Uses, which allows "other businesses which, by determination of the Planning Commission, normally conduct all or part of their business outside of buildings." In addition, all commercial zones allow for the City Council to approve businesses that are found to be consistent with the Municipal Code, and which will not impair the present or potential use of adjacent properties, which could include vending machines (IBMC 19.26.020, 19.27.020, and 19.28.020).

**ENVIRONMENTAL DETERMINATION:**

This interpretation may be exempted from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(3) (General Rule), as this Interpretation would not have the potential for causing a significant effect on the environment.

**DEPARTMENT RECOMMENDATION:**

Approve staff's recommendations and adopt Resolution 2012-7193.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



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Gary Brown, City Manager

Attachments:

1. Resolution 2012-7193

c: file MF 1048

## RESOLUTION NO. 2012-7193

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING PLANNING COMMISSION INTERPRETATION (PCI 110029) THAT AMENDS PARAMETERS FOR CERTAIN VENDING MACHINES THAT ARE ALLOWED TO OPERATE OUTDOORS IN COMMERCIAL ZONES – MF 1048.**

**APPLICANT: CITY OF IMPERIAL BEACH**

**WHEREAS**, on May 16, 2012, the City Council of the City of Imperial Beach held a public meeting to consider the merits of approving or denying a determination for Planning Commission Interpretation (PCI 110029) that would amend parameters for certain vending machines to operate outdoors in commercial zones; and

**WHEREAS**, on September 7, 2011, the City Council approved Resolution 2011-7078 that allowed certain vending machines to operate outdoors in commercial zones; and

**WHEREAS**, the City Council is acting as the Planning Commission and set forth its determination in this case, pursuant to Imperial Beach Municipal Code Chapter 19.02.080 (other requirements that pertain to unforeseen circumstances); and

**WHEREAS**, the City Council found that vending machine vendors have sought to establish their enterprises in various locations in the City; and

**WHEREAS**, the City Council found that certain vending machines can have a positive effect on the community and local businesses; and

**WHEREAS**, the City Council found that certain vending machines may operate as outdoor uses in commercial zones subject to the provisions of this Interpretation; and

**WHEREAS**, the City Council found that the proposed determination is consistent with Imperial Beach Municipal Code Chapter 19.72 (Outdoor Uses), and specifically with subsection G of Section 19.72.040 of the Imperial Beach Municipal Code which allows "other businesses which, by determination of the planning commission, normally conduct all or part of their business outside of buildings"; and

**WHEREAS**, the City Council found that the proposed determination is consistent with permitted uses in Commercial Zones (Imperial Beach Municipal Code Chapters 19.26, 19.27, 19.28) which allows "other businesses which, by determination of the planning commission, normally conduct all or part of their business outside of buildings"; and

**WHEREAS**, the City Council found that for the purpose of this determination, a vending machine would include devices which dispense a product or service, either for sale or for free, and which is activated entirely by the receiver of the product or service; and

**WHEREAS**, the City Council found that the proposed determination provides certain parameters for outdoor vending machines to reduce adverse impacts to public and pedestrian safety and aesthetics; and

**WHEREAS**, this project complies with the requirements of the California Environmental Quality (CEQA) pursuant to CEQA Guidelines Section 15061(3) (General Rule) as this Interpretation would not have the potential for causing a significant effect on the environment.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Imperial Beach that the amendment to Planning Commission Interpretation (PCI 110029) is hereby **approved** by the City Council of the City of Imperial Beach, acting as the Planning Commission, and provides the following determination and parameters:

1. Vending machines approved for outdoor use shall only dispense specific retail merchandise, which includes movies, water, and ice. All merchandise is subject to approval of the Community Development Department. The Community Development Department may refer review of any proposed vending machine merchandise to the City Council.
2. Vending machines shall only locate in commercial zones, excluding Seacoast Drive where vending machines shall be prohibited.
3. Vending machines shall only locate along the face of a building or structure designed to accommodate them.
4. Vending machines shall locate entirely on private property.
5. Vending machines may require approval of a site plan review by the Community Development Department if impacts are anticipated. The Community Development Department may refer review of any proposed vending machine location to the City Council.
6. Vending machines shall only locate at retail commercial markets or convenience stores.
7. Vending machines shall not negatively alter the appearance of a building. The Community Development Department may refer review of any proposed vending machine(s) to the Design Review Board if significant aesthetic impacts are anticipated.
8. Vending machines should locate within an enclosed area or structure, or be screened by fences, walls, buildings, or landscaping wherever possible.
9. One vending machine is allowed per building. Buildings that exceed 100 lineal feet may provide a maximum of two vending machines.
10. Vending machines ~~shall~~ should not exceed approximately 10% of a storefront, and ~~shall~~ should not exceed 5 6 feet in width, and ~~shall~~ should not exceed 7 7.5 feet in height.
11. Vending machines should not locate near the main entrance to the building.
12. Vending machines shall not obstruct required fire, building, and disabled access.
13. Vending machines shall not limit vehicular sight distances or create unsafe hazards.
14. Vending machines are prohibited from locating within parking lots. Parking spaces shall not be removed to accommodate a vending machine.
15. Vending machines are prohibited from locating on landscaping. Landscaping shall not be removed to accommodate a vending machine.
16. Vending machines shall be well maintained.
17. Vending machine companies shall obtain a business license with the City of Imperial Beach.

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

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

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 16<sup>th</sup> day of May 2012, by the following vote:

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

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

**ATTEST:**

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



AGENDA ITEM NO. 3.1

STAFF REPORT  
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL  
FROM: GARY BROWN, CITY MANAGER  
MEETING DATE: MAY 16, 2012  
ORIGINATING DEPT.: PUBLIC WORKS *HAL*  
SUBJECT: ADOPTION OF ORDINANCE NO. 2012-1129 AMENDING SECTION 10.56.180 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO RIDING BICYCLES ON SIDEWALKS

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**BACKGROUND:** California Vehicle Code section 21100(h) gives cities wide latitude to determine whether and where people can ride bicycles on sidewalks. Currently, the Imperial Beach Municipal Code prohibits riding bicycles in any "business district."

In 2009, the City Council adopted the Bicycle Transportation Plan ("BTP") as part of the City's General Plan. The BTP is a master document for planning how Imperial Beach will accommodate and promote bicycle transit within the City. The BTP was approved at a public meeting after completion of an Environmental Impact Report (SCH# 2007101061).

The BTP addresses goals for bike use, and specifically discusses (among many other things) bicycling on City sidewalks. In general the BTP disfavors bicycling on City sidewalks. On page 9-23, the BTP says:

"However, bicycle use of urban access pathways should not include sidewalks adjacent to streets for a number of reasons. First, sidewalks are designed for pedestrian speeds and maneuverability. Second, they are usually encumbered by parking meters, utility poles, benches, trees, etc. Third, other types of users and their specific types of maneuverability can also pose a safety issue for cyclists."

Nonetheless, the BTP contemplates three exceptions to the prohibition on bicycling on the sidewalk. First, it contemplates that if a sidewalk is not adjacent to a street and the path is eight feet wide or wider (for example, interior sidewalks in parks), the BTP (at page 9-23) noted that bikes can safely be used. Second, if the sidewalk is not adjacent to a street, in certain circumstances the BTP (page 9-28) contemplates some biking on sidewalks should be allowed on bridges. Finally, the BTP (page 9-23) contemplates that "Class C" cyclists can ride on sidewalks. The phrase "Class C cyclists" has been defined in different ways by different sources, but all agree that the phrase refers to very young cyclists. These cyclists, the BTP notes, may not yet have the judgment or motor skills to bicycle in the street like adults can, so the BTP found it appropriate to allow Class C cyclists to practice on the sidewalks.

**DISCUSSION** City staff believes that amending the Municipal Code to prohibit bicycling on sidewalks in the City will improve safety in the City. Doing so will help prevent collisions between cars and bicyclists that occur in driveways and will make sidewalks more walkable for pedestrians. Accordingly, it is recommended that the City Council adopt the proposed ordinance, which would prohibit bicycling on all sidewalks within the City.

The ordinance includes exceptions in accordance with those contemplated by the BTP. First, biking is allowed if a sidewalk is eight feet or wider and is not adjacent to a street, so biking in many parks will be permissible. Second, if a bridge is so designated by the City Manager or his or her designee, its sidewalks may be used for cycling. Third, the proposed ordinance implements the exception for young "Class C" cyclists by allowing those 10 years old or younger to ride bicycles on sidewalks.

**ENVIRONMENTAL DETERMINATION:**

This Ordinance is not a project as defined by CEQA. Even if it were a project, environmental issues surrounding this proposal were addressed in an Environmental Impact Report (SCH# 2007101061).

**FISCAL IMPACT:**

None.

**DEPARTMENT RECOMMENDATION:**

Staff Recommends the Mayor and City Council:

1. Receive this report;
2. Mayor calls for the first reading of the title of Ordinance No. 2012-1129 "AN ORDINANCE AMENDING SECTION 10.56.180 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO RIDING BICYCLES ON SIDEWALKS";
3. City Clerk to read Ordinance 2012-1129;
4. Motion to waive further reading and introduce by title only and set the matter for adoption at the next regularly scheduled City Council meeting.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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

Attachment:

1. Ordinance 2012-1129.

**ORDINANCE NO. 2012-1129**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING SECTION 10.56.180 OF THE IMPERIAL BEACH MUNICIPAL CODE, PERTAINING TO RIDING BICYCLES ON SIDEWALKS**

**WHEREAS**, the City of Imperial Beach is concerned about the safety of bicyclists and pedestrians within the City; and

**WHEREAS**, currently, the Imperial Beach Municipal Code only prohibits cycling on sidewalks in unspecified business districts; and

**WHEREAS**, Vehicle Code section 21100(h) gives the City authority to ban bicycling on sidewalks throughout the City; and

**WHEREAS**, in 2009, after completing an Environmental Impact Report (SCH# 2007101061), the City Council for the City of Imperial Beach approved the Imperial Beach Bicycle Transportation Plan ("BTP"); and

**WHEREAS**, the BTP, part of the City's General Plan, sets forth the City's goals to improve bicycle transportation within the City, and describes where the City hopes to allow and prohibit bicycling; and

**WHEREAS**, the BTP (at page 9-23) generally disfavors bicycling on sidewalks that are adjacent to streets, saying that sidewalks are designed for pedestrian uses and are encumbered by obstacles (parking meters, utility poles, and the like) that would interfere with cycling; and

**WHEREAS**, the BTP (on page 9-23) recommends that Class C cyclists (very young cyclists who lack the skills to be able to ride in the street) be permitted to use sidewalks for biking; and

**WHEREAS**, the BTP (at pages 9-23 and 9-28) also contemplates that cycling on sidewalks would be permitted where the sidewalk was not adjacent to a street and either the walkway was eight feet wide or wider or on bridges where, on a case-by-case basis, it is deemed necessary; and

**WHEREAS**, the City Council for the City of Imperial Beach believes that expanding the prohibition on riding bicycles on sidewalks in a manner consistent with the BTP will promote public safety.

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

**SECTION 1.** Section 10.56.180 of the Imperial Beach Municipal Code is hereby amended to read as follows:

**"10.56.180. Riding prohibited on sidewalks.**

- A. It is unlawful for any person to ride a bicycle upon any sidewalk.
- B. Subsection A does not apply under any of the following circumstances:

1. The sidewalk upon which the person was riding was not adjacent to a street and was either (a) eight feet or wider; or (b) on a bridge and designated as suitable for bicycling by the City Manager or his or her designee and posted accordingly; or
2. The person is under the age of 11."

**SECTION 2.** The City Council for the City of Imperial Beach finds that this Ordinance is consistent with the 2009 Bicycle Transportation Plan, part of the City's General Plan, and that this Ordinance implements portions of the Bicycle Transportation Plan. The City Council further incorporates by reference the Bicycle Transportation Plan and the Environmental Impact Report underlying it (SCH# 2007101061) into the record of proceedings for the approval of this Ordinance.

**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 16th day of May, 2012; and

**THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 6<sup>th</sup> day of June, 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. 2012-1129 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING SECTION 10.56.180 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO RIDING BICYCLES ON SIDEWALKS.

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
DATE





**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** GARY BROWN, CITY MANAGER

**MEETING DATE:** MAY 16, 2012

**ORIGINATING DEPT.:** PUBLIC WORKS

**SUBJECT:** SECOND READING AND ADOPTION OF ORDINANCE NO. 2012-1128 ADOPTING THE REVISED SEWER SERVICE RATES FOR SANITARY SEWER SERVICE AND AMENDING SECTION 13.06.140 B. OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES

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**BACKGROUND:** Pursuant to Chapter 13.06 of the Imperial Beach Municipal Code, a sewer service fee is charged to all residential and non-residential customers in the city limits of the City of Imperial Beach that discharge sewage into the sewer lines maintained by the city, or is considered by the San Diego Metropolitan Sewer System to be within the city jurisdiction.

On July 20, 2005, City Council adopted Ordinance No. 2005-1030 revising the sewer service fee in Fiscal Year 2006. Ordinance No. 2005-1030, Section 2 stated, "The rates established hereunder shall increase each July 1st, beginning in the year 2006 through July 1, 2010, inclusive, by the amount of five and one-half percent (5.5%) to account for expected increased costs of sewer service." In subsequent Fiscal Years 2007, 2008, 2009, and 2010 the Sewer Service Charges were increased by 5.5% respectively. Pursuant to Ordinance No. 2005-1030 and later City Council action, beginning on July 1, 2011, the sewer rate was adjusted based on the United States Bureau of Labor Statistics Consumer Price Index (CPI) data for the Los Angeles-Riverside-Orange County Statistical Area.

Through careful analysis of the City's sewer system financials, the City has determined that the CPI increase contemplated for the upcoming year under Ordinance No. 2005-1030 will not cover the costs necessary to provide sewer services to the ratepayers. On March 7, 2012, the City Council adopted Resolution No. 2012-7162, authorizing the setting of the time and place for a public hearing to review the setting of the sewer capacity fee. On March 16, 2012, in accordance with the provisions of Article XIII D of the California Constitution (Proposition 218) the City mailed notices of proposed increases in the City's sewer service rates, which were provided to the affected property owners/customers not less than forty-five (45) days prior to the public hearing on the proposed rates

**DISCUSSION:** The Sewer Fund is responsible for the collection, transmission, and treatment of wastewater. It has over 43.9 miles of sewer lines within the City and shares capacity of other lines with City of San Diego to deliver the wastewater to the City of San Diego waste water treatment plant in Point Loma. The City is proposing a 6% increase to sewer rates to collect sufficient revenue to enable it to continue providing sewer service to its customers in the face of

increasing operating costs, and to enable the City to afford capital improvements that are essential for operating the sewer system in a safe and financially prudent manner. Exhibit A to this staff report (attachment 3) details the sewer rate analysis which justifies and explains the necessity of the proposed increase.

The analysis also considers the City's critical need to increase its reserve funds, which are the City's contingency funds to cover situations such as: 1) revenue instability due to changes in usage; 2) extraordinary increases in the costs for providing sewage treatment; and 3) unplanned expenses related to emergencies such as earthquakes, windstorms, electrical outages, and flooding. The City's reserve funds are currently insufficient to cover unforeseen expenses, such as the need to make emergency repairs to the system. This could result in an extended service interruption in the event of a system failure or natural disaster.

There are two primary cost components that drive sewer rates: capital reinvestment and wastewater treatment. Major capital reinvestment is required to keep the sewer lines and pump stations in a good state of repair and is a major determinant of sewer rates. Certain sections of the sewer lines date back to 1940's. Because of the age of certain sections, the City strives to maintain a reserve in the sewer fund, currently at \$2 million. This reserve provides funding in the event of unanticipated system failure or a major capital improvement cost. This past year the City had to contribute a substantial amount to the City of San Diego for its share of improvements to a shared sewer trunk line.

Treatment costs represent nearly 60% of the sewer billings and therefore are the single greatest factor in determining rates. The City of San Diego discharge permit to allow for ocean discharge of treated water was extended to 2015. San Diego is the last city in the country allowed to discharge at this lower treatment standard. It is likely that the City of San Diego will have to charge substantially more for upgraded treatment in the future. In response to projected, substantially higher treatment costs, City Councils have chosen to increase rates gradually over the years rather than have sharp increases over a short period in the future.

Revenues derived from the City's sewer service charges are used solely for the actual and necessary expenses of providing sewer service to its customers. The City is prohibited by law from making a profit on sewer service. The proposed rate increases are based on a rate analysis conducted by City staff, along with a previous rate study conducted by Foresight Consulting Services, a well respected national wastewater financial consulting firm, the combination of which took into consideration all of the factors described above in conducting the analysis. Staff is attempting to set rates to have a balanced budget, continued funding for capital improvements, and restore capital reserves to prudent levels, and balance ratepayer impacts.

After analyzing the City's sewer financial data, City staff has determined that the City is facing increasing costs for the administration, operation, maintenance and improvements of the sewer systems and services. The City's sewer rates need to be increased six percent (6%) in order for the City to pay for its costs of providing service. From the City's analysis, the proposed rate increase does not exceed the amount for providing the services or infrastructure to the property owners/customers. The revenues derived from the rate increase will not be used for any purposes other than for providing sewer services, including the related administration, operation, maintenance and improvements. The rate table in Exhibit A (attachment 2) specifies the current and proposed future rates for the various properties in the City.

On May 2, 2012, a public hearing was held to consider the revised sewer rates. Only one (1) written protest to the rate adjustment was received. City Council proceeded with the first reading of Ordinance No. 2012-1128.

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA. Also exempt under CEQA pursuant to pursuant to section 21080(b)(8) of the Public Resource Code and section 15273(a) of the State CEQA Guidelines.

**FISCAL IMPACT:** The ordinance will increase the sewer service class rates by 6% across the board for all sewer customers.

**DEPARTMENT RECOMMENDATION:**

1. Receive the report and public testimony;
2. Mayor to call for the reading of the title of of Ordinance No. 2012-1128.
3. City Clerk reads the title of Ordinance No. 2012-1128 - An Ordinance of the City Council of the City of Imperial Beach, California, adopting the revised sewer service rates for sanitary sewer service and amending section 13.06.140 b. of chapter 13.06 of the Imperial Beach Municipal Code pertaining to sewer service charges.
4. Motion to waive further reading and adopt Ordinance No. 2012 -1128 by title only.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



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Gary Brown, City Manager

**Attachments:**

1. Ordinance No. 2012-1128
2. Exhibit A to Ordinance No. 2012-1128 - Sewer Rate Table
3. Exhibit A to Staff Report – Sewer Rate Analysis

**ORDINANCE NO. 2012-1128****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING THE REVISED SEWER SERVICE RATES FOR SANITARY SEWER SERVICE AND AMENDING SECTION 13.06.140 B. OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES**

**WHEREAS**, pursuant to Chapter 13.06 of the Imperial Beach Municipal Code, a sewer service fee is charged to all residential and non-residential customers in the city limits of the City of Imperial Beach that discharge sewage into the sewer lines maintained by the city, or is considered by the San Diego Metropolitan Sewer System to be within the city jurisdiction; and

**WHEREAS**, the City Council has determined that the City is facing increasing costs for the administration, operation, maintenance and improvements of the sewer systems and services, the City's sewer service rates need to be increased six percent (6%) in order for the City to pay for its costs of providing service; and

**WHEREAS**, on March 16, 2012, in accordance with the provisions of Article XIID of the California Constitution (Proposition 218) the City mailed notices of proposed increases in the City's sewer service rates, which were provided to the affected property owners/customers not less than forty-five (45) days prior to the public hearing on the proposed rates; and

**WHEREAS**, the City Council conducted a public hearing on May 2, 2012, at 6:00 p.m. at 825 Imperial Beach, Blvd, Imperial Beach, CA 91932, in order to receive oral and written testimony regarding this Ordinance. Said date and time were not less than forty-five (45) days after the mailing of the notice as set forth above; and

**WHEREAS**, the City Council finds that written protests against the rates set forth herein were not presented in a number representing a majority of the affected parcels upon which the rates are to be imposed and therefore, the City Council is authorized to impose the increased rates and charges as set forth herein; and

**WHEREAS**, the City Council finds that the adoption of the rates and charges set forth herein is necessary and reasonable to fund the administration, operation, maintenance and improvements of the City sewer system. Based on this finding, the City Council determines that the adoption of the rates and charges established by this Ordinance are not a project as defined under CEQA and are exempt from the requirements of the California Environmental Quality Act pursuant to section 21080(b)(8) of the Public Resource Code and section 15273(a) of the State CEQA Guidelines.

**WHEREAS**, it is deemed to be in the best interests of the City to adopt the sewer service charge increases for the reasons stated above, and the City Council desires to adjust and increase certain sewer and sewer rates as set forth in Exhibit A.

**WHEREAS**, the increased costs of sewer service does not exceed the actual cost of providing service.

**WHEREAS**, the increased rates and charges set forth herein shall become effective July 1, 2012.

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

Section 1: The above recitals are true and correct.

Section 2: The City Council has determined that based on a detailed study of the City's sewer system, it must raise its sewer service charge to consumers in the amount approved in this ordinance to cover the cost of providing the service..

Section 3: The sewer service charge will be increased in accordance with Exhibit "A" attached hereto.

Section 4: The City Council finds the following:

- (a) The above increase in rates does not exceed the amount for providing the services or infrastructure to the property owners/customers.
- (b) The revenues derived from the rate increase will not be used for any purposes other than for providing sewer services, including the related administration, operation, maintenance and improvements.

Section 5. Section 13.06.140.B of the Imperial Beach Municipal Code is hereby amended to read as follows:

"B. Said service charges are based upon the Foresight Consulting Sewer Rate Study, June 2005 and supplemental rate analysis conducted by the City in March 2012. Annual sewer service charges will be determined by applying the volume charge per hundred cubic feet (HCF) for each customer classification to each premises as determined by the water utility meter readings for the prior year, and the suspended solids (SS) and biological oxygen demand (BOD) content for such volume."

Section 6: This ordinance shall become effective thirty (30) days following its passage and adoption.

Section 7: The City Council of the City of Imperial Beach hereby declares that should any section, paragraph, sentence, phrase, term or word of this Ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared invalid.

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Imperial Beach, held on the 2<sup>nd</sup> day of May 2012, and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, held on the 16<sup>th</sup> day of May 2012 by the following vote:

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

James C. Janney  
**JAMES C. JANNEY, MAYOR**

**ATTEST:**

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

**APPROVED AS TO FORM:**

*Jennifer M. Lyon*

\_\_\_\_\_  
**JENNIFER M. LYON,  
CITY ATTORNEY**

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be true and correct copy of Ordinance No. 2012-1128 – An Ordinance of the City Council of the City of Imperial Beach, California, ADOPTING THE REVISED SEWER SERVICE RATES FOR SANITARY SEWER SERVICE AND AMENDING SECTION 13.06.140.B OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES.

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
DATE

**EXHIBIT A TO ORDINANCE NO. 2012-1128****City of Imperial Beach Sewer Service Charge**

<b>Revised Sewer Rates FY 2012/13 FOR ANNUAL BILL CALCULATIONS</b>			
<i>City of Imperial Beach</i>			
<b>Customer Class</b>		<b>Current Rate (2011/12) (a)</b>	<b>Requested (2012/13) Sewer Rates (b)</b>
Single-Family Residential (c)	Class 1		
Volume-based Rate	Class 1	\$2.4321	\$2.5780
Annual Base Charge	Class 1	\$163.9122	\$173.7469
Multi-Family Residential	Class 2	\$4.1291	\$4.3768
Rest./Bakeries/Mort./Groc.	Class 3	\$7.9023	\$8.3765
Small Commercial	Class 4	\$4.1041	\$4.3503
Car Wash/Laundries	Class 5	\$3.7409	\$3.9653
Public Agency/Institutional	Class 6	\$3.4644	\$3.6723
Heavy Commercial	Class 7	\$7.2165	\$7.6495
Mixed Use Light	Class 8	\$4.1850	\$4.4361
Mixed Use Heavy	Class 8.5	\$6.0901	\$6.4555
Navy	Class 9	\$4.7388	\$5.0232
<b>Sewer Unit Charges -- by Treatment Parameter</b>			
Volume Charges (\$/HCF)		\$3.2919	\$3.4894
Strength Surcharges -- BOD (\$/lb)		\$0.5539	\$0.5871
Strength Surcharges -- TSS (\$/lb.)		\$0.5141	\$0.5449

(a) Current rates effective July 1, 2011

(b) New rates to be effective July 1, 2012.

(c) Maximum Single Family residential rate cap is \$876.75

### City of Imperial Beach Sewer Rate Analysis

The Sewer Fund is responsible for the collection, transmission, and treatment of wastewater. It has over 43.9 miles of sewer lines within the City and shares capacity of other lines with City of San Diego to deliver the wastewater to the City of San Diego waste water treatment plant in Point Loma. The City is proposing a 6% increase to Sewer rates to collect sufficient revenue to enable it to continue providing sewer service to its customers in the face of increasing operating costs, and to enable the City to afford capital improvements that are essential for operating the sewer system in a safe and financially prudent manner. Additionally, the City has a critical need to increase its sewer reserve funds, which are the City's contingency funds to cover situations such as: 1) revenue instability due to changes in usage; 2) extraordinary increases in the costs for providing sewage treatment; and 3) unplanned expenses related to emergencies such as earthquakes, windstorms, electrical outages, and flooding. The City's sewer reserve funds are currently insufficient to cover unforeseen expenses, such as the need to make emergency repairs to the system. This could result in an extended service interruption in the event of a system failure or natural disaster. The proposed increase will also offset anticipated sewer cost increases. This proposal is anticipated to increase Sewer billings from \$3,950,000 to \$4,187,000, an increase of \$237,000.

The rate adjustment for 2012-2013 had previously been proposed in 2005 in accordance with City Council Ordinance No. 2005-1030, Section 2. However, City staff has determined that the previously suggested CPI increase would be inadequate to cover the costs of providing sewer service to ratepayers and to preserve adequate reserve funds because unforeseen factors that were not present or considered in 2005 have arisen.

There are two primary cost components that drive sewer rates: capital reinvestment and wastewater treatment. Major capital reinvestment is required to keep the sewer lines and pump stations in a good state of repair and is a major determinant of sewer rates. Certain sections of the sewer lines date back to 1940's. The City has spent \$2.2 million since fiscal year 2007 to improve the sewer system and budgets \$400,000 annual to upgrade the sewer lines and pump stations.

Because of the age of certain sections, the City strives to maintain a reserve in the sewer fund, currently at \$2 million. This reserve provides funding in the event of unanticipated system failure or a major capital improvement cost. This past year the City had to contribute over \$700,000 to the City of San Diego for its share of improvements to a shared sewer trunk line. The City of San Diego has agreed to allow us to pay this cost over the next three years (\$243,000). The City has utilized this reserve to offset the cost of its share of the sewer trunk line. Additional, this reserve was used to address water infiltration issues along Imperial Beach Boulevard (\$65,000), odor control at pump station 1B (\$100,000) and infiltration at Pump Station no. 11 (\$14,000).

Treatment costs represent nearly 60% of the sewer billings and therefore are the single greatest factor in determining rates. The treatment of wastewater is provided by the City of San Diego. If treatment costs increase at the rate of inflation (3%) this would add \$72,000 of cost. If the

treatment cost increase 5% then costs would increase \$119,000. Staff is projecting the increase will be 5%.

Additionally, the City of San Diego discharge permit to allow for ocean discharge of treated water was extended to 2015. San Diego is the last city in the country allowed to discharge at this lower treatment standard. It is likely that the City of San Diego will have to charge substantially more for upgraded treatment in the future. In response to projected, substantially higher treatment costs, City Councils have chosen to increase rates gradually over the years rather than have sharp increases over a short period in the future.

Revenues derived from the City's sewer service charges are used solely for the actual and necessary expenses of providing sewer service to its customers. The City is prohibited by law from making a profit on sewer service. The proposed rate increases are based on a rate analysis conducted by City staff, along with a previous rate study conducted by Foresight Consulting Services, a well respected national wastewater financial consulting firm, the combination of which took into consideration all of the factors described above in conducting the analysis. The rate study and its methodology will be discussed in more detail at the public hearing. Staff is attempting to set rates to have a balanced budget, continued funding for capital improvements, restore capital reserves to prudent levels, and balance ratepayer impacts. The proposed rate increase would allow for higher than inflation treatment costs, keep capital reinvestment at the current \$400,000 level, and restore the capital reserve to fully offset this year's uses.

Rate Increase Details

The City's monthly sewer charges are based upon the volume charge per hundred cubic feet (HCF) for each customer classification to each premises as determined by the water utility meter readings for the prior year, and the suspended solids (SS) and biological oxygen demand (BOD) content for such volume. The following table details the current sewer rates for 2011/2012 and the proposed maximum sewer rate increases for 2012/2013

<b>Revised Sewer Rates FY 2012/13 FOR ANNUAL BILL CALCULATIONS</b>			
<i>City of Imperial Beach</i>			
<b>Customer Class</b>		<b>Current Rate (2011/12) (a)</b>	<b>Requested (2012/13) Sewer Rates (b)</b>
Single-Family Residential (c)	Class 1		
Volume-based Rate	Class 1	\$2.4321	\$2.5780
Annual Base Charge	Class 1	\$163.9122	\$173.7469
Multi-Family Residential	Class 2	\$4.1291	\$4.3768
Rest./Bakeries/Mort./Groc.	Class 3	\$7.9023	\$8.3765

Small Commercial	Class 4	\$4.1041	\$4.3503
Car Wash/Laundries	Class 5	\$3.7409	\$3.9653
Public Agency/Institutional	Class 6	\$3.4644	\$3.6723
Heavy Commercial	Class 7	\$7.2165	\$7.6495
Mixed Use Light	Class 8	\$4.1850	\$4.4361
Mixed Use Heavy	Class 8.5	\$6.0901	\$6.4555
Navy	Class 9	\$4.7388	\$5.0232
<b>Sewer Unit Charges – by Treatment Parameter</b>			
Volume Charges (\$/HCF)		\$3.2919	\$3.4894
Strength Surcharges – BOD (\$/lb)		\$0.5539	\$0.5871
Strength Surcharges – TSS (\$/lb.)		\$0.5141	\$0.5449

(a) Current rates effective July 1, 2011

(b) 6% proposed increase per City rate analysis

(c) Maximum Single Family residential rate cap is \$876.75 per year



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

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

**MEETING DATE:** MAY 16, 2012  
**ORIGINATING DEPT.:** COMMUNITY DEVELOPMENT DEPARTMENT  
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR  
JIM NAKAGAWA, AICP, CITY PLANNER

**SUBJECT:**  SECOND READING/ ADOPTION OF ORDINANCE NO. 2012-1127: REX BUTLER FOR BIKEWAY VILLAGE LLC (APPLICANT) AND THE CITY OF IMPERIAL BEACH: ADOPTION OF COMMERCIAL/ RECREATION-ECOTOURISM (C/ R-ET) ZONE AND THE REZONING FROM R-3000-D (RESIDENTIAL TWO-FAMILY – DETACHED) TO C/ R-ET FOR THE CONVERSION/ REDEVELOPMENT OF EXISTING WAREHOUSE BUILDINGS TO ECOTOURISM COMMERCIAL USES AT 536 13<sup>TH</sup> STREET & 535 FLORENCE STREET AND AIRPORT PARCEL 616-021-10-00 @ 500 13<sup>TH</sup> STREET. MF 1034

**PROJECT DESCRIPTION/BACKGROUND:**

This is the second reading of Ordinance No. 2012-1127 that adopts the Commercial/ Recreation-Ecotourism (C/R-ET) Zone (Chapter 19.25) and applies this C/R-ET zone to the Bikeway Village site.

On May 2, 2012, the City Council adopted Resolution No. 2012-7188 approving General Plan/ Local Coastal Program (GPA/ LCPA 100007) Amendment, the final Mitigated Negative Declaration (MND/ SCH# 2012031034) and discretionary permit approval of Design Review (DRC 100006) and Site Plan Review (SPR 100009) applications for the **Bikeway Village** project



that proposes the conversion/ adaptive reuse of two approximate 15,000 square foot warehouse structures at 535 Florence, 536 13<sup>th</sup> Streets (APN 626-192-03-00 and 626-192-04-00) and on vacant parcel APN 616-021-10-00. The City Council also conducted the First Reading of Ordinance No. 2012-1127 to adopt the C/ R-ET Zone and reclassify the project site from R-3000-D (Residential Two- Family – Detached) to C/ R-ET. The applicant, Rex Butler of Bikeway Village LLC, closed escrow on the adjacent 1.15-acre (50,094-square-foot) northern parcel (APN 616-021-10-00) previously owned by the San Diego County Regional Airport Authority.



Aerial View

Bikeway Village - Imperial Beach, California

### **PROJECT EVALUATION/ DISCUSSION:**

The project implements the Urban Waterfront and Ecotourism Study of 2005 wherein it recommended that the city provide for amenities, promote the City as a tourist destination, and encourage certain types of development to capture key market niches. The existing zoning of the subject property is R-3000-D (Residential – Two-Family – Detached), which provides for stand-alone residential structures. The proposed Commercial/ Recreation-Ecotourism (C/R-ET) zone includes a number of retail and visitor-accommodating commercial uses (such as a bike shop, café, art gallery, bookstore, hostel, and boutiques/retail shops) that would ultimately replace the existing quasi-industrial uses but excludes permanent residential uses (with the exception of live/work units) because such uses would generate the need for additional residential parking and such uses typically would be placed above the commercial uses on the ground floor and raise visual obstruction issues. The height limit would remain at 26 feet, which is the limit in the existing R-3000-D Zone. The proposed C/R-ET Zone also incorporates many of the requirements of the proposed commercial zoning revisions that were prepared by AECOM (which will be scheduled later for City Council consideration) such as requiring a minimum of 60% of the ground floor for active commercial uses.

The proposed C/R-ET Zone provides many of the standards that are found in Form-based Codes. It should contribute to making an impressive architectural statement for future development and redevelopment projects at this site and in the City.

**LOCAL COASTAL PROGRAM (LCP)/ GENERAL PLAN (GP):** Pursuant to California Code of Regulations Code §13515 (14 CCR 13515) and California Government Code §65352, a 45-day public and agency review period from February 23, 2012 through April 9, 2012 was provided. Pursuant to Government Code Section 65300.5, a consistency analysis shows the proposed GPA/LCPA to be internally consistent with other policies of the general plan/local coastal program. Additionally, the proposed C/R-ET Zone would be consistent with General Plan Policies L-4f and L-6 that encourage visitor-serving and tourist-oriented commercial uses and would, therefore, be externally consistent pursuant to Government Code Section 65860. This amendment will need to be certified by the Coastal Commission in order for it to be effective.

**ENVIRONMENTAL DETERMINATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

The City adopted a Final Mitigated Negative Declaration (MND) that determined the proposed project could have a potentially significant environmental effect in the following areas: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, and Noise. The Final MND identifies mitigation measures that will avoid or reduce all potentially significant environmental effects to below a level of significance. The draft MND (SCH# 2012031034) was routed through the State Clearinghouse for a 30-day agency review. Comments from 3 agencies were received and responses to those comments were prepared as a component of the Final MND. The City also established a 30-day public review and comment period from March 8, 2012 to April 9, 2012. No public environmental comments were received by the close of the review period. A Mitigation Monitoring and Reporting Program (MMRP) for the Final MND was included in the Final MND.



**COASTAL PERMIT JURISDICTION:** The project site is located in the original state jurisdiction area of the coastal zone as indicated on the Local Coastal Program Post Certification and Appeal Jurisdiction Map; therefore, the coastal development permit (CDP) application is to be filed with and considered by the California Coastal Commission under Section 30519(b) of the California Public Resources Code.

**FISCAL ANALYSIS:**

The applicant has deposited \$ 10,000 in Project Account Number 100006 to fund the processing of this application. Additionally, the development of this project is anticipated to generate sales and property taxes that would contribute to the fiscal health of the City and mitigate for the leakage of tax revenues.

**DEPARTMENT RECOMMENDATION:**

1. Declare the public hearing open
2. Receive report and entertain testimony;
3. Close public hearing;

4. Mayor calls for the second reading of the title of Ordinance No. 2012-1127 approving the Zoning Code Amendment (ZCA 100008) and rezoning to establish the Commercial/Recreation-Ecotourism (C/R-ET) designation/ zone (Chapter 19.25) and applying this C/R-ET zone to the project site;
5. City Clerk to read Ordinance 2012-1127 by title only; and
6. Motion to waive further reading and adopt Ordinance No. 2012-1127 by title only.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



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

Attachments:

1. Ordinance No. 2012-1127

C: file MF 1034 Bikeway Village  
 Rex Butler, Bikeway Village LLC, 2 Sandpiper Strand, Coronado, CA 92118  
[rexbutler@mac.com](mailto:rexbutler@mac.com)  
 Donna Steel, Senior Planner, RECON Environmental, Inc., 1927 Fifth Avenue, San Diego, CA 92101 [dsteel@reconenvironmental.com](mailto:dsteel@reconenvironmental.com)  
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 Otay Mesa Nestor Community Planning Group, Steve Schroeder, 1421 Thermal Avenue, San Diego, CA 92154 [omncpg@gmail.com](mailto:omncpg@gmail.com) [jswanson@coronado.ca.us](mailto:jswanson@coronado.ca.us)  
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 Clint Linton, PO Box 507, Santa Ysabel, CA 92070 [cjlinton73@aol.com](mailto:cjlinton73@aol.com)  
 California Coastal Commission, Diana Lilly, Coastal Planner, 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-1735 [dlilly@coastal.ca.gov](mailto:dlilly@coastal.ca.gov)

## ORDINANCE NO. 2012-1127

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADDING CHAPTER 19.25 COMMERCIAL/ RECREATION – ECOTOURISM (C/R-ET) ZONE AND APPLYING THE C/R-ET ZONE TO THE BIKEWAY VILLAGE SITE. MF 1034.**

**WHEREAS**, on May 2, 2012, and on May 16, 2012, the City Council of the City of Imperial Beach held duly advertised public hearings to consider the merits of approving or denying an application for Zoning Code Amendment (ZCA) 100008 to add Chapter 19.25 Commercial/ Recreation – Ecotourism (C/R-ET) Zone to the Imperial Beach Zoning Ordinance and applying the C/R-ET Zone to the subject site for the **Bikeway Village** project that proposes the conversion/ adaptive reuse of two approximate 15,000 square foot warehouse structures at 535 Florence, 536 13<sup>th</sup> Streets (APN 626-192-03-00 and 626-192-04-00) and on vacant parcel APN 616-021-10-00 ("Subject Site"). The Subject Site is legally described as follows:

Lots 15 through 20 in Block 4 of South San Diego, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 133, filed in the Office of the County Recorder of San Diego County on July 5, 1887, together with those portions of the East 10.00 feet of Florence Street and the North 10.00 feet of Cypress Avenue, as vacated and closed to public use immediately adjoining the above described land on the west and south; and,

Lots 21 through 26, inclusive, in Block 4 of South San Diego, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 133, filed in the Office of the County Recorder of San Diego County on July 5, 1887, together with that portion of the North 10.00 feet of Cypress Avenue adjoining said Lot 21 on the South as vacated and closed to public use by the Council of the City of Imperial Beach on October 29, 1968, by Resolution No. 1439, a certified copy of which was recorded in the Office of the County Recorder of San Diego County on November 4, 1968, as File No. 193024 of Official Records; and

That portion of the Northwest Quarter of the Southeast Quarter of Section 20, Township 18, South, Range 2 West, in the City of San Diego, County of San Diego State of California being described as follows:

BEGINNING at the Southeast corner of said Northwest Quarter of the Southeast Quarter of said Section 20; thence along the Southerly line thereof North 89°21'08" West, 420.06 feet; thence leaving said Southerly line North 00°37'24" East, 87.74 feet to the Southerly line of said San Diego and Arizona Eastern Railway right-of-way, said point being a point on a curve concave to the North having a radius of 997.95 feet, to which said beginning a radial bears South 00°20'53" West; thence Easterly 434.13 feet along said curve through a central angle of 24°55'29" to the Easterly line of said Northwest Quarter of the Southeast Quarter; thence along said Easterly line South 00°38'17" West 182.87 feet to the POINT OF BEGINNING.

**WHEREAS**, the City Council finds that the proposed C/R-ET Zone to be consistent with General Plan Policies L-4f and L-6 that encourage visitor-serving and tourist-oriented commercial uses and the proposed zoning code amendment would, therefore, be externally consistent with the General Plan/ Local Coastal Plan pursuant to Government Code Section 65860; and

**WHEREAS**, the City Council finds that the proposed C/R-ET Zone promotes the recommendation provided in the Urban Waterfront and Ecotourism Study of 2005 to facilitate policies that provide for tourist-oriented amenities; and

**WHEREAS**, this project complies with the requirements of the California Environmental Quality (CEQA) as the draft Mitigated Negative Declaration (MND) was prepared for this project and advertised in the IB Eagle and Times for availability during the public review period from March 8, 2012 to April 9, 2012; and routed through the State Clearinghouse (SCH# 2012031034) for state agency review from March 6, 2012 to April 4, 2012; and

**WHEREAS**, the Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis; that the decision-making body has, pursuant to CEQA Guidelines Section 15074(b), reviewed and considered the information contained in this MND and the comments received during the public review period; that revisions in the project plans or proposals made by or agreed to by the project applicant, pursuant to CEQA Guidelines Section 15070(b)(1), would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and that, on the basis of the whole record before the decision-making body (including this MND) there is no substantial evidence that the project as proposed, as conditioned, or as revised, will have a significant effect on the environment.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH DOES ORDAIN AS FOLLOWS:**

**SECTION 1:** That Section 19.06.010. (Zones Established) of the Imperial Beach Municipal Code, is amended to read as follows:

O. C/R-ET – Commercial/ Recreation – Ecotourism zone.

**SECTION 2:** That the zoning classification of the Subject Site as legally described above is changed from R-3000-D (Residential – Two-Family – Detached) to C/R-ET – Commercial/ Recreation – Ecotourism and that the Zoning Map adopted pursuant to Section 19.06.020 shall be amended to reflect the change of zoning classification.

**SECTION 3:** That Chapter 19.25 C/R-ET Commercial/ Recreation – Ecotourism Zone is hereby added to Title 19 of the Imperial Beach Municipal Code, and is attached hereto as Exhibit A and made a part of Ordinance No. 2012-1127.

**SECTION 4:** That this ordinance shall only become effective upon its certification by the California Coastal Commission.

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

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

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 2<sup>nd</sup> day of May, 2012; and **THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 16<sup>th</sup> day of May, 2012, by the following vote:

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

*James C. Janney*

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**JAMES C. JANNEY, MAYOR**

**ATTEST:**

*Jacqueline M. Hald*

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

**APPROVED AS TO FORM:**

*Jennifer M. Lyon*

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**JENNIFER M. LYON**  
**CITY ATTORNEY**

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Ordinance No. 2012-1127 - An Ordinance of the City of Imperial Beach approving Zoning Code Amendment (ZCA) 100008 to add Chapter 19.25 Commercial/ Recreation – Ecotourism (C/R-ET) Zone to the Imperial Beach Zoning Ordinance and applying the C/R-ET Zone to the subject site for the **Bikeway Village** project. MF 1034

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**CITY CLERK**

**DATE**

**Chapter 19.25. C/R-ET (COMMERCIAL/ RECREATION-ECOTOURISM) ZONE**

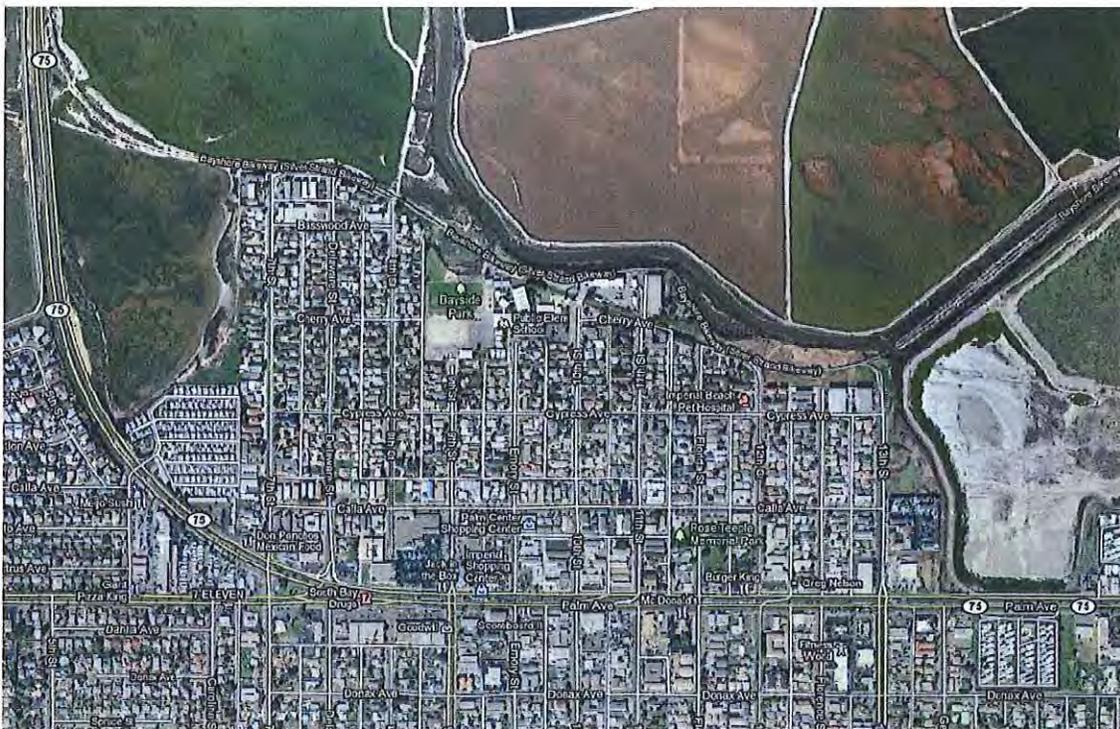
**19.25.010. Purpose of zone.**

The purpose of the C/R-ET zone is to provide land to meet the demand for goods and services required primarily by the recreation and ecotourist visitor. This zone is intended to implement the recommendations of the 2005 Urban Waterfront and Ecotourism Study. It would also implement Parks and Recreation Element Policy P-7 of the General Plan (Increase Tourist Related Commercial Land Uses) which provides that “The City and its business community should take direct action to increase the amount of tourist-oriented businesses both along the beachfront, South San Diego Bayfront and inland areas.”

The International Ecotourism Society (TIES) defines ecotourism as “responsible travel to natural areas that conserves the environment and sustains the well-being of local people.” It is intended that the C/R-ET zone will accommodate the land use needs of the recreation and ecotourism market niches. Among the uses envisioned for the C/R-ET zone include small-scale visitor-serving retail and services such as specialty stores, shops, eating and drinking establishments (such as restaurants and cafes), recreational uses, fitness, athletic and health club uses, and visitor accommodations (such as hostels, hotels and motels).



Imperial Beach is identified as a strong market for birders.



The bayfront area of Imperial Beach is recommended for recreation and ecotourism uses.



Imperial Beach provides an attractive venue for recreational uses that include bicycling and surfing.



The rare and endangered bird species in the Imperial Beach area provide a unique opportunity to capitalize on the birding market.

**19.25.020. Regulated land uses.**

Process Legend: P = permitted by right; C = conditional use permit; N = not permitted		
Land Use	Process	Notes/Additional Regulations
<b>Commerical use types</b>		
1. Adult bookstore, adult hotel/motel, adult mini-motion picture theater adult picture arcade, adult picture theater, sexual encounter studio, rap parlor, model studio	N	
2. Antique Stores	P	
3. Arcades/Game centers	C	
4. Art studio, Galleries, Museums	P	

5. Athletic and Health clubs	<i>P</i>	
6. Automotive uses: gas and auto sales	<i>N</i>	
7. Bars or Cocktail lounges,	<i>C</i>	
With live entertainment	<i>C</i>	
8. Beach equipment rental, Bike rental, Surf shop, Fishing supply	<i>P</i>	
9. Body piercing establishment	<i>N</i>	
10. Bookstore	<i>P</i>	
11. Boutique	<i>P</i>	
12. Child care facility	<i>N</i>	
13. Clinic	<i>N</i>	
14. Department store	<i>N</i>	
15. Drive-in Restaurant	<i>N</i>	
16. Drive-thru establishment	<i>N</i>	
17. Food and beverage sales	<i>P</i>	
18. Fortune telling establishment	<i>N</i>	
19. Kennel	<i>N</i>	
20. Kiosk	<i>P</i>	
21. Liquor store	<i>N</i>	
22. Massage therapy	<i>P</i>	SB 731
23. Medical marijuana dispensary	<i>N</i>	
24. Mortuary	<i>N</i>	
25. Palm reading establishment	<i>N</i>	
26. Pawn shop	<i>N</i>	
27. Personal convenience services	<i>P</i>	
28. Pool/Billiard Hall	<i>C</i>	
With live entertainment	<i>C</i>	
29. Postal services, private	<i>P</i>	
30. Professional offices, Financial institutions, and Real estate	<i>P</i>	
31. Restaurants and cafes (eating and drinking establishments)	<i>P</i>	
With live entertainment	<i>C</i>	
32. Retail food stores	<i>P</i>	
33. Retail sales	<i>P</i>	
34. Secondhand or used merchandise sales	<i>N</i>	See definition
35. Tattoo establishment	<i>N</i>	
<b>Residential/ transient habitation use types</b>		
36. Accessory buildings, structures, private garages	<i>N</i>	
37. Bed and breakfast (H-4)	<i>P</i>	
38. Boarding house	<i>N</i>	
39. Boutique hotel (H-6)	<i>P</i>	§ 19.25.90.G
40. Emergency shelter	<i>N</i>	

41. Hostel	<i>P</i>	§ 19.25.90.F
42. Hotels, motels (H-1, H-2, H-3)	<i>P</i>	
43. Inn (hotel H-5)	<i>P</i>	§ 19.25.90.E
44. Live/Work units	<i>P</i>	§ 19.25.40
45. Motor home/Manufactured Housing Community	<i>N</i>	
46. Mixed-use development	<i>N</i>	
47. Multi-family residential units	<i>N</i>	
48. Second-family units	<i>N</i>	
49. Senior housing, Nursing home, Retirement home	<i>N</i>	
50. Short-term rentals	<i>P</i>	§ 19.25.40
51. Single-family detached	<i>N</i>	
52. Timeshares	<i>N</i>	
<b>Industrial use types</b>		
53. Automotive uses: auto repair, body repair, dismantling, wrecking yard	<i>N</i>	
54. Custom/incidental manufacturing	<i>C</i>	§19.25.90.A.
55. Energy facility	<i>N</i>	
56. Green Building utilities	<i>P</i>	
57. Equipment rental yard	<i>N</i>	
58. Light manufacturing, Manufacturing, Industrial	<i>N</i>	
59. Wireless communications facilities	<i>C</i>	Chapter 19.90
<b>Civic, Public, and Semi-public use types</b>		
60. Campsites	<i>N</i>	
61. Religious assembly (church, mosque, temple, synagogue, etc)	<i>C</i>	
62. Clubs, fraternal/veteran/service organizations	<i>N</i>	
With live entertainment	<i>N</i>	
63. Government or quasi-public building	<i>C</i>	
64. Library	<i>C</i>	
65. Public parking lot	<i>C</i>	
66. Schools, private	<i>N</i>	
67. Theatres/ Assembly	<i>C</i>	
<b>Open Space and Recreation use types</b>		
68. Playground and recreational facility (active)	<i>C</i>	
69. Public park (passive)	<i>P</i>	
70. Public riding and hiking trails	<i>P</i>	

### 19.25.030. Land Use and Design Determination

The Community Development Director or his or her designee shall make determinations of land use and design. The Director shall assign proposed uses to the appropriate category. The Director shall make architectural/design determinations that are within the intent of this code when not expressly prescribed by this code. For any ambiguity or question of a Director's determination,

the applicant or any citizen may file an appeal of the determination to the Planning Commission for an interpretation pursuant to Section 19.02.080.

**19.25.040. Minimum Active Commercial Use**

A minimum of 60% of the ground floor of the parcels with street frontages shall have active commercial uses, uses that contribute to a high level of pedestrian activity such as retail shops, restaurants, hotels, museums and galleries.



Active commercial uses such as shops and restaurants generate pedestrian activity.

**19.25.050. Development Review Process Jurisdiction.**

Site plan and design review by the City Council will be required for all proposed development involving major new construction. Site plan and design review by the Community Development Director (administrative approval) will be required for any addition, construction, remodel or alteration of existing buildings or exterior facade alterations to existing buildings.

**19.25.060. Development Regulations and Design Standards.**

The development standards for the C/R-ET zone are intended to create a small-scale commercial development that preserves coastal views, promotes ecotourism and recreation activities and encourages pedestrian activity through the design and location of buildings, façade treatments, landscaping, street furniture, and travel ways.



The facades of buildings should welcome people, not repel them.

To accommodate recreation and ecotourism uses, development may take the form of adaptive reuse of existing structures or existing structures may be demolished to create new development.

**A. Adaptive Reuse provisions:**

1. Blank sterile walls shall be articulated with building openings (such as doors and windows), moldings, and other façade treatments to create a tourist commercial venue that is at pedestrian scale.
2. For adaptive reuse proposals in districts characterized by historic or architecturally significant structures, façade changes shall be consistent with and preserve the design theme of such structures.
3. Pedestrian-oriented walkway treatments and landscaping of the public realm shall be provided.



The facades of buildings should welcome people, not repel them.

Adaptive reuse provides an opportunity to transform a sterile façade into an attractive pedestrian-scale experience.

4. The Community Development Director and the City Council may approve the design for adaptive reuse proposals that deviate from the prescribed standards in this chapter but yet are consistent with the intent of this chapter.

**B. New development/redevelopment provisions:**

1. A site and design review plan shall be submitted to function as a regulating plan (enabled by AB 1268, Government Code Section 65302.4) that will contain block, building, land use, public space, landscaping, and architectural elements.
2. The effect of the site and design review plan shall represent a design statement that is consistent with the intent of Chapter 19.25 which is to provide a small-scale commercial venue that preserves coastal views and encourages pedestrian activity through the design and location of buildings, façade treatments, landscaping, street furniture, and travel ways.

**C. Setback/Yards/Separation/Building Line, and Stepback provisions**

1. For properties fronting on a public street, the front building line shall be set on the front lot line if the sidewalk and parkway improvements are at least 10 feet in width. If the sidewalk and parkway improvements are less than 10 feet in width, the front building line shall be set back a reasonable distance from the right-of-way line as determined through a site plan review process in order to accommodate for sidewalk and parkway improvements. For buildings proposed to be set back greater than allowed, a site plan and perspective renderings that analyze and demonstrate the effect that the proposed spatial forms may have on pedestrians shall be submitted for approval. An example of increased setback that may be justified would be provisions for outdoor dining and plazas for public seating areas.
 

Buildings that front along the sidewalk and parkway improvements enhance the pedestrian experience.
2. Side yard: 5 feet for interior lots. For corner lots, the side building line shall be set on the exterior side lot line if the sidewalk and parkway improvements are at least 10 feet in width. If the sidewalk and parkway improvements on the exterior side are less than 10 feet in width, the side building line shall be set back no more than five feet of the right-of-way line.
3. Rear yard: 10 feet if abutting residentially-zoned property.
4. Stepback: 5 feet at second floor if abutting residentially-zoned property.
5. Detached buildings shall be located not less than six feet from any other building on the same lot.

**D. Building Height provisions**

1. 15-foot minimum floor-to-ceiling height for commercial spaces on the ground floor. 20-foot minimum height required for single-story buildings.

2. No building in the C/R-ET Zone shall exceed two stories or twenty-six feet in height, whichever is less.

**E. Lot size provisions**

1. The minimum area for any new lot created in the C/R-ET zone shall be 5,000 square feet with a minimum width of 50 feet along the street frontage.



Xeriscape example

**F. Landscaping provisions**

1. Landscaping and open space shall be provided pursuant to Chapter 19.50.
2. Drought tolerant native or naturalizing non-invasive xeriscape elements shall be incorporated into the landscape plan.
3. Landscaping of the parkway areas adjacent to pedestrian walkways shall be provided.
4. Stormwater shall drain, to the extent practicable and in concert with engineered drainage plans, toward landscaped areas in order to provide bio-filtration of urban runoff.



Storm water BMP example

**G. Climate Change/ Sustainability provisions:**

**1. Mitigation Measures:**

- a. **Storm Water.** Storm water runoff shall be minimized (in addition to satisfying the storm water requirements of IBMC Chapters 8.30, 8.31, and 8.32) by infiltrating runoff on-site provided that geotechnical studies support infiltration/percolation capabilities.

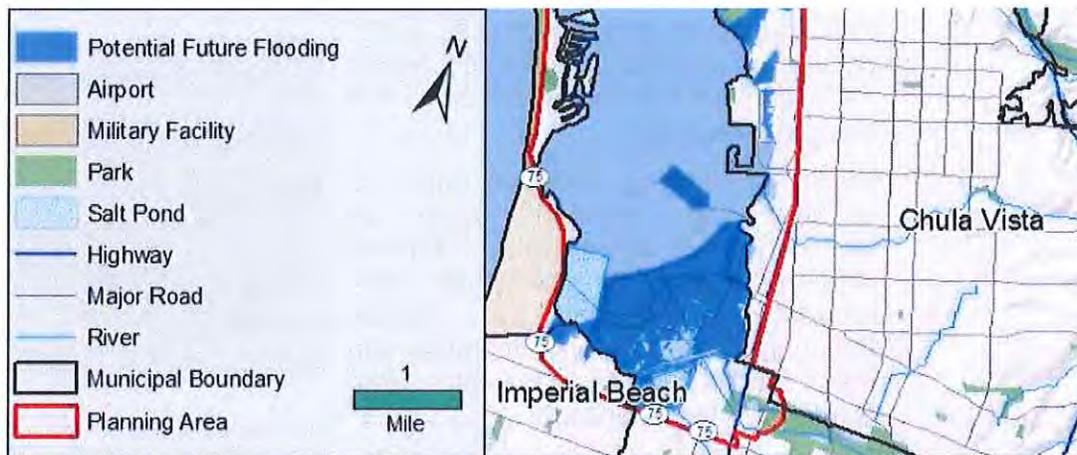


Green Building utility example

- b. **Green Building.** The 2010 California Green Building Standards Code (CALGreen Code) became effective January 1, 2011. Projects shall propose additional sustainable elements that minimize the production of greenhouse gases (GHG) and exceed the requirements of the CALGreen Code to possibly include small scale wind turbines, solar panels for water heating and power generation, use of recycled water and materials, and other elements that may qualify for LEED (Leadership in Energy and Environmental Design) certification.

**2. Adaptation Measures:**

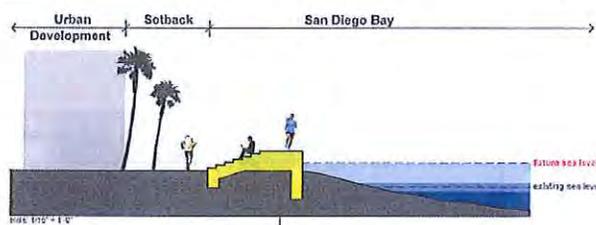
- a. **Sustainability.** Projects shall propose additional sustainable elements that minimize the production of greenhouse gases (GHG) and exceed the requirements of the CALGreen Code to possibly include small scale wind turbines, solar panels for water heating and power generation, use of recycled water and materials, and other elements that may qualify for LEED (Leadership in Energy and Environmental Design) certification.



b. **Sea Level Rise (SLR).** Buildings may have a useful life of 50 to 100 years or more. Global warming scenarios project an increase in sea level rise due to the effects of greenhouse gases. The State of California projects a rise of 10 to 17 inches by the year 2050 and a rise of 31 to 69 inches by the year 2100 (State of California, Sea Level Rise Task Force of the Coastal and Ocean Working Group of the California Climate Action Team (CO-CAT), *Sea Level Rise Interim Guidance Document*, October 2010). Project proponents shall assess their projects for its vulnerability to impacts from sea level rise and, if vulnerable, propose a reasonable adaptation strategy that may take the form of hard structures (such as seawalls, levees, bulkheads, or rip-rap), soft structures (such as wetland restoration, low impact development (LID), detention basins, bioinfiltration, or bioswales), accommodation (such as elevated grades, elevated structures, floodable development, or floating structures), or withdrawal (such as buffers, rolling easements, disassembly design, or managed retreat).

Where necessary, Sea Level Rise adaptation measures shall be included and may include the following:

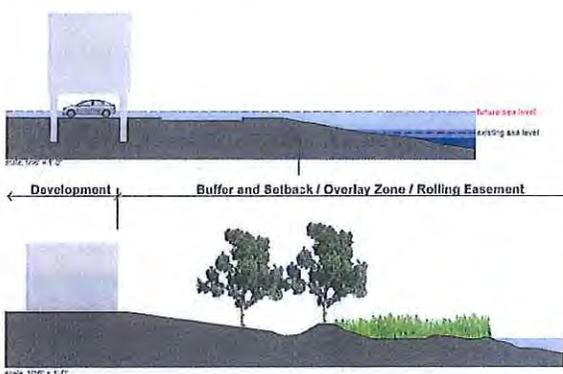
**option C - Seawall - stepped**



**option E - Bioswales and other vegetated drain channels**



**option D - Elevated Structure**



**H. Parking provisions**

1. Parking shall be provided (on-site and/or off-site) as required pursuant to Chapter 19.48 and with the approval of a site and design review plan.
2. Views of parking facilities shall be buffered with elements such as landscaping or street walls. Parking structures shall be designed with articulation and attractive façade treatment in order to be compatible with the character of a small town commercial tourist district.
3. Where appropriate, reverse angle/back-in parking is permitted in order to accommodate for bicycle safety.
4. Bicycle parking shall be provided pursuant to Section 5.106.4 of the CALGreen Code.



The façade of any proposed parking structure shall be articulated to be compatible with the surrounding development.

**I. Building Façade provisions:**

1. Blank/sterile unarticulated street/building walls are not allowed.
2. Building openings (in the form of windows, doors etc.) shall be provided along street frontages. Openings shall not span vertically more than one story.
3. Permitted building materials include: brick and tile masonry, stucco (cementitious finish), native stone, pre-cast masonry (for trim and cornice elements), gypsum reinforced fiber concrete (for trim elements), metal (for beams, lintel, trim and ornamental elements), split-faced block (for piers and foundation walls), wood lap and Hardie-plank siding.
4. For new development, roof lines shall be varied to create architectural interest. Variations in pitch shall be symmetrical and eaves shall overhang 24 inches.
5. For new development, flat and parapet roofs shall be articulated with cornices or coping elements that project out 24 inches.
6. Green roof, skylights, roof vents, wind turbines, roof drains, and solar panels shall be integrated into the architectural style of the building.
7. Roof materials permitted include: clay and concrete tile, slate, standing seam metal, and dimensional asphalt shingles.



An example of roof articulation.



Examples of pedestrian-scale signage.

**19.25.070. Signage provisions.**

1. Proposed signage shall be consistent with Chapter 19.52.

2. The character of the sign, which shall be at pedestrian scale, and its illumination shall be consistent with that of the building and not consist of more than three colors.

#### 19.25.080. Public Realm/Street Furniture provisions.

1. Street lighting shall be mission-style or of another historical theme and located 16 feet above grade with a maximum average spacing of 60 feet on center.
2. Acceptable sidewalk materials include: brick, masonry, tile, permeable and landscape pavers, and stamped Portland cement concrete.
3. Seat walls and seating for outdoor dining may be permitted within the right-of-way with the approval of a site and design plan and an encroachment permit or license agreement.
4. Sufficient right of way dedication shall be provided to accommodate at least 10 feet of walkway and landscape improvements along public streets.
5. Public trash and recycling receptacles shall be attractively designed and placed in strategic locations so that they are convenient but do not obstruct pedestrian travel.
6. Utility meters, utility pedestals, and back-flow preventers shall be located or buffered such that they are not visible from public venues.



Examples of street furniture and public improvements, including public art, that are design-sensitive and pedestrian-scale.

#### 19.25.090. Miscellaneous Provisions.

- A. **Custom/Incidental Manufacturing** refers to the small scale on-site production of goods by hand which involves only the use of hand tools or domestic mechanical equipment that do not exceed five horse power or a single kiln not exceeding 8 cubic feet and that such use is restricted as a secondary use to the primary retail or service use where such products are sold directly to consumers. Typical uses include ceramic studios, candle making shops or custom jewelry crafts stores.
- B. **Conditional Use Permit.** Conditions for any conditional use permit may include, but shall not be limited to requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulations of vehicular ingress and egress and traffic circulation; regulations of signs; regulations of hours of operation; establishment of development schedules or time limits for performance or completion; requirements for periodic review; and such other conditions as may be deemed necessary to ensure compatibility with existing surrounding uses, and to preserve the public health, safety and welfare.



- C. **Refuse and Recycling Containers.** Private refuse and recycling containers in conformance with Section 19.74.090 shall be buffered from public venues with landscaping and/or screen walls.
- D. **Coastal Development Permit.** If the project site proposed for recreational and ecotourism development is located in the original coastal development permit (CDP) jurisdiction of the California Coastal Commission, applicants shall proceed with other required discretionary permits through the city prior to filing for a CDP application with the Commission.
- E. **“Boutique hotel”** (hotel H-6) means a small elegant lodging facility that is unique and is characterized by personalized service.
- F. **“Ecotourism”** means responsible travel to natural areas that conserves the environment and sustains the well-being of local people.
- G. **“Hostel”** means a place where travelers may stay for a limited duration at low cost in a facility that is appropriately recognized by a state, national or international hostel organization and that may include dormitory-like sleeping accommodations.
- H. **“Inn”** (hotel H-5) means a commercial establishment that affords public lodging on a less than monthly basis and may include meals and other services to travelers.



Boutique hotel example



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** MAY 16, 2012  
**ORIGINATING DEPT.:** PUBLIC WORKS *HGB*  
**SUBJECT:** PUBLIC HEARING TO CONSIDER ADOPTION OF THE INTEGRATED SOLID WASTE MANAGEMENT SERVICES MAXIMUM FEE INCREASE REQUESTED BY EDCO DISPOSAL CORPORATION

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**BACKGROUND:**

On June 16, 1999, City Council adopted Resolution No. 99-5080 selecting EDCO Disposal Corporation as the City's provider of integrated waste management services. EDCO commenced services for the City on January 1, 2000. There have been three amendments to the Agreement since Resolution No. 99-5080 was adopted. The elements of Amendment No. 3 was considered and approved by the City Council on March 18, 2009 per Resolution No. 2009-6722 as part of the approval to mail a 45-day public hearing notice to all record owners within the City of Imperial Beach, all of which was done in accordance with legal requirements, including Proposition 218.

The EDCO Agreement with amendments provides for an annual rate adjustment. If a rate adjustment is to be requested for the succeeding year, EDCO must submit the request to the City no later than March 1<sup>st</sup>. Otherwise, the annual rate adjustment is forgone until the following fiscal year. Upon receipt of the rate adjustment request, the rates are subject to approval by City Council.

On February 29, 2012, EDCO Vice President, John Snyder, delivered a letter to Public Works requesting a Solid Waste Fee adjustment in the maximum allowable service fee. The letter is provided in Attachment 2. The EDCO Agreement specifies the method and formula to be used in calculating the maximum allowable rate adjustment based on the Consumer Price Index (CPI) and fluctuations in disposal tipping fees. The formula is applied to three customer rate categories: 1) single family residential, 2) commercial and multifamily residential and 3) roll-off services.

On March 21, 2012, City Council set the time and place for the public hearing on the proposed EDCO rate adjustment through Resolution 2012-7170 and directed staff to place a notice in the I.B. Eagle and Times. The notice is provided in Attachment 3.

**Historical EDCO rate adjustments:**

- 2002 – A maximum rate increase of 1.2% was approved by City Council.
- 2003 – EDCO did not request a rate adjustment.
- 2004 – A maximum rate increase of 3.1% was approved by City Council.

- 2005 – Maximum rate increases of 4.5% for single-family residential and 4.3% for commercial / multi-family residential were approved by City Council.
- 2006 – Maximum rate increases of 4.0% for single-family residential and 3.9% for commercial / multi-family residential were approved by City Council.
- 2007 – Maximum rate increase of 4.9% for single-family residential and commercial / multi-family residential were approved by City council
- FY 2008/09 – Maximum rate increase of 4.6% for single-family residential and 4.9% for commercial / multi-family residential were approved by City council
- FY 2009/10 – No EDCO rate increase
- FY 2010/11 – No EDCO rate increase but the City increased the franchise fee by 6%
- FY 2011/12 – No EDCO rate increase

**DISCUSSION:**

Rate adjustments are calculated using a formula based on two factors. The first factor considers changes in landfill tipping fees (5% since last rate increase). The second factor is tied to changes in the Consumer Price Index (3.1% since the last rate increase). Considered together, these factors equate to a 3.5% increase for basic residential service, a 3.6% increase in basic commercial service and a 3.1% increase for Roll Off component services and are proposed to be effective July 1, 2012. The last EDCO service rate adjustment was in 2008.

The table below compares existing maximum solid waste rates with the new maximum monthly rates should the requested maximum rate adjustment be granted.

	CURRENT MAX. MONTHLY SERVICE RATE	REQUESTED MAX. MONTHLY SERVICE RATE  (Effective 7/1/2012)
<b>Single-Family Residential Accounts</b>		
35-gallon cart	\$24.74	\$25.61
64-gallon cart	\$25.51	\$26.40
90-gallon cart	\$26.37	\$27.29
Additional 64-gallon cart	\$6.23	\$6.45
Additional 90-gallon cart	\$6.65	\$6.88
<b>Multi-Family Residential &amp; Commercial</b>		
3-yard bin once per week	\$141.05	\$146.19
3-yard bin twice per week	\$257.43	\$266.81
3-yard bin three times per week	\$373.79	\$387.42
3-yard bin four times per week	\$490.20	\$508.07
3-yard bin five times per week	\$606.57	\$628.68
3-yard bin six times per week	\$722.96	\$749.31
<b>Roll-off Bins</b>		
Standard roll-off charge per load	\$214.07	\$220.65
Compactor charge per load	\$312.10	\$330.98
Delivery or relocation charge	\$61.29	\$63.17
Charge per ton over weight limit	\$71.41	\$74.98

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

The requested rate change would result in the net increase of approximately \$75,000 in annual franchise revenue.

**DEPARTMENT RECOMMENDATION:**

1. Open the public hearing.
2. Receive this report.
3. Close the public hearing.
4. Consider proposed changes to the maximum allowable Integrated Solid Waste Management Services fees charged by EDCO Disposal Corp. becoming effective July 1, 2012. A 3.5% adjustment of the refuse rate is being proposed due to the increased costs of providing refuse collection and recycling services to the single-family residential units and 3.6% for business and multi-family communities and 3.1% for the roll off component. The amount of refuse bill is determined by the quantity and size of the refuse containers and the frequency of collection.
5. Direct staff to mail out notices to property owners on the rate increase at least 30 days before going into effect.
6. Adopt the attached resolution.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



---

Gary Brown, City Manager

**Attachments:**

1. Resolution No. 2012-7198
2. EDCO Rate Letter
3. Notice of Pubic Hearing

## RESOLUTION NO. 2012-7198

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, CONFIRMING THE INTEGRATED SOLID WASTE MANAGEMENT SERVICES MAXIMUM FEE INCREASE REQUESTED BY EDCO DISPOSAL CORPORATION PURSUANT TO THE 2009 CONTRACT AMENDMENT**

**WHEREAS**, on June 16, 1999, City Council adopted Resolution No. 99-5080 selecting EDCO Disposal Corporation's bid proposal for Integrated Waste Management Services commencing January 1, 2000; and

**WHEREAS**, an Agreement between the City of Imperial Beach and EDCO Disposal Corporation for Integrated Waste Management Services was subsequently signed on August 4, 1999; and

**WHEREAS**, the Agreement provides for a rate adjustment schedule for the maximum allowable service charge beginning the third year of the Agreement and for all subsequent years; and

**WHEREAS**, the Agreement specifies the method and formula to be used in calculating the maximum allowable rate adjustment based on the Consumer Price Index (CPI) and fluctuations in disposal tipping fees; and

**WHEREAS**, EDCO Disposal Corporation was granted a maximum allowable increase in the disposal rates for calendar years 2002, 2004, 2005, 2006, 2007 and fiscal year 2008/09; and

**WHEREAS**, EDCO Disposal Corporation has requested a maximum allowable rate increase for fiscal year 2012-13 based on formulas and methods described in the Agreement; and

**WHEREAS**, another public hearing is not required to implement the proposed rate increases under Proposition 218 since the proposed increases were contemplated in the 2009 hearing. However, the City has chosen to hold a public hearing in the interest of public participation; and

**WHEREAS**, a maximum increase of 3.5% is being requested for single family component, 3.6% for Commercial/multi-family residential component and 3.1% for Roll Off component; and

**WHEREAS**, City staff have reviewed the proposed EDCO rate adjustment and concur that it follows the formulas and methods stated in the Agreement; and

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

1. The above recitals are true and correct.
2. This legislative body of the City of Imperial Beach confirms the EDCO rate adjustment for the maximum refuse disposal rate of 3.5% for single family

component, 3.6% for Commercial/multi-family residential component and 3.1% for roll offs.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 16<sup>th</sup> day of May 2012, by the following vote:

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

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

**ATTEST:**

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

# EDCO

WASTE & RECYCLING SERVICES

February 29, 2012

Mr. H.A. (Hank) Levien  
Director of Public Works  
City of Imperial Beach  
495 Tenth Street  
Imperial Beach, CA 91932

Dear Mr. Levien,

EDCO has proudly served the citizens and businesses in Imperial Beach with waste collection and recycling services for several years. During that time our organization has been dedicated to providing the highest level of service while operating in a safe and professional manner. This dedication has allowed for service rates to remain unchanged since 2008.

Although EDCO has not increased rates since 2008, the Solid Waste and Recycling Services Agreement with the City of Imperial Beach allows for such adjustment. Changes in the rate structure must be based on the Consumer Price Index (CPI) and any fluctuation in disposal tipping fees. Collectively these adjustments equal a 3.5% increase for basic residential service and a 3.6% increase for basic commercial service and are proposed to be effective July 1, 2012.

As always if you should have any questions or require more information please contact me at (619) 287-5696 ext 4204 or email [jsnyder@edcodisposal.com](mailto:jsnyder@edcodisposal.com).

Sincerely,



John Snyder  
Vice President

*"We'll Take Care of It"*

## Single Family Residential Rates

Attachment 2

**Step One: Deduct franchise fees from gross rate revenue**

Revenue Component (including Franchise Fees) PRIOR YEAR	Annual Amount	Percent of Gross Revenue Including Franchise Fees
Actual Gross Single Family Rate Revenue	\$ 1,617,701	100.0%
Actual Single Family Franchise Fees	\$ 582,372	36.0%
Actual Single Family Rate Revenue Net of Franchise Fees	\$ 1,035,329	64.0%

**Step Two: Determine disposal expense and service revenue as a percent of actual rate revenue net of Franchise Fees**

Revenue Component (net of Franchise Fees) PRIOR 12 MONTHS	Annual Amount	Percent of Gross Revenue Net of Franchise Fees
Actual Single Family Rate Revenue Net of Franchise Fees	\$ 1,035,329	100.0%
Less: Actual Single Family Refuse Disposal Expense	\$ 227,180	21.9%
Actual Single Family Service Revenue	\$ 808,149	78.1%

**Step Three: Calculate percentage change in adjustment factors**

Adjustment Factor	Old	New	Percent Change
Disposal Tipping Fee per Ton	\$ 45.63	\$ 47.91	5.00%
CPI- Los Angeles Index	225.0	231.9	3.08%

**Step Four: Calculate weighted percentage change in single family rates**

Components of Actual Revenue	Component Weight	Percent Change	Weighted Rate Adjustment
Refuse Disposal	21.9%	5.00%	1.10%
Service	78.1%	3.08%	2.40%
Total	100.0%	N/A	3.50%

**Step Five: Apply weighted percentage change to single family rates**

Includes .03 for Printing and Mailing cost

Service	Current Rate	Weighted Rate Adjustment	Adjusted Monthly Rate
35 gallon cart	\$ 24.74	3.50%	\$ 25.61
64 gallon cart	\$ 25.51	3.50%	\$ 26.40
90 gallon cart	\$ 26.37	3.50%	\$ 27.29
Additional 64 gallon refuse cart	\$ 6.23	3.50%	\$ 6.45
Additional 90 gallon refuse cart	\$ 6.65	3.50%	\$ 6.88

Interim Step: HHW Rate base adjust	HHW fund in Current Rate	New HHW fund in Rate	Rate change
HHW Base	\$ 12,000	\$ 12,000	\$ -
Monthly rate	\$ 0.22	\$ 0.22	\$ -

**Step Six: Franchise Fee Adjustment**

Service	Adjusted Monthly Rate	Add: Franchise Fee Incremental	Final Rate	total increase
35 gallon cart	\$ 25.61	\$ -	\$ 25.61	3.52%
64 gallon cart	\$ 26.40	\$ -	\$ 26.40	3.49%
90 gallon cart	\$ 27.29	\$ -	\$ 27.29	3.49%
Additional 64 gallon refuse cart	\$ 6.45	\$ -	\$ 6.45	3.53%
Additional 90 gallon refuse cart	\$ 6.88	\$ -	\$ 6.88	3.46%

**Commercial and MFR Bin Rates**

Attachment 2

**Step One: Deduct franchise fees from gross rate revenue**

Revenue Component (including Franchise Fees) PRIOR YEAR	Annual Amount	Percent of Gross Revenue Including Franchise Fees
Actual Gross Commercial and MFR Rate Revenue	\$ 1,506,435	100.0%
Actual Commercial and MFR Franchise Fees	\$ 542,317	36.0%
Actual Commercial MFR Rate Revenue Net of Franchise Fees	\$ 964,118	64.0%

**Step Two: Determine disposal expense and service revenue as a percent of actual rate revenue**

Revenue Component (net of Franchise Fees) PRIOR YEAR	Annual Amount	Percent of Gross Revenue Net of Franchise Fees
Actual Commercial and MFR Rate Revenue Net of Franchise Fees	\$ 964,118	100.0%
Less: Actual Commercial and MFR Refuse Disposal Expense	\$ 285,326	29.6%
Actual Commercial and MFR Service Revenue	\$ 678,793	70.4%

**Step Three: Calculate percentage change in adjustment factors**

Adjustment Factor	Old	New	Percent Change
Disposal Tipping Fee per Ton	\$ 45.63	\$ 47.91	5.00%
CPI- Los Angeles Index	225.01	231.93	3.08%

**Step Four: Calculate weighted percentage change in commercial and MFR rates**

Components of Actual Revenue	Component Weight	Percent Change	Weighted Rate Adjustment
Refuse Disposal	29.6%	5.00%	1.48%
Service	70.4%	3.08%	2.17%
Total	100.0%	N/A	3.65%

**Step Five: Apply weighted percentage change to commercial and MFR rates (Includes .03 for mailing notices)**

Service	Current Rate	Weighted Rate Adjustment	Adjusted Monthly Rate
1 ea 3 yard bin once per week	\$ 141.05	3.65%	\$ 146.19
1 ea 3 yard bin twice per week	\$ 257.43	3.65%	\$ 266.81
1 ea 3 yard bin three times per week	\$ 373.79	3.65%	\$ 387.42
1 ea 3 yard bin four times per week	\$ 490.20	3.65%	\$ 508.07
1 ea 3 yard bin five times per week	\$ 606.57	3.65%	\$ 628.68
1 ea 3 yard bin six times per week	\$ 722.96	3.65%	\$ 749.31

**Step Six: Franchise Fee Adjustment**

Service	Adjusted Monthly Rate	Add: Franchise Fee Incremental	Final Rate	total increase
1 ea 3 yard bin once per week	\$ 146.19	\$ -	\$ 146.19	3.64%
1 ea 3 yard bin twice per week	\$ 266.81	\$ -	\$ 266.81	3.64%
1 ea 3 yard bin three times per week	\$ 387.42	\$ -	\$ 387.42	3.65%
1 ea 3 yard bin four times per week	\$ 508.07	\$ -	\$ 508.07	3.65%
1 ea 3 yard bin five times per week	\$ 628.68	\$ -	\$ 628.68	3.65%
1 ea 3 yard bin six times per week	\$ 749.31	\$ -	\$ 749.31	3.64%

**Rolloff Rates**

**Step One: Calculate percentage change in CPI**

Adjustment Factor	Old	New	Percent Change
CPI- Los Angeles Index	225.01	231.93	3.08%

**Step Two: Apply percentage change in Consumer Price Index to rolloff rates**

Service	Current Rate	Rate Adjustment	Adjusted Rate
Standard rolloff charge per load	\$ 214.07	3.08%	\$ 220.65
Compactor charge per load	\$ 321.10	3.08%	\$ 330.98
Delivery or relocation charge	\$ 61.29	3.08%	\$ 63.17
Charge per ton for each ton over weight limit	\$ 71.41	5.00%	\$ 74.98

**Step Three: Franchise Fee Adjustment**

Service	Adjusted Rate	Add: Franchise Fee Incremental	Final Rate	total increase
Standard rolloff charge per load	\$ 220.65	\$ -	\$ 220.65	3.1%
Compactor charge per load	\$ 330.98	\$ -	\$ 330.98	3.1%
Delivery or relocation charge	\$ 63.17	\$ -	\$ 63.17	3.1%
Charge per ton for each ton over	\$ 74.98	\$ -	\$ 74.98	5.0%

**City of Imperial Beach  
Public Hearing to Consider  
Proposed Integrated Solid Waste Management Services  
Maximum Fee Increase**

NOTICE IS HEREBY GIVEN that the City Council of the City of Imperial Beach will hold a Public Hearing at a regular meeting of the City Council of the City of Imperial Beach on May 16, 2012, at 6:00 p.m., or as soon as possible thereafter as the matter can be heard in the Council Chambers of the Civic Center, 825 Imperial Beach Boulevard, Imperial Beach, California, for the purpose of reviewing and confirming the maximum fee increase request by EDCO Disposal Corporation in accordance with the 2009 rate adjustment under the Third Amendment to the agreement between the City and EDCO. The EDCO Agreement specifies the method and formula to be used in calculating the maximum allowable rate adjustment based on the Consumer Price Index (CPI) and fluctuations in disposal tipping fees. The formula is applied to three customer rate categories: 1) single family residential, 2) commercial and multifamily residential and 3) roll-off services. Collectively the proposed EDCO rate adjustments equate to a 3.5% increase for basic residential service and a 3.6% increase in basic commercial service and are proposed to be effective July 1, 2012.

At the public hearing, the City Council will consider objections and protests to the proposed charges either delivered to Attn: City Clerk, City of Imperial Beach, 825 Imperial Beach Boulevard, Imperial Beach, California 91932, by 12:00 p.m., May 16, 2012, or filed with the City Clerk prior to the conclusion of the public hearing. Additional information pertaining to this matter may be obtained from the Public Works Department, 495 10th Street, Imperial Beach, California 91932. They may be contacted by calling (619) 423-8311.

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





**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** MAY 16, 2012  
**ORIGINATING DEPT.:** PUBLIC WORKS *HGB*  
**SUBJECT:** RESOLUTION TO AWARD CITY ENGINEER SERVICES CONTRACT TO ATKINS NORTH AMERICA, INC.

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**BACKGROUND:** City Civil Engineering services are provided by a consultant due to the lack of a staff professional engineer. Civil Engineering services are necessary for projects requiring signed civil engineering drawings. The current City Engineer consulting services agreement expires on June 30, 2012. In January 2012, staff advertised for Civil Engineering services through a Request for Qualifications/Proposals (RFQ/P). The RFQ/P advertised for "on-call" services to provide facility, street, and development support to City staff over the next 3 to 5 years.

**DISCUSSION:** In keeping with the above consideration, staff prepared and advertised a RFQ/P from firms that could perform the following scope of work for the City:

- A. General Administrative Functions:
- B. Development Control:
- C. Capital Projects:
- D. Construction Management:
- E. Other Services

(See Attachment 2 for the detailed listing of the services shown above.)

Eleven proposals were received. All eleven proposals were independently evaluated and ranked relative to the criteria found in the RFQ by 5 members of City staff. The top four ranked firms by the five staff members were invited to a formal interview with three City supervisory staff. Through this process, it was recommended that Atkins North America be contracted to provide Sewer Engineering Services for the City on an "as needed" basis to perform the above listed tasks. The designated City Engineer will be Carmen Kasner with Atkins North America, Inc.

Staff has met with Carmen Kasner, Atkins North America Inc., and agreed to the terms of the agreement as shown in attachment 2.

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

All expenses will be from the Street Division O&M budget, the Community Development Department O&M budget, the Capital Improvement Program budget or as further approved by City Council with an adopted or approved budget. Without a task or project assigned to the City Engineer for services, there would be no expenses. This is an "on call" agreement.

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Approve an Agreement with Atkins North America, Inc. for City Engineer Services as shown in Attachment 2 effective July 1, 2012.
3. Authorize the City Manager to sign the Agreement as shown in attachment 2.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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

Attachments:

1. Resolution No. 2012-7194
2. City Engineer Services Agreement – Exhibit A to Resolution No. 2012-7194

**RESOLUTION NO. 2012-7194**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AWARDED A CITY ENGINEER SERVICES CONTRACT TO ATKINS NORTH AMERICA, INC.**

**WHEREAS**, City Civil Engineering services are provided by a consultant due to the lack of a staff professional engineer; and

**WHEREAS**, Civil Engineering services are necessary for projects requiring signed civil engineering drawings; and

**WHEREAS**, the current City Engineer consulting services agreement expires on June 30, 2012; and

**WHEREAS**, in January 2012, staff advertised for Civil Engineering services through a Request for Qualifications/Proposals (RFQ/P); and

**WHEREAS**, the RFQ/P advertised for "on-call" services to provide facility, street, and development support to City staff over the next 3 to 5 years.; and

**WHEREAS**, through an independent evaluation of eleven proposals received and an interview of the top four firms identified through the independent evaluations it was recommended that Atkins North America, Inc be contracted to provide Sewer Engineering Services for the City on an "as needed" basis; and

**WHEREAS**, Carmen Kasner, PE with Atkins North America, Inc. is to be the designated City Engineer; and

**WHEREAS**, all expenses will be paid from the Street Division O&M budget, the Community Development Department O&M budget, the Capital Improvement Program budget or as further approved by City Council with an adopted or approved budget; and

**WHEREAS**, without a task or project assigned to the City Engineer for services, there would be no expenses.

**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 agreement with Atkins North America, Inc. for City Engineer Services and Carmen Kasner as City Engineer is approved and effective July 1, 2012.
3. The City Manager is authorized to sign the agreement with Atkins North America, Inc. for City Engineer Services as shown in Exhibit A.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 16<sup>th</sup> day of May 2012, by the following vote:

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

**JAMES C. JANNEY, MAYOR**

**ATTEST:**

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



City of Imperial Beach  
**AGREEMENT FOR PROFESSIONAL SERVICES**

For  
**CITY ENGINEER SERVICES**

This Agreement, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by and between the CITY OF IMPERIAL BEACH (hereinafter referred to as "CITY") and Atkins North America, Inc. (hereinafter referred to as "CONSULTANT") (collectively "PARTIES").

**RECITALS**

WHEREAS, CITY desires to hire an Engineer to provide as needed services in city engineering; and

WHEREAS, CITY desires to hire the most qualified responsive proposal; and

WHEREAS, CONSULTANT is a(n) Engineering firm and has represented that CONSULTANT possesses the necessary qualifications to provide such services; and

WHEREAS, CITY has authorized the preparation of an Agreement to retain the services of CONSULTANT as hereinafter set forth;

NOW, THEREFORE, IT IS MUTUALLY AGREED THAT CITY DOES HEREBY RETAIN CONSULTANT ON THE FOLLOWING TERMS AND CONDITIONS:

**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, or under direct supervision of CONSULTANT.

**Section 2. SCOPE OF SERVICES AND COMPENSATION.**

- A. CONSULTANT shall provide services as described in Exhibit "A" entitled "Request for Qualifications/Proposals", including Addendum 1 to "Requests for Qualifications/Proposals," attached hereto and made a part hereof. Pursuant to Exhibit A, CONSULTANT scope of services shall include, but not be limited to, those tasks listed in in Exhibit A and providing CITY staff with timely updates on regulations, legislation and grant funding opportunities related to buildings, facilities and roadways and other like matters. Said updates shall occur during meetings between CITY and CONSULTANT or via more frequent telephonic or written communication, depending upon the urgency and importance of the update.
- B. As additional consideration, CONSULTANT and CITY agree to abide by the terms and conditions contained in this Agreement.
- C. CONSULTANT will, in a professional manner, furnish all labor and all personnel; all supplies, materials, equipment, printing, vehicles, transportation, office space, and facilities; all testing, analyses, and calculations; and all other means, except as otherwise expressly specified to be

furnished by CITY, that are necessary or proper to complete the work and provide the required professional services.

- D. CONSULTANT shall be compensated for work completed, as approved by the City, for basic services rendered under this Section 2, as more particularly described in Exhibit A. CONSULTANT shall be compensated for additional services only upon prior written approval of CITY.
- E. CONSULTANT shall submit monthly statements for basic and additional services rendered in accordance with this Agreement. Payments to CONSULTANT will be made by CITY within thirty (30) days of receipt of invoice. CITY agrees that the CONSULTANT's billings are correct unless CITY, within ten (10) days from the date of receipt of such billing, notifies CONSULTANT in writing of alleged inaccuracies, discrepancies, or errors in billing. In the event CITY disputes part or all of an invoice, CITY shall pay the undisputed portion of the invoice within the above mentioned thirty days.
- F. On January 1, 2013, and each year on that date thereafter, CONSULTANT hourly billing rate, provided in Attachment "B", may adjust in an amount not to exceed the All Urban Consumer-San Diego Area Consumer Price Index (CPI). The CPI adjustment shall be based upon the most recent 12 month CPI from July 1 through June 30 of the previous year. If the most recent CPI is negative, there shall be no adjustment. Notwithstanding the foregoing, in no event shall the adjustment exceed five (5) percent.

### **Section 3. PROJECT COORDINATION AND SUPERVISION.**

The Public Works Director, currently H. A. Levien, is hereby designated as the PROJECT COORDINATOR for CITY and will monitor the progress and execution of this Agreement.

### **Section 4. LENGTH OF CONTRACT.**

The contract between CONSULTANT and CITY will be terminated upon completion of the initial 3-years of the agreement or as extended annually for a maximum of an additional twenty-four (24) months, for a maximum total of five (5) years or in accordance with Section 16 below.

Should CONSULTANT begin work on any phase in advance of receiving written authorization to proceed, any professional services performed by CONSULTANT in advance of the said date of authorization shall be considered as having been done at CONSULTANT'S own risk and as a volunteer unless said professional services are so authorized.

Any delay occasioned by causes beyond the control of CONSULTANT may be reason for the granting of extension of time for the completion of the aforesaid services. When such delay occurs, CONSULTANT shall immediately notify the PROJECT COORDINATOR in writing of the cause and the extent of the delay, whereupon the PROJECT COORDINATOR shall ascertain the facts and the extent of the delay and determine whether an extension of time for the completion of the professional services is justified by the circumstances.

### **Section 5. CHANGES.**

If changes in the work seem merited by CITY or CONSULTANT, and informal consultations with the other party indicate that a change is warranted, it shall be processed by CITY in the following manner: a letter outlining the changes shall be forwarded to CITY by CONSULTANT with a statement of estimated changes in fee or time schedule. An amendment to the Agreement shall be prepared by CITY and executed by both parties before performance of such services or CITY will not be required

to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions 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. AUDIT OF RECORDS.**

7.1. 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 shall permit CITY to audit, examine and/or reproduce such records. CONSULTANT shall retain such financial and program service records for at least four (4) years after termination or final payment under this Agreement.

7.2. The CONSULTANT shall include the CITY's right under this section in any and all of their subcontracts, and shall ensure that these sections are binding upon all subcontractors.

#### **Section 8. PUBLICATION OF DOCUMENTS.**

Except as necessary for performance of service under this Agreement, no copies, sketches, or graphs of materials, including graphic art work, prepared pursuant to this Agreement shall be released by CONSULTANT to any other person or agency without CITY's prior written approval. All press releases, including graphic display information to be published in newspapers or magazines, shall be approved and distributed solely by CITY, unless otherwise provided by written agreement between the parties. After project completion, CONSULTANT may list the project and the general details in its promotional materials.

#### **Section 9. COVENANT AGAINST CONTINGENT FEES.**

CONSULTANT declares that it has not employed or retained any company or person, other than a bona fide employee working for CONSULTANT, to solicit or secure this Agreement, that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon or resulting from the award or making of the Agreement. For breach of violation of this warranty, CITY shall have the right to annul this Agreement without liability, or, at its sole discretion, to deduct from the Agreement price or consideration, or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

#### **Section 10. NO ASSIGNMENTS.**

Neither any part nor all of this Agreement may be assigned or subcontracted, except as otherwise specifically provided herein, or to which Agency, in its sole discretion, consents to in advance thereof in writing. Any assignment or subcontracting in violation of this provision shall be void.

#### **Section 11. INDEPENDENT CONTRACTOR.**

At all times during the term of this Agreement, CONSULTANT and any subcontractors employed by CONSULTANT shall be an independent contractor and shall not be an employee of the

CITY. CITY shall have the right to control CONSULTANT only insofar as the results of CONSULTANT'S services rendered pursuant to this Agreement; however, CITY shall not have the right to control the means by which CONSULTANT accomplishes its services. Any provision in this Agreement that may appear to give CITY the right to direct CONSULTANT or sub 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.

Neither CONSULTANT nor CONSULTANT's employees shall in any event be entitled to any benefits to which CITY employees are entitled, including, but not limited to, overtime, any retirement benefits, workers' compensation benefits, any injury leave or other leave benefits, CONSULTANT being solely responsible for all such matters, as well as compliance with social security and income tax withholding and all other regulations and laws governing such matters.

#### **Section 12. LICENSES, PERMITS, ETC.**

CONSULTANT represents and declares to CITY that it has all licenses, permits, qualifications, and approvals of whatever nature that are legally required to practice its profession. CONSULTANT represents and warrants to CITY that CONSULTANT shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement, any license, permit, or approval which is legally required for CONSULTANT to practice its profession.

#### **Section 13. INSURANCE.**

CONSULTANT shall maintain, during the term of this Agreement, Workers' Compensation and Employer's Liability Insurance as prescribed by applicable law. Upon request, CITY shall be provided with satisfactory evidence that premiums have been paid and shall deliver to CITY certificates of insurance and endorsements as to each policy. Each certificate of insurance shall provide that the policy will not be materially altered or cancelled without first giving 10 days written notice to the CITY by certified mail. Coverage shall include appropriate waivers of subrogation as to the City. CONSULTANT agrees to this requirement irrespective of any other similar obligation imposed on others and CONSULTANT agrees to do so in conformity with the requirements set forth herein including those requirements set forth for certificates of insurance.

CONSULTANT shall assume liability for the wrongful or negligent acts, errors and omissions of its officers, agents and employees and sub Contractors in regard to any functions or activity carried out by them on behalf of CITY pursuant to the terms of this Agreement.

#### **Section 14. CONSULTANT NOT AN AGENT.**

Except as CITY may specify in writing, CONSULTANT shall have no authority, expressed or implied, to act on behalf of CITY in any capacity whatsoever as an agent. CONSULTANT shall have no authority, expressed or implied, pursuant to this Agreement to bind CITY to any obligation whatsoever.

#### **Section 15. INDEMNITY.**

To the fullest extent permitted by law, CONSULTANT shall indemnify, defend, and hold harmless the CITY, and its officers, officials, agents and employees from any and all claims, demands, costs or liability that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of CONSULTANT, its employees, agents, and subcontractors in the performance of services under this AGREEMENT. CONSULTANT's duty to indemnify under this section shall not include liability for damages for death or bodily injury to persons, injury to property, or other loss, damage or expense arising from the active or sole negligence or willful misconduct by the CITY or its

elected officials, officers, agents, and employees. CONSULTANT's indemnification obligations shall not be limited by the insurance provisions of this AGREEMENT. The PARTIES expressly agree that any payment, attorney's fees, costs or expense CITY incurs or makes to or on behalf of an injured employee under the CITY's self-administered workers' compensation is included as a loss, expense, or cost for the purposes of this section, and that this section will survive the expiration or early termination of this AGREEMENT.

#### **Section 16. TERMINATION.**

CITY may terminate this Agreement at any time by giving ten (10) days' written notice to CONSULTANT of such termination and specifying the effective date thereof at least ten (10) days before the effective date of such termination. In that event, all finished or unfinished documents, data, studies, surveys, drawings, maps, reports and other materials prepared by CONSULTANT shall, at the option of CITY, become the property of CITY. If this Agreement is terminated by CITY as provided herein, CONSULTANT will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of CONSULTANT covered by this Agreement, less payments of compensation previously made.

Should CONSULTANT be in default of any covenant or condition hereof, CITY may immediately terminate this AGREEMENT for cause if CONSULTANT fails to cure the default within ten (10) calendar days of receiving written notice of the default.

#### **Section 17. NON-DISCRIMINATION.**

CONSULTANT shall not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin, nor shall CONSULTANT discriminate against any qualified individual with a disability. CONSULTANT will take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex or national origin and shall make reasonable accommodation to qualified individuals with disabilities. Such action shall include, but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. CONSULTANT agrees to post in conspicuous places available to employees and applicants for employment any notices provided by CITY setting forth the provisions of this non-discrimination clause.

#### **Section 18. GENERAL CONDITIONS.**

CONSULTANT shall provide no services for any private client within the corporate boundaries of CITY during the period that this Agreement is in effect, nor shall CONSULTANT, without, previous written permission from the PROJECT COORDINATOR, review any plan, map or other work which to the best of CONSULTANTS knowledge has been submitted by a private client for which the CONSULTANT has performed work within the previous 12 months or anticipates performing work in the succeeding 12 months. CONSULTANT shall immediately notify the PROJECT COORDINATOR in writing whenever CONSULTANT has reason to believe that aforementioned circumstance exists. CONSULTANT knows of no interests where it holds nor of any relationship it has or may have that would constitute a conflict of CONSULTANT performing the duties set forth in this Agreement solely in the best interest of CITY.

#### **Section 19. OFFICE SPACE AND CLERICAL SUPPORT.**

Consultant shall provide its own office space and clerical support at its sole cost and expense.

## **Section 20. SUBCONTRACTORS.**

20.1. The CONSULTANT's hiring or retaining of third parties (i.e. subcontractors) to perform services related to this Agreement is subject to prior approval by the CITY.

20.2. All contracts entered into between the CONSULTANT and its subcontractor shall also provide that each subcontractor shall obtain insurance policies which shall be kept in full force and effect during any and all work related to this Agreement and for the duration of this Agreement. The CONSULTANT shall require the subcontractor to obtain all policies described in Section 13 above in the amounts required by the CITY, which shall not be greater than the amounts required of the CONSULTANT.

20.3. In any dispute between the CONSULTANT and its subcontractor, the CITY shall not be made a party to any judicial or administrative proceeding to resolve the dispute. The CONSULTANT agrees to defend and indemnify the CITY as described in Section 15 of this Agreement should the CITY be made a party to any judicial or administrative proceeding to resolve any such dispute.

## **Section 21. CONFIDENTIAL RELATIONSHIP.**

CITY may from time to time communicate to CONSULTANT certain information to enable Consultant to effectively perform the services. CONSULTANT shall treat all such information as confidential, whether or not so identified, and shall not disclose any part thereof without the prior written consent of CITY. CONSULTANT shall limit the use and circulation of such information, even within its own organization, to the extent necessary to perform the services. The foregoing obligation of this Section 21, however, shall not apply to any part of the information that (i) has been disclosed in publicly available sources of information (ii) is, through no fault of CONSULTANT, hereafter disclosed in publicly available sources of information; (iii) is now in the possession of CONSULTANT without any obligation of confidentiality; or (iv) has been or is hereafter rightfully disclosed to CONSULTANT by a third party, but only to the extent that the use or disclosure thereof has been or is rightfully authorized by that third party.

CONSULTANT shall not disclose any reports, recommendations, conclusions or other results of the services or the existence of the subject matter of this contract without the prior written consent of CITY. In its performance hereunder, CONSULTANT shall comply with all legal obligations it may now or hereafter have respecting the information or other property of any other person, firm or corporation.

## **Section 22. MEDIATION.**

In the event of a dispute between CITY and CONSULTANT concerning the terms of this Agreement or its performance, the parties may, but are not required to, agree to submit such dispute to mediation. If both Parties agree to mediation, CITY and CONSULTANT agree to cooperate in good faith to promptly select a mediator, to schedule a mediation session, and to attempt to settle the claim or dispute through mediation.

## **Section 23. 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:

H.A. Levien  
Public Works Director  
City of Imperial Beach  
825 Imperial Beach Blvd.  
Imperial Beach CA 91932

Carmen Kasner, PE  
Associate Vice President  
Atkins North America, Inc.  
3570 Carmel Mountain Road, Suite 300  
San Diego, CA 92130

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 24. CALIFORNIA LAW; VENUE.**

This Agreement and its performance shall be governed, interpreted, construed, and regulated by the laws of the State of California. Any action brought to enforce or interpret any portion of this Agreement shall be brought in the county of San Diego, California. CONSULTANT hereby waives any and all rights it might have pursuant to California Code of Civil Procedure § 394.

**Section 25. ENTIRE AGREEMENT.**

This Agreement, and its Attachments and Exhibits, set forth the entire understanding of the parties. There are no other understandings, terms or other agreements expressed or implied, oral or written. The following attachments are a part of this Agreement: **Request for Qualifications/Proposal and Proposal dated June 30, 2011**. No change, alteration, or modification of the terms or conditions of this Agreement, and no verbal understanding of the PARTIES, their officers, agents, or employees shall be valid unless agreed to in writing by both PARTIES.

**Section 26. SEVERABILITY.**

If any portion of this Agreement is declared by a court of competent jurisdiction to be invalid or unenforceable, then such portion shall be deemed modified to the extent necessary in the opinion of the court to render such portion enforceable and, as so modified, such portion and the balance of this Agreement shall continue in full force and effect.

**Section 27. TIME IS OF ESSENCE.**

Time is of the essence for each and every provision of this agreement that states a time for performance and for every deadline imposed by the PROJECT COORDINATOR.

**Section 28. COMPLIANCE WITH LAW.**

CONSULTANT shall comply with applicable laws in effect at the time the services are performed hereunder which, to the best of its knowledge, information and belief, apply to its obligations under this Agreement.

**Section 29. STATEMENT OF EXPERIENCE.**

By executing this Agreement, CONSULTANT represents that it has demonstrated trustworthiness and possesses the quality, fitness, and capacity to perform the Agreement in a manner satisfactory to CITY. CONSULTANT represents that its financial resources, surety and insurance experience, service experience, completion ability, personnel, current workload, experience in dealing with private owners, and experience in dealing with public agencies all suggest that

CONSULTANT is capable of performing the proposed contract and has a demonstrated capacity to deal fairly and effectively with and to satisfy a public agency.

**Section 30. CONFLICTS OF INTEREST AND POLITICAL REFORM ACT OBLIGATIONS.**

During the term of this Agreement CONSULTANT shall not act as consultant or perform services of any kind for any person or entity whose interests conflict in any way with those of the CITY. CONSULTANT shall at all times comply with the terms of the Political Reform Act and the local conflict of interest ordinance. CONSULTANT shall immediately disqualify itself and shall not use its official position to influence in any way any matter coming before the CITY in which the CONSULTANT has a financial interest as defined in Government Code Section 87103. CONSULTANT represents that it has no knowledge of any financial interests which would require it to disqualify itself from any matter on which it might perform services for the Agency.

CONSULTANT shall comply with all of the reporting requirements of the Political Reform Act and local ordinance. Specifically, CONSULTANT shall file Statements of Economic Interest with the City Clerk of the CITY in a timely manner on forms which CONSULTANT shall obtain from the City Clerk.

**Section 31. RESPONSIBILITY FOR EQUIPMENT.**

CITY shall not be responsible nor held liable for any damage to persons or property consequent upon the use, misuse, or failure of any equipment used by CONSULTANT or any of CONSULTANT's employees or subcontractors, even if such equipment has been furnished, rented, or loaned to CONSULTANT by CITY. The acceptance or use of any such equipment by CONSULTANT, CONSULTANT's employees, or subcontractors shall be construed to mean that CONSULTANT accepts full responsibility for and agrees to exonerate, indemnify and hold harmless CITY from and against any and all claims for any damage whatsoever resulting from the use, misuse, or failure of such equipment.

**Section 32. NO WAIVER.**

No failure of either the CITY or the CONSULTANT to insist upon the strict performance by the other of any covenant, term or condition of this Agreement, nor any failure to exercise any right or remedy consequent upon a breach of any covenant, term, or condition of this Agreement shall constitute a waiver of any such breach of such covenant, term or condition.

**Section 33. DRAFTING AMBIGUITIES.**

The PARTIES agree that they are aware that they have the right to be advised by counsel with respect to the negotiations, terms and conditions of this Agreement, and the decision of whether or not to seek advice of counsel with respect to this Agreement is a decision which is the sole responsibility of each Party. This Agreement shall not be construed in favor of or against either Party by reason of the extent to which each Party participated in the drafting of the Agreement.

**Section 34. CONFLICTS BETWEEN TERMS.**

If an apparent conflict or inconsistency exists between the main body of this Agreement and the Exhibits, the main body of this Agreement shall control. If a conflict exists between an applicable federal, state, or local law, rule, regulation, order, or code and this Agreement, the law, rule, regulation, order, or code shall control. Varying degrees of stringency among the main body of this Agreement, the Exhibits, and laws, rules, regulations, orders, or codes are not deemed conflicts, and the most stringent requirement shall control. Each Party shall notify the other immediately upon the identification of any apparent conflict or inconsistency concerning this Agreement.

**Section 35. EXHIBITS INCORPORATED.**

Exhibits "A" through "B" are incorporated into the Agreement by this reference.

**Section 36. SIGNING AUTHORITY.**

The representative for each Party signing on behalf of a corporation, partnership, joint venture or governmental entity hereby declares that authority has been obtained to sign on behalf of the corporation, partnership, joint venture, or entity and agrees to hold the other Party or PARTIES hereto harmless if it is later determined that such authority does not exist.

**\*\*\*SIGNATURES ON FOLLOWING PAGE\*\*\***

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/CONSULTANT:

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Name/Title of Signatory

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Public Works Director

**Exhibit A – Request for Qualifications/Proposals**

**See following page**

# CITY OF IMPERIAL BEACH



## REQUEST FOR QUALIFICATIONS/PROPOSALS

FOR

CONSULTANT SERVICES

FOR

City Engineer

Public Works Department  
825 Imperial Beach Blvd.  
Imperial Beach, CA 91932  
(619) 424-2214

Date: January 19, 2012

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Attachments:

1. Professional Services Agreement

**CITY OF IMPERIAL BEACH  
STATE OF CALIFORNIA  
REQUEST FOR QUALIFICATIONS/PROPOSALS  
FOR  
CITY ENGINEER**

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**NOTICE ADVERTISING FOR QUALIFICATIONS / PROPOSALS**

January 19, 2012

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Sealed proposals will be received at the office of the Administrative Services Department, 825 Imperial Beach Boulevard, Imperial Beach, California, up to the hour of **4:00 P.M.**, on the **16<sup>TH</sup>** day of **FEBURARY 2012** for performing work as follows:

**CITY OF IMPERIAL BEACH  
REQUEST FOR QUALIFICATIONS/PROPOSALS  
FOR  
CITY ENGINEER**

The proposal shall be enclosed in a sealed envelope addressed to the City of Imperial Beach, California, or if sent by messenger, shall be delivered to the Administrative Services Department, City Hall, 825 Imperial Beach Boulevard, Imperial Beach, California. **The envelope shall be plainly marked on the upper left hand corner with the name and address of the bidder and bear the words "Proposal For" followed by the name of the item and the date and hour of the bid closing.**

Copies of the RFQ/P may also be acquired (1) from the City's website ([www.cityofib.com](http://www.cityofib.com)), (2) from Construction Bidboard ([www.ebidboard.com](http://www.ebidboard.com)), or (3) via email (send requests to [vmadrid@cityofib.org](mailto:vmadrid@cityofib.org)).

The City Council reserves the right to reject any or all proposals and to waive any irregularity or informality in any proposal to the extent permitted by law. The City reserves the right to change, amend, modify or cancel this RFQ/P process at any time.

## INTRODUCTION

Imperial Beach is the "Most Southwesterly City in the Continental United States," and was incorporated as a General Law City in 1956. It is bordered on the north by a U.S. Naval Communication Station within the City of Coronado's jurisdiction and the southern shore of San Diego Bay, on the east by the City of San Diego, on the south by the U.S./Mexican border, and on the west by the Pacific Ocean.

The City's population is 26,337 based on 2010 U.S. Census, and is 4.5 square miles in area, 40-percent of which is open space. The terrain is generally flat to gently sloping. The highest ground elevation is 45 feet above sea level; however, the major portion of the area is below 30 feet in elevation. Located between the discharge of two drainage basins and close to the ocean, the City has a high ground water table, which tends to fluctuate with tidal conditions. Its coastal setting and Mediterranean climate provided a unique and attractive living environment. The community enjoys a variety of excellent views and recreational opportunities. Imperial Beach is a destination for surfing, walking, bird watching, bicycling, fishing, and other shore and marine activities. Currently there are a total of 9,783 housing units, of which 5,944 are multi-family units within the City.

SANDAG projects housing and population increased as follows:

	<u>2020</u>	<u>2030</u>
Population	30,026	32,797
Housing Units	10,260	10,919

## SCOPE OF WORK

The City has an ongoing need for civil engineering services for technical support with proper maintenance and operation of City infrastructure. From time to time, the City will allocate funds to design and construct new or replacement facilities requiring technical and professional Civil Engineering support. The City is issuing this Request for Qualifications/Proposals (RFQ/P) to seek and retain a civil engineering firm for as-needed City Engineer services. The City anticipates an initial 3-year agreement with a budget of \$20,000 per year (capital project additional), with an option to renew the agreement annually for an additional twenty-four (24) months, for a maximum total of five (5) years. The following scope of work is envisioned as part of the City Engineer services necessary to support these City functions.

### 1. ENGINEERING SERVICES

- A. General Administrative Functions: Under the direction of the Public Works Director, to administer functions pertaining to the engineering needs of the CITY as requested, and compensated in accordance with the approved fee schedule to be attached as a part of a future agreement, including but not necessarily limited to the following:
1. Provide City Engineer services consistent with Gov. Code 664164.5; 66470; 66499.51(b), Government Code § 4000 et. seq., and Bus. & Prof. Code § 6730.2. All work performed must meet current accepted Engineering practices along with City, State, and Federal regulations.
  2. Analyze and recommend engineering programs to the Public Works Director consistent with budget limitations of the CITY.

3. Attend meetings with CITY staff, public officials, community leaders, developers, contractors and the general public pertinent to development projects, as requested by the CITY.
  4. Provide engineering review and comments on land development projects, planning matters and planning programs.
  5. Make recommendations pertaining to development controls upon request.
  6. Provide general engineering consultation regarding such items as beach erosion, street maintenance, flood control, etc.
  8. In coordination with the City Attorney, develop and implement procedures for the preparation, acceptance, recording, and filing of property rights attained by the CITY.
  9. Review existing street maintenance procedures, determine the options available to the CITY and make appropriate recommendations.
  10. Review existing procedures for maintenance and operation of storm drains, lighting, street medians, and other activities the responsibility of the CITY. Determine the options available to the CITY and make appropriate recommendations
- B. Development Control: Upon separate written authorization by CITY, perform the following engineering services:
1. In cooperation with the Public Works Director, establish and implement a procedure for providing engineering recommendations on proposed development. This would involve the review of each tentative development plan and providing recommendations on control.
  2. Develop a procedure and implement the engineering review and approval of final maps, parcel maps, record of survey, grading plans and improvement plans.
  3. Develop procedures for construction observation and other matters pertaining to the orderly processing of development after its approval by the City Council.
  4. Review and make recommendations as to the adequacy of engineering master plans.
  5. Review and check land division maps and records of survey to secure conformance with applicable CITY standards and the California Subdivision Map Act.
  6. Review and check grading plans and improvement plans for facilities under the jurisdiction of the CITY that are prepared by private developers or other agencies to secure conformance with CITY design standards.

7. Establish performance, labor and material bond amounts when required and require the posting of such securities and other development fee/deposits within the proper time sequence of such development review.
  8. Provide construction observation during construction of improvements by private developers to assure compliance with CITY standards.
  9. Establish working relationships with the various public utility companies whose facilities encroach in the public right-of-way.
  10. Review Storm Water Control Plan submittals and Storm Water Pollution Prevention Plans submittals from private developers or consultants for public and private projects. Prepare written comments and recommendations relative to these plans' compliance with the current environmental regulations.
- C. Capital Projects: Upon specific and separate authorization by CITY, perform the following engineering services:
1. Prepare preliminary studies, designs, and cost estimates for CITY capital improvement projects.
  2. Prepare plans, specifications, and contract documents for said capital improvement projects. The plans shall be submitted to the City for review at 30%, 60%, 90% and 100% of completion. Contract documents/specifications shall be submitted to the City for review at 90% of completion. City Engineer shall provide electronic copies of the final approved plans in PDF and CADD format, the contract documents/specifications shall be provided in Word format to be reproduced by CITY for bidding purposes.
  3. Assist CITY in bid process including bid opening, review of bids, and recommendation on award.
  4. Provide office engineering during construction phase of capital improvement projects.
  5. Project surveying shall be under the control of the City Engineer.
- D. Construction Management: Upon specific and separate authorization by CITY, provide construction management services as follows:
1. Provide contract administration during the course of construction of CITY capital improvement projects to include construction observation to assure compliance with contract documents, review and approval of contractor request for payment, and issuance of certificates of completion.
  2. Provide field surveys, as required.

3. Provide material testing, as required.
- E. Other Services: Upon specific and separate authorization by CITY, provide other engineering services as listed below:
1. Real property services, including acquisition and relocation assistance.
  2. Assessment engineering.
  3. Flood control studies.
  4. Landscape architecture.
  5. Design survey and mapping.
  6. Other studies, investigations, and reports, as directed.

#### GENERAL REQUIREMENTS

- A. Consultant's firm shall include California registered Civil Engineer(s) licensed to sign construction drawings for use in the State of California.
- B. When directed by the Public Works Director or other designated City authority, consultant shall provide a written project status report on tasks as assigned and at the periodicity specified by that authority but not to exceed two times per month.
- C. For projects potentially impacting aerial or underground utilities, Consultant shall be responsible for submitting plans to all the utilities when plans reach 60% of completion.
- D. Mileage, material, equipment, permits, copies and faxes are not separately reimbursable expenses, but shall be provided as an individual item in the project bid cost.
- E. This Proposal shall be made part of the Contract Documents.

#### PUBLIC DISCLOSURE

As a general rule, documents received by the City are considered public records and will be made available for public inspection and copying upon request. If you consider any documents submitted with your response to be proprietary or otherwise confidential, please submit a written request for a determination of whether the documents can be withheld from public disclosure no later than ten (10) days prior to the due date of your response. If you do not obtain a determination of confidentiality prior to the submission deadline, any document(s) submitted will be subject to public disclosure.

#### SUBMISSION FORMAT AND CONTENT

All respondents are required to follow the format specified below. The contents of the submission must be clear, concise, and complete. Each section of the submission shall be tabbed according to the numbering system shown below to aid in expedient information retrieval (NOTE: Respondents shall base their submission on the "Scope of Work.")

- I. Submission Cover- Include the Request For Proposal's title and submission date, the name, address, fax number, and the telephone number of the principal firm. The contact name and e-mail address of the Project Manager should also be included.
- II. Table of Contents – Include a complete and clear listing of headings and pages to allow easy reference to key information.
- III. Cover Letter- The cover letter should be brief (two pages maximum), and any changes to the format or deletions of requested materials should be explained in the cover letter. Describe how the delivery of services will be provided to the City, including the location of the firm's offices and the response time to the City's requests. If the firm is proposing to co-respond with another principal firm, the cover letter must specify the type of services to be provided by each firm and the proposed percentage allocated to that phase or function of the service. Identify the team members (i.e., joint partners and sub-consultants); and include the title and signature of the firm's contact person for this procurement. Acknowledgement of the "Professional Services Agreement" template and any proposed exceptions thereto. The signatory shall be a person with official authority to bind the company.
- IV. Qualifications and Experience- Describe the team's experience in providing services as shown in the "Scope of Work" section above. The firms' experiences in the past three (3) years specifically related to the scope of work shall be listed consecutively with the awarding and completion dates noted. Each listed experience shall include the name(s) and telephone number(s) of the firm's project manager and the client's project manager for each listing. When listing sub-consultants, describe the listed experience and the exact tasks that each firm will perform.
- V. Project Personnel- Identify the contact person with primary responsibility for work under this contract, other projects personnel, including partners and/or sub-consultants, and their individual areas of responsibility. The persons listed will be considered as committed to the contract. A resume of each professional and technical person assigned to the contract, including partners and/or sub-consultants, shall be submitted. The resumes shall include at least two references from recent previous similar assignments.
- VI. Task and deliverables – Describe consultants typical protocol for tasks and deliverables to administer, manage, and deliver each of the five (5) major categories in the "scope of work" outlined above. A project's planning is critical to the City. In order to maintain control of project schedules from design through the end of an assigned project, this protocol is an essential consultant attribute. However the City acknowledges that tasks and deliverables will vary according to the Scope of Work.
  - a. Invoices shall be submitted upon completion of deliverables.
- VII. Insurance and Other Information- Describe the insurance coverage of the firms and any other pertinent information regarding this procurement.
- VIII. Schedule of Rates – Provide a Schedule of Rates in a sealed envelope.

## SUBMISSION SCHEDULE

The advertisement, receipt, and evaluation of submission, and the selection of the provider of consultant services will conform to the following schedule. (Note: These dates are provided for planning purposes. And may be altered by the City as necessary to meet project goals.)

Advertisement of RFQ/P	<u>January 19, 2012</u>
Proposal Due Date	<u>February 16, 2012</u>
Proposal Review	<u>February 27-March 2, 2012</u>
Interviews	<u>March 20, 2012</u>
City Approval	<u>April 18, 2012</u>
Notice to Proceed	<u>May 1, 2012</u>

Two (2) original (one unbound and suitable for reproduction) and six (6) copies of the submission shall be delivered no later than 4:00 p.m. on the Proposal Date listed above to:

Mr. H.A. (Hank) Levien, Director of Public Works  
 City of Imperial Beach  
 825 Imperial Beach Blvd.  
 Imperial Beach, CA 91932

Copies received by FAX shall not be deemed received.

## PROPOSAL REVIEW PROCESS

The City's Selection Committee will review submissions that meet the outlined requirements stated herein. The Committee will "short-list" the most qualified firms, utilizing the selection criteria listed below. In the event that the Selection Committee requires an interview, it is mandatory that all principals firms and the designated project managers attend.

## PROPOSAL EVALUATION CRITERIA

Proposals received by the City will be evaluated according to the criteria listed below:

- Conformance to the specified RFQ/P format;
- Organization, presentation, and content of the submission;
- Specialized experience of the firm(s), (including principal firms, joint venture-partners, and sub-consultants), considering the types of service required; the complexity of the project; record of performance; and the strength of the key personnel who will be dedicated to the project;
- Proposed tasks and deliverables to accomplish the work in a timely and professional manner;
- Timeliness of Project Schedule;

- Ability to meet the insurance requirements as stated in the Terms and Conditions of the RFQ/P unless the City, at its sole discretion, decides to modify or wave the insurance requirements; and
- Financial terms offered.

#### TERMS AND CONDITIONS

Issuance of this RFQ/P does not commit the City to award a contract, to pay any costs incurred in the preparation of a response to this request, or to procure a contract for services. All respondents should note that the execution of any contract pursuant to this RFQ/P is dependent upon the approval of the City Council.

The City retains the right to reject all submissions. Selection is also dependent upon the negotiation of a mutually acceptable agreement with the successful respondent. Each submission shall be valid for not less than one hundred twenty (120) days from the date of receipt.

#### INSURANCE

The firm(s) selected to perform the work described in this RFQ/P will be required to provide evidence of public liability and property damage insurance with limits of not less than \$1 million for injury to, or death of, one or more persons and/or property damage arising out of a single accident or occurrence insuring against all liability of the City of Imperial Beach, selected consultants, its subcontractor(s), and its authorized representatives, arising out of, or in connection with, the performance of work under the contract with the City. Professional liability insurance (errors and omissions) shall be required of said firm in the minimum amount of \$1 million. Said insurance shall be provided at the sole cost and expense of the firm selected, unless the requirement is modified or waved by the City.

#### DUE DILIGENCE

The information provided in this RFQ/P, including site description and planning requirements, is to assist respondents with information the City has assembled in this preliminary stage of the project. Any respondent selected will be expected to conduct its own due diligence in these and all matters prior to commencement of this development. The City makes no representations or warranties with respect to these matters.

#### CONFLICT OF INTEREST

Please note that California Law makes it illegal for public officials or their employees to participate in the making of a contract in which he or she is financially interested. The law defines the making of a contract to include responding to Requests for Proposals. The law further defines a public official very broadly to include members of the advisory board that are not actual parties to contract. Prospective respondents who are aware of circumstances that could create a conflict of interest if a proposal is submitted are urged to contact the City immediately.

CITY CONTACT

The City looks forward to receiving a submission from you. If you have any questions regarding this RFQ/P, please contact the CIP Manager identified below:

Vicki Madrid  
CIP Manager  
825 Imperial Beach Blvd.  
Imperial Beach, CA 91932  
Phone (619) 424-2214  
FAX (619) 429-4861  
Email [vmadrid@cityofib.org](mailto:vmadrid@cityofib.org)

PROFESSIONAL SERVICES CONTRACT

Attachment 1 to this RFQ/P is a copy of the City of Imperial Beach's standard Professional Services Contract. Please review this document carefully and note in your proposal any exceptions or alterations to the contract that you are requesting. Alterations or changes to the contract that were not included in the proposal will not be made after the selection of the consultant.

**Exhibit B – Billing Rate**

**See following page**



Exhibit B  
**Atkins North America, Inc.**  
 3570 Carmel Mountain Road, Suite 300  
 San Diego, California 92130  
 Telephone: +1.858.874.1810  
 Fax: +1.858.259.0741  
 www.atkinsglobal.com/northamerica

**ATKINS SOUTHWEST INFRASTRUCTURE  
 STANDARD RATE SCHEDULE  
 EFFECTIVE JANUARY 1, 2011**

**ENGINEERING SERVICES**

Principal Engineer IV.....	\$219.00
Principal Engineer III.....	209.00
Principal Engineer II.....	196.00
Principal Engineer I.....	180.00
City Engineer.....	185.00
Supervising Engineer II.....	170.00
Supervising Engineer I.....	155.00
Senior Engineer III.....	145.00
Senior Engineer II.....	140.00
Senior Engineer I.....	130.00
Engineer III.....	120.00
Engineer II.....	115.00
Engineer I.....	105.00
Engineering Aide.....	70.00

**CONSTRUCTION RELATED SERVICES**

Senior Construction Manager.....	\$175.00
Senior Project Engineer (Const.).....	135.00
Construction Manager.....	130.00
Senior Field Representative*.....	115.00
Construction Management Rep. II*.....	100.00
Construction Management Rep. I*.....	90.00
Prevailing Wage Field Rep.**.....	125.00
Sr. Contract Administrator.....	110.00
Contract Administrator.....	85.00

**ENVIRONMENTAL SCIENCE SERVICES**

Supervising Scientist.....	\$225.00
Senior Scientist III.....	205.00
Senior Scientist II.....	170.00
Senior Scientist I.....	160.00
Scientist III.....	140.00
Scientist II.....	120.00
Scientist I.....	110.00
Assistant Scientist.....	87.00
Research Assistant.....	65.00

**EXPENSES AND OUTSIDE SERVICES**

Identifiable non-salary costs that are directly attributable to the project, such as reproduction costs, telephone charges, mileage, postage, etc., are billed at actual cost plus 15 percent to cover overhead and administration costs plus 3 percent for insurance costs.

Fees for subconsultant services provided are billed at actual cost plus 15 percent to cover overhead and administration costs plus 3 percent for insurance costs.

Fees for litigation and expert witness services will be charged at \$450.00 per hour with a 4-hour minimum per day.

Computer Aided Drafting, hydrologic water, sewer and stormwater modeling, GIS, automated mapping, database and web programming, etc., is charged at \$5 per labor hour.

If applicable, a vehicle allowance of \$8.00 per hour will be charged for the use of a company vehicle assigned to an inspector.

\* Non-Prevailing Wage

\*\* Prevailing Wage Rate – Overtime will be charged at 1.25 times and Sundays and holidays will be charged at 1.70 times the above rates.

**PAYMENT TERMS**

A late payment finance charge at a rate of 18 percent per annum will be applied to any unpaid balance commencing 30 days after the date of original invoice.

This rate schedule is subject to annual and/or periodic revisions as necessary to accommodate inflationary trends, salary adjustments and the general costs of business.

**PUBLIC AFFAIRS/COMMUNITY RELATIONS**

Project Manager.....	\$170.00
Community Relations Specialist.....	140.00
Assistant Project Manager.....	125.00
Account Coordinator.....	80.00

**OTHER PROFESSIONAL SERVICES**

Principal Professional.....	\$196.00
Supervising Professional.....	170.00
Sr. Professional III / Sr. GIS Analyst III.....	150.00
Senior Professional II / Sr. GIS Analyst II.....	135.00
Senior Professional I / Sr. GIS Analyst I.....	122.00
Professional II / GIS Analyst II.....	101.00
Professional I / GIS Analyst I.....	88.00

**DESIGN & GRAPHIC SERVICES**

Senior Designer III.....	\$140.00
Senior Designer II.....	135.00
Senior Designer I.....	120.00
Designer II.....	110.00
Designer I.....	100.00
CAD Technician III.....	95.00
CAD Technician II.....	85.00
CAD Technician I.....	70.00
Graphics Designer II.....	100.00
Graphics Designer I.....	95.00

**ADMINISTRATIVE SERVICES**

Senior Administrator.....	\$105.00
Senior Administrative Assistant III.....	95.00
Senior Administrative Assistant II.....	85.00
Senior Administrative Assistant I.....	80.00
Administrative Assistant III.....	75.00
Administrative Assistant II.....	65.00
Administrative Assistant I / Clerk.....	60.00





STAFF REPORT  
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: MAY 16, 2012

ORIGINATING DEPT.: PUBLIC WORKS

SUBJECT: RESOLUTION AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – 13<sup>TH</sup> STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S12-103)

**BACKGROUND:** In July 2011, the City received a signed contract with County Housing and Urban Development (HUD) for the design and construction of the remainder of 13<sup>th</sup> Street and Ebony Avenue intersection crosswalk improvements. The first phase of the project was completed in January 2011. In October 2011, City staff gave the City Traffic Engineer, KOA Corporation, a notice to proceed with the design for the remainder of the improvements which consisted of constructing an ADA compliant ramp at the southwest corner of the intersection, improved traffic awareness of the chokers on 13<sup>th</sup> Street on the north intersections of Ebony Avenue, electronic warning lights of the existing raised crosswalk and other visibility improvements.

City Council approved the design of the project on February 15, 2012. See attachment 2.

The project design was complete, the bid package was prepared and the bid was advertised April 19, 2012. The bids were opened on Thursday, May 10, 2012.

**DISCUSSION:** Construction of the 13<sup>th</sup> Street and Ebony Avenue Access Ramps CIP (S12-103) project was advertised for bids April 19, 2012. Bids were opened and evaluated in an advertised public meeting, at 2:00 p.m., May 10, 2012. The lowest responsive and qualified bidder for the “13<sup>th</sup> Street & Ebony Avenue Access Ramp CIP (P10-201)” project was from PAL General Engineering, Inc. at a bid price of \$61,040.

The eight (8) contractors who submitted proposals are listed below along with their proposal amounts:

- |   |             |
|---|-------------|
| 1. PAL General Engineering, Inc.              | \$61,040.00 |
| 2. New Century Construction                   | \$67,932.50 |
| 3. Aria Design & Construction Corp.           | \$68,475.00 |
| 4. Koch-Armstrong General Engineering, Inc.   | \$70,759.05 |
| 5. Tri Group Construction & Development, Inc. | \$73,095.00 |
| 6. Southland Paving, Inc.                     | \$75,940.00 |
| 7. Blair Rasmussen Construction, Inc.         | \$79,849.54 |
| 8. RMV Construction, Inc.                     | \$99,922.50 |

The engineer's estimate was \$74,543.

**ENVIRONMENTAL DETERMINATION:**

A notice of exemption was filed with the State Clearing House. This project is a Categorical Exemption per section 15301.

**FISCAL IMPACT:**

The CDBG contract provides \$105,000 for this project.

KOA Design cost was \$20,000

Staff has expended or encumbered approximately \$1,500 in the design and advertisement for this project to date.

CDBG Allocation/Revenue		\$105,000
Total Revenue Available	\$105,000	
Design & Advertisement Expenditures		\$ 20,000
Construction Cost		\$ 61,040
Design and Construction Administration		\$ 5,000
Total Expenditures	<b><u>\$86,040</u></b>	

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Adopt the attached resolution
3. Authorize the City Manager to approve a purchase order for the amount of the bid price.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



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

**Attachments:**

1. Resolution No. 2012-7196
2. Concept design from KOA Corporation

**RESOLUTION NO. 2012-7196**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS CONTRACT - 13<sup>TH</sup> STREET & EBONY AVENUE ACCESS RAMPS CIP (S12-103)**

**WHEREAS**, in July 2011, the City received a signed contract with County Housing and Urban Development (HUD) for the design and construction of the remainder of 13th Street and Ebony Avenue intersection crosswalk improvements; and

**WHEREAS**, the first phase of the project was completed in January 2011; and

**WHEREAS**, in October 2011, City staff gave the City Traffic Engineer, KOA Corporation, a notice to proceed with the design for the remainder of the improvements which consisted of constructing an ADA compliant ramp at the southwest corner of the intersection, improved traffic awareness of the chokers on 13th Street on the north intersections of Ebony Avenue, electronic warning light of the existing raised crosswalk and other visibility improvements; and

**WHEREAS**, City Council approved the design of the project on February 15, 2012; and

**WHEREAS**, the construction project design was complete, the bid package was prepared and the bid was advertised April 19, 2012; and

**WHEREAS**, the construction bids were opened and evaluated in an advertised public meeting, at 2:00 p.m., May 10, 2012; and

**WHEREAS**, the lowest responsive and qualified bidder for the "13th Street & Ebony Avenue Access Ramp CIP (P10-201)" construction project was from PAL General Engineering, Inc. at a bid price of \$61,040; and

**WHEREAS**, the engineer's estimate was \$74,543.

**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 16th day of May 2012, by the following vote:

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

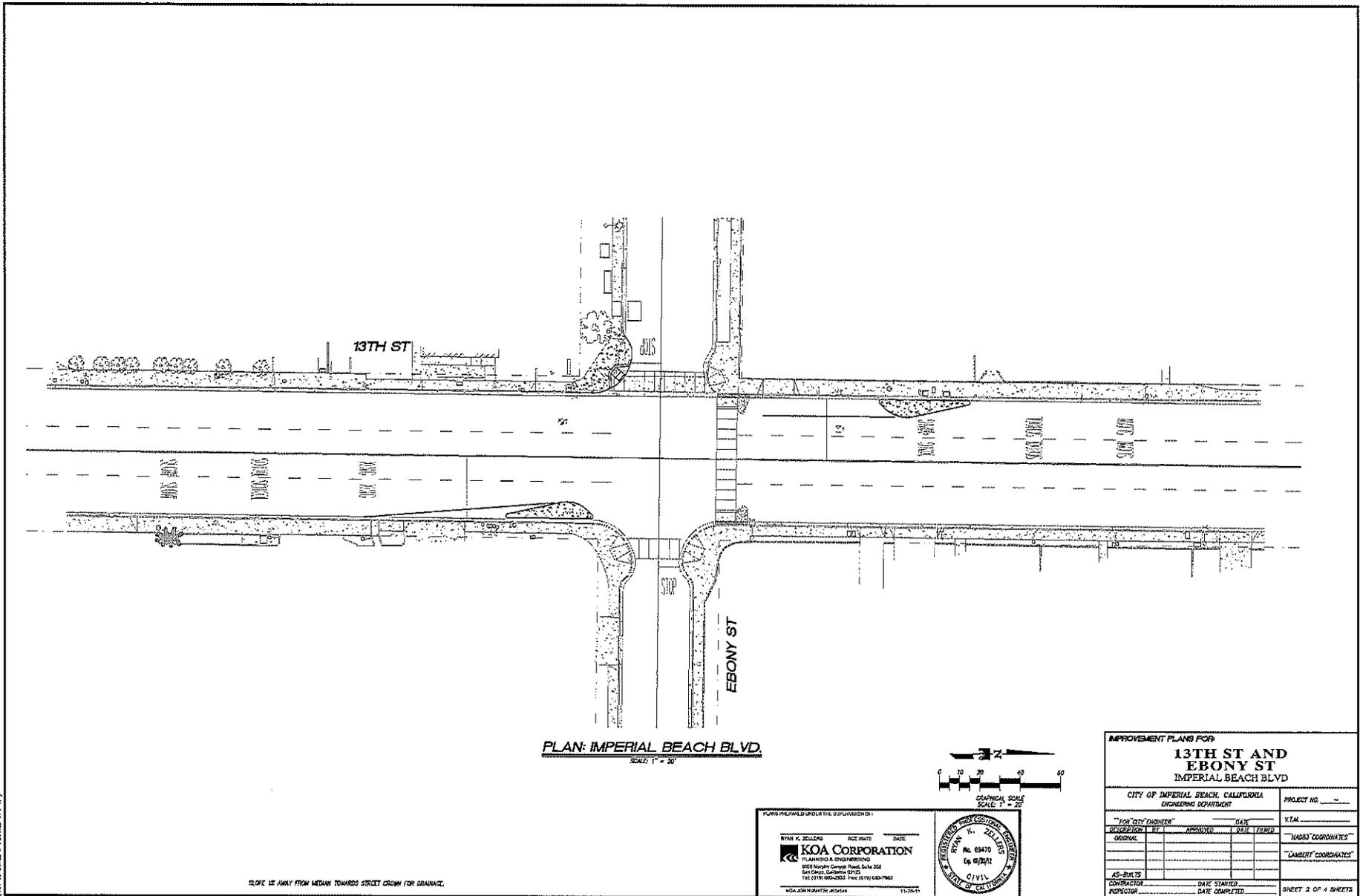
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**JAMES C. JANNEY, MAYOR**

**ATTEST:**

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



PLAN: IMPERIAL BEACH BLVD  
SCALE: 1" = 20'



PLANS PREPARED UNDER THE SUPERVISION OF:

RYAN K. JELLENS    AGE 09470    DATE

**KOA CORPORATION**  
PLANNING & ENGINEERING  
8280 Murphy Canyon Road, Suite 204  
San Diego, California 92123  
TEL: (619) 444-3225    FAX: (619) 444-7982

RYAN K. JELLENS    No. 09470    Exp. 03/31/12  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF CALIFORNIA  
CIVIL

IMPROVEMENT PLANS FOR			
13TH ST AND EBONY ST			
IMPERIAL BEACH BLVD			
CITY OF IMPERIAL BEACH, CALIFORNIA ENGINEERING DEPARTMENT			PROJECT NO. _____
FOR CITY USE ONLY		DATE	Y.E.A.
DESIGNED BY	APPROVED	DATE TYPED	"NAD83" COORDINATES
ORIGINAL			"LAMBERT" COORDINATES
AS-BUILT			
CONTRACTOR	DATE STARTED		SHEET 2 OF 4 SHEETS
INSPECTOR	DATE COMPLETED		

SLOPE IS AWAY FROM MEDIAN TOWARDS STREET CROWN FOR DRAINAGE.

NOT TO SCALE, F. RAYBIRD 11.17.17

A. VIEWING AREA AT 13TH ST EBONY ST INTERSECTION FOR IMPROVEMENTS. LAST NUMBER: 02/20/2017 11:43:29





STAFF REPORT  
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL  
 FROM: GARY BROWN, CITY MANAGER  
 MEETING DATE: MAY 16, 2012  
 ORIGINATING DEPT.: PUBLIC WORKS *HCB*  
 SUBJECT: REPORT ON RESULTS OF CAPITAL IMPROVEMENTS PROGRAM PROJECT "TELEWISE PIPE SECTIONS / SEWER MAINS" W10-202 AND RESOLUTION TO AMEND THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM FY 2009-2010 THROUGH 2013-2014 "ANNUAL MAIN LINE REPAIRS" CIP BUDGET

**BACKGROUND:** The Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009-2010 through 2013-2014 included the Fiscal Year 2009/2010 Telewise Pipe Sections / Sewer Main CIP project (W10-202). On March 2, 2011, City Council awarded the televising (CCTV) of the sewer mains to Downstream Services, Inc. for a total cost of \$15,750. The purpose of this project was to televising the sewer main lines that have required the greatest level of effort over the past 15 years. This project CCTV'ed 13,632 lineal feet of sewer main out of a City wide total of 208,560 lineal feet of sewer main. In FY 2007/2008 approximately 70,000 lineal feet of sewer main was CCTV'ed. The Five-Year CIP provides funding to CCTV the remaining sewer mains in the City. In November / December 2011, the City Sewer Engineer, Tran Consulting Engineers, reviewed the tapes of the 13,632 lineal feet of the CCTV. In December 2011, Tran Consulting Engineers delivered their report. This staff report is prepared to provide City Council a brief on their findings.

There were 53 pipe sections (one section is a pipe length between two adjacent manholes) CCTV'ed:

- Three were recommended for immediate repair (red flagged),
- Seventeen were recommended for repair within 6 months (high priority),
- Fifteen were recommended for repair within 18 months (standard priority),
- The remaining sections either required no repairs or minor repairs that could be deferred 3 years or more (low priority).

Of the "red flag" and "high priority" pipe sections, the consultant identified:

- 525 feet of spot repairs required, and
- 369 feet of pipe that needs to be replaced.

The estimated construction cost for the 3 "red flagged" repairs was \$33,000.  
 The estimated construction cost for the 17 "high priority" repairs was \$191,200.  
 The estimated construction cost for the 15 "standard priority" repairs was \$115,400.

**DISCUSSION:** The Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009-2010 through 2013-2014 allocated \$250,000 in FY 2013/2014 for sewer main repairs to be identified in future CCTV work. This future CCTV work included the 13,632 lineal feet of sewer main completed in CIP W10-202 project. Because of the severity of some of the pipe conditions identified

within the 13,632 lineal feet of sewer main, staff is requesting City Council modify the work scheduled in the Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009-2010 through 2013-2014 to allow the repairs to the "red flag" and "high priority" pipe sections as soon as possible. Attachment 2 is a copy of the Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009-2010 through 2013-2014 for "Annual Main Line Repairs." Within that CIP project page, Y6 09/10 has been completed. Y7 10/11 is about ready to be advertised for bids. The remaining years' projects are not yet designed or ready for advertisement. To address the immediacy of the recommended repairs, staff recommends modifying the Y8 11/12 project to perform the repairs noted as "red flag" and "high priority" and deferring the scheduled Y8 11/12 and subsequent Annual Main Line Repairs CIP projects by one fiscal year and increasing the Y8 11/12 CIP budget to \$400,000. See Attachment 3.

The correction of these deficiencies has the high potential of reducing the level of effort, (i.e. the frequency) of the sewer crew jetting (cleaning) of the sewer lines. The objective is to reduce each sewer lines' cleaning to once per year. Some of the lines within the 13,632 lineal feet of the recently CCTV'ed lines require cleaning up to 8 times per year.

**ENVIRONMENTAL DETERMINATION:**

This activity is exempt under CEQA, per 14 CCR § 15301(b) – Negligible or no expansion of use of existing facilities,

**FISCAL IMPACT:**

1. Current Y8 11/12 "Annual Main Line Repairs" budget authorized is \$200,000.
2. Recommended Y8 11/12 "Annual Main Line Repairs" budget is \$400,000.
3. If approved, this would increase the Sewer Enterprise CIP program budget for Fiscal Year 2011/12 to \$400,000 from the currently allocated \$200,000. It would defer the currently scheduled repairs in FY 2011/12 and subsequent fiscal years by one year.

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Authorize the reordering of the "Annual Main Line Repairs" CIP projects to insert the "red flag" and "high priority" projects described above in the Y8 11/12 work year and to defer the work scheduled for "Annual Main Line Repairs" CIP Projects beginning in Y8 11/12 and sequentially thereafter by one year.
3. Authorize an increase in the Y8 11/12 Annual Main Line Repairs" CIP budget to \$400,000.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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

Attachments:

1. Resolution No. 2012-7195
2. Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009-2010 through 2013-2014 "Annual Main Line Repairs" project page.
3. Revised 2 Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009-2010 through 2013-2014 "Annual Main Line Repairs" project page.

**RESOLUTION NO. 2012-7195****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM FY 2009-2010 THROUGH 2013-2014 "ANNUAL MAIN LINE REPAIRS" CIP BUDGET**

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

**WHEREAS**, a recent CIP project performed a Closed Circuit Televised (CCTV) of 13,632 lineal feet of sewer main whereby it revealed significantly damaged sections of sewer main that require near term repairs; and

**WHEREAS**, the sewer consulting engineer evaluated 53 pipe sections (one section is a pipe length between two adjacent manholes) of the CCTV'ed mains as follows:

- Three were recommended for immediate repair (red flagged),
- Seventeen were recommended for repair within 6 months (high priority),
- Fifteen were recommended for repair within 18 months (standard priority),
- The remaining sections either required no repairs or minor repairs that could be deferred 3 years or more (low priority); and

**WHEREAS**, of the "red flag" and "high priority" pipe sections, the consultant identified:

- 525 feet of spot repairs required, and
- 369 feet of pipe that needs to be replaced; and

**WHEREAS**, the Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009-2010 through 2013-2014 allocated \$250,000 in FY 2013/2014 for sewer main repairs to be identified in future CCTV work; and

**WHEREAS**, this future CCTV work included the 13,632 lineal feet of sewer main completed in CIP W10-202 project; and

**WHEREAS**, because of the severity of some of the pipe conditions identified within the 13,632 lineal feet of sewer main, staff is requesting City Council modify the work scheduled in the Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009-2010 through 2013-2014 to allow the repairs to the "red flag" and "high priority" pipe sections as soon as possible; and

**WHEREAS**, to address the immediacy of the recommended repairs, staff recommends modifying the Y8 11/12 project to perform the repairs noted as "red flag" and "high priority" and deferring the scheduled Y8 11/12 and subsequent Annual Main Line Repairs CIP projects by one fiscal year and increasing the Y8 11/12 CIP budget to \$400,000; and

**WHEREAS**, the correction of these deficiencies has the high potential of reducing the level of effort, (i.e. the frequency) of the sewer crew jetting (cleaning) of the sewer lines; and

**WHEREAS**, the objective is to reduce each sewer lines' cleaning to once per year; and

**WHEREAS**, some of the main lines within the 13,632 lineal feet of the recently CCTV'ed lines require cleaning up to 8 times per year; and

**WHEREAS**, if approved, this would increase the Sewer Enterprise CIP program budget for Fiscal Year 2011/12 to \$400,000 from the currently allocated \$200,000; and

**WHEREAS**, it would defer the currently scheduled repairs in FY 2011/12 and subsequent fiscal years by one year.

**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 "Annual Main Line Repairs" CIP project in the Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009-2010 through 2013-2014 included as Exhibit A is approved.
3. The transfer of \$200,000 from the Sewer Enterprise Fund Reserve to the Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009-2010 through 2013-2014 "Sewer Main Line Repair Y8 11/12" project is approved.
4. The currently scheduled the Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009-2010 through 2013-2014 "Annual Main Line Repairs" projects for Y8 11/12 through Y10 13/14 are deferred one year each sequentially.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 16th day of May 2012, by the following vote:

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

---

**JAMES C. JANNEY, MAYOR**

**ATTEST:**

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

**Annual Main Line Repairs**  
**Sewer Project**

Project Number: **MULTI**

**PROJECT DESCRIPTION**

Repairs to existing sewer mains at select locations. (See RBF Consulting report titled "Sanitary Sewer Maintenance Report," dated June 2008)

FUNDED & COMPLETED	FUNDED & PENDING	UNFUNDED
	Annual #1: Main line repairs (Pipes 579, 429, 578, 373, 365, 343) \$ 225,000	
	Annual #2: Main line repairs (Pipes 99, 548, 547, 55, 401, 108, 109, 410, 286) \$ 220,000	
	Annual #3: Main line repairs (Pipes 669, 526, 724, 690, 524) \$ 200,000	
	Annual #4: Additional Capacity (via pipe bursting) \$ 270,000	
	Annual #5: New work identified via CCTV \$ 250,000	
EXPENDED as of December 23, 2008 \$ -	Project Delivery (30%) \$ 349,500 Construction (70%) \$ 815,500 <b>UNEXPENDED \$ 1,165,000</b>	ESTIMATE \$ -

CARRYOVER FUNDING FROM CIP (FY 05 - 09)	Y1 04/05	Y2 05/06	Y3 06/07	Y4 07/08	Y5 08/09	Total Budget	Total Expenditures	Balance
	Budget	Budget	Budget	Budget	Budget			
Not Applicable	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL CARRYOVER FUNDING</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>					

*Budgets and expenditures current as of 12/23/08*

PROPOSED FUNDING SOURCES FOR CIP (FY 10 - 14)	Annual #1	Annual #2	Annual #3	Annual #4	Annual #5	Total Budget	Total Expenditures	Balance
	Y6 09/10 Budget	Y7 10/11 Budget	Y8 11/12 Budget	Y9 12/13 Budget	Y10 13/14 Budget			
Sewer Fund [601-5060-536-xxxx]	\$ 225,000	\$ 220,000	\$ 200,000	\$ 270,000	\$ 250,000	\$ 1,165,000	\$ -	\$ 1,165,000
<b>TOTAL PROPOSED FUNDING</b>	<b>\$ 225,000</b>	<b>\$ 220,000</b>	<b>\$ 200,000</b>	<b>\$ 270,000</b>	<b>\$ 250,000</b>	<b>\$ 1,165,000</b>	<b>\$ -</b>	<b>\$ 1,165,000</b>

<b>TOTAL ADJUSTED FUNDING</b>	<b>\$ 1,165,000</b>	<b>\$ -</b>	<b>\$ 1,165,000</b>
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*Budgets and expenditures current as of 12/23/08*

**NOTES**

**Project Name**  
**Annual Main Line Repairs**  
*Sewer Project*

Project Number: **MULTI**

**PROJECT DESCRIPTION**

*Repairs to existing sewer mains at select locations as identified in RBF Consulting report titled "Sanitary Sewer Maintenance Report", dated June 2008 and Tran Consulting Engineers reported "Sewer Assessment Report" dated December 2011.*

**FUNDED & COMPLETED**

Annual #1: Main Line Reparis W10-201 328,500  
 (Pipes 579, 429, 578, 373, 365 & 343)

**FUNDED & PENDING**

Annual #2 Main Line Repairs \$ 220,000  
 (Pipes 99, 547,55,401, 108, 109, 410, 286)

Annual #3 Main Line Repairs 400,000  
 "Redtag" and "High Priority" from CCTV W10-202

Annual #4: Main line repairs 200,000  
 (Pipes 669, 526, 724, 690, 524)

Annual #5 Additional Capacity 270,000  
 (via pipe bursting).

**UNFUNDED**

Annual #5: New work identified via CCTV \$ 250,000

EXPENDED as of May 7, 2012 \$ 328,225

Project Delivery (30%) \$ 327,000  
 Residential Rehab (70%) \$ 763,000  
 UNEXPENDED \$ 1,090,000

ESTIMATE \$ 250,000

**CARRYOVER FUNDING FROM CIP (FY 05/09)**

	Y1 04/05 Budget	Y2 05/06 Budget	Y3 06/07 Budget	Y4 07/08 Budget	Y5 08/09 Budget	Total Budget	Total Expenditures	Balance
Not Applicable	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL FUNDING</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

**PROPOSED FUNDING SOURCES FOR CIP (FY 10-14)**

	Annual #1 FY 09/10	Annual #2 FY 10/11	Annual #3 FY 11/12	Annual #4 FY 12/13	Annual #5 FY 13/14	Total Budget	Total Expenditures	Balance
Sewer Fund [601-5060-536-XXXX]	\$ 328,500	\$ 220,000	\$ 400,000	\$ 200,000	\$ 270,000	\$ 1,418,500	\$ (328,225)	\$ 1,090,275
<b>ADJUSTED TOTAL FUNDING</b>	\$ 328,500	\$ 220,000	\$ 400,000	\$ 200,000	\$ 270,000	\$ 1,418,500	\$ (328,225)	\$ 1,090,275

Balances Current as of 5/7/12

**NOTES**

May 16, 2012, Resplution to amend the five year Capital Improvement Program FY 2009-2010 through 2012-2014 "Annual Main Line Repairs" CIP Budget



STAFF REPORT  
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL  
FROM: GARY BROWN, CITY MANAGER  
MEETING DATE: MAY 16, 2012  
ORIGINATING DEPT.: PUBLIC WORKS *HAL*  
SUBJECT: RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE STREET IMPROVEMENT RDA PHASE 3B CIP (S04-108) PROJECT AND TRANSFERRING \$--,--- FROM THE SEWER ENTERPRISE FUND RESERVE TO CIP S04-108

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**BACKGROUND:** On February 15, 2012 City Council approved resolution 2012-7157 for the design of an Odor Control System for Pump Station 1B located at the intersection of Seacoast Drive and Imperial Beach Blvd. Sewer system odor control has been a persistent and long term problem from that Station. With the street improvements being made on Seacoast Drive and in particular at the intersection of Seacoast Drive and Imperial Beach Blvd., there was a community interest in trying to resolve or mitigate the odors while this intersection is under reconstruction.

As authorized by City Council, the City Sewer System Engineer, Tran Consulting Engineers, has completed the drawings and contract documents for the installation of a carbon activated odor control system. The drawings have been provided to PAL General Engineering Inc. for a cost estimate to include this installation as part of their contract.

**DISCUSSION:** The drawings approved by staff and submitted to PAL General Engineering, Inc. include:

- Removing the existing system's exhaust stacks adjacent to the Imperial Beach Forum bar and restaurant.
- Repiping the wet well exhaust fumes to a new exhaust stack located on the southeast corner of the intersection to an existing but expanded curbside landscape planter.
- Install a carbon activated filter system in the exhaust system underground and adjacent to the new exhaust tower.

The contractor has provided a cost of \$\_\_\_\_,\_\_\_\_\_ to provide this infrastructure. The Engineers estimate for this installation is \$90,000.

The fund for this project is the Sewer Enterprise Reserve Fund. There are sufficient Sewer Enterprise reserve funds to cover the costs of installation.

**ENVIRONMENTAL DETERMINATION:**

An environmental review was conducted on this project and it was determined that the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15302(c): Replacement or Reconstruction of Existing Utility Systems and Facilities.

**FISCAL IMPACT:**

Project design cost	\$12,046
Project construction cost	\$--,---
TOTAL PROJECT COST	\$--,---

Sewer Enterprise Fund Reserve transfer to this project is \$--,---

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Approve the installation of an activated carbon filter system in Pump Station 1B per the drawings prepared by Tran Consulting Engineers, Inc.
3. Approve change order no. 1 to Street Improvements RDA Phase 3B, contract with PAL General Engineering Inc. for the cost of \$\_\_\_\_\_
4. Approve the transfer of \$--,--- from the Sewer Enterprise Fund Reserve to the Street Improvements RDA Phase 3B (CIP S04-108).
5. Adopt the attached resolution.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



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

**Attachments:**

1. Resolution No. 2012-7190
2. Plan view of the new odor control station design (to be provided separately).

**RESOLUTION NO. 2012-7190**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING CHANGE ORDER NR. 1 TO THE STREET IMPROVEMENT RDA PHASE 3B CIP (S04-108) PROJECT AND TRANSFERRING \$--,--- FROM THE SEWER ENTERPRISE FUND RESERVE TO CIP S04-108**

**WHEREAS**, on February 15, 2012 City Council approved resolution 2012-7157 for the design of an Odor Control System for Pump Station 1B located at the intersection of Seacoast Drive and Imperial Beach Blvd; and

**WHEREAS**, sewer system odor control has been a persistent and long term problem from that Station; and

**WHEREAS**, with the street improvements being made on Seacoast Drive and in particular at the intersection of Seacoast Drive and Imperial Beach Blvd., there was a community interest in trying to resolve or mitigate the odors while this intersection is under reconstruction; and

**WHEREAS**, as authorized by City Council, the City Sewer System Engineer, Tran Consulting Engineers, has completed the drawings and contract documents for the installation of a carbon activated odor control system; and

**WHEREAS**, The PAL General Engineering, Inc., contractor for Street Improvements RDA Phase 3B (CIP S04-108), has provided a cost of \$\_\_\_\_ to provide this infrastructure; and

**WHEREAS**, the Engineers estimate for this installation is \$90,000; and

**WHEREAS**, the fund for this project is the Sewer Enterprise Reserve Fund; and

**WHEREAS**, there are sufficient Sewer Enterprise funds to cover the costs of installation; and

**WHEREAS**, the necessary Sewer Enterprise Fund Reserve transfer to this project is \$---,---.

**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. Change Order No. 1 to Street Improvement RDA Phase 3B (CIP S04-108) project is approved.
3. The transfer of \$--,--- from the Sewer Enterprise Reserve Fund to CIP S04-108 is approved.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 16th day of May 2012, by the following vote:

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

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**JAMES C. JANNEY, MAYOR**

**ATTEST:**

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



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** GARY R. BROWN, CITY MANAGER

**MEETING DATE:** MAY 16, 2012

**ORIGINATING DEPT.:** CITY MANAGER

**SUBJECT:** ADOPT RESOLUTION NO. 2012- 7199 AUTHORIZING THE CITY MANAGER TO IMPLEMENT LAYOFFS OF CITY EMPLOYEES IN ORDER TO REMEDY THE IMPENDING SHORTFALL TO THE CITY'S GENERAL FUND

**BACKGROUND**

The Redevelopment Agency of the City of Imperial Beach ("Agency") was organized and existed pursuant to the California Community Redevelopment Law and was responsible for the administration of redevelopment activities within the City of Imperial Beach. Assembly Bill x1 26 ("AB 26") and Assembly Bill x1 27 ("AB 27") were passed by the State Legislature on June 15, 2011 and signed by the Governor on June 28, 2011. On July 18, 2011, the California Redevelopment Association, League of California Cities, City of Union City, City of San Jose and John F. Shirey filed a petition for Writ of Mandate; Application for Temporary Stay and supporting memorandum and declarations with the Supreme Court of the State of California (the "Petition"). On December 29, 2011, the Supreme Court issued its opinion in the Petition (*Matosantos* case) largely upholding AB 26, invalidating AB 27, and holding that AB 26 may be severed from 27. As a result of the Supreme Court's decision, on February 1, 2012, all redevelopment agencies were dissolved and successor agencies were designated as successor entities to the former redevelopment agencies.

**DISCUSSION:**

The dissolution of the Agency will impact the City's General Fund which will face a shortfall of up to \$1.4M starting in July 2012. Many of the City's projects and its staff members were funded through the Agency. Certain projects funded by the Agency will be completed in the future, eliminating the need for some City employees. In addition, there are other factors likely to increase City General Fund costs including: 1) the California Public Employees Retirement System has adjusted downward its assumed rate of return on investments, 2) Sheriff's costs will increase annually and within 5 years will be \$400,000 to \$500,000 higher if current service levels are retained, and 3) the state is trying to disallow the \$3.7M loan the city made to the redevelopment agency and the annual payment of \$440,000. In light of these significant impacts to the City's General Fund, layoffs of City employees are necessary. However, because we haven't concluded the program of offering incentives for people to leave city employment, some of the listed positions may not need to be eliminated if a sufficient number of employees in certain positions participate in the Voluntary Separation Incentive

Program, and/or the City Manager is able to find alternative solutions. Pursuant to the City's Personnel Rules, this resolution is a necessary first step, and allows the City to initiate discussions with SEIU regarding the impacts of any necessary lay-offs. We need to keep moving ahead in order to not have a high fiscal impact on next year's budget, and we want to attempt to give people at least 30 days notice if a position is eliminated.

City Personnel Rule XI, Section 4(1), provides for layoffs of City employees in the Competitive Service when, in the judgment of the City Council, it becomes necessary to eliminate any position of employment. Staff recommends that the City Council authorize the City Manager to implement layoffs in the following positions:

- 1 (one) Graffiti Program Coordinator
- 1 (one) Tidelands Supervisor
- 1 (one) Redevelopment Coordinator
- 1 (one) Assistant Project Manager
- 1 (one) Capital Improvements Program Manager to be eliminated when CIP work is substantially reduced
- 1 (one) Public Works Inspector to be eliminated when CIP work is substantially reduced
- 1 (one) Maintenance Worker I

This resolution authorizes and directs the City Manager to take any and all necessary and appropriate actions to effectuate the layoffs, when and if the layoffs are implemented by the City Manager, including but not limited to, meeting and conferring with any impacted union regarding the impacts of the layoffs to wages, hours and other terms and conditions of employment.

#### **ENVIRONMENTAL IMPACT**

This activity is not a "project" and is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

#### **FISCAL IMPACT:**

The long term cost reduction due to the layoffs will be approximately \$600,000.

#### **CITY MANAGER'S RECOMMENDATION:**

Adopt Resolution No. 2012- 7199 AUTHORIZING THE CITY MANAGER TO IMPLEMENT LAYOFFS OF CITY EMPLOYEES IN ORDER TO REMEDY THE IMPENDING SHORTFALL TO THE CITY'S GENERAL FUND

 FOR  
\_\_\_\_\_  
Gary R. Brown, City Manager

Attachment:

1. Resolution 2012 - 7199

**RESOLUTION NO 2012- 7199**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH  
AUTHORIZING THE CITY MANAGER TO IMPLEMENT LAYOFFS OF  
CITY EMPLOYEES IN ORDER TO REMEDY THE IMPENDING SHORTFALL  
TO THE CITY'S GENERAL FUND**

**WHEREAS**, the Redevelopment Agency of the City of Imperial Beach ("Agency") was organized and existed pursuant to the California Community Redevelopment Law and was responsible for the administration of redevelopment activities within the City of Imperial Beach; and

**WHEREAS**, Assembly Bill x1 26 ("AB 26") and Assembly Bill x1 27 ("AB 27") were passed by the State Legislature on June 15, 2011 and signed by the Governor on June 28, 2011; and

**WHEREAS**, on July 18, 2011, the California Redevelopment Association, League of California Cities, City of Union City, City of San Jose and John F. Shirey filed a petition for Writ of Mandate; Application for Temporary Stay and supporting memorandum and declarations with the Supreme Court of the State of California (the "Petition"); and

**WHEREAS**, on December 29, 2011, the Supreme Court issued its opinion in the Petition (*Matosantos* case) largely upholding AB 26, invalidating AB 27, and holding that AB 26 may be severed from 27; and

**WHEREAS**, as a result of the Supreme Court's decision, on February 1, 2012, all redevelopment agencies were dissolved and successor agencies were designated as successor entities to the former redevelopment agencies; and

**WHEREAS**, the dissolution of the Agency will impact the City's General Fund which will face a shortfall of up to \$1.4 million starting in July 2012; and

**WHEREAS**, many of the City's projects and its staff members were funded through the Agency; and

**WHEREAS**, certain projects funded by the Agency will be completed in the future eliminating the need for some City employees; and

**WHEREAS**, the California Public Employees Retirement System has adjusted its assumed rate of return on investments which will create an additional shortfall to the City's General Fund; and

**WHEREAS**, in light of other significant impacts and uncertainties related to the City's General Fund, layoffs of City employees are necessary.

**NOW, THEREFORE, BE IT RESOLVED,**

Section 1: The above recitals are true and correct.

Section 2: Pursuant to Personnel Rule XI, Section 4(1), the City Council authorizes the City Manager to implement layoffs in the following positions:

- 1 (one) Graffiti Program Coordinator
- 1 (one) Tidelands Supervisor
- 1 (one) Redevelopment Coordinator
- 1 (one) Assistant Project Manager
- 1 (one) Capital Improvements Program Manager
- 1 (one) Public Works Inspector
- 1 (one) Maintenance Worker I

Section 3: The City Manager, or his designee, is authorized and directed to take any and all necessary and appropriate actions to effectuate the layoffs, when, and if, the layoffs are implemented by the City Manager, or his designee, including but not limited to, meeting and conferring with any impacted union regarding the impacts of the layoffs to wages, hours and other terms and conditions of employment.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Imperial Beach at its regular meeting held on the 16th day of May, 2012, by the following roll call vote:

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

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

ATTEST:

\_\_\_\_\_  
JACQUELINE M. HALD  
CITY CLERK



**STAFF REPORT  
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

**TO: CHAIR AND MEMBERS OF THE SUCCESSOR AGENCY**

**FROM: GARY BROWN, EXECUTIVE DIRECTOR**

**MEETING DATE: May 16, 2012**

**ORIGINATING DEPT.: Michael McGrane, Finance Director**

**SUBJECT: Adoption of Resolution No. SA-12-07 of the Imperial Beach Redevelopment Agency Successor Agency Approving the Advance and Allocation of an Additional Portion of Tax Increment Funds Allocated for Housing Purposes in the Total Amount of \$369,637 Toward Payment of the Debt Service on the 2003 Tax Allocation Bonds Series Due On or Before May 25, 2012 Upon Certain Conditions**

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**BACKGROUND:**

This report seeks Successor Agency approval of the advance and allocation of an additional portion of tax increment funds allocated for housing purposes in the total amount of \$369,637 toward payment of the debt service on the 2003 Tax Allocation Bonds Series ("2003 Bonds") due on or before May 25, 2012. The advance and allocation of said funds would only occur in the event that the San Diego County Auditor-Controller ("County") refuses to provide to the Successor Agency a payment of property taxes at least in the amount of \$369,637 prior to the due date of May 25, 2012 for the payment of debt service on the 2003 Bonds. If the advance and allocation of said funds does occur pursuant to the above, the Successor Agency will use good faith efforts to replenish such funds by an equal amount upon receipt from the County of the June 1, 2012 property tax payment available for such purposes.

Health and Safety Code Section 34183(a)(2)-(3) of Assembly Bill X1 26 ("AB 26") obligates the County to allocate moneys in the Redevelopment Property Tax Trust Fund ("RPTTF") maintained for the Successor Agency, on May 16, 2012 and June 1, 2012, and each January 16 and June 1 thereafter, for payments listed on the Recognized Obligation Payment Schedule ("ROPS") for each six (6) month fiscal period and for payment of the administrative cost allowance, subject to pass-through payments required to be made to taxing entities in accordance with Section 34183(a)(1).

In addition, Health and Safety Code Section 34185 of AB 26 obligates the County to transfer from the RPTTF into the Redevelopment Obligation Retirement Fund of the Successor Agency, an amount of property tax revenues equal to that specified in its ROPS as payable from the RPTTF, on May 16, 2012 and June 1, 2012, and on each January 16 and June 1 thereafter.

Further, Health and Safety Code Section 34177(a)(1) of AB 26 requires the Successor Agency to continue to make payments due for enforceable obligations and, from February 1, 2012 until a ROPS becomes operative, only payments required pursuant to the Enforceable Obligations Payment Schedule shall be made. In addition, Health and Safety Code Section 34177(a)(3) of

AB 26 provides that commencing on May 1, 2012, only those payments listed in the ROPS may be made by the Successor Agency from the funds specified in the ROPS.

On or about April 4, 2012, the Successor Agency amended the draft ROPS as the first ROPS for submission to the State Controller's Office and the Department of Finance by April 15, 2012 and revised the ROPS to reflect the time period of January 1, 2012 through June 30, 2012 as required by Health and Safety Code Section 34177(l)(3) of AB 26 and to clarify and add certain information relating to the recognized obligations set forth in the ROPS.

The first ROPS provides that the debt service on the 2003 Bonds due in May 2012 shall be made from both non-housing funds and housing funds because the 2003 Bonds are secured in the proportion of 80% by non-housing tax increment funds and in the proportion of 20% by housing tax increment funds. The debt service payment on the 2003 Bonds totals \$1,011,455 and is due on or before May 25, 2012.

The Successor Agency had intended on allocating funds from the property tax payment statutorily required to be distributed by the County to the Successor Agency on May 16, 2012 pursuant to Health and Safety Code Sections 34183(a)(2)-(3) and 34185, toward the debt service payment on the 2003 Bonds.

Pursuant to Health and Safety Code Section 34183(b), the Successor Agency issued two separate notices to the County advising the County that the Successor Agency does not have enough funds available to pay all enforceable obligations listed on the ROPS for the period ending June 30, 2012 and on the ROPS for the period ending December 31, 2012 ("Notices of Insufficient Funds").

Notwithstanding the statutory requirements for the County to make a payment of property taxes to the Successor Agency on May 16, 2012, notwithstanding the Notices of Insufficient Funds issued to the County by the Successor Agency, and notwithstanding specific provisions of AB 26 that state the Legislative intent of AB 26 was not for the County to immediately change the directional flow of payments of former tax increment or cause defaults on enforceable obligations of the former Redevelopment Agency and the Successor Agency, the County has advised the Successor Agency that it will not be making a payment of property taxes to the Successor Agency on May 16, 2012 but will make such a payment on June 1, 2012, which date however is after the May 25, 2012 due date of the debt service payment on the 2003 Bonds.

In an attempt for the Successor Agency to timely make the debt service payment on the 2003 Bonds on or before May 25, 2012, the Successor Agency will fund 20% of the debt service payment with tax increment funds allocated for housing purposes in the total amount of \$202,291, which amount is in the same proportion that housing funds secure the 2003 Bonds. Similarly, the remaining 80% of the debt service payment would presumably be funded using non-housing funds in the total amount of \$809,164. However, the Successor Agency has only \$439,527 of non-housing funds in its account. Therefore, there exists a remaining outstanding balance of \$369,637 required for the full payment of debt service on the 2003 Bonds due on or before May 25, 2012.

Successor Agency staff has been in discussions with the County for the County to release early and distribute to the Successor Agency prior to May 25, 2012 at least \$369,637 of the property taxes proposed to be distributed on June 1, 2012, for use toward the debt service payment on the 2003 Bonds. In the event that the County refuses to distribute to the Successor Agency a payment of property taxes at least in the amount of \$369,637 prior to the due date of May 25, 2012 for the payment of debt service on the 2003 Bonds, the Successor Agency proposes to advance and allocate an additional portion of tax increment funds allocated for housing purposes in the total amount of \$369,637 toward payment of the debt service on the 2003

Bonds and to use good faith efforts to replenish such funds by an equal amount upon receipt from the County of the June 1, 2012 property tax payment available for such purposes.

The Successor Agency's proposed advance and allocation of an additional portion of tax increment funds allocated for housing purposes in the total amount of \$369,637 toward payment of the debt service on the 2003 Bonds is based on the following justifications: (1) the Successor Agency has determined that there are no other funds available to the Successor Agency to make the full debt service payment by May 25, 2012; (2) the short term use of these funds as an advance will prevent a default on the 2003 Bonds as a whole (including the housing component of the bonds) and will preserve the tax exempt status of the 2003 Bonds; (3) the use of these funds is solely an advance and not a permanent use since the Successor Agency will use good faith efforts to replenish these funds by an equal amount within a few weeks later upon the Successor Agency's receipt of the June 1, 2012 property tax payment from the County available for such purposes; (4) these funds are available as a reserve for payment of debt service on the 2003 Bonds and are needed by the Successor Agency to make the full debt service payment on the 2003 Bonds by May 25, 2012 in order to avoid a default; and (5) the alternative of defaulting on the 2003 Bonds will negatively affect the financial creditworthiness of the Successor Agency and possibly the City and would foreseeably create long term devastating financial impacts on the Successor Agency and possibly the City.

**ENVIRONMENTAL DETERMINATION:**

Pursuant to Title 14 of the California Code of Regulations, Section 15378(b)(4), this item is not subject to the California Environmental Quality Act ("CEQA") review because the recommended approvals are not considered a project, and are governmental funding mechanisms and fiscal activities that do not involve any commitment to any specific project which may result in a potentially significant environmental impact.

**FISCAL IMPACT:**

The Successor Agency's proposed advance and allocation of an additional portion of tax increment funds in the total amount of \$369,637 toward payment of the debt service on the 2003 Bonds will not have a long term fiscal impact on the Successor Agency provided that the County distributes property taxes to the Successor Agency on June 1, 2012 available for replenishing such funds in an equal amount. If the County refuses to make such distribution of property taxes to the Successor Agency on June 1, 2012, then the tax increment funds will be depleted by \$369,637. Further, the payment of debt service on the 2003 Bonds due on or before May 25, 2012 will be timely made and there will not be a default on the 2003 Bonds.

**DEPARTMENT RECOMMENDATION:**

Staff recommends the Successor Agency:

1. Adopt Resolution No. SA-12-07 Bond Debt Service Payment.

**EXECUTIVE DIRECTOR'S RECOMMENDATION:**

Approve Department recommendation.



Gary Brown, Executive Director

Attachment:

1. Resolution No. SA-12-07 Bond Debt Service Payment

**RESOLUTION NO. SA-12-07****RESOLUTION OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE ADVANCE AND ALLOCATION OF AN ADDITIONAL PORTION OF TAX INCREMENT FUNDS ALLOCATED FOR HOUSING PURPOSES IN THE TOTAL AMOUNT OF \$369,637 TOWARD PAYMENT OF THE DEBT SERVICE ON THE 2003 TAX ALLOCATION BONDS SERIES DUE ON OR BEFORE MAY 25, 2012 UPON CERTAIN CONDITIONS**

**WHEREAS**, the Imperial Beach Redevelopment Agency ("Redevelopment Agency") was a redevelopment agency in the City of Imperial Beach ("City"), duly created pursuant to the California Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) ("Redevelopment Law"); and

**WHEREAS**, the City Council has adopted redevelopment plans for Imperial Beach's redevelopment project areas, and from time to time, the City Council has amended such redevelopment plans; and

**WHEREAS**, the Redevelopment Agency was responsible for the administration of redevelopment activities within the City; and

**WHEREAS**, AB x1 26 ("AB 26") and AB x1 27 ("AB 27") were signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law, including adding Part 1.8 (commencing with Section 34161) ("Part 1.80") and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the California Health and Safety Code ("Health and Safety Code"); and

**WHEREAS**, the California Redevelopment Association and League of California Cities filed a lawsuit in the Supreme Court of California (*California Redevelopment Association, et al. v. Matosantos, et al.*, Case No. S194861) alleging that AB 26 and AB 27 were unconstitutional; and

**WHEREAS**, on December 29, 2011, the Supreme Court issued its opinion in the *Matosantos* case largely upholding as constitutional AB 26, invalidating as unconstitutional AB 27, and holding that AB 26 may be severed from AB 27 and enforced independently; and

**WHEREAS**, the Supreme Court generally reformed and revised the effective dates and deadlines for performance of obligations under Health and Safety Code Part 1.85 of AB 26 arising before May 1, 2012 to take effect four months later, while leaving the effective dates or deadlines for performance of obligations under Health and Safety Code Part 1.8 of AB 26 unchanged; and

**WHEREAS**, as a result of the Supreme Court's decision, and on February 1, 2012, all California redevelopment agencies were dissolved, successor agencies were established as successor agencies to the former redevelopment agencies pursuant to Health and Safety Code Section 34173, and successor agencies were tasked with paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and winding down the affairs of the former redevelopment agencies; and

**WHEREAS**, the City Council of the City adopted Resolution No. 2012-7136 on January 5, 2012, pursuant to Part 1.85, electing for the City to serve as the successor agency to the Redevelopment Agency upon the dissolution of the Redevelopment Agency under AB 26 ("Successor Agency"); and

**WHEREAS**, in accordance with Health and Safety Code Section 34177(l)(2)A) of AB 26, the Successor Agency adopted the draft ROPS on February 15, 2012 by Resolution No. SA-12-02, for the period ending June 30, 2012, as modified administratively by the Executive Director pursuant to Resolution No. SA-12-02; and

**WHEREAS**, on or about April 4, 2012 by Resolution No. SA-12-05, the Successor Agency amended the draft ROPS as the first ROPS, for submission to the State Controller's Office and the Department of Finance by April 15, 2012, and revised the ROPS to reflect the time period of January 1, 2012 through June 30, 2012 as required by Health and Safety Code Section 34177(l)(3) of AB 26 and to clarify and add certain information relating to the recognized obligations set forth in the ROPS; and

**WHEREAS**, pursuant to Health and Safety Code Section 34177(l)(3) of AB 26, the first ROPS was submitted to the State of California Controller's Office and the State of California Department of Finance by April 15, 2012 for the period of January 1, 2012 through June 30, 2012; and

**WHEREAS**, pursuant to Health and Safety Code Section 34177(l)(2)(C) of AB 26, the first ROPS was submitted to the County Auditor-Controller and both the State Controller's Office and the Department of Finance and was posted on the Successor Agency's internet website; and

**WHEREAS**, Health and Safety Code Section 34177(a)(1) of AB 26 requires the Successor Agency to continue to make payments due for enforceable obligations and, from February 1, 2012 until a ROPS becomes operative, only payments required pursuant to the Enforceable Obligations Payment Schedule shall be made; and Health and Safety Code Section 34177(a)(3) of AB 26 provides that commencing on May 1, 2012, only those payments listed in the ROPS may be made by the Successor Agency from the funds specified in the ROPS; and

**WHEREAS**, the first ROPS provides that the debt service on the 2003 Tax Allocation Bonds Series ("2003 Bonds") due in May 2012 shall be made from both non-housing funds and housing funds because the 2003 Bonds are secured in the proportion of 80% by non-housing tax increment funds and in the proportion of 20% by housing tax increment funds. The debt service payment on the 2003 Bonds totals \$1,011,455 and is due on or before May 25, 2012; and

**WHEREAS**, the Successor Agency had intended on allocating funds from the property tax payment statutorily required to be distributed by the San Diego County Auditor-Controller ("County") to the Successor Agency on May 16, 2012, toward the debt service payment on the 2003 Bonds; and

**WHEREAS**, Health and Safety Code Section 34183(a)(2)-(3) obligates the County to allocate moneys in the Redevelopment Property Tax Trust Fund ("RPTTF") maintained for the Successor Agency, on May 16, 2012 and June 1, 2012, and each January 16 and June 1 thereafter, for payments listed on the ROPS for each six (6) month fiscal period and for payment of the administrative cost allowance, subject to pass-through payments required to be made to taxing entities in accordance with Section 34183(a)(1); and

**WHEREAS**, Health and Safety Code Section 34185 obligates the County to transfer

from the RPTTF into the Redevelopment Obligation Retirement Fund of the Successor Agency, an amount of property tax revenues equal to that specified in its ROPS as payable from the RPTTF, on May 16, 2012 and June 1, 2012, and on each January 16 and June 1 thereafter; and

**WHEREAS**, pursuant to Health and Safety Code Section 34183(b), the Successor Agency issued two separate notices to the County advising the County that the Successor Agency does not have enough funds available to pay all enforceable obligations listed on the ROPS for the period ending June 30, 2012 and on the ROPS for the period ending December 31, 2012 ("Notices of Insufficient Funds"); and

**WHEREAS**, notwithstanding the statutory requirements for the County to make a payment of property taxes to the Successor Agency on May 16, 2012, notwithstanding the Notices of Insufficient Funds issued to the County by the Successor Agency, and notwithstanding specific provisions of AB 26 that state the Legislative intent of AB 26 was not for the County to immediately change the directional flow of payments of former tax increment or cause defaults on enforceable obligations of the former Redevelopment Agency and the Successor Agency, the County has advised the Successor Agency that it will not be making a payment of property taxes to the Successor Agency on May 16, 2012 but will make such a payment on June 1, 2012, which date however is after the May 25, 2012 due date of the debt service payment on the 2003 Bonds; and

**WHEREAS**, in an attempt for the Successor Agency to timely make the debt service payment on the 2003 Bonds on or before May 25, 2012, the Successor Agency will fund 20% of the debt service payment with tax increment funds allocated for housing purposes in the total amount of \$202,291, which amount is in the same proportion that housing funds secure the 2003 Bonds. Similarly, the remaining 80% of the debt service payment would presumably be funded using non-housing funds in the total amount of \$809,164. However, the Successor Agency has only \$439,527 of non-housing funds in its account. Therefore, there exists a remaining outstanding balance of \$369,637 required for the full payment of debt service on the 2003 Bonds due on or before May 25, 2012; and

**WHEREAS**, in the event that the County refuses to distribute to the Successor Agency a payment of property taxes at least in the amount of \$369,637 prior to the due date of May 25, 2012 for the payment of debt service on the 2003 Bonds, the Successor Agency proposes to advance and allocate an additional portion of tax increment funds allocated for housing purposes in the total amount of \$369,637 toward payment of the debt service on the 2003 Bonds and to use good faith efforts to replenish such funds by an equal amount upon receipt from the County of the June 1, 2012 property tax payment available for such purposes; and

**WHEREAS**, the Successor Agency's proposed advance and allocation of an additional portion of tax increment funds allocated for housing purposes in the total amount of \$369,637 toward payment of the debt service on the 2003 Bonds is based on the following justifications: (1) the Successor Agency has determined that there are no other funds available to the Successor Agency to make the full debt service payment by May 25, 2012; (2) the short term use of these funds as an advance will prevent a default on the 2003 Bonds as a whole (including the housing component of the bonds) and will preserve the tax exempt status of the 2003 Bonds; (3) the use of these funds is solely an advance and not a permanent use since the Successor Agency will use good faith efforts to replenish these funds by an equal amount within a few weeks later upon the Successor Agency's receipt of the June 1, 2012 property tax

payment from the County available for such purposes; (4) these funds are available as a reserve for payment of debt service on the 2003 Bonds and are needed by the Successor Agency to make the full debt service payment on the 2003 Bonds by May 25, 2012 in order to avoid a default; and (5) the alternative of defaulting on the 2003 Bonds will negatively affect the financial creditworthiness of the Successor Agency and possibly the City and would foreseeably create long term devastating financial impacts on the Successor Agency and possibly the City; and

**WHEREAS**, the action pursuant to this Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereinafter referred to as the "Guidelines"), and the City's environmental guidelines; and

**WHEREAS**, the action pursuant to this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the action pursuant to this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, pursuant to Section 15378(b)(5) of the Guidelines; and

**WHEREAS**, all of the prerequisites with respect to the approval of this Resolution have been met.

**NOW, THEREFORE, BE IT RESOLVED** by the Imperial Beach Redevelopment Agency Successor Agency, as follows:

- Section 1.** The foregoing recitals are true and correct and are a substantive part of this Resolution.
- Section 2.** The adoption of this Resolution is not intended to waive, and shall not constitute a waiver, by the Successor Agency of any rights that the Successor Agency may have to challenge the effectiveness and/or legality of all or any portion of AB X1 26, or any determinations rendered or actions or omissions to act by any public agency or government entity or division in the implementation of AB X1 26, through administrative or judicial proceedings.
- Section 3.** In the event that the County refuses to provide to the Successor Agency a payment of property taxes at least in the amount of \$369,637 prior to the due date of May 25, 2012 for the payment of debt service on the 2003 Bonds, the Executive Director, or designee, is hereby authorized and directed to advance and allocate an additional portion of tax increment funds allocated for housing purposes in the total amount of \$369,637 toward payment of the debt service on the 2003 Bonds and to use good faith efforts to replenish such funds by an equal amount upon receipt from the County of the June 1, 2012 property tax payment available for such purposes.
- Section 4.** The Executive Director, or designee, is hereby authorized and directed take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution on behalf of the Successor Agency.

**Section 5.** The Successor Agency determines that the action pursuant to this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the action pursuant to this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, pursuant to Section 15378(b)(5) of the Guidelines.

**Section 6.** This Resolution shall take effect upon the date of its adoption.

**PASSED, APPROVED, AND ADOPTED** by the Imperial Beach Redevelopment Agency Successor Agency at its meeting held on the 16<sup>th</sup> day of May 2012, by the following vote:

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

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**JAMES C. JANNEY**  
**CHAIRPERSON**

**ATTEST:**

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**JACQUELINE M. HALD, MMC**  
**SECRETARY**