



# 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**

**JUNE 20, 2012**

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

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

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

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

**CLOSED SESSION CALL TO ORDER**

**ROLL CALL BY CITY CLERK**

**CLOSED SESSION**

- 1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (8 CASES)**  
Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b)(3)(A)
  - 2. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (8 CASES)**  
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**

**COMMUNICATIONS FROM CITY STAFF**

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

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

**PRESENTATIONS (1.1)**

**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 Frank Concepcion.

**CONSENT CALENDAR (2.1-2.5)** - *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 Meetings of March 21, 2012 and May 2, 2012.

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

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 80617 through 80681 with a subtotal amount of \$1,405,421.61 and Payroll Checks 44672 through 44695 for a subtotal amount of \$147,539.49 for a total amount of \$1,552,961.10.

**2.3 RESOLUTION NO. 2012-7207 AUTHORIZING RENEWAL OF THE PARTNERSHIPS WITH INDUSTRY GROUP SERVICES AGREEMENT. (0920-20)**

City Manager's Recommendation: Adopt resolution.

**2.4 RESOLUTION NO. 2012-7220 AND 2012-7221 AFFIRMING AGREEMENT FOR LANDSCAPE MAINTENANCE WITHIN HIGHWAY RIGHT OF WAY ON STATE ROUTE 75 WITHIN THE CITY OF IMPERIAL BEACH. (0150-30 & 0740-10)**

City Manager's Recommendation: Adopt resolutions.

**2.5 RESOLUTION NO. 2012-7210 AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT THE 2009 ASSISTANCE TO FIREFIGHTERS GRANT FOR FIRE EQUIPMENT. (0250-05 & 0390-88)**

City Manager's Recommendation: Adopt resolution.

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

None.

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

None.

**PUBLIC HEARINGS (5.1)**

**5.1 SPITZER (OWNER/APPLICANT); VARIANCE (VAR 120013) TO CONSTRUCT A PORTION OF A DETACHED TWO-CAR GARAGE WITHIN THE FRONT YARD SETBACK AT 387 BONITO AVENUE (APN 625-110-21-00) IN THE R-1-6000 (SINGLE-FAMILY RESIDENTIAL) ZONE. MF 1092. (0600-20)**

City Manager's Recommendation:

1. Consider public testimony at the advertised public hearing and
2. Consider adoption of Resolution No. 2012-7206, approving Variance (VAR 120013) which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

## **REPORTS (6.1-6.8)**

- 6.1 RESOLUTION NO. 2012-7213 AMENDING THE FISCAL YEAR 2012-2013 BUDGET AND RE-ESTABLISHING THE GANN LIMIT. (0330-30)**  
City Manager's Recommendation: Adopt resolution.
- 6.2 ASSESSMENT DISTRICT FORMATION. (0465-05)**  
City Manager's Recommendation: Receive report and provide direction, if any related to specific types of assessments the Council would like to review in more detail. If Council does provide direction, our office can do the research and provide more specific guidance on a particular type of assessment district.
- 6.3 RESOLUTION NOS. 2012-7215 AND 2012-7222 AUTHORIZING THE FILING OF APPLICATIONS FOR FISCAL YEAR 2011-2012 ACTIVE TRANSPORTATION GRANT PROGRAM FUNDS THROUGH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS. (0140-40 & 0680-20)**  
City Manager's Recommendation: Receive report and adopt resolutions.
- 6.4 RESOLUTION NO. 2012-7214 AWARDED CONTRACT FOR CAPITAL IMPROVEMENT PROJECT RTIP FY 10-11 (STREET IMPROVEMENTS) S11-101 CONSTRUCTION. (0680-80 & 0720-10)**  
City Manager's Recommendation: Receive report and adopt resolution.
- 6.5 RESOLUTIONS 2012-7208 & 2012-7209, AUTHORIZING THE CITY MANAGER TO SIGN AGREEMENTS FOR SCHOOL RESOURCE OFFICER SERVICES WITH THE SWEETWATER UNION HIGH SCHOOL DISTRICT AND SOUTH BAY UNION SCHOOL DISTRICT, RESPECTIVELY. (0260-10 & 1010-20)**  
City Manager's Recommendation: Receive report and adopt resolutions.
- 6.6 RESOLUTION NO. 2012-7212 AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT AN APPLICATION FOR THE 2012 ASSISTANCE TO FIREFIGHTERS GRANT FOR THE PURPOSE OF ACQUIRING A NEW FIRE ENGINE. (0250-05 & 0390-88)**  
City Manager's Recommendation: Receive report and adopt resolution.
- 6.7 RESOLUTION 2012-7211 AUTHORIZING THE CITY MANAGER TO EXTEND THE AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE CITY OF IMPERIAL BEACH FOR THE PURPOSE OF PROVIDING ANIMAL SHELTER AND ANIMAL CONTROL SERVICES THROUGH FISCAL YEAR 2012/2013. (0200-10)**  
City Manager's Recommendation: Receive report and adopt resolution.
- 6.8 NOVEMBER 6, 2012 GENERAL MUNICIPAL ELECTION RESOLUTIONS. (0430-40)**  
City Manager's Recommendation: That the City Council adopts the following resolutions:
1. Resolution No. 2012-7216 calling for the holding of a General Municipal Election to be held on Tuesday, November 6, 2012 for the election of certain officers as required by the provisions of the laws of the State of California relating to general law cities;
  2. Resolution No. 2012-7217 requesting the Board of Supervisors of the County of San Diego to consolidate a General Municipal Election to be held on Tuesday, November 6, 2012, with the Statewide General Election to be held on the same date pursuant to §10403 of the Elections Code;
  3. Resolution No. 2012-7218 adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at an election to be held on Tuesday, November 6, 2012; and
  4. Resolution No. 2012-7219 adopting a procedure to resolve tie votes by lot.

**I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7)**

None.

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

**ADJOURNMENT**

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

FOR YOUR CONVENIENCE, A COPY OF THE AGENDA AND COUNCIL MEETING PACKET MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK AT CITY HALL OR ON OUR WEBSITE AT [www.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:** 6/20/2012  
**ORIGINATING DEPT.:** PUBLIC WORKS *HB*  
**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 5/23/2012, City inspectors canvassed the 1100 block of Downing St. in search of a Recycle All-Star. The following resident was selected as the Recycle All-Star for the month of June: Frank Concepcion and family.

The above resident has been notified of his/her award by telephone and invited to accept the Recycle All-Star award at the 6/20/2012 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 Frank Concepcion.

**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**

**MARCH 21, 2012**

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

***CLOSED SESSION MEETING – 4:45 p.m.  
REGULAR MEETING – 6:00 p.m.***

**CLOSED SESSION CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 4:46 p.m.

**ROLL CALL**

Councilmembers present: Bilbray, King, Bragg  
Councilmembers absent: None  
Mayor present: Janney  
Mayor Pro Tem present: Spriggs (arrived at 5:15 p.m.)  
Staff present: City Manager Brown, City Attorney Lyon, City Clerk Hald

**CLOSED SESSION**

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

- 1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (8 CASES)**  
Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b)(3)(A)
- 2. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (8 CASES)**  
Initiation of Litigation pursuant to Govt. Code Section 54956.9(c)
- 3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
Property: 776 10<sup>th</sup> Street, Imperial Beach, CA 91932 (APN 626-282-12)  
Agency Negotiator: City Manager, City Attorney  
Negotiating Party: San Diego Habitat for Humanity  
Under Negotiation: Price and terms of payment

**MOTION CARRIED BY THE FOLLOWING VOTE:**

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

MAYOR JANNEY adjourned the meeting to Closed Session at 4:47 p.m. and he reconvened the meeting to Open Session at 6:00 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council discussed Item Nos. 1 through 3, direction was given and no reportable action was taken.

**REGULAR MEETING CALL TO ORDER**

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

March 21, 2012

**ROLL CALL BY CITY CLERK**

|                         |   |
|-------------------------|---|
| Councilmembers present: | Bilbray, King, Bragg                                    |
| Councilmembers absent:  | None  |
| 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 BRAGG, TO PULL CONSENT CALENDAR ITEM NO. 2.4 FOR DISCUSSION AT THE END OF THE AGENDA. MOTION CARRIED UNANIMOUSLY.**

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

COUNCILMEMBER BRAGG reported that the rehabilitation of the MTS Blue Line is underway.

**COMMUNICATIONS FROM CITY STAFF**

None.

**PUBLIC COMMENT**

None.

**PRESENTATIONS (1.1-1.3)**

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

MAYOR JANNEY announced Serge Dedina and Emily Young as recipients of the EDCO Recycle All-Star Award, which includes a \$100 check and other premiums. They were not in attendance.

**1.2\* PRESENTATION ON THE KEEVER-SELLERS EDUCATION ACTIVITY CENTER BY COUNTY SUPERVISOR GREG COX. (0150-20 & 0680-20)**

COUNTY SUPERVISOR GREG COX spoke about how boyhood friends Charlie Kever and Jonathan Sellers, murdered 19 years ago in the South Bay, will have a county park in their names. It will be known as the Kever & Sellers Educational Activity Center and will be located adjacent to the Bayshore Bikeway.

AARON BARLING, Senior Park Project Manager for the County of San Diego, gave a Power Point presentation on the item. He gave an overview of the project design and timeline.

ANDY YUEN, Project Leader for the San Diego National Wildlife Refuge, stated students will have the opportunity to participate in environmental educational activities such as the Habitat Heroes program, where they will restore the site by planting native plants.

March 21, 2012

**1.3\* PRESENTATION ON THE FINDINGS OF THE REGIONAL VISION INITIATIVE'S SHOWYOURLOVESD.ORG ON-LINE SURVEY BY LORI HOLT-PFEILER, ASSOCIATE VICE PRESIDENT OF THE REGIONAL VISION INITIATIVE. (0140-85)**

LORIE HOLT-PFEILER, Associate Vice President of the Regional Vision Initiative, gave a Power Point presentation on the item.

**CONSENT CALENDAR (2.1-2.7)**

MAYOR JANNEY announced that he would recuse himself from voting on Item No. 2.5 due to a potential conflict of interest.

A revised staff report and resolution for Item No. 2.5 were submitted as last minute agenda information.

**MOTION BY SPRIGGS, SECOND BY KING, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.3, 2.6 AND 2.7. MOTION CARRIED UNANIMOUSLY.**

**WITH REGARD TO ITEM NO. 2.5, MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**NOES: COUNCILMEMBERS: NONE**

**ABSENT: COUNCILMEMBERS: NONE**

**DISQUALIFIED: COUNCILMEMBERS: JANNEY (DUE TO A POTENTIAL CONFLICT OF INTEREST)**

**2.1 MINUTES.**

Approved the minutes of the Regular Meeting of December 7, 2011.

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

Ratified the following registers: Accounts Payable Numbers 80053 through 80140 with a subtotal amount of \$105,131.37 and Payroll Checks 44505 through 44526 for a subtotal amount of \$138,001.62 for a total amount of \$243,132.99.

**2.3 RESOLUTION NO. 2012-7168 AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT (AMENDMENT NO. 1) TO THE LEASE BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF IMPERIAL BEACH FOR THE DEMPSEY HOLDER SAFETY CENTER. (0150-70 & 0910-20)**

Adopted resolution.

**2.5 RESOLUTION NO. 2012-7170 SETTING THE TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER ADOPTION OF THE INTEGRATED SOLID WASTE MANAGEMENT SERVICES MAXIMUM FEE INCREASE REQUESTED BY EDCO DISPOSAL CORPORATION. (0270-40)**

Adopted resolution.

**2.6 RESOLUTION NO. 2012-7171 APPROVING THE ENGINEER'S REPORT FOR PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS WITH A SPECIAL ASSESSMENT DISTRICT – AD 67M. (0345-10)**

Adopted resolution.

**2.7 RESOLUTION NO. 2012-7172 DECLARING INTENT TO PROVIDE AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS IN A SPECIAL ASSESSMENT DISTRICT (AD 67M) AND SETTING A TIME AND A PLACE FOR THE PUBLIC HEARING THEREON. (0345-10)**

Adopted resolution.

March 21, 2012

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

None.

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

None.

**PUBLIC HEARINGS (5.1-5.2)**

**5.1 RESOLUTION NO. HA-12-11 APPROVING AN AFFORDABLE HOUSING AGREEMENT AND ACCEPTING PROPERTY FROM THE CITY FOR THE DEVELOPMENT OF 6 SEMI-DETACHED FOR SALE HOUSES LOCATED AT 776 10<sup>TH</sup> STREET (APN 626-282-12) AND ADOPTION OF RESOLUTION NO. 2012-7175 MAKING CERTAIN FINDINGS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33433, APPROVING OF THE AFFORDABLE HOUSING AGREEMENT AND AUTHORIZING THE TRANSFER OF THE 10<sup>TH</sup> & DONAX PROPERTY FROM THE CITY TO THE HOUSING AUTHORITY. (0660-10)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported on the item and displayed the site plan. He announced correspondence from San Diego Habitat for Humanity, requesting \$100,000 currently earmarked for this project be transferred to the Florida Street project, was submitted as last minute agenda information. He noted that staff is not asking City Council to authorize the \$100,000 transfer. He further stated that the resolution and agreement under consideration list a grant amount not to exceed \$500,000 and that the result may be that this project receives a \$400,000 conditional grant rather than \$500,000.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

**MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2012-7175 MAKING CERTAIN FINDINGS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33433, APPROVING OF THE AFFORDABLE HOUSING AGREEMENT AND AUTHORIZING THE TRANSFER OF THE 10<sup>TH</sup> & DONAX PROPERTY FROM THE CITY TO THE HOUSING AUTHORITY. MOTION CARRIED UNANIMOUSLY.**

**MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. HA-12-11 APPROVING AN AFFORDABLE HOUSING AGREEMENT AND ACCEPTING PROPERTY FROM THE CITY FOR THE DEVELOPMENT OF 6 SEMI-DETACHED FOR SALE HOUSES LOCATED AT 776 10<sup>TH</sup> STREET (APN 626-282-12). MOTION CARRIED UNANIMOUSLY.**

**5.2 RESOLUTION NO. 2012-7173 ADJUSTING A REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PLAN (RTCIP) FEE FOR FISCAL YEAR 2012-2013. (0680-95)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

March 21, 2012

MAYOR JANNEY reported on the item.

PUBLIC WORKS DIRECTOR LEVIEN explained that the funds can only be spent on a major arterial street and stated the major arterial street in Imperial Beach is Palm Ave.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

**MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2012-7173 ADJUSTING A REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PLAN (RTCIP) FEE FOR FISCAL YEAR 2012-2013. MOTION CARRIED UNANIMOUSLY.**

**REPORTS (6.1-6.3)**

**6.1 IMPERIAL BEACH BOULEVARD NEAR 5<sup>TH</sup> STREET PROPOSED CROSSWALK DESIGN. (0750-30)**

CITY MANAGER BROWN introduced the item.

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

City Council discussion ensued.

In response to concerns of City Council, staff will return with bids on the Sports Park Crosswalk, the costs and feasibility for providing imbedded crosswalk lights and will consider adding two more disabled parking stalls to the southern portion of the parking lot.

**6.2 RESOLUTION NO. 2012-7174 APPROVING CHANGE ORDER NO. 3 TO THE FY 09-10 ANNUAL MAIN LINE REPAIR – GROUTING AND LINING - CAPITAL IMPROVEMENT PROGRAM PROJECT CIP W10-101 AND W10-201 AND AUTHORIZING THE TRANSFER OF \$13,500 FROM THE SEWER ENTERPRISE FUND RESERVE TO CIP PROJECT W10-101 AND W10-201. (0830-10)**

CITY MANAGER BROWN introduced the item.

In response to concerns of City Council, staff will proceed with the main line repair and contact the Port of San Diego to request reimbursement for the Palm Avenue Street End sewer repair.

**MOTION BY BILBRAY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2012-7174 APPROVING CHANGE ORDER NO. 3 TO THE FY 09-10 ANNUAL MAIN LINE REPAIR – GROUTING AND LINING – CAPITAL IMPROVEMENT PROGRAM PROJECT CIP W10-101 AND W10-201 AND AUTHORIZING THE TRANSFER OF \$13,500 FROM THE SEWER ENTERPRISE FUND RESERVE TO CIP PROJECT W10-101 AND W10-201. MOTION CARRIED UNANIMOUSLY.**

**6.3 OPTIONS AND COSTS FOR VARIOUS SEACOAST DRIVE PEDESTRIAN-SCALE STREET LIGHT SCENARIOS. (0720-60)**

CITY MANAGER BROWN introduced the item.

March 21, 2012

PUBLIC WORKS DIRECTOR LEVIEN announced correspondence from Allison Rolfe, Planning Director for Pacifica, was submitted as last minute agenda information. He gave a Power Point presentation on the item, reviewed the seven options for pedestrian oriented street lighting as listed on the staff report and spoke of an eighth option (not listed on the staff report) of installing behind sidewalk infrastructure only.

MATT MORGAN, representing I.B. Forum, indicated that he was in support for pedestrian scale street lighting. He was not available to speak.

BOB MILLER thanked staff for returning to City Council with pedestrian street lighting options, spoke in support for installation of pedestrian street lighting down the entire street and favored option 7 with option 1 as the alternative.

DAVE VAN DE WATER stated that he was pleased with the letter submitted by Allison Rolfe. He spoke in support for option 7 and warned that there may be a need to wash off solar panels on a periodic basis due to the salt dew that occurs in a coastal environment.

KITT WILLIAMS supported the installation of pedestrian street lighting from Palm Ave. to Imperial Beach Blvd. She stated that she favored the solar lighting option because it is the least expensive alternative and would bring desirable publicity to the City as a leader in the use of solar energy.

PAUL A. MESCHLER spoke in support for any effort to improve Seacoast Drive and any lighting option that is economically feasible.

PUBLIC WORKS LEVIEN stated that if City Council selected an option between 1 and 6 there would be a substantial delay in completing the project and in expending funds. He noted that the longer the project is delayed, the more opportunity there is for the funds to be reclaimed by the state.

COUNCILMEMBER KING expressed concern about the funds being in jeopardy if the project does not move forward. He questioned the status of the nighttime renderings and spoke about building exterior lighting which is a type of lighting that has not been considered. He favored options 8 and 7.

MAYOR JANNEY stated that there is a process for establishing the list of CIP projects and he noted that pedestrian scale street lighting was not on the list. He supported a review of the entire CIP and not a review of just one project. He also noted that pedestrian scale street lighting ranked 10 out of 11 on the Landscape Design Guidelines for Seacoast Drive. He did not support the project.

MAYOR PRO TEM SPRIGGS spoke about the opportunity to enhance the community at night and to promote a pedestrian friendly environment with pedestrian scale street lighting. He spoke in support for a solar solution that does not delay the main project, supplementing the shepherds hook lighting with pedestrian scale solar lighting, and having staff return with feasibility plans, design options, and answers to technical questions regarding exposure to the weather/environment and cleaning of the panels.

**MOTION BY SPRIGGS, SECOND BY BRAGG, TO PROCEED WITH SOLAR POWERED PEDESTRIAN ORIENTED STREET LIGHTS (OPTION 7).**

March 21, 2012

City Council discussion ensued.

PUBLIC WORKS DIRECTOR LEVIEN stated that the cost for option 7 is approximately \$100,000.

MAYOR PRO TEM SPRIGGS spoke in support for tying the solar pedestrian scale street lighting into the existing project rather than studying the matter for future installation.

**VOTES WERE NOW CAST ON ORIGINAL MOTION BY SPRIGGS, SECOND BY BRAGG, TO PROCEED WITH SOLAR POWERED PEDESTRIAN ORIENTED STREET LIGHTS (OPTION 7). MOTION FAILED BY THE FOLLOWING VOTE:**

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

**MOTION BY SPRIGGS, SECOND BY BRAGG, TO ASK STAFF TO COME BACK WITH A PROPOSAL TO INSTALL A SOLAR SOLUTION OR OPTION 8 AT SOME POINT IN THE NEAR FUTURE, WAIT UNTIL THE PROJECT HAS PROCEEDED FAR ENOUGH TO ESTIMATE THE REMAINING FUNDS THAT ARE UNENCUMBERED, AND UTILIZE THOSE REMAINING FUNDS TO COMPLETE THE PEDESTRIAN LIGHTING ON SEACOAST DRIVE ONCE SURE THAT THE EXISTING PROJECT HAS BEEN COMPLETED.**

City Council discussion ensued.

COUNCILMEMBER KING spoke about the CIP process, noted that the item is ranked 10 of 11 on the Landscape Design Guidelines for Seacoast Drive, and that no one has suggested or considered a lighting district. He stated that he cannot support the item.

COUNCILMEMBER SPRIGGS explained that the item was ranked 10 out of 11 because there wasn't enough funding to do the project. Since there is funding available now, he encouraged City Council to support the project.

MAYOR JANNEY asked Mayor Pro Tem Spriggs to restate his motion.

**MAYOR PRO TEM SPRIGGS MADE THE FOLLOWING MODIFIED MOTION:**

**IN 2 MONTHS OR A PERIOD CLOSER THAN 2 MONTHS, WHERE THE PUBLIC WORKS DEPARTMENT FEELS THAT THIS PROJECT (PROJECT 3) IS SAFELY FUNDED, PUBLIC WORKS WILL BRING BACK TO CITY COUNCIL PROPOSALS FOR PEDESTRIAN SCALE LIGHTING THAT CAN FIT WITHIN THE REMAINING FUNDS OF THIS PROJECT AND ANY OTHER SEACOAST DRIVE IMPROVEMENT ACTIVITIES UNDER PROJECT 3 TO UTILIZE THOSE FUNDS MOST EFFECTIVELY.**

**MOTION SECONDED BY BRAGG.**

**MOTION FAILED BY THE FOLLOWING VOTE:**

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

MAYOR JANNEY asked staff to return to City Council with a review of the CIP.

March 21, 2012

**I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7)**

None.

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

**2.4 RESOLUTION NO. 2012-7169 DECLARING APRIL AS “ENVIRONMENTAL AWARENESS MONTH” IN THE CITY OF IMPERIAL BEACH. (0230-40)**

CITY MANAGER BROWN introduced the item.

COUNCILMEMBER BILBRAY suggested that staff send a letter to all legislative representatives informing them of Environmental Awareness Month and the ongoing binational effort to address water pollution in Imperial Beach.

**MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2012-7169 DECLARING APRIL AS “ENVIRONMENTAL AWARENESS MONTH” IN THE CITY OF IMPERIAL BEACH. MOTION CARRIED UNANIMOUSLY.**

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 9:06 p.m.

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James C. Janney, Mayor

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Jacqueline M. Hald, MMC  
City Clerk

**DRAFT**

**MINUTES**

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

**MAY 2, 2012**

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

***CLOSED SESSION MEETING – 5:30 p.m.  
REGULAR MEETING – 6:00 p.m.***

**CLOSED SESSION CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 5:33 p.m.

**ROLL CALL BY CITY CLERK**

|                         |  |
|-------------------------|--|
| Councilmembers present: | Bilbray (arrived at 5:38 p.m.), King, Bragg                    |
| Councilmembers absent:  | None   |
| Mayor present:          | Janney   |
| Mayor Pro Tem present:  | Spriggs  |
| Staff present:          | City Manager Brown, Deputy City Attorney Park, City Clerk Hald |

**CLOSED SESSION**

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

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(a) (1 case)  
Charge No. 488-2012-00162

**MOTION CARRIED BY THE FOLLOWING VOTE:**

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

MAYOR JANNEY adjourned the meeting to Closed Session at 5:34 p.m. and he reconvened the meeting to Open Session at 6:00 p.m.

Reporting out of Closed Session, DEPUTY CITY ATTORNEY PARK announced City Council discussed the Closed Session item, direction was given and no reportable action was taken.

**REGULAR MEETING CALL TO ORDER**

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

**ROLL CALL BY CITY CLERK**

|                         |  |
|-------------------------|--|
| Councilmembers present: | Bilbray, King, Bragg   |
| Councilmembers absent:  | None   |
| Mayor present:          | Janney   |
| Mayor Pro Tem present:  | Spriggs  |
| Staff present:          | City Manager Brown, Deputy City Attorney Park, City Clerk Hald |

May 2, 2012

**PLEDGE OF ALLEGIANCE**

MAYOR JANNEY led everyone in the Pledge of Allegiance.

**AGENDA CHANGES**

**MOTION BY BILBRAY, SECOND BY BRAGG, TO TAKE ITEM NO. 6.1 IMMEDIATELY AFTER ITEM NO. 1.1 AND TO PULL ITEM NO. 6.5 OFF THE AGENDA. MOTION CARRIED UNANIMOUSLY.**

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

COUNCILMEMBER BRAGG reported on her attendance at the recent MTS meeting. She stated that MTS anticipates serving approximately 90 million passengers in 2013, MTS has one of the best fare box recovery rates in the nation, and cautioned riders that there has been an increase in cell phone thefts.

MAYOR JANNEY distributed information on the San Diego Regional Beach Sand Project that was prepared by SANDAG and asked staff to post the information on the City's website. He announced that the toll rates for SR 125 will be discussed at the SANDAG Transportation Meeting. He spoke about the need for MTS to upgrade the Blue Line with low-floor trolleys.

**COMMUNICATIONS FROM CITY STAFF**

LIEUTENANT GARMO reported that the recent threats of a rooftop shooter and bombs planted at Mar Vista High School were a hoax.

**PUBLIC COMMENT**

None.

**PRESENTATIONS (1.1)**

**1.1 PRESENTATION OF PROCLAMATION TO DAN MARTIN, SANDAG PROJECT IMPLEMENTATION PROGRAM MANAGER, IN RECOGNITION OF NATIONAL BIKE MONTH – MAY 2012. (0410-30)**

MAYOR JANNEY presented DAN MARTIN, SANDAG Project Implementation Program Manager, with a proclamation in recognition of National Bike Month – May 2012.

**REPORTS (6.1)**

**6.1 PROPOSED BSA EAGLE PROJECT PRESENTATION. (0940-10)**

CITY MANAGER BROWN introduced the item.

EVAN NICHOLS, Eagle Scout Candidate, gave a Power Point presentation on the item.

**CONSENSUS OF CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO SIGN THE EAGLE PROJECT PLAN FOR MR. NICHOLS TO CONTINUE THE PROJECT DEVELOPMENT AND CONSTRUCTION AS APPROVED BY CITY COUNCIL AND CITY STAFF.**

May 2, 2012

**CONSENT CALENDAR (2.1-2.3)**

**MOTION BY BRAGG, SECOND BY SPRIGGS, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.3. MOTION CARRIED UNANIMOUSLY.**

**2.1 MINUTES.**

Approved the minutes of the Regular Meeting of April 18, 2012.

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

Ratified the following registers: Accounts Payable Numbers 80326 through 80428 with a subtotal amount of \$308,967.19 and Payroll Checks 44572 through 44596 for a subtotal amount of \$145,254.71 for a total amount of \$454,221.90.

**2.3 RESOLUTION NO. 2012-7191 ADOPTING FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND CYNTHIA TITGEN FOR BENEFIT CONSULTANT SERVICES. (0530-60)**

Adopted resolution.

**ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARINGS (3.1-3.2)**

**3.1 PUBLIC HEARING TO CONSIDER 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. (0830-95)**

MAYOR JANNEY declared the public hearing open.

FINANCE DIRECTOR MCGRANE gave a Power Point presentation on the item and he responded to questions of City Council regarding the percentage of funds kept in reserves.

In response to Mayor Pro Tem Spriggs' concern about the future costs to Imperial Beach for upgrading the Point Loma Treatment Plant, PUBLIC WORKS DIRECTOR LEVEIN stated that he is watching the situation closely and that a consultant will conduct a sewer rate study and consider the anticipated costs associated with the upgrade.

CITY CLERK HALD announced no speaker slips were submitted.

**MOTION BY SPRIGGS, SECOND BY BILBRAY, TO CLOSE THE THE PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.**

DEPUTY CITY ATTORNEY PARK announced one (1) protest letter was received and advised City Council to proceed with the item.

CITY CLERK HALD read 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."

**MOTION BY KING, SECOND BY BILBRAY, TO DISPENSE FIRST READING OF ORDINANCE NO. 2012-1128 BY TITLE ONLY AND SET THE MATTER OF ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.**

May 2, 2012

**3.2 FIRST READING/INTRODUCTION OF ORDINANCE NO. 2012-1127 AND PUBLIC HEARING/ADOPTION OF RESOLUTION NO. 2012-7188: REX BUTLER FOR BIKEWAY VILLAGE LLC (APPLICANT) AND THE CITY OF IMPERIAL BEACH: DESIGN REVIEW (DRC) 100006, GENERAL PLAN AMENDMENT (GPA)/LOCAL COASTAL PROGRAM AMENDMENT (LCPA) 100007/ ZONING CODE AMENDMENT (ZCA) 100008/ SITE PLAN REVIEW (SPR) 100009 AND MITIGATED NEGATIVE DECLARATION (EIA 100010) 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)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item and noted that the property adjacent to the Bikeway Village project was recently purchased by the applicant.

CITY PLANNER NAKAGAWA gave a Power Point presentation on the item.

JACKI FARRINGTON, Board Member for the Bayside Villas Homeowners Association, stated she was not opposed to the project. She desired a project that dovetailed with ecotourism and with the future plans for Pond 20 and she expressed concern about a potential increase in noise and traffic.

COUNTY SUPERVISOR GREG COX spoke in support for the project.

City Council discussion ensued. Appreciation was expressed to Rex Butler for presenting a signature project for Imperial Beach.

CITY PLANNER NAKAGAWA reviewed the project timeline.

MAYOR JANNEY encouraged staff to engage with the California Coastal Commission as soon as possible to keep the project moving forward. He also spoke about City Council being advocates for projects that make Imperial Beach a better place.

MAYOR PRO TEM SPRIGGS supported a proactive approach for accelerating projects in order to expedite new investment into the community.

MAYOR JANNEY closed the public hearing.

**MOTION BY JANNEY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2012-7188 APPROVING THE PROPOSED GENERAL PLAN/LOCAL COASTAL PROGRAM AMENDMENT (GPA 100007), FINDING AND CERTIFYING THAT THE PROPOSED ZONING AMENDMENT IS CONSISTENT WITH THE COASTAL ACT, APPROVING THE DESIGN REVIEW (DRC 100006) AND SITE PLAN REVIEW (SPR 100009) APPLICATIONS, AND CERTIFYING THE MND (SCH# 2012031034), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.**

MAYOR JANNEY called for the first reading of the title of Ordinance No. 2012-1127.

May 2, 2012

CITY CLERK HALD read 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. MF 1034."

**MOTION BY SPRIGGS, SECOND BY BRAGG, TO WAIVE FURTHER READING OF ORDINANCE NO. 2012-1127 AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.**

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

**4.1 SECOND READING AND ADOPTION ORDINANCE NO. 2012-1126 ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES ON PUBLIC PROPERTY) TO THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES. (0750-95)**

CITY MANAGER BROWN introduced the item.

PUBLIC SAFETY DIRECTOR CLARK responded to questions of City Council.

MAYOR JANNEY called for the second reading of the title of Ordinance No. 2012-1126.

CITY CLERK HALD read the title of Ordinance No. 2012-1126 "AN ORDINANCE ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES IN PUBLIC PROPERTY) THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES."

**MOTION BY SPRIGGS, SECOND BY BRAGG, TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2012-1126. MOTION CARRIED UNANIMOUSLY.**

**PUBLIC HEARINGS (5.1)**

**5.1 PUBLIC HEARING RELATING TO THE LEVY OF ANNUAL ASSESSMENTS FOR ASSESSMENT DISTRICT NO. 67M. (0345-10)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item. He noted a correction to Resolution No. 2012-7189, Page 2, Section 7 where it states 2011 should be corrected to read 2012.

In response to concerns of City Council regarding the current assessment rate not fully covering the cost to maintain the district, that the City contributes General Fund money to help cover the annual costs, and their questions regarding how to increase the assessment rate, CITY MANAGER BROWN stated that staff will return to City Council with information on assessment district procedures.

CITY CLERK HALD announced no public speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

May 2, 2012

**MOTION BY BILBRAY, SECOND BY KING, TO APPROVE AND ADOPT RESOLUTION NO. 2012-7189 CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE LEVY OF THE ANNUAL ASSESSMENT IN A SPECIAL MAINTENANCE DISTRICT (AD 67M). MOTION CARRIED UNANIMOUSLY.**

**REPORTS (6.2-6.5)**

**6.2 ACTIVE TRANSPORTATION GRANT APPLICATION FOR ECO BIKEWAY 7<sup>th</sup> & SEACOAST (PALM AVENUE FROM 7<sup>TH</sup> STREET TO 3<sup>RD</sup> STREET) AND (7<sup>TH</sup> STREET FROM BAYSHORE BIKEWAY TO PALM AVENUE) CIP CONSTRUCTION PROJECT (SO5-104). (0680-20)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item.

COUNCILMEMBER BRAGG stated that she did not support the item because she is opposed to the reduction of lanes on Palm Ave.

**MOTION BY JANNEY, SECOND BY BILBRAY, TO DIRECT STAFF TO PREPARE AN “ACTIVE TRANSPORTATION GRANT” APPLICATION FOR THE PURPOSE OF CONVERTING PALM AVENUE CONSISTENT WITH THE CITY’S BTP.**

City Council discussion.

MAYOR PRO TEM SPRIGGS stated that approximately one year ago a traffic study was presented to City Council on the impacts to traffic flow by the narrowing of Palm Ave. to one lane each way. He stated that the issue is still a concern for him and suggested that staff monitor the traffic after the project is completed. If there is a problem with traffic and safety, other mitigation measures should be considered at that time.

COUNCILMEMBER BILBRAY supported the financial assistance for paving the roads although the reduction of the lanes and potential impacts to traffic is a concern.

COUNCILMEMBER KING supported the project because the reduction of lanes is a traffic calming measure and there would be a connection to the beach from the Bayshore Bikeway.

**VOTES WERE NOW CAST ON ORIGINAL MOTION BY JANNEY, SECOND BY BILBRAY, TO DIRECT STAFF TO PREPARE AN “ACTIVE TRANSPORTATION GRANT” APPLICATION FOR THE PURPOSE OF CONVERTING PALM AVENUE CONSISTENT WITH THE CITY’S BTP. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**NOES: COUNCILMEMBER: BRAGG**

**ABSENT: COUNCILMEMBER: NONE**

**6.3 BUDGET IDEAS FOR SPORTS PARK RECREATION CENTER. (0390-55 & 0920-40)**

A revised staff report and attachment 1 was submitted as last minute agenda information.

CITY MANAGER BROWN introduced the item.

May 2, 2012

RECREATION PROGRAM COORDINATOR COATES gave a Power Point presentation on the item.

In response to City Council's comments and concerns, CITY MANAGER BROWN stated staff will review the savings listed under items 1 and 2 of the staff report to ensure there is no overlap, contact the Navy about the possibility of an agreement for them to use the Sports Park facility for recreational programs, and return to City Council in June to consider revenue concepts and adoption of the fee schedule.

**6.4 ADOPTION OF RESOLUTION 2012-7187, AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING FOR SCHOOL RESOURCE OFFICER SERVICES WITH THE SWEETWATER UNION HIGH SCHOOL DISTRICT. (0260-10 & 1010-20)**

CITY MANAGER BROWN introduced the item and noted that there was a reluctance by the school district to pay their fair share for the school resource officer.

PUBLIC SAFETY DIRECTOR CLARK reported on the item and recommended adoption of the resolution approving the agreement and to allow staff to continue with negotiations.

City Council discussion ensued. Concern was raised about the City's share for funding for the school resource officer position. It was stressed that funding is a policy decision and that staff is to negotiate in the best interest of the community.

**MOTION BY JANNEY, SECOND BY BILBRAY, TO ADOPT RESOLUTION 2012-7187, AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING FOR SCHOOL RESOURCE OFFICER SERVICES WITH THE SWEETWATER UNION HIGH SCHOOL DISTRICT. MOTION CARRIED UNANIMOUSLY.**

**6.5 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. (0720-25)**

Item pulled from the agenda by prior City Council action.

**I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7)**

None.

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

None.

**ADJOURNMENT**

Mayor Janney adjourned the meeting at 8:16 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:** June 20, 2011

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

**SUBJECT:** RATIFICATION OF WARRANT REGISTER

**BACKGROUND:**

None

**DISCUSSION:**

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

| Vendor            | Check | Amount       | Description                             |
|-------------------|-------|--------------|---|
| City of San Diego | 80620 | \$596,736.00 | 4 <sup>th</sup> Qtr Metro Sewage System |
| Southland Paving  | 80639 | \$578,531.12 | IB St Improvement Phase 4/5             |

**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> |                  |                               |
| 80617-80644             | 05/31/12         | \$ 1,261,163.65               |
| 80645-80681             | 06/08/12         | 144,257.96                    |
|                         | <b>Sub-Total</b> | <b><u>\$ 1,405,421.61</u></b> |

**PAYROLL CHECKS:**

|             |                 |                               |
|-------------|-----------------|-------------------------------|
| 44672-44695 | P.P.E. 05/31/12 | \$ 147,539.49                 |
|             |                 | <b><u>\$ 147,539.49</u></b>   |
|             | <b>TOTAL</b>    | <b><u>\$ 1,552,961.10</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.

A handwritten signature in cursive script, reading "Gary Brown", written over a horizontal line.

Gary Brown, City Manager

Attachments:

1. Warrant Registers

PREPARED 06/11/2012, 8:24:43  
 PROGRAM: GM350L  
 CITY OF IMPERIAL BEACH

A/P CHECKS BY PERIOD AND YEAR  
 FROM 05/26/2012 TO 06/08/2012

PAGE 1

BANK CODE 00

| CHECK DATE         | CHECK NUMBER | VENDOR NAME                   | VENDOR #   | CHECK AMOUNT   |            |
|--------------------|--------------|-------------------------------|------------|----------------|------------|
| ACCOUNT #          | TRN DATE     | DESCRIPTION                   | INVOICE    | PO # PER/YEAR  | TRN AMOUNT |
| 05/31/2012         | 80617        | ADT SECURITY SERVICES, INC.   | 103        |                | 85.32      |
| 101-6010-451.21-04 | 05/12/2012   | JUN 2012                      | 71483457   | 120227 11/2012 | 85.32      |
| 05/31/2012         | 80618        | ALL AMERICAN SEWER TOOLS      | 1436       |                | 224.66     |
| 601-5060-436.28-01 | 05/02/2012   | FOOTAGE COUNTER VACTOR HO     | 21274      | 120061 11/2012 | 224.66     |
| 05/31/2012         | 80619        | AT&T                          | 2430       |                | 2,877.76   |
| 503-1923-419.27-04 | 05/20/2012   | 3372571583448                 | 3394932    | 11/2012        | 355.49     |
| 503-1923-419.27-04 | 05/20/2012   | 3393431504727                 | 3393324    | 11/2012        | 177.75     |
| 503-1923-419.27-04 | 05/20/2012   | 3393439371447                 | 3396022    | 11/2012        | 177.75     |
| 503-1923-419.27-04 | 05/20/2012   | 3393442323406                 | 3396331    | 11/2012        | 177.75     |
| 101-1210-413.27-04 | 05/17/2012   | 6194235034                    | 3385716    | 11/2012        | 16.20      |
| 101-3020-422.27-04 | 05/17/2012   | 6194237246664                 | 3384935    | 11/2012        | .73        |
| 101-5020-432.27-04 | 05/15/2012   | 6194238311966                 | 3381589    | 11/2012        | 8.59       |
| 101-3030-423.27-04 | 05/15/2012   | 6194238322966                 | 3381590    | 11/2012        | 4.64       |
| 503-1923-419.27-04 | 05/11/2012   | 6194243481712                 | 3361935    | 11/2012        | 15.76      |
| 101-1230-413.27-04 | 05/17/2012   | 6196281356950                 | 3384938    | 11/2012        | 17.40      |
| 101-1920-419.27-04 | 05/17/2012   | 6196282018442                 | 3384944    | 11/2012        | .10        |
| 601-5060-436.27-04 | 05/15/2012   | C602221236777                 | 3381581    | 11/2012        | 19.82      |
| 101-1920-419.27-04 | 05/15/2012   | C602224829777                 | 3382652    | 11/2012        | 100.44     |
| 101-1110-412.27-04 | 05/15/2012   | C602224831777                 | 3382654    | 11/2012        | 121.70     |
| 101-1020-411.27-04 | 05/15/2012   | C602224832777                 | 3382655    | 11/2012        | 58.43      |
| 101-1230-413.27-04 | 05/15/2012   | C602224833777                 | 3382656    | 11/2012        | 264.97     |
| 101-1130-412.27-04 | 05/15/2012   | C602224834777                 | 3382657    | 11/2012        | 67.42      |
| 101-1210-413.27-04 | 05/15/2012   | C602224835777                 | 3382658    | 11/2012        | 194.19     |
| 101-6030-453.27-04 | 05/15/2012   | C602224836777                 | 3382659    | 11/2012        | 77.64      |
| 101-6010-451.27-04 | 05/15/2012   | C602224837777                 | 3382660    | 11/2012        | 70.83      |
| 101-3020-422.27-04 | 05/15/2012   | C602224838777                 | 3382661    | 11/2012        | 291.73     |
| 101-3030-423.27-04 | 05/15/2012   | C602224839777                 | 3382662    | 11/2012        | 210.70     |
| 101-5020-432.27-04 | 05/15/2012   | C602224840777                 | 3382663    | 11/2012        | 298.62     |
| 601-5060-436.27-04 | 05/15/2012   | C602224841777                 | 3382664    | 11/2012        | 149.11     |
| 05/31/2012         | 80620        | CITY OF SAN DIEGO             | 896        |                | 596,736.00 |
| 601-5060-436.21-04 | 04/25/2012   | 4TH QTR-FY 2012 METRO         | 1000052112 | 11/2012        | 596,736.00 |
| 05/31/2012         | 80621        | CYNTHIA TITGEN                | 2340       |                | 175.00     |
| 101-1130-412.20-06 | 05/29/2012   | 05/19/12-05/20/12             | 05-29-2012 | 120101 11/2012 | 175.00     |
| 05/31/2012         | 80622        | DEPARTMENT OF CORRECTIONS AND | 169        |                | 14,634.95  |
| 101-6020-452.21-04 | 04/18/2012   | FEB 2012                      | 1800137649 | 120115 10/2012 | 4,624.11   |
| 101-6020-452.21-04 | 04/18/2012   | MAR 2012                      | 1800137654 | 120115 10/2012 | 5,205.15   |
| 101-6020-452.21-04 | 05/22/2012   | APR 2012                      | 1800147930 | 120115 11/2012 | 4,805.69   |
| 05/31/2012         | 80623        | FASTENAL                      | 909        |                | 22.66      |
| 501-1921-419.30-02 | 05/02/2012   | SHRINK WRAP-FLEET             | CACHU27622 | 120019 11/2012 | 22.66      |
| 05/31/2012         | 80624        | FIRE ETC                      | 924        |                | 266.72     |
| 101-3020-422.30-02 | 05/07/2012   | FIREHOSE REPAIR               | 35420      | 120299 11/2012 | 19.00      |
| 101-3020-422.30-02 | 05/11/2012   | PROGRESSIVE HOSE PACK         | 35617      | 120299 11/2012 | 247.72     |

| CHECK DATE         | CHECK NUMBER | VENDOR NAME                  | VENDOR #    | CHECK AMOUNT   |            |
|--------------------|--------------|------------------------------|-------------|----------------|------------|
| ACCOUNT #          | TRN DATE     | DESCRIPTION                  | INVOICE     | PO # PER/YEAR  | TRN AMOUNT |
| 05/31/2012         | 80625        | FRED KARSTEN JR              | 2           | 500.00         |            |
| 101-0000-221.01-03 | 05/22/2012   | REFUND MV DEPOST 05/19/12    | 6196        | 11/2012        | 500.00     |
| 05/31/2012         | 80626        | GEOCON INC.                  | 2206        | 3,620.00       |            |
| 402-5000-532.20-06 | 04/26/2012   | 03/19/12-04/15/12 ELM AVE    | 1204018     | 121035 10/2012 | 3,620.00   |
| 05/31/2012         | 80627        | GOOGLE, INC.                 | 2009        | 72.10          |            |
| 503-1923-419.20-06 | 05/05/2012   | APR/MAY 2012                 | 1871751     | 120229 11/2012 | 72.10      |
| 05/31/2012         | 80628        | GRAINGER                     | 1051        | 512.47         |            |
| 101-6020-452.28-01 | 05/11/2012   | PAINT/EAR PLUGS/PH HOLDER    | 9825795447  | 120020 11/2012 | 84.14      |
| 101-6020-452.28-01 | 05/11/2012   | ELECTRONIC BALLAST/LAMP      | 9826412414  | 120020 11/2012 | 300.97     |
| 101-1910-419.30-02 | 05/14/2012   | 6 ALIKE KEY PADLOCK          | 9827567612  | 120020 11/2012 | 88.19      |
| 101-6020-452.30-02 | 03/29/2012   | SPRAY PAINT                  | 9790720586  | 120020 09/2012 | 39.17      |
| 05/31/2012         | 80629        | HUDSON SAFE-T LITE RENTALS   | 2382        | 1,088.32       |            |
| 101-5010-431.21-23 | 05/01/2012   | SQUARE POSTS/ANCHORS/RIVE    | 00009496    | 120887 11/2012 | 1,088.32   |
| 05/31/2012         | 80630        | JESUS GONZALEZ               | 2172        | 276.05         |            |
| 101-1130-412.28-04 | 05/21/2012   | TUITION REIMBURSEMENT        | 2012-SPRING | 121034 11/2012 | 276.05     |
| 05/31/2012         | 80631        | KIM A MIKHAEL                | 1680        | 395.00         |            |
| 101-3010-421.20-06 | 05/15/2012   | 04/18/12 PRKNG ADMIN APPL    | 05-15-2012  | 120397 11/2012 | 125.00     |
| 101-3050-425.20-06 | 05/15/2012   | 01/18/12 ADMINISTRATION C    | 05-15-2012A | F12090 11/2012 | 135.00     |
| 101-3070-427.20-06 | 05/15/2012   | 4/18/12 ADMIN CIT APPEAL     | 05-15-2012  | F12089 11/2012 | 135.00     |
| 05/31/2012         | 80632        | MASON'S SAW & LAWNMOWER      | 923         | 522.47         |            |
| 101-6020-452.30-02 | 05/21/2012   | CHAIN SAW BARS               | 278394      | 120039 11/2012 | 204.40     |
| 101-6020-452.30-02 | 05/21/2012   | CHAIN SAW                    | 278397      | 120039 11/2012 | 318.07     |
| 05/31/2012         | 80633        | MANAGED HEALTH NETWORK       | 2432        | 439.60         |            |
| 101-1130-412.20-06 | 05/17/2012   | JUN 2012                     | 3200038028  | 120951 11/2012 | 439.60     |
| 05/31/2012         | 80634        | PAL GENERAL ENGINEERING INC. | 2411        | 42,471.00      |            |
| 402-5000-532.20-06 | 05/03/2012   | ST IMPRVMENTS P-3B           | 1           | 120807 11/2012 | 42,471.00  |
| 05/31/2012         | 80635        | PARTNERSHIP WITH INDUSTRY    | 1302        | 2,409.89       |            |
| 101-6040-454.21-04 | 05/04/2012   | P/E 04/30/2012               | GS04195     | 120012 11/2012 | 1,247.26   |
| 101-6040-454.21-04 | 05/18/2012   | P/E 05/15/2012               | GS04220     | 120012 11/2012 | 1,162.63   |
| 05/31/2012         | 80636        | PRUDENTIAL OVERALL SUPPLY    | 72          | 421.98         |            |
| 101-5020-432.25-03 | 05/09/2012   | 05/09/12 PW UNIFORMS         | 30258887    | 120092 11/2012 | 136.68     |
| 101-5020-432.25-03 | 05/16/2012   | 05/16/12 PW UNIFORMS         | 30260393    | 120092 11/2012 | 148.34     |
| 101-5020-432.25-03 | 05/23/2012   | 05/23/12 PW UNIFORMS         | 30262058    | 120092 11/2012 | 136.96     |
| 05/31/2012         | 80637        | RANCHO AUTO & TRUCK PARTS    | 1685        | 330.85         |            |
| 501-1921-419.28-16 | 05/10/2012   | OIL FILTER                   | 7693-119138 | 120028 11/2012 | 6.10       |
| 501-1921-419.28-16 | 05/11/2012   | ROTEX #612                   | 7693-119352 | 120028 11/2012 | 118.36     |
| 501-1921-419.28-16 | 05/17/2012   | OIL/TRANS FILTERS            | 7693-119924 | 120028 11/2012 | 97.45      |

| CHECK DATE         | CHECK NUMBER                   | VENDOR NAME               | VENDOR #        | CHECK AMOUNT              |
|--------------------|--------------------------------|---------------------------|-----------------|---------------------------|
| ACCOUNT #          | TRN DATE                       | DESCRIPTION               | INVOICE         | PO # PER/YEAR TRN AMOUNT  |
| 501-1921-419.30-02 | 04/23/2012                     | RTND HOSE CLAMPS          | 7693-117022     | 120028 10/2012 6.68-      |
| 501-1921-419.28-16 | 05/24/2012                     | OIL FILTER                | 7693-120709     | 120028 11/2012 6.10       |
| 501-1921-419.28-16 | 05/25/2012                     | SPRK PLUGS/WIRE SET/ROTOR | 7693-120846     | 120028 11/2012 109.52     |
| 05/31/2012 80638   | SLOAN ELECTRIC COMPANY         | 417                       |                 | 250.00                    |
| 601-5060-436.21-04 | 05/14/2012                     | PS 11 JOCKEY PUMP LABOR   | 0060564         | 120073 11/2012 250.00     |
| 05/31/2012 80639   | SOUTHLAND PAVING, INC.         | 2417                      |                 | 578,531.12                |
| 402-5000-532.20-06 | 04/30/2012                     | IB ST IMPRVMENTS P4/5     | 5850-3          | 120732 10/2012 578,531.12 |
| 05/31/2012 80640   | TERRA BELLA NURSERY, INC.      | 1946                      |                 | 323.19                    |
| 101-6020-452.30-02 | 05/09/2012                     | WOOD CHIP                 | 71299           | 120043 11/2012 323.19     |
| 05/31/2012 80641   | VERONICA TAM AND ASSOCIATES LL | 2398                      |                 | 2,900.00                  |
| 245-1240-513.20-06 | 05/13/2012                     | APR 2012                  | 1340            | 120466 11/2012 2,900.00   |
| 05/31/2012 80642   | VISTA PAINT CORPORATION        | 2388                      |                 | 1,142.16                  |
| 101-5010-431.21-23 | 05/10/2012                     | TRAFFIC PAINT-WHITE       | 2012-106110-00  | 120295 11/2012 118.53     |
| 101-5010-431.21-23 | 05/14/2012                     | RED TRAFFIC PAINT         | 2012-112351-00  | 120295 11/2012 614.18     |
| 101-5010-431.21-23 | 05/17/2012                     | TRAFFIC PAINT             | 2012-118849-00  | 120295 11/2012 409.45     |
| 05/31/2012 80643   | VORTEX INDUSTRIES, INC.        | 786                       |                 | 5,273.42                  |
| 504-1924-519.20-06 | 05/03/2012                     | INSTALL CONTINUOUS HINGE  | 11-665571-1     | 120950 11/2012 997.50     |
| 504-1924-519.20-06 | 05/10/2012                     | INSTALL GLASS DOOR/FRAME  | 11-661287-1     | 120873 11/2012 4,275.92   |
| 05/31/2012 80644   | WALKSANDIEGO                   | 1551                      |                 | 4,660.96                  |
| 101-5020-432.20-06 | 04/30/2012                     | APR 2012                  | 131-14          | 110859 10/2012 4,660.96   |
| 06/08/2012 80645   | ALAYNE ROSENSTEIN              | 2378                      |                 | 111.49                    |
| 101-3030-423.25-03 | 05/26/2012                     | REIMBURSE LG UNIFORMS     | RC0000100005183 | 11/2012 111.49            |
| 06/08/2012 80646   | ARROWHEAD MOUNTAIN SPRING      | WATE 1340                 |                 | 163.69                    |
| 101-5020-432.30-02 | 05/23/2012                     | APR/MAY 2012-WATER/PW     | 02E0026726646   | 120222 11/2012 122.76     |
| 101-1010-411.30-02 | 05/23/2012                     | MAY 2012                  | 02E0031149578   | 120098 11/2012 40.93      |
| 06/08/2012 80647   | CAREER SURVIVAL GROUP, LLC     | 2429                      |                 | 1,300.00                  |
| 101-3020-422.20-06 | 06/06/2012                     | POLICY REVIEW/FORMMATTING | IBFD 2012-1     | 12/2012 650.00            |
| 101-3030-423.20-06 | 06/06/2012                     | POLICY REVIEW/FORMMATTING | IBFD 2012-1     | 12/2012 650.00            |
| 06/08/2012 80648   | CVA SECURITY                   | 797                       |                 | 175.00                    |
| 101-1910-419.30-02 | 06/01/2012                     | JUN 2012 PW               | 22259           | 120079 12/2012 40.00      |
| 101-1910-419.30-02 | 05/15/2012                     | INSTALLATION LABOR/EXISTI | 22058           | 120079 11/2012 75.00      |
| 101-1910-419.30-02 | 06/01/2012                     | MAR 2012 EOC              | 22166           | 120079 12/2012 30.00      |
| 101-1910-419.30-02 | 06/01/2012                     | JUN 2012 SPORTS PARK      | 22291           | 120079 12/2012 30.00      |
| 06/08/2012 80649   | COX COMMUNICATIONS             | 1073                      |                 | 600.00                    |
| 503-1923-419.21-04 | 05/27/2012                     | 05/25-06/24 3110039780701 | 06-15-2012      | 120188 11/2012 600.00     |
| 06/08/2012 80650   | CYNTHIA TITGEN                 | 2340                      |                 | 720.00                    |
| 101-1130-412.20-06 | 05/29/2012                     | 05/20/12-05/27/12         | 05-29-2012      | 120101 11/2012 720.00     |

| CHECK DATE   | CHECK NUMBER                      | VENDOR NAME                    | VENDOR # | INVOICE                    | PO #   | PER/YEAR           | CHECK AMOUNT                   |
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| ACCOUNT #  | TRN DATE                          | DESCRIPTION                    |          |                            |        |                    | TRN AMOUNT                     |
| 06/08/2012<br>101-1920-419.29-04                       | 80651<br>06/07/2012               | EAGLE NEWSPAPER                | 1204     | 2010/2011                  |        | 12/2012            | 5,017.67<br>5,017.67           |
| 06/08/2012<br>217-5000-532.20-06                       | 80652<br>05/23/2012               | EASTLAKE PLUMBING, INC.        | 2444     | 4173                       | 121039 | 11/2012            | 4,000.00<br>4,000.00           |
| 06/08/2012<br>101-3020-422.30-02                       | 80653<br>05/14/2012               | FAILSAFE TESTING               | 2184     | 5954                       | F12087 | 11/2012            | 239.00<br>239.00               |
| 06/08/2012<br>501-1921-419.28-16                       | 80654<br>05/17/2012               | GCR TIRE CENTERS               | 1702     | 832-12075                  | 120059 | 11/2012            | 1,970.55<br>1,970.55           |
| 06/08/2012<br>601-5050-436.30-02                       | 80655<br>05/24/2012               | GUY NELSON                     | 2447     | 272403720120524            |        | 11/2012            | 66.00<br>66.00                 |
| 06/08/2012<br>101-1210-413.20-06<br>101-1920-419.20-06 | 80656<br>05/09/2012<br>05/25/2012 | HDL COREN & CONE               | 111      | 0019243-IN<br>0017988-IN   | 120206 | 11/2012<br>11/2012 | 3,000.00<br>975.00<br>2,025.00 |
| 06/08/2012<br>101-0000-209.01-08                       | 80657<br>06/07/2012               | I B FIREFIGHTERS ASSOCIATION   | 214      | 20120607                   |        | 12/2012            | 300.00<br>300.00               |
| 06/08/2012<br>101-0000-209.01-10                       | 80658<br>06/07/2012               | ICMA RETIREMENT TRUST 457      | 242      | 20120607                   |        | 12/2012            | 6,761.30<br>6,761.30           |
| 06/08/2012<br>101-3060-426.21-04                       | 80659<br>05/21/2012               | INTERSTATE BATTERY OF SAN DIEG | 388      | 930001794                  | 120021 | 11/2012            | 1,381.42<br>1,381.42           |
| 06/08/2012<br>101-6020-452.30-02<br>101-6020-452.28-01 | 80660<br>05/08/2012<br>05/15/2012 | JOHN DEERE LANDSCAPES          | 1986     | 61200222<br>61287521       | 120040 | 11/2012<br>11/2012 | 406.20<br>156.75<br>249.45     |
| 06/08/2012<br>101-1920-419.29-01<br>101-1920-419.29-01 | 80661<br>05/30/2012<br>05/30/2012 | JOHN FRENCH                    | 534      | 2012 FRENCH<br>2012 FRENCH | 120230 | 11/2012<br>11/2012 | 1,200.00<br>600.00<br>600.00   |
| 06/08/2012<br>210-1235-513.20-06<br>101-5010-431.20-06 | 80662<br>04/30/2012<br>04/30/2012 | KOA CORPORATION                | 611      | JB14146X6<br>JB14106X3     | 120488 | 10/2012<br>10/2012 | 6,440.00<br>5,457.50<br>982.50 |
| 06/08/2012<br>502-1922-419.28-17                       | 80663<br>06/05/2012               | MARIA PIMENTEL                 | 1        | 05-31-2012                 |        | 11/2012            | 5,713.00<br>5,713.00           |
| 06/08/2012<br>408-5020-432.25-01                       | 80664<br>05/24/2012               | MOBILE HOME ACCEPTANCE CORPORA | 1533     | 165532                     | 120205 | 11/2012            | 296.31<br>296.31               |
| 06/08/2012<br>101-1110-412.21-01<br>101-1020-411.21-01 | 80665<br>05/14/2012<br>05/21/2012 | OFFICETEAM                     | 1266     | 35518222<br>35554950       | 121026 | 11/2012<br>11/2012 | 3,084.64<br>1,114.00<br>388.32 |

| CHECK DATE         | CHECK NUMBER | VENDOR NAME                    | VENDOR #     | CHECK AMOUNT             |
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| ACCOUNT #          | TRN DATE     | DESCRIPTION                    | INVOICE      | PO # PER/YEAR TRN AMOUNT |
| 101-1130-412.21-01 | 05/21/2012   | ARMENDARIZ,E W/E               | 05/18/12     | 388.32                   |
| 101-1110-412.21-01 | 05/22/2012   | VEA,E W/E                      | 05/18/2012   | 1,194.00                 |
| 06/08/2012         | 80666        | ONE SOURCE DISTRIBUTORS        | 1071         | 32.14                    |
| 101-6040-454.30-02 | 05/11/2012   | ALTO FLUORESCENT LAMPS         | S3779900.001 | 16.07                    |
| 101-6040-454.30-02 | 05/14/2012   | ALTO FLUORESCENT LAMPS         | S3779900.002 | 16.07                    |
| 06/08/2012         | 80667        | PADRE JANITORIAL SUPPLIES      | 1430         | 270.41                   |
| 101-6040-454.30-02 | 05/14/2012   | JANITORIAL SUPPLIES            | 329018       | 74.65                    |
| 101-6040-454.30-02 | 05/29/2012   | JANITORIAL SUPPLIES            | 329551       | 195.76                   |
| 06/08/2012         | 80668        | PATRIOT GENERAL ENGINEERING IN | 2395         | 72,161.28                |
| 101-5000-532.20-06 | 02/24/2012   | 9TH/PALM DEMO                  | 14003-3      | 72,161.28                |
| 06/08/2012         | 80669        | PMI                            | 23           | 593.89                   |
| 101-6040-454.30-02 | 05/10/2012   | PROTECTIVE GLOVES              | 0352899      | 331.23                   |
| 101-6040-454.30-02 | 05/24/2012   | PROTECTIVE GLOVES              | 0355130      | 262.66                   |
| 06/08/2012         | 80670        | PROTECTION ONE ALARM MONITORIN | 69           | 277.37                   |
| 601-5060-436.20-23 | 05/21/2012   | JUN 2012                       | 88116540     | 277.37                   |
| 06/08/2012         | 80671        | RECON ENVIROMENTAL, INC.       | 2300         | 4,208.56                 |
| 409-1230-519.20-06 | 05/14/2012   | THRU 05/04 BIKWY VILLGE        | 45273        | 4,208.56                 |
| 06/08/2012         | 80672        | RZ8 PURE WATERS                | 1            | 207.50                   |
| 101-3030-423.30-02 | 01/02/2011   | SAFETY CTR BOTTLED WATER       | 12-02-2011   | 207.50                   |
| 06/08/2012         | 80673        | SAN DIEGO COUNTY SHERIFF       | 882          | 5,988.00                 |
| 101-3010-421.21-04 | 05/31/2012   | JAN-JUN 2012 CAL-ID PROGM      | 05-31-2012   | 2,994.00                 |
| 101-3010-421.21-04 | 02/28/2012   | JUL-DEC 2011 CAL-ID PROG       | 02-28-2012   | 2,994.00                 |
| 06/08/2012         | 80674        | SDGE                           | 289          | 4,053.40                 |
| 101-5010-431.27-01 | 06/01/2012   | 0646 753 1938 04/30-05/30      | 06-16-2012   | 10.30                    |
| 101-5010-431.27-01 | 05/30/2012   | 1912 409 2723 04/26-05/25      | 06-14-2012   | 10.10                    |
| 101-6010-451.27-01 | 06/04/2012   | 2081 689 7619 05/01-05/31      | 06-19-2012   | 363.18                   |
| 101-5010-431.27-01 | 06/01/2012   | 2741 969 9359 04/30-05/31      | 06-16-2012   | 134.92                   |
| 215-6026-452.27-01 | 06/01/2012   | 2819 871 6315 04/30-05/31      | 06-16-2012   | 1,825.12                 |
| 101-5010-431.27-01 | 06/01/2012   | 3062 843 3719 04/30-05/30      | 06-16-2012   | 12.52                    |
| 101-5010-431.27-01 | 05/30/2012   | 5280 340 6641 04/26-05/25      | 06-14-2012   | 64.24                    |
| 101-5010-431.27-01 | 05/30/2012   | 5576 188 0541 04/26-05/25      | 06-14-2012   | 10.10                    |
| 601-5060-436.27-01 | 05/31/2012   | 8773 823 6424 04/30-05/30      | 06-15-2012   | 1,000.12                 |
| 101-5010-431.27-01 | 06/04/2012   | 9476 001 6989 05/01-05/31      | 06-19-2012   | 622.80                   |
| 06/08/2012         | 80675        | SEIU LOCAL 221                 | 1821         | 1,450.04                 |
| 101-0000-209.01-08 | 06/07/2012   | PR AP PE 05/31/2012            | 20120607     | 1,450.04                 |
| 06/08/2012         | 80676        | SHARP REES-STEALY MEDICAL      | CNTR 390     | 567.00                   |
| 101-1130-412.21-04 | 05/12/2012   | CASAS,M/JIAMPAN,VASQUEZ,       | 248          | 537.00                   |
| 101-1130-412.21-04 | 05/12/2012   | VASQUEZ,J                      | 2481137193   | 30.00                    |
| 06/08/2012         | 80677        | SKS INC.                       | 412          | 8,238.37                 |
| 501-1921-419.28-15 | 05/24/2012   | 1050 G REG FUEL                | 1248302-IN   | 4,006.57                 |

| CHECK DATE         | CHECK NUMBER | VENDOR NAME                 | VENDOR #      |        |          |                | CHECK AMOUNT |
|--------------------|--------------|-----------------------------|---------------|--------|----------|----------------|--------------|
| ACCOUNT #          | TRN DATE     | DESCRIPTION                 | INVOICE       | PO #   | PER/YEAR | TRN AMOUNT     |              |
| 501-1921-419.28-15 | 05/31/2012   | 1130 GAL REG FUEL           | 1248417-IN    | 120058 | 11/2012  | 4,231.80       |              |
| 06/08/2012         | 80678        | SPRINT                      | 2040          |        |          | 149.97         |              |
| 101-3020-422.27-05 | 05/29/2012   | 04/26/2012-05/25/2012       | 594768811-054 |        | 11/2012  | 149.97         |              |
| 06/08/2012         | 80679        | TRANSWORLD SYSTEMS INC.     | 2160          |        |          | 183.12         |              |
| 101-1910-419.21-04 | 05/31/2012   | MAY 2012 COLLECTION FEES    | 520402        |        | 11/2012  | 183.12         |              |
| 06/08/2012         | 80680        | UNION BANK OF CALIFORNIA    | 735           |        |          | 875.00         |              |
| 101-1920-419.29-04 | 05/13/2012   | 02/01-04/30/12 BNKNG FEES   | 752856        | 120251 | 11/2012  | 875.00         |              |
| 06/08/2012         | 80681        | UNION BANK PARS-#6746022400 | 2400          |        |          | 2,055.64       |              |
| 101-0000-209.01-20 | 06/07/2012   | PR AP PE 05/31/2012         | 20120607      |        | 12/2012  | 2,055.64       |              |
| DATE RANGE TOTAL * |              |                             |               |        |          | 1,405,421.61 * |              |



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** JUNE 20, 2012  
**ORIGINATING DEPT.:** PUBLIC WORKS *HAL*  
**SUBJECT:** AUTHORIZATION TO RENEW THE PARTNERSHIPS WITH  
INDUSTRY GROUP SERVICES AGREEMENT

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**BACKGROUND:**

In July 1999, City Council, City of Imperial Beach, authorized an agreement with "Partnerships with Industry" (PWI) to provide limited maintenance services in the Tidelands area. This agreement has been renewed annually since that date. The current agreement expires June 30, 2012.

**DISCUSSION:**

Partnerships with Industry desires to continue the agreement with the City of Imperial Beach. Attachment (2) is the proposed agreement for FY 2012-2013. The services provided by PWI have proven to be very beneficial to the City. Staff recommends the program be continued for the next fiscal year. The program will be funded within the approved FY 2012/2013 budget.

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

The cost of the Agreement for FY 2012/2013 is not to exceed \$31,500. The adopted two year FY 2011/2012 and 2012/2013 budgets included this agreement at a cost not to exceed \$30,000 per fiscal year. Although the budget line item for this service is \$1,500 less than the contract amount, staff is confident that it can cover the extra cost within the budget if the actual costs exceed the \$30,000 budget. PWI agreement is submitted with a prevailing wage for the work as detailed in the contract is \$8.53 per employee.

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Authorize the Public Works Director to execute the agreement with PWI.
3. Authorize the City Manager to approve a purchase order for the cost of the annual agreement with Partnerships with Industry.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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

Attachments:

1. Resolution 2012-7207
2. Exhibit A – Partnerships with Industry Group Services Agreement #1

**RESOLUTION NO. 2012-7207**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING RENEWAL OF THE AGREEMENT WITH PARTNERSHIPS WITH INDUSTRY FOR TIDELANDS MAINTENANCE SERVICES**

**WHEREAS**, in July 1999, City Council, City of Imperial Beach, authorized an agreement with "Partnerships With Industry" to provide limited maintenance services in Tidelands area; and

**WHEREAS**, annually the Agreement must be renewed to continue the service; and

**WHEREAS**, the service agreement expired June 30, 2012; and

**WHEREAS**, Partnerships With Industry desires to continue the agreement with the City of Imperial Beach for FY 2012-2013; and

**WHEREAS**, the services provided by Partnerships With Industry have proved to be very beneficial to the City; and

**WHEREAS**, the cost of the Agreement for FY 2012-2013 is not to exceed \$31,500.

**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. City Council, City of Imperial Beach, desires to continue the Agreement with Partnerships with Industry.
3. The Public Works Director is authorized to execute an agreement with Partnerships With Industry for the Services denoted in Exhibit A
4. The City Manager is authorized to approve the purchase order for the payment of the services provided in the Agreement.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 20th day of June 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:**

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

*Creating Jobs. Enhancing Lives.*



*PWI - South Bay Office*

*Group Services "GS"*

*Partnership Service Agreement With:*  
**IMPERIAL BEACH PUBLIC WORKS**

---

July 1, 2012

Manager: Sonia Vazquez / Director: Dalinda Rodriguez



# Partnerships With Industry

*An important and valuable labor source to our employment community,  
Bringing together employers and workers with developmental disabilities since 1985*

## Group Services Agreement # 1

|                       |                                    |      |                |
|-----------------------|------------------------------------|------|----------------|
| PWI Office:           | South Bay                          | Ph:  | (619) 424-2250 |
| Nonprofit Tax ID:     | 33-0169950                         | Fax: | (619) 424-2258 |
| Busn:                 | <b>Imperial Beach Public Works</b> |      |                |
| Addr:                 | 825 Imperial Beach Blvd.           |      |                |
| C/S/Z:                | Imperial Beach, CA 91932           |      |                |
| Contact:              | Hank Levien                        |      |                |
| Projected Start Date: | <b>Sunday, July 1, 2012</b>        |      |                |

## Provisions of PWI Agreement/Understanding

The services will be performed by "PWI workers", also known as PWI clients. The work shall be completed under the supervision of a PWI staff member, referred to as the Employment Training Specialist (ETS) or Job Coach. The ETS will monitor production and quality. The work performed by the PWI workers will be:

Trash abatement throughout the beach and parks. Cleaning of park restrooms. Relining of trash cans with plastic liners throughout the beach. Sweeping and raking of park grounds and street ends.

This agreement reflects fiscal year 2012-2013. All invoices will be summarized total by Lot/Project codes provided by City of Imperial Beach.

|                 |                           |                |                   |
|-----------------|---------------------------|----------------|-------------------|
| Days of Work -  | <b>Monday thru Friday</b> | Lunch -        | <b>30 minutes</b> |
| Work Schedule - | <b>7:00am to 12:30pm</b>  | # of Workers - | <b>3</b>          |

### Partnerships With Industry:

- Will be responsible for the assessment and placement of all PWI workers in the group.
- Will maintain accurate time and attendance records on each PWI worker.
- Carries Workers' Compensation and General Liability insurance on workers and PWI staff.
- PWI workers and staff members will follow rules provided by Imperial Beach Public Works.
- Will provide final compensation (i.e., payroll services) for the PWI workers and PWI staff.
- Is an independent contractor and not an employee or agent of Imperial Beach Public Works.

### Imperial Beach Public Works:

- Will provide PWI with the necessary tools and equipment to perform the tasks required.
- Will proactively inform PWI management and ETS of changes which affect the group's employment.
- Will address any performance concerns with the ETS and PWI management.
- Will work proactively w/PWI to ensure that all safety-related issues are addressed immediately.
- Will hold in confidence information regarding individuals who are PWI workers.
- Will offer the same break times and uniforms to the PWI workers as with all other employees.

## Compensation

Semi-monthly invoices will be based on the actual hours worked, with the annual compensation not to exceed \$31,500. The hours of operation are: Monday through Friday, 7:00am to 12:30pm, with a 30 minute lunch break. Please see attached holiday schedule. We will not be scheduled on these days unless otherwise requested.

Each worker's productivity will be timestudied per U.S. Dept. of Labor (DOL) standards. This rate determines the 'norm' for individual pay. Norms are established by conducting timestudies on experienced workers (i.e., received at least one pay increase and has worked at least six months). Individual pay is determined by assessing individual productivity and multiplying that by the 'prevailing wage' (i.e., wage earned by an 'experienced worker'. The following is an example of one worker's pay... [75% (productivity) X \$7.00 (prevailing wage) = \$5.25]. Timestudies are completed at least semi-annually. Changes in individual productivity will be reflected in subsequent invoices.

Annually, and when there is an increase in the minimum wage, the DOL requires that a new survey of 'prevailing wage' be conducted. PWI will conduct the prevailing wage survey (average pay of experience workers at similar businesses). If the prevailing wage changes, or the minimum wage increases, PWI will notify you. Any changes in minimum/prevailing wage will be reflected in subsequent invoices. The prevailing wage for the work as detailed in this contract is: \$8.53.

## Payment for Services / PWI Contact Information

PWI prepares invoices for service periods: 1st - 15th, and 16th through month's end. The invoice will also include actual and direct overhead expenses such as workers compensation and reasonable and necessary administrative support. Payment must be received within 30 days of the invoice date. If any questions, please contact Sonia Vazquez, PWI Group Services Manager - (619) 424-2250.

## Employment Training Specialist (Job Coaching) Support

The focus of the ETS is to work with each employee to develop work skills, encourage productivity, and ensure quality. The ETS should not be expected to perform work for the employer/contractor. The ETS's ongoing support and expertise is paid for by PWI. Due to PWI's funding by the State of California's Department of Rehabilitation, PWI must recognize certain holidays throughout the year. On these holidays, the group cannot work. A schedule of the holidays will be supplied by Partnerships With Industry.

## PWI's Goal and Mission

It is the goal of PWI for each PWI client/worker to attain the employment independence to the extent each person aspires. In addition to the PWI workers completing the work as stated in this agreement, the PWI Group is considered production and training opportunity. Workers who evidence the necessary work skills to advance their careers are encouraged to do so.

PWI's mission is to bring together businesses and workers with developmental disabilities. PWI is successful because of supportive employers, competent and dedicated PWI workers/clients, and because it's good business. This work opportunity will enable persons with developmental disabilities to earn an income, prove their worth as valued employees, and most importantly, satisfy your labor needs. We look forward to a long and mutually beneficial working partnership with Imperial Beach Public Works.

## Termination of Agreement

This agreement is ongoing and may be terminated upon twenty (20) calendar days prior written notice. PWI needs advance notice in order to most effectively and positively coordinate future services, funding, and support for the PWI workers impacted by an agreement ending.

Hank Levien

Employer Representative

Signature

Date

Mark Berger

PWI - 600A/P - CEO

Signature

Date

cc: original to PWI Accounting, copy to contractor, South Bay - PWI Director: Dalinda Rodriguez



## Partnerships With Industry

*An important and valuable labor source to our employment community,  
Bringing together employers and workers with developmental disabilities since 1985*

### Group Services Holiday Schedule

PWI Office: South Bay

Ph: (619) 424-2250

Busn: **Imperial Beach Public Works**

Addr: 825 Imperial Beach Blvd.

C/S/Z: Imperial Beach, CA 91932

Contact: Hank Levien

Projected Start Date: **Sunday, July 1, 2012**

|                        |                             |
|------------------------|-----------------------------|
| New Year's Day         | Monday, January 2, 2012     |
| Martin Luther King Jr. | Monday, January 16, 2012    |
| President's Day        | Monday, February 20, 2012   |
| Memorial Day           | Monday, May 28, 2012        |
| Independence Day       | Wednesday, July 4, 2012     |
| Labor Day              | Monday, September 3, 2012   |
| Thanksgiving Day       | Thursday, November 22, 2012 |
| Day After Thanksgiving | Friday, November 23, 2012   |
| Christmas Eve          | Monday, December 24, 2012   |
| Christmas Day          | Tuesday, December 25, 2012  |
| New Year's Day         | Tuesday, January 1, 2013    |
| Martin Luther King Jr. | Monday, January 21, 2013    |
| President's Day        | Monday, February 18, 2013   |
| Memorial Day           | Monday, May 27, 2013        |
|                        |                             |
|                        |                             |
|                        |                             |
|                        |                             |

PWI will be observing the holidays listed above.

Hank Levien

Date

Sonia Vazquez - Group Services Manager

Date

Dalinda Rodriguez - Director

Date





STAFF REPORT  
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL  
FROM: GARY BROWN, CITY MANAGER  
MEETING DATE: JUNE 20, 2012  
ORIGINATING DEPT.: PUBLIC WORKS *HB*  
SUBJECT: AFFIRMATION OF AGREEMENT FOR LANDSCAPE MAINTENANCE WITHIN HIGHWAY RIGHT OF WAY ON STATE ROUTE 75 WITHIN THE CITY OF IMPERIAL BEACH

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**BACKGROUND:** On October 11, 2011, City Council adopted Resolution 2011-7098 approving Administrative Coastal Permit (110016), Conditional Use Permit (CUP 110017), Design Review Case (DRC 110018), Site Plan Review (SPR 110019), and Tentative Parcel Map (TPM 110020) which makes the necessary findings and provides conditions of approval for the redevelopment of an existing American Legion Post and single-family residence in compliance with local and state requirements. The American Legion Post Project included landscape features within CALTRANS right of way along State Route 75 adjacent to their development. In order to effect these landscape improvements, CALTRANS requires the City of Imperial Beach to execute an agreement with CALTRANS committing to maintaining those landscape improvements to CALTRANS standards at City's expense. This Agreement must be executed before CALTRANS will permit the American Legion Post developer to work within the CALTRANS right-of-way. Once this agreement is in place City staff intends to prepare an Agreement between the American Legion Post Developer and the City that will require the American Legion Post to perform the landscape maintenance on behalf of the City at their expense and to CALTRANS standards.

**DISCUSSION:** The American Legion Post developer has reported that the lack of an Agreement with CALTRANS for their encroachment onto State Route 75 right of way is negatively impacting the progress of their work. In order to facilitate this redevelopment project, the City Manager has signed the agreement found in Attachment 3 and has forwarded this to CALTRANS for their signature. This agreement is subject to City Council affirmation of the City Managers action and therefore is submitted herewith for City Council's approval via the attached resolution. See Attachment 1. The City Manager will subsequently initiate an agreement with the American Legion Post to transfer this responsibility to them. See Attachment 2

**ENVIRONMENTAL DETERMINATION:**

This project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 as a Class 32 project (In-Fill Development Projects).

**FISCAL IMPACT:**

There should be no cost to the City unless the American Legion Post fails to maintain the landscape within the State Route 75 right-of-way. However the agreement between the City

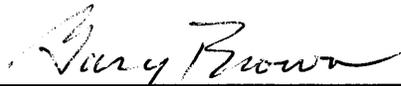
and the Post will include a clause to hold the City harmless for failure to comply with the CALTRANS standards.

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Adopt the attached resolution affirming the City Manager's approval of the Agreement for Landscape Maintenance within the Highway Right of Way on State Route 75 within the City of Imperial Beach – attachment 3.
3. Adopt the attached resolution authorizing the City Manager to execute a separate agreement with the American Legion Post developer to maintain the landscape within the highway right of way on State Route 75 and Florence Street within the City of Imperial Beach.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



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

Attachments:

1. Resolution No. 2012-7220
2. Resolution No. 2012-7221
3. Exhibit A to Resolution No. 2012 -7220 - Agreement For Landscape Maintenance Within State Highway Right Of Way On State Route 75 Within The City Of Imperial Beach

**RESOLUTION NO. 2012-7220**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AFFIRMING AN AGREEMENT FOR LANDSCAPE MAINTENANCE WITHIN HIGHWAY RIGHT OF WAY ON STATE ROUTE 75 WITHIN THE CITY OF IMPERIAL BEACH**

**WHEREAS**, on October 11, 2011, City Council adopted Resolution 2011-7098 approving Administrative Coastal Permit (110016), Conditional Use Permit (CUP 110017), Design Review Case (DRC 110018), Site Plan Review (SPR 110019), and Tentative Parcel Map (TPM 110020) which makes the necessary findings and provides conditions of approval for the redevelopment of an existing American Legion Post and single-family residence in compliance with local and state requirements; and

**WHEREAS**, the American Legion Post Project included landscape features within CALTRANS right of way along State Route 75 adjacent to their development; and

**WHEREAS**, in order to effect these landscape improvements, CALTRANS requires the City of Imperial Beach to execute an agreement with CALTRANS committing to maintaining those landscape improvements to CALTRANS standards at City's expense; and

**WHEREAS**, this Agreement must be executed before CALTRANS will permit the American Legion Post developer to work within the CALTRANS right-of-way; and

**WHEREAS**, the American Legion Post developer has reported that the lack of an Agreement with CALTRANS for their encroachment onto State Route 75 right of way is negatively impacting the progress of their work; and

**WHEREAS**, in order to facilitate this redevelopment project, the City Manager has signed the agreement found in Exhibit A and has forwarded this to CALTRANS for their signature; and

**WHEREAS**, this agreement is subject to City Council affirmation of the City Managers action and therefore is submitted herewith for City Council's approval as shown in Exhibit A.

**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 found in Exhibit A is approved.
3. The City Manager's signature to Exhibit A is affirmed.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 20<sup>th</sup> day of June 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:**

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

**RESOLUTION NO. 2012-7221**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO DRAFT AND SIGN AN AGREEMENT FOR LANDSCAPE MAINTENANCE WITHIN RIGHT OF WAY ON STATE ROUTE 75 AND ON FLORENCE STREET WITHIN THE CITY OF IMPERIAL BEACH WITH AMERICAN LEGION POST**

**WHEREAS**, on October 11, 2011, City Council adopted Resolution 2011-7098 approving Administrative Coastal Permit (110016), Conditional Use Permit (CUP 110017), Design Review Case (DRC 110018), Site Plan Review (SPR 110019), and Tentative Parcel Map (TPM 110020) which makes the necessary findings and provides conditions of approval for the redevelopment of an existing American Legion Post and single-family residence in compliance with local and state requirements; and

**WHEREAS**, the American Legion Post Project included landscape features within CALTRANS right of way along State Route 75 and along Florence Street adjacent to their development; and

**WHEREAS**, in order to effect the landscape improvements on State Route 75, CALTRANS requires the City of Imperial Beach to execute an agreement with CALTRANS committing to maintaining those landscape improvements to CALTRANS standards at City's expense; and

**WHEREAS**, the Agreement with CALTRANS must be executed before CALTRANS will permit the American Legion Post developer to work within the CALTRANS right-of-way; and

**WHEREAS**, once the agreement with CALTRANS is in place City staff intends to prepare an Agreement between the American Legion Post developer and the City that will require the American Legion Post to perform the State Route 75 and Florence Street landscape maintenance on behalf of the City at their expense and to CALTRANS standards.

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

1. The above recitals are true and correct.
2. The City Manager is authorized to prepare and sign an Agreement with the American Legion Post developer that requires the developer to perform the landscape maintenance within the State Route 75 highway and Florence Street rights-of-way on behalf of the City at their expense and to the CALTRANS standard.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 20<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, MMC**  
**CITY CLERK**

**AGREEMENT FOR LANDSCAPE MAINTENANCE  
WITHIN STATE HIGHWAY RIGHT OF WAY ON  
STATE ROUTE 75 WITHIN THE CITY OF IMPERIAL BEACH**

THIS AGREEMENT is made and executed effective this \_\_\_\_ day of \_\_\_\_\_, 201\_\_ by and between the State of California, acting through its Department of Transportation, hereinafter referred to as "STATE," and the CITY OF IMPERIAL BEACH, hereinafter referred to as "CITY," each individually referred to as "PARTY," and together referred to as "PARTIES."

WITNESSETH

RECITALS:

1. PARTIES desire to work together to allocate their respective obligations relative to improvements newly constructed or revised within STATE's right of way via Caltrans Encroachment Permit Number 11-11-6MC-0630.
2. This Agreement addresses CITY responsibility for the landscaping, planting, irrigation systems, mulches, pest control, fertilization, pruning, litter and weed removal, as well as hardscaping including tree grates (collectively the "IMPROVEMENTS") placed within State Highway right of way on State Route 75 (SR-75), as shown on Exhibit "A," attached to and made a part of this Agreement.

**Section I**

In consideration of the mutual covenants and promises herein contained, CITY and STATE agree as follows:

- a) PARTIES have agreed to an allocation of maintenance responsibilities that includes, but is not limited to, inspection, providing emergency repair, replacement, and maintenance (collectively hereinafter "MAINTAIN / MAINTENANCE") of IMPROVEMENTS as shown on said Exhibit "A."
- b) When a planned future improvement is constructed and/or a minor revision has been effected with STATE's consent or initiation within the limits of the STATE's right of way herein described which affects PARTIES' division of maintenance responsibility as described herein, PARTIES will agree upon and execute a new dated and revised Exhibit which will be made a part hereof and will thereafter supersede the attached original Exhibit "A" to thereafter become a part of this Agreement. The new exhibit can be executed only upon written consent of the PARTIES hereto acting by and through their authorized representatives. No formal amendment to this Agreement will be required.

**Section II**

CITY agrees, at CITY expense, to do the following:

- a) CITY may install, or contract authorizing a licensed contractor with appropriate class of license in the State of California, to install and thereafter will MAINTAIN (Section 27 of the Streets and Highways Code) IMPROVEMENTS conforming to those plans and specifications (PS&E) pre-approved by STATE.
- b) All proposed IMPROVEMENTS must meet STATE's applicable standards.
- c) CITY shall ensure that IMPROVEMENTS areas designated on Exhibit "A" are provided with adequate scheduled routine MAINTENANCE necessary to MAINTAIN a neat and attractive appearance.
- d) CITY will obtain and have in place a valid necessary encroachment permit prior to the start of any work within STATE'S right of way. CITY contractors will be required to obtain an encroachment permit prior to the start of any work within STATE's right of way.
- e) An encroachment permit rider may be required for any changes to the scope of work allowed by this Agreement prior to the start of any work within STATE's right of way.
- f) To furnish electricity for irrigation system controls, water, and/or fertilizer necessary to sustain healthy plant growth during the entire life of this Agreement.
- g) To replace unhealthy or dead plantings when observed or within thirty (30) days when notified in writing by STATE that plant replacement is required.
- h) To prune plantings to control extraneous growth and ensure STATE standard lines of sight to signs and corner sight distances are always maintained for the safety of the public.
- i) To MAINTAIN, repair, and operate the irrigation systems in a manner that prevents water from flooding or spraying onto STATE highway, spraying parked or moving automobiles, spraying pedestrians, or leaving surface water that becomes a hazard to vehicular or pedestrian / bicyclist travel.
- j) To control weeds at a level acceptable to the STATE. Any weed control performed by chemical weed sprays (herbicides) shall comply with all laws, rules, and regulations established by the California Department of Food and Agriculture. All chemical spray operations shall be reported quarterly (form LA17) to STATE via

the Landscape Specialist, Maintenance Support, Caltrans District Office, 4050 Taylor Street (MS-220), San Diego, CA 92110.

- k) To expeditiously repair any STATE facility damage ensuing from CITY's IMPROVEMENTS presence and activities including, but not limited to, damage caused by plants and plant roots, and to reimburse STATE for its costs to repair the STATE facility damage ensuing from CITY's IMPROVEMENTS presence and activities should STATE be required to cure a CITY default.
- l) To prevent materials related to IMPROVEMENTS maintenance operations and other deleterious materials from entering STATE's drainage gutters, drainage outlets, and storm drain pipes.
- m) To remove IMPROVEMENTS and restore STATE-owned areas to a safe condition, reasonably comparable to that which existed prior to execution of this Agreement and, in the event this Agreement is terminated as set forth herein.
- n) To inspect IMPROVEMENTS on a regular monthly basis to ensure the safe operation and condition of the IMPROVEMENTS.
- o) To expeditiously MAINTAIN, replace, repair, or remove from service any IMPROVEMENTS system component that have become unsafe or unsightly.
- p) To allow random inspection of IMPROVEMENTS by a STATE representative.
- q) To keep the entire landscaped and hardscaped area policed and free of litter and deleterious material.
- r) All work by or on behalf of CITY will be done at no cost to STATE.

**Section III**

STATE agrees to do the following:

- a) Provide CITY with timely written notice of unsatisfactory conditions that require correction by the CITY. However, the non-receipt of notice does not excuse CITY from maintenance responsibilities assumed under this Agreement.
- b) Issue encroachment permits to CITY and CITY contractors at no cost to them.

**Section IV**

**Legal Relations and Responsibilities:**

- a) Nothing within the provisions of this Agreement is intended to create duties or obligations to or rights in third parties not parties to this Agreement, or affect the legal liability of either PARTY to this Agreement by imposing any standard of care respecting the design, construction, and maintenance of these STATE highway improvements or CITY facilities different from the standard of care imposed by law.
- b) If during the term of this Agreement, CITY should cease to MAINTAIN the IMPROVEMENTS to the satisfaction of STATE as provided by this Agreement, STATE may either undertake to perform that MAINTENANCE on behalf of CITY at CITY's expense or direct CITY to remove or itself remove IMPROVEMENTS at CITY's sole expense and restore STATE's right of way to its prior or a safe operable condition. CITY hereby agrees to pay said STATE expenses within thirty (30) days of receipt of billing by STATE. However, prior to STATE performing any MAINTENANCE or removing IMPROVEMENTS, STATE will provide written notice to CITY to cure the default and CITY will have thirty (30) days within which to take reasonable steps toward that cure.
- c) Neither CITY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by STATE under or in connection with any work, authority, or jurisdiction arising under this Agreement. It is understood and agreed that STATE shall fully defend, indemnify, and save harmless CITY and all of its officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation, and other theories or assertions of liability occurring by reason of anything done or omitted to be done by STATE under this Agreement with the exception of those actions of STATE necessary to cure a noticed default on the part of CITY.
- d) Neither STATE nor any officer or employee thereof is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by CITY under or in connection with any work, authority, or jurisdiction arising under this Agreement. It is understood and agreed that CITY shall fully defend, indemnify, and save harmless STATE and all of its officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation, or other theories or assertions of liability occurring by reason of anything done or omitted to be done by CITY under this Agreement.
- e) Prevailing Wage Requirements: Labor Code Compliance:  
If the work performed on this project is done under contract and falls within the Labor Code section 1720(a)(1) definition of a "public work" in that it is

construction, alteration, demolition, installation, repair, or maintenance, CITY must conform to the provisions of Labor Code sections 1720 through 1815 and all applicable regulations and coverage determinations issued by the Director of Industrial Relations. CITY agrees to include prevailing wage requirements in its contracts for public work. Work performed by CITY's own forces is exempt from the Labor Code's prevailing wage requirements.

f) Prevailing Wage Requirements in Subcontracts

CITY shall require its contractors to include prevailing wage requirements in all subcontracts funded by this Agreement when the work to be performed by the subcontractor is a "public work" as defined in Labor Code Section 1720(a)(1). Subcontracts shall include all prevailing wage requirements set forth in CITY's contracts.

g) Insurance

CITY and their contractors shall maintain in force during the term of this agreement a policy of general liability insurance, including coverage of bodily injury liability and property damage liability naming the State of California, its officers, agents, and employees as the additional insured in an amount of one million dollars (\$1,000,000) per person and two million dollars (\$2,000,000) in aggregate. Coverage shall be evidenced by a certificate of Insurance in a form satisfactory to STATE that shall be delivered to STATE with a signed copy of this Agreement.

h) Termination

This Agreement may be terminated by timely mutual written consent by PARTIES, and CITY's failure to comply with the provisions of this Agreement may be grounds for a Notice of Termination by STATE.

i) Term of Agreement

This Agreement shall become effective on the date first shown on its face sheet and shall remain in full force and effect until amended or terminated at any time upon mutual consent of the parties or until terminated by STATE for cause.

**PARTIES are empowered by Streets and Highways Code Section 114 & 130 to enter into this Agreement and have delegated to the undersigned the authority to execute this Agreement on behalf of the respective agencies and covenants to have followed all the necessary legal requirements to validly execute this Agreement.**

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

CITY OF IMPERIAL BEACH

STATE OF CALIFORNIA  
DEPARTMENT OF  
TRANSPORTATION

By: \_\_\_\_\_  
City Manager

MALCOLM DOUGHERTY  
Director of Transportation

Attest:

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
District Division Chief  
Maintenance

By: \_\_\_\_\_  
City Attorney

By: \_\_\_\_\_  
Attorney \*\*  
Department of Transportation

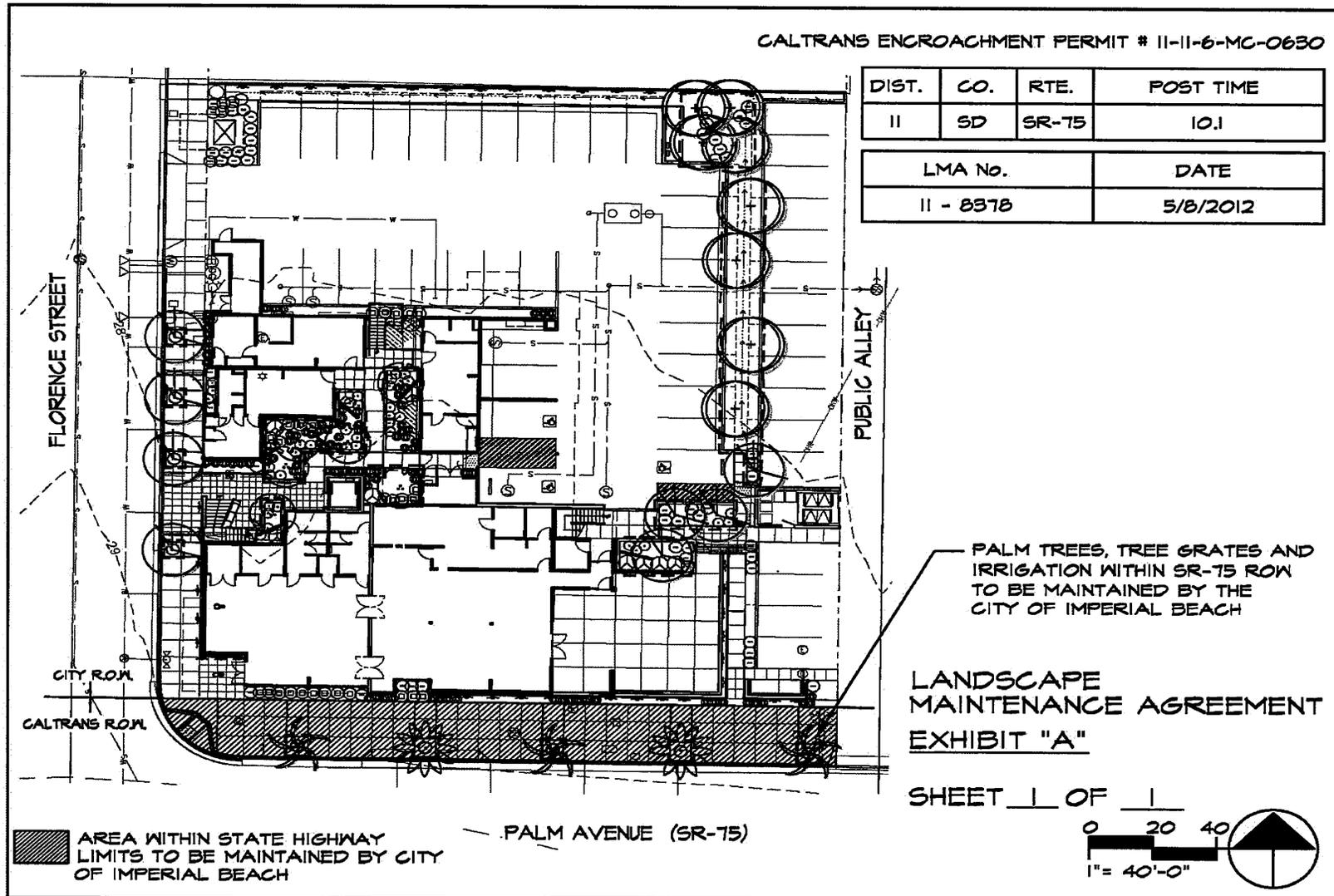
*\*\*Approval by STATE's Attorney is not required unless changes are made to this form, in which case, the draft will be submitted to Headquarters for review and approval by STATE's Attorney as to form and procedures.*

11-SD-075  
 PM 10.1  
 LMA 11-8378

CALTRANS ENCROACHMENT PERMIT # 11-11-6-MG-0630

| DIST. | CO. | RTE.  | POST TIME |
|-------|-----|-------|-----------|
| 11    | SD  | SR-75 | 10.1      |

| LMA No.   | DATE     |
|-----------|----------|
| 11 - 8378 | 5/8/2012 |







**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** GARY BROWN, CITY MANAGER

**MEETING DATE:** JUNE 20, 2012

**ORIGINATING DEPT.:** PUBLIC SAFETY *GB*

**SUBJECT:** ADOPTION OF RESOLUTION 2012-7210 AUTHORIZING THE CITY MANAGER OR HIS DESIGEE TO ACCEPT THE 2009 ASSISTANCE TO FIREFIGHTERS GRANT FOR FIRE EQUIPMENT.

---

**BACKGROUND:**

The City of Imperial Beach was awarded a grant for equipment as a result of the 2009 Assistance to Firefighters Grant (AFG) process for the amount of \$66,235, plus a required City match of \$7,359 for a total of \$73,594. At the time of the award, the management of the department turned over, and a new Fire Chief was hired. In the process of handling priority issues, budget and organizational challenges emerged which prevented the department from accepting the award at the time. The department expected the grant to close, and to be unable to accept it.

**DISCUSSION:**

FEMA representatives contacted the City recently, notifying us that the 2009 AFG had not closed yet, and there may be sufficient time remaining to utilize the funds. The department has now identified sufficient matching funds to accept the grant, and as such, is requesting an extension to September, 2012, in order to complete the purchases indicated in our grant application as approved. This equipment will upgrade the capabilities of our rescue activities, and help us acquire necessary items for a new fire engine when we are able to acquire it. The grant provides funding for rescue equipment relating to vehicle extraction, stabilization airbags for vehicles and structural collapses caused by vehicles colliding into structures or earthquakes, or similar catastrophic events. This grant also provides funding for related training for these kinds of emergency actions.

**FISCAL IMPACT:**

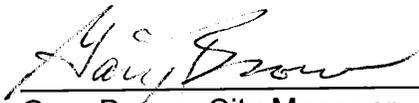
The Fiscal Year 2011/2012 Public Safety budget will cover the \$7,359 for the match, therefore there is no financial impact if approved.

**DEPARTMENT RECOMMENDATION:**

Adopt Resolution No. 2012-7210 authorizing the City Manager or his designee to accept the 2009 Assistant to Firefighter Grant for Fire Rescue Equipment.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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

Attachments:

1. Resolution No. 2012-7210
2. Attachment 2 – Equipment List

**RESOLUTION NO. 2012-7210**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT THE 2009 ASSISTANCE TO FIREFIGHTERS GRANT FOR FIRE EQUIPMENT.**

**WHEREAS**, The Imperial Beach Fire Department received approval from City Council to apply for a grant as part of the 2009 Assistant to Firefighters Grant process for the purpose of purchasing fire rescue equipment; and

**WHEREAS**, The Imperial Beach Fire Department was awarded \$66,235 with a required City match of \$7,359; and

**WHEREAS**, FEMA has notified the City that this award is still active, and the funds are available for expenditure to purchase the items as approved.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Imperial Beach that the City Manager or his designee is authorized to purchase the approved equipment and receive the funds from the Assistance to Firefighters Grant as awarded.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 20<sup>th</sup> day of June 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:**

---

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

## Attachment 2

| <u>Equipment</u>                                | Item   | Number of Units | Cost per Unit | Total Cost      |
|---|--|-----------------|---------------|-----------------|
|   | Cutter   | 2               | \$5,000       | \$10,000        |
|   | Spreader   | 2               | \$5,917       | \$11,834        |
|   | Hydraulic Ram  | 2               | \$3,833       | \$7,666         |
|   | Power Unit   | 2               | \$3,500       | \$7,000         |
|   | Hydraulic Hose                                       | 6               | \$550         | \$3,300         |
|   | Extrication Mineral Oil                              | 1 gal.          | \$19          | \$19            |
|   | Portable Light Generator                             | 2               | \$1,800       | \$3,600         |
|   | Stabilization Kit                                    | 2               | \$3,495       | \$6,990         |
|   | Lock-Out Tool Kit (Slim Jim Set)                     | 2               | \$70          | \$140           |
|   | Hydraulic Ram Extension Unit                         | 2               | \$303         | \$606           |
|   | Traffic Safety Cones                                 | 4               | \$249         | \$996           |
|   | Power Saws   | 2               | \$424         | \$848           |
|   | Non-Marring Wedge                                    | 4               | \$10          | \$40            |
|   | Large Step Chocks                                    | 4               | \$350         | \$1,400         |
|   | Standard Step Chocks                                 | 4               | \$119         | \$476           |
|   | Rip Stop Staging Tarp                                | 2               | \$100         | \$200           |
|   | <b>Equipment Total</b>                               |                 |               | <b>\$55,115</b> |
| <br><b><u>Personal Protective Equipment</u></b> |  |                 |               |                 |
|   | Blood Borne Pathogen Resistant<br>Extrication Gloves | 11              | \$72          | <b>\$792</b>    |
| <br><b><u>Training Program</u></b>              |  |                 |               |                 |
|   | Vehicle Rescue Training                              | 11              | \$1,115       | <b>\$12,270</b> |
|   | Subtotal Equipment                                   |                 |               | \$68,177        |
|   | Sales Tax  |                 |               | \$5,417         |
|   | <b>Total</b>   |                 |               | <b>\$73,594</b> |



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL AND CHAIR AND MEMBERS OF THE HOUSING AUTHORITY

**FROM:** GARY BROWN, CITY MANAGER

**MEETING DATE:** JUNE 20, 2012

**ORIGINATING DEPT.:** COMMUNITY DEVELOPMENT DEPARTMENT  
GREG WADE, ASSISTANT CITY MANAGER/COMMUNITY DEVELOPMENT DIRECTOR  
JIM NAKAGAWA, AICP, CITY PLANNER  
TYLER FOLTZ, ASSOCIATE PLANNER

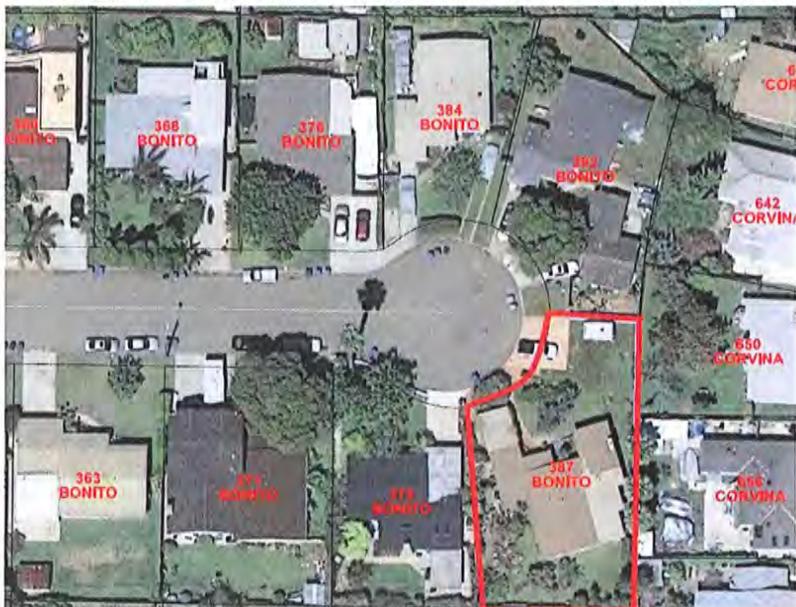
**SUBJECT:** PUBLIC HEARING: SPITZER (OWNER/APPLICANT); VARIANCE (VAR 120013) TO CONSTRUCT A PORTION OF A DETACHED TWO-CAR GARAGE WITHIN THE FRONT YARD SETBACK AT 387 BONITO AVENUE (APN 625-110-21-00) IN THE R-1-6000 (SINGLE-FAMILY RESIDENTIAL) ZONE. MF 1092.

**PROJECT DESCRIPTION/BACKGROUND:**

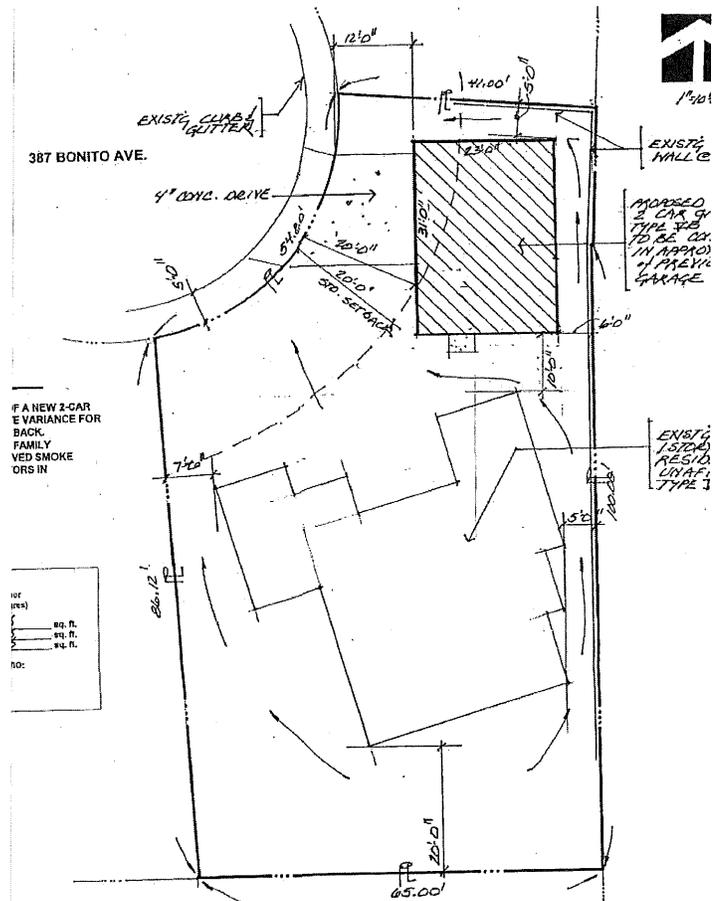
This is an application (Master File 1092) for a Variance (VAR 120013) to construct a portion of a detached two-car garage within the front yard setback of a lot with an existing single-family residence located at 387 Bonito Avenue (APN 625-110-21-00). The property is designated R-1-6000 (Single-Family Residential) on the Zoning Map.

**PROJECT EVALUATION/DISCUSSION:**

The site is located on a cul-de-sac that fronts along Bonito Avenue. The project site has a single-family residence with a one-car garage that has been converted into habitable living space. The site had a two-car garage (23' width x 20' length) that was built near the northeast corner of the property in 1979,



and demolished in 2003 due to termite damage. The applicant proposes to construct a new two-car garage that would locate in the same location as the demolished garage and utilize the existing driveway that lead to the demolished garage. The applicant states that the garage would locate in a vacant area on the irregularly shaped lot, and that the similarly shaped property to the north provides a garage in the similar location. Though the proposed garage would locate in the same location as the demolished garage, the applicant proposes a larger footprint with a length of twenty-three feet and width of thirty-one feet. A typical garage measures twenty feet in both length and width; however, the applicant is requesting twenty-three feet in length so that larger vehicles, such as pick-up trucks, can fit within the garage. The additional width on the southern portion of the garage would be utilized as a storage/work area incidental to a single-family residence.



The City could require the applicant to reduce the garage to a typical garage length of twenty feet instead of the proposed twenty-three feet, which would allow for a front yard setback of approximately fifteen feet, but it is unlikely that the garage would accommodate any oversized vehicles. This may result in these vehicles being parked in the driveway and thus not meet the intent of enclosed parking. The applicant has stated that a garage smaller than twenty-three feet in length would not be pursued. In addition, the City could require the applicant to provide a five foot setback off the eastern property line instead of the proposed six foot setback, thus gaining one foot of additional front yard setback. However, the applicant has stated that the garage is proposed directly adjacent to the driveway that has existed since 1979 and does not propose to provide additional concrete for the driveway if the building were required to be placed one foot to the east. In addition, the applicant intends to plant shade trees near the eastern property line and a six foot setback is preferable to a five foot setback in order to accommodate this type of landscaping.

### General Plan/ Zoning Consistency

The proposed development is subject to the R-1-6000 (Single-Family Residential) zoning requirements. The purpose of the R-1-6000 Zone is to stabilize and protect the residential characteristics of the area and promote and encourage a suitable environment for family life. This zone is intended to provide communities composed of single-family detached homes and the accessory uses and related community services. Typical of this zone are single-family residences with enclosed parking. The setback requirements for the R-1-6000 Zone are located in Section 19.12.030, which require a minimum twenty foot setback for the front yard, five foot setback for side yards, and ten foot setback for the rear yard.



The existing residence is non-conforming with respect to Imperial Beach Municipal Code (IBMC) Section 19.48.030, Off-Street Parking - Required Spaces, which requires two, 100% enclosed, parking spaces for the R-1-6000 Zone. Constructing a two-car garage would allow for the property to be brought into compliance with the parking requirements of the Municipal Code; however, a portion of the proposed garage would locate within twelve feet of the front property line along Bonito Avenue, whereas a twenty foot front yard setback is required. Staff reviewed IBMC Section 19.48.100.F, Off-Street Parking – Access, that states that a twenty foot setback garage requirement may be reduced to fifteen feet subject to site plan and design review approval by the Community Development Department. However, it was determined that the intent of Section 19.48.100.F was to provide fifteen foot setbacks for properties with one car garages without room for additional enclosed parking spaces beyond providing a tandem parking garage, or other similar circumstances. Also, this code would not apply for this project since the applicant is not proposing to reduce the garage any smaller than the proposed twenty-three feet in length. Therefore, a variance would be required in order to accommodate the proposed garage.

Per IBMC Section 19.84.010, Variances – Purpose of provisions, “the variance procedure is established to provide for reasonable use of a property having unique characteristics by virtue of its size, shape, topography, location or surroundings. The purpose of the variance is to bring a particular property up to parity with other property in the same zone and vicinity, insofar as reasonable use is concerned, it is not to grant any special privilege or concession not enjoyed by other properties in the same zone and vicinity.”

The yard requirements and provisions for this property and its impact to neighboring properties have been analyzed. IBMC 19.04.785 defines a “yard” as “an open space, that lies between the principal building or buildings and the nearest lot line, and is unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.” Per IBMC Section 19.54.010, Purpose of yards, a required yard is “meant to provide light, air, access, separation, privacy, fire protection and space for permitted accessory uses and structures.” Per IBMC Section 19.54.030, Prohibited uses and structures, the following uses are prohibited in yards: “A. Any use which interferes with the health, safety or convenience of the public or the occupants; B. Any use which prohibits access to a building on the same lot.”

Because the front yard is adjacent to a street, it is staff's belief that the front yard meets the intent of the yard regulations by: 1) providing for light, air, access, separation, privacy, and fire protection; 2) does not interfere with the health, safety or convenience of the public or the occupants; and 3) does not impede access to the building.

In addition, it is staff's belief that the property has extraordinary circumstances due to its location on a cul-de-sac, and that the proposed variance for a two-car garage partially located within the front yard setback would not adversely affect the General Plan and Local Coastal Program because the variance would provide for reasonable use of a property having unique characteristics. Allowing for the construction of a two-car garage is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zone because most lots in the vicinity are rectangular and have been built to the required setbacks, whereas the subject site for the proposed variance has a substantial amount of undeveloped lot space in the front yard due to the irregular layout of the property. Also, the property north of the project site with a similar irregularly shaped lot has a two car garage located in a similar location as proposed by the applicant.

**Variance Granting Criteria.** The above circumstances provide the facts to support the following findings pursuant to IBMC Section 19.84.050:

- A. There are exceptional or extraordinary circumstances of conditions or hardships peculiar to the property including size, shape, topography, location or surroundings that do not apply generally to the properties in the same vicinity or zone. Hardships may include practical difficulties in development the property for the needs of the owner or tenant consistent with the regulations of the zone.**

The shape of the property is irregular due to its frontage on the cul-de-sac, which creates a hardship for construction of any structure north of the existing building. A significant portion of the existing building would have to be remodeled and/or demolished in order to construct a two-car garage, which would constitute a hardship and practical difficulty when a large portion of land north of the existing building could accommodate a two-car garage with a small portion of the building locating in the front yard setback requirement.

- B. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and the same general vicinity, and that a variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his neighbors.**

The variance would not constitute a special privilege granted to the property owner because of the unique circumstances of the situation, which is only likely to occur on irregularly shaped lots with a substantial amount of land area that cannot be developed due to required setbacks. The property previously provided a two-car garage in the same location, and the property to the north of the project site currently provides a similar garage structure within a similar area.

- C. The granting of such variance will not be substantially detrimental to adjacent property and will not materially impair the purpose of this title or the public interest.**

The granting of the variance would not be substantially detrimental to adjacent property and would not materially impair the purpose of the setback requirements, because the only a portion of the proposed two-car garage would locate within the front yard and all

other setback requirements would be met. The property to the north of the project site currently provides a similar garage structure within a similar area.

**D. The granting of such variance will not adversely affect the general plan or the local coastal program.**

The granting of the variance will not adversely affect the general plan or local coastal program, because the existing development on the property is consistent with the land use standards of the general plan and local coastal program for the R-1-6000 Zone. The R-1-6000 Zone requires two enclosed parking spaces, which would be met with this project. Partially encroaching into the front yard setback would not adversely affect the General Plan and Local Coastal Program because the variance would provide for reasonable use of a property having unique characteristics.

Staff recommends approving the proposed variance, with the condition that the applicant explore the opportunity to locate the proposed garage one additional foot to the east so that the impact to the front yard is minimized as feasibly possible while still maintaining the five foot side yard setback. In addition, due to the reduced driveway length staff recommends that vehicles that utilize the driveway adjacent to the garage should not overhang into the public right-of-way.

**Surrounding Land Use and Zoning**

|              | <b>Surrounding Zoning</b> | <b>Surrounding Land Use</b> |
|--------------|---------------------------|-----------------------------|
| <b>North</b> | <b>R-1-6000</b>           | <b>Residential</b>          |
| <b>South</b> | <b>R-1-6000</b>           | <b>Residential</b>          |
| <b>East</b>  | <b>R-1-6000</b>           | <b>Residential</b>          |
| <b>West</b>  | <b>R-1-6000</b>           | <b>Residential</b>          |

**ENVIRONMENTAL IMPACT:**

This project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15305 as a Class 5 project (Minor Alterations in Land Use Limitations) and CEQA Guidelines Section 15303 as a Class 3 project (New Construction or Conversion of Small Structures).

**COASTAL JURISDICTION:**

The project is located in the Coastal Zone; however, the project is exempt from the requirements of a Coastal Development Permit because the project proposes a structure normally associated with residences (Imperial Beach Municipal Code Section 19.87.040.C).

**FISCAL ANALYSIS:**

The applicant has deposited \$1,800.00 in Project Account Number (120013) to fund the processing of this application.

**DEPARTMENT RECOMMENDATION:**

1. Consider public testimony at the advertised public hearing.
2. Consider adoption of Resolution No. 2012-7206, approving Variance (VAR 120013) which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



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

Attachments:

1. Resolution 2012-7206
2. Plans

c: File MF 1092  
Robert Spitzer, 387 Bonito Avenue, Imperial Beach, CA 91932  
Greg Wade, Community Development Director  
Jim Nakagawa, City Planner  
Jacque Hald, City Clerk

**Return to Agenda**

RESOLUTION NO. 2012-7206

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING A VARIANCE (VAR 120013) TO CONSTRUCT A PORTION OF A DETACHED TWO-CAR GARAGE WITHIN THE FRONT YARD SETBACK AT 387 BONITO AVENUE (APN 625-110-21-00) IN THE R-1-6000 (SINGLE-FAMILY RESIDENTIAL) ZONE. MF 1092.**

**OWNER/APPLICANT: ROBERT SPITZER**

**WHEREAS**, on June 20, 2012, the City Council of the City of Imperial Beach held a duly advertised and noticed public hearing to consider the merits of approving or denying an application for a Variance (VAR 120013) to construct a portion of a detached two-car garage within the front yard setback of a lot with an existing single-family residence located at 387 Bonito Avenue (APN 625-110-21-00), in the R-1-6000 (Single-Family Residential) Zone on a site legally described as follows:

Parcel: APN 625-110-21-00

Lot 10 in Block B of Imperial Beach, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 2672, filed in the Office of the County Recorder of San Diego County; and

**WHEREAS**, the City Council finds that the requested variance from the setback requirement standards satisfies the granting criteria for variances in the Zoning Ordinance; and

**WHEREAS**, the City Council finds that the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15305 as a Class 5 project (Minor Alterations in Land Use Limitations) and CEQA Guidelines Section 15303 as a Class 3 project (New Construction or Conversion of Small Structures).; and

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

**VARIANCE**

- 1. There are exceptional or extraordinary circumstances of conditions or hardships peculiar to the property including size, shape, topography, location or surroundings, that do not apply generally to the property in the same vicinity or zone. Hardships may include practical difficulties in development of the property for the needs of the owner or tenant consistent with the regulations of the zone; but in this context, personal, family or financial difficulties, loss of prospective profits, and/or neighboring violations are not hardships justifying a variance.**

The shape of the property is irregular due to its frontage on the cul-de-sac, which creates a hardship for construction of any structure north of the existing building. A significant portion of the existing building would have to be remodeled and/or demolished in order to construct a two-car garage, which would constitute a hardship and practical difficulty when a large portion of land north of the existing building could accommodate a two-car garage with a small portion of the building locating in the front yard setback requirement.

2. **The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and the same general vicinity, and that a variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his neighbors.**

The variance would not constitute a special privilege granted to the property owner because of the unique circumstances of the situation, which is only likely to occur on irregularly shaped lots with a substantial amount of land area that cannot be developed due to required setbacks. The property previously provided a two-car garage in the same location, and the property to the north of the project site currently provides a similar garage structure within a similar area.

3. **The granting of such variance will not be substantially detrimental to adjacent property and will not materially impair the purpose of this title or the public interest.**

The granting of the variance would not be substantially detrimental to adjacent property and would not materially impair the purpose of the setback requirements, because the only a portion of the proposed two-car garage would locate within the front yard and all other setback requirements would be met. The property to the north of the project site currently provides a similar garage structure within a similar area.

4. **The granting of such variance will not adversely affect the general plan or local coastal program.**

The granting of the variance will not adversely affect the general plan or local coastal program, because the existing development on the property is consistent with the land use standards of the general plan and local coastal program for the R-1-6000 Zone. The R-1-6000 Zone requires two enclosed parking spaces, which would be met with this project. Partially encroaching into the front yard setback would not adversely affect the General Plan and Local Coastal Program because the variance would provide for reasonable use of a property having unique characteristics.

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

**BE IT FURTHER RESOLVED** by the City Council of the City of Imperial Beach that a Variance (VAR 120013) to construct a portion of a detached two-car garage within the front yard setback of a lot with an existing single-family residence located at 387 Bonito Avenue (APN 625-110-21-00), in the R-1-6000 (Single-Family Residential) Zone, are hereby approved subject to the following:

**CONDITIONS OF APPROVAL:**

**A. PLANNING:**

1. The project shall be developed in substantial compliance with the plans submitted to the Community Development Department for MF 1092 (VAR 120013) dated **April 13, 2012**, or as later amended, and the conditions contained herein.
2. A three foot landscape strip should be provided between the driveway and north property line.

3. The two-car garage is the approved parking area. Any vehicles that utilize the driveway adjacent to the garage should not overhang into the public right-of-way.
4. Property owner should explore the opportunity to locate the proposed garage one additional foot to the east so that the impact to the front yard is minimized as feasibly possible while still maintaining the five foot side yard setback.
5. Approval of this request shall not waive compliance with any portion of the Building Code and Municipal Code in effect at the time a building permit is issued.
6. All negative balances in the project account (120013) shall be paid prior to Final Parcel Map approval.
7. The applicant or applicant's representative shall read, understand, and accept the conditions listed herein and shall, within 30 days, return a signed statement accepting said conditions.
8. **Approval** of the Variance (VAR 120013) is valid for one year from the date of final action by the City Council and shall **expire** on **June 20, 2013**, except where construction or use of the property in reliance on such variance approval has commenced prior to its expiration. If construction and use of the property in reliance on a variance approval has not commenced within the one-year period, such period may be extended by the Planning Commission or City Council for a period not exceeding six months for each application, up to a maximum of two years from the date of original approval.

**B. BUILDING:**

9. This project is subject to all Model Codes, State Codes and City Ordinances adopted by the City of Imperial Beach. All comments and corrections made during the Building Permit Plan Review process apply.

**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.

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

1. That the foregoing recitals are true and correct.
2. That the City Council grants a Variance (VAR 120013) to construct a portion of a detached two-car garage within the front yard setback of a lot with an existing single-family residence located at 387 Bonito Avenue (APN 625-110-21-00), subject to the conditions set forth in this Resolution.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 20<sup>th</sup> day of June 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**



387 BONITO AVE.

EXIST'G CURB & GUTTER

4" CONC. DRIVE

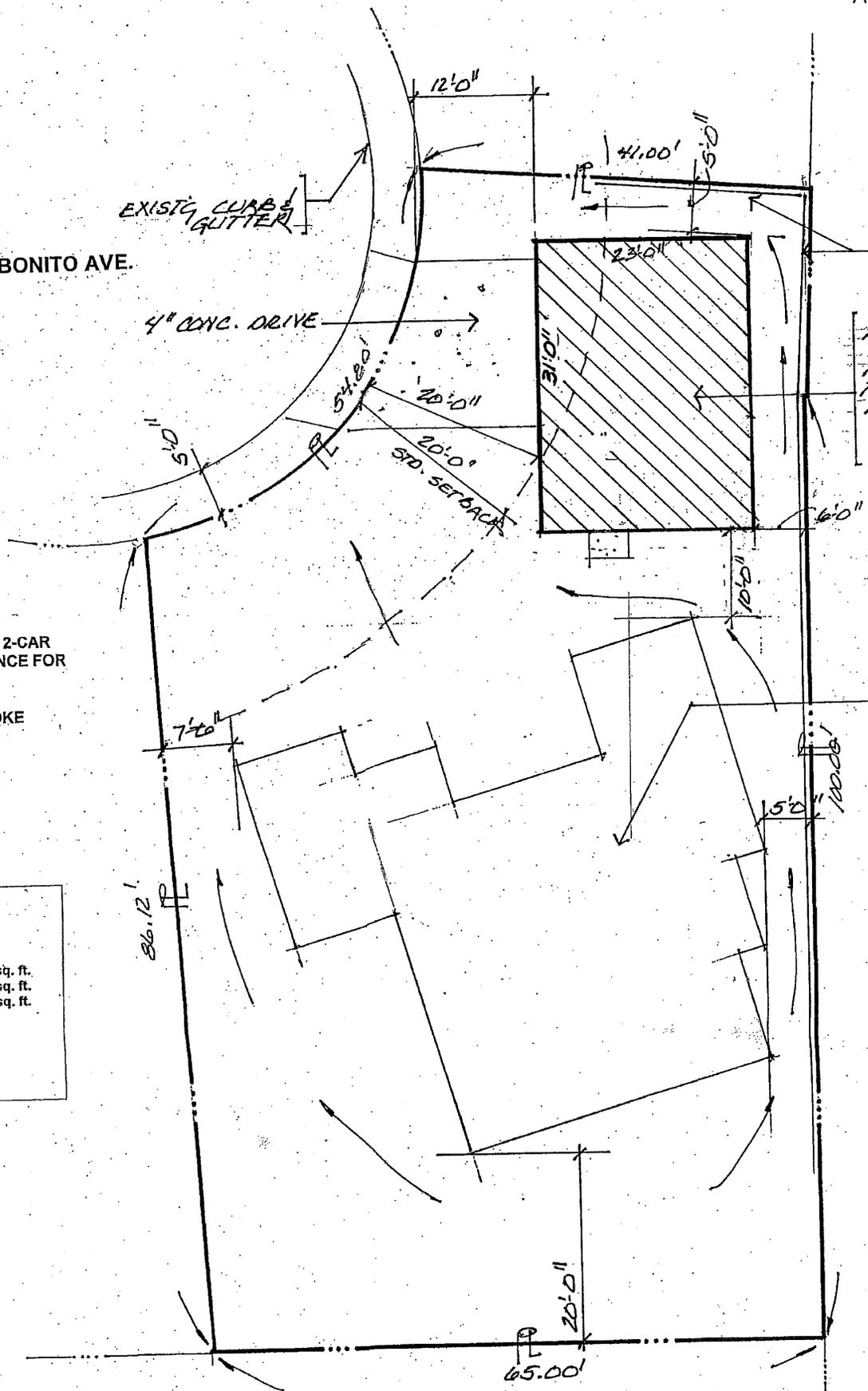
EXIST'G WALL @

PROPOSED 2 CAR GARAGE TYPE 2B TO BE CON. IN APPROX. OF PREV. GARAGE

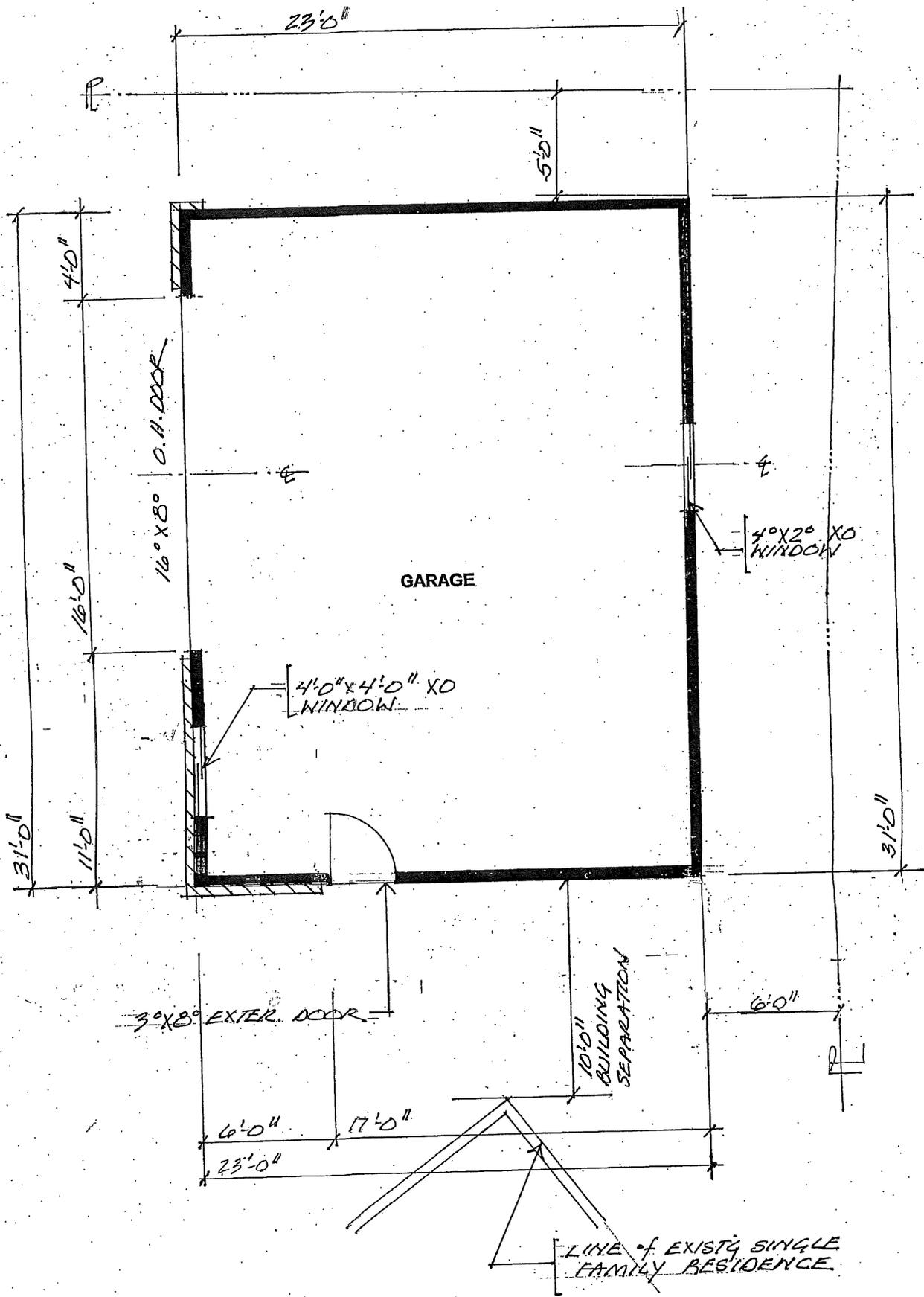
IF A NEW 2-CAR GARAGE VARIANCE FOR BACK: FAMILY VEH. SMOKE ORS IN

EXIST'G 1 STORY RESID. UNAF. TYPE 1

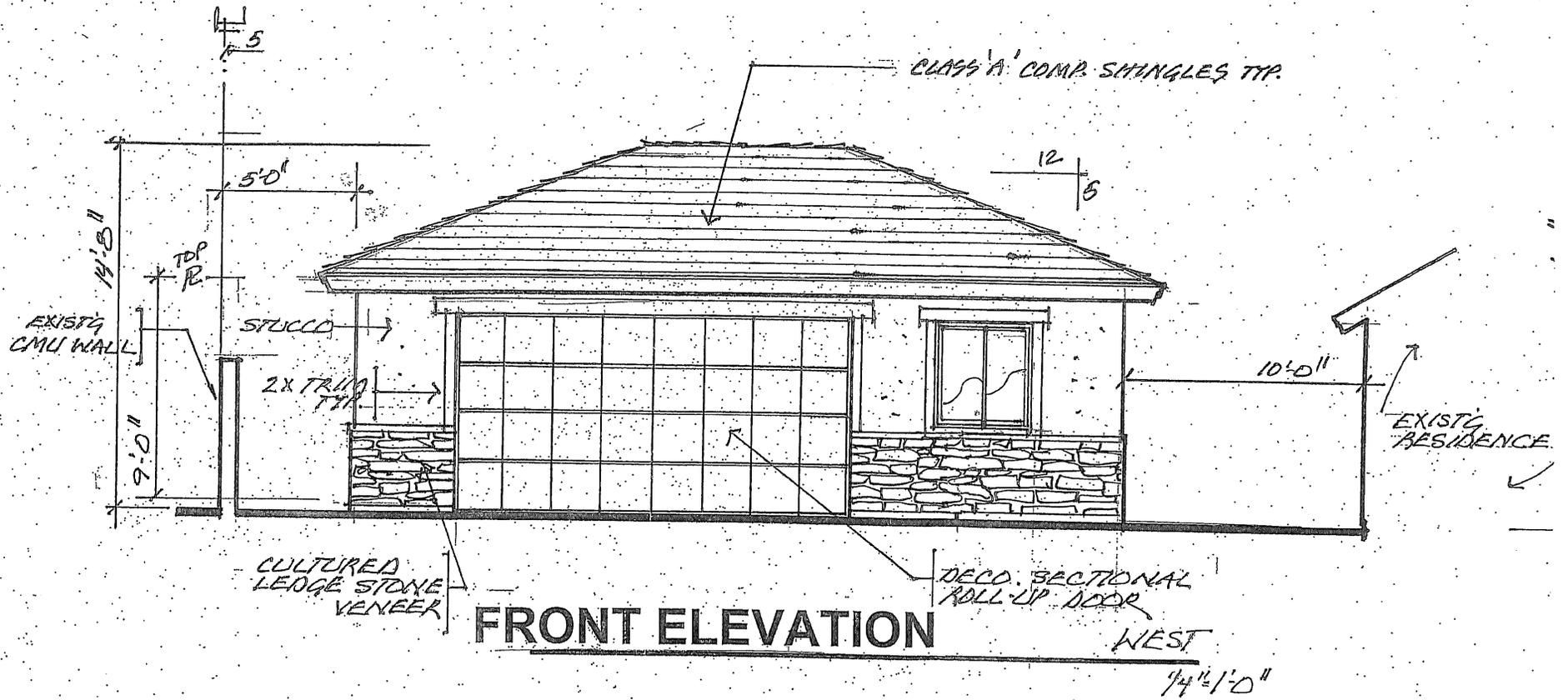
|        |         |
|--------|---------|
|        | sq. ft. |
|        | sq. ft. |
|        | sq. ft. |
| TOTAL: |         |

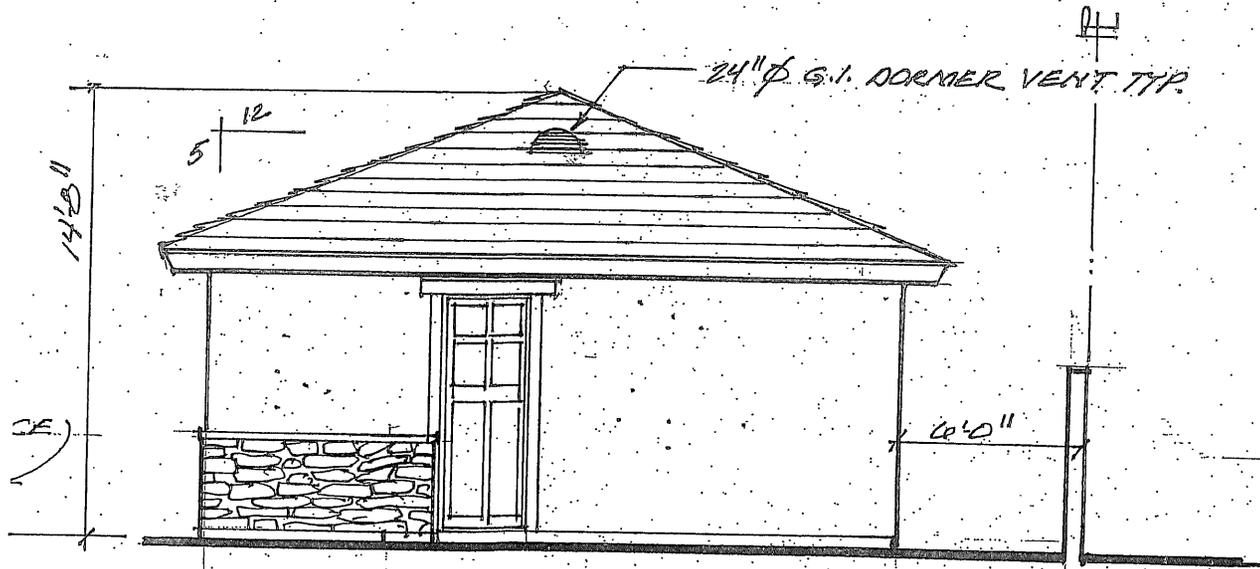


# PLOT PLAN



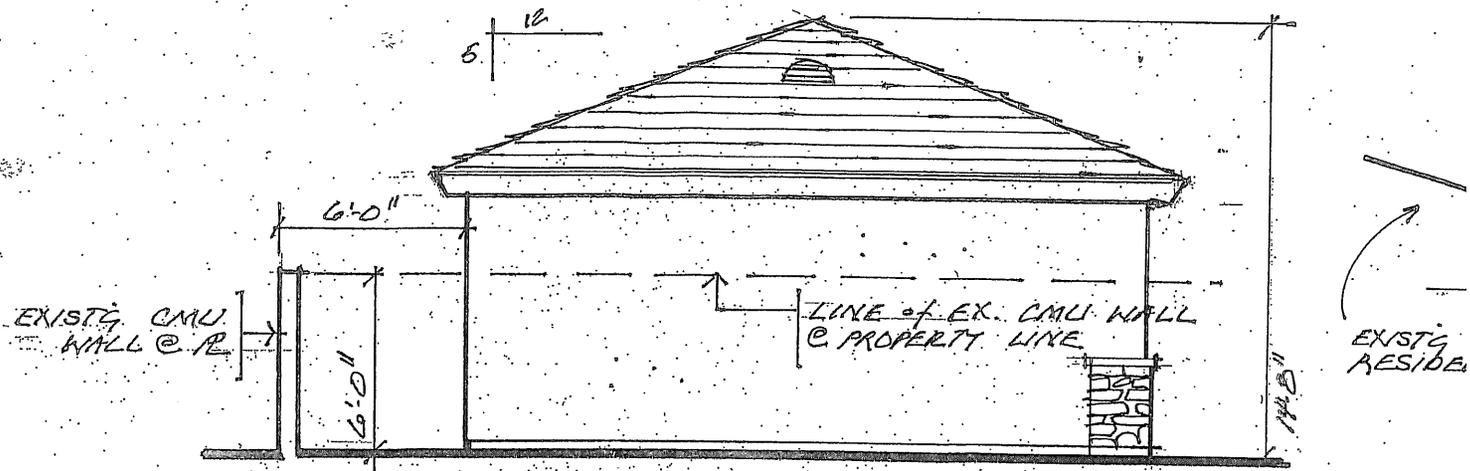
# FLOOR PLAN





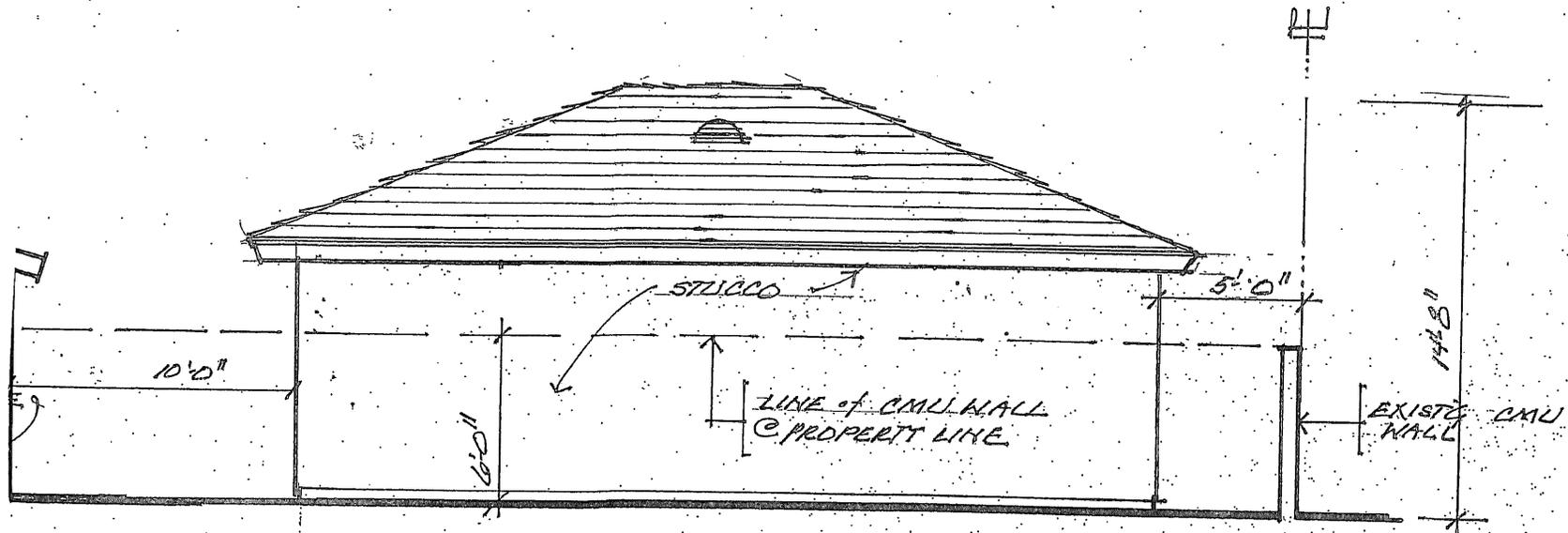
**RIGHT SIDE ELEVATION**

*SOUTH*  
*1/4" = 1'-0"*



**LEFT SIDE ELEVATION**

NORTH  
1/4



**REAR ELEVATION**

EAST  
14'-0"

1'-0"



## STAFF REPORT CITY OF IMPERIAL BEACH

**TO:** HONORABLE MAYOR AND CITY COUNCIL

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

**MEETING DATE:** JUNE 20, 2012

**ORIGINATING DEPT.:** FINANCE DEPARTMENT

**SUBJECT:** ADOPT RESOLUTION 2012- 7213 AMENDING THE  
FISCAL YEAR 2012-2013 BUDGET AND RE-  
ESTABLISHING THE GANN LIMIT

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### **BACKGROUND:**

On June 15, 2011, the City Council adopted a two year budget for Fiscal Year 2011-12 and Fiscal Year 2012-12. After the adoption of the budget, the State of California adopted legislation that ended redevelopment agencies. The Imperial Beach Redevelopment Agency was vital in the revitalization of the City of Imperial Beach. The elimination of the Redevelopment Agency by the State requires changes in the City budget for Fiscal Year 2012-13.

### **DISCUSSION:**

The State of California adopted Assembly Bill 26 to divert redevelopment funds to offset the State's General Fund deficit. The State approved AB 26 despite several voter approved propositions to stop the State's ongoing raid of local resources (ERAF1, ERAF2, SERAF, etc.). This legislation is particularly harmful to the citizens of Imperial Beach because it eliminates a prime financial mechanism to significantly improve blighted areas, upgrade the City's infrastructure, and stimulate economic development.

This detrimental legislation impacts the City's operating budget given the synergy between City and the Redevelopment Agency. Redevelopment funds pay for the direct redevelopment programming, the public works construction team, the graffiti program, and shared administration positions. Redevelopment funds approximately \$1.4 million for the above programs and pays interest of \$440,000 on the initial start-up funds lent to the Agency by the City.

The Council conducted a number of Workshops intended to provide direction on making the hard choices to rebalance the General Fund. The magnitude of the State induced deficit requires a dramatic change to City programs and structure. The basic Council direction given to rebalance the City's General Fund is to right-size the organization, reduce costs, explore fee adjustments, attempt to create vacancies through a voluntary separation plan, and explore other revenue measures.

## **Actions to Amend the Fiscal Year 2012-13 Operating Budget**

Based on Council's direction, staff is proposing the following measures to close the State induced imbalance:

- ✓ *AB 26 Redistribution* (Revenues \$250,000, \$560,000)- AB 26 provides for a minimum of \$250,000 to cover ongoing redevelopment costs and the return of the City's share of any tax increment receipts above the cost of paying enforceable obligations.
- ✓ *Direct RDA Staffing* (Savings \$212,000) – Two positions administer the redevelopment programs. Given the State elimination of redevelopment agencies, the funding of the Redevelopment Coordinator and the Assistant Project manager positions is not included in the revised budget.
- ✓ *Tidelands Adjustments* - The Amended Budget proposes that the Tidelands program be restructured by eliminating the Tidelands Supervisor position. This will allow for the addition of a lower cost Maintenance Worker 1 position.
- ✓ *Transfer Graffiti to Streets* (Savings \$130,000) – The Graffiti Program has been effective in the timely elimination of graffiti and the prosecution of offenders. The budget proposes that the Graffiti Program be absorbed into the Street Division. Additional savings from the elimination of the Tidelands Supervisor position will allow the City to retain the Maintenance Worker position. The Graffiti Coordinator position is proposed to be eliminated.
- ✓ *Reduce Administrative Positions* (Savings \$245,000) - Redevelopment related activity had a sizable impact on the work load of administrative staff positions. Redevelopment issues such as complex project development, development negotiations, zoning issues, financial analysis, financial reporting, bond financing, environmental review, and community input. Given the reduction in staff time related to redevelopment issues, the revised budget proposes the reduction of the Human Resources Manager position. Additionally, the City Manager will review reducing a finance management position. Further rightsizing of the organization will likely be needed in future years as workload demands change.
- ✓ *Modifications to Recreation and Park Programs* (Savings \$85,000) – The combination of a reduction in total hours of recreation staffing, changing the hours of operation, recreation and rental fee increases, termination of a park maintenance contract, and
- ✓ *Eliminate Fireworks Funding* (Savings \$30,000) – Funding after July 4, 2012 would be eliminated. A source of civic pride for this national celebration, preliminary analysis appears to show, at best, minimal economic impact. Alternative funding will be examined for this civic celebration.
- ✓ *Eliminate Public Relations Contract* (Savings \$15,000)

**FISCAL IMPACT:**

The Redevelopment Agency provided approximately \$1.8 million of ongoing programs and interest income. With the above mentioned adjustments, the City's Fiscal Year 2012-13 Operating Budget balances ongoing resources with ongoing revenues. The General Fund expenditures total \$17,610,000 including onetime transitional costs. Onetime funding is needed to offset onetime costs related to the State's elimination of redevelopment agencies including increased attorney costs (\$100,000), reduction in force termination pay (\$125,000), severance costs (\$100,000), and replacement training costs (\$100,000).

Additional measures will be needed to balance the General Fund in future years. The five year General Fund projection (Exhibit 1) indicates that as costs rise (such as the Sheriff's contract) continue efforts are needed to keep ongoing revenues and ongoing expenses in balance. Additionally, continued long term planning will be needed to address funding for capital improvements formerly provided by tax increment resources from the Redevelopment Agency.

The Redevelopment Agency has been replaced by the Successor Agency in the Amended Budget. Additional changes include updates for changes in the labor contracts that were approved after the adoption of the two year budget in June 2011.

**DEPARTMENT RECOMMENDATION:**

It is recommended that the City Council adopt Resolution 2012-7213 amending the Fiscal Year 2012-13 Budget and re-establishing the Gann Limit.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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

Exhibit 1 Five Year General Fund Projection

Attachment 1: Resolution 2012-7213

| City of Imperial Beach                      |               |                |                |                 | EXHIBIT 1        |
|---|---------------|----------------|----------------|-----------------|------------------|
| Five Year General Fund Projection           |               |                |                |                 |                  |
|   | Revised       |                |                |                 |                  |
|   | FY 2012-13    | FY 2013-14     | FY 2014-15     | FY 2015-16      | FY 2016-17       |
| <b>Revenues</b>                             |               |                |                |                 |                  |
| Property Tax                                | 2,376,000     | 2,376,000      | 2,376,000      | 2,376,000       | 2,376,000        |
| VLF in Lieu                                 | 2,110,000     | 2,110,000      | 2,110,000      | 2,110,000       | 2,110,000        |
| Port Contract Services                      | 3,890,000     | 3,890,000      | 3,890,000      | 3,890,000       | 3,890,000        |
| Sales Tax                                   | 766,000       | 766,000        | 766,000        | 766,000         | 766,000          |
| Pass Thru                                   | 400,000       | 400,000        | 400,000        | 400,000         | 400,000          |
| T.O. Tax                                    | 310,000       | 410,000        | 410,000        | 410,000         | 410,000          |
| All Other Revenue                           | 7,384,479     | 7,384,479      | 7,384,479      | 7,384,479       | 7,384,479        |
| Subtotal Revenue                            | 17,236,479    | 17,336,479     | 17,336,479     | 17,336,479      | 17,336,479       |
| <b>Expenses</b>                             |               |                |                |                 |                  |
| Employee Costs                              | 5,999,750     | 5,999,750      | 5,999,750      | 5,999,750       | 5,999,750        |
| Sheriff Contract                            | 5,650,000     | 5,650,000      | 5,650,000      | 5,650,000       | 5,650,000        |
| All Other Expense                           | 5,535,490     | 5,535,490      | 5,535,490      | 5,535,490       | 5,535,490        |
| Subtotal Expense                            | 17,185,240    | 17,185,240     | 17,185,240     | 17,185,240      | 17,185,240       |
| <b>Net Change per Year</b>                  | <b>51,239</b> | <b>151,239</b> | <b>151,239</b> | <b>151,239</b>  | <b>151,239</b>   |
| <b>Sheriff Contract Increases</b>           | -             | (169,000)      | (373,000)      | (584,000)       | (757,500)        |
| <b>Retirement Cost Increase</b>             | -             | (35,000)       | (100,000)      | (100,000)       | (100,000)        |
| <b>Property Tax - Hotel &amp; Growth</b>    | -             | 65,000         | 65,000         | 150,000         | 235,000          |
| <b>Fee Increases</b>                        | -             | 55,000         | 75,000         | 75,000          | 75,000           |
| <b>Vacation Rentals</b>                     | -             | -              | 75,000         | 75,000          | 75,000           |
| <b>Further Restructuring</b>                | -             | -              | 120,000        | 120,000         | 120,000          |
| <b>Decrease Sheriff Positions</b>           | -             | -              | -              | 100,000         | 100,000          |
| <b>Other</b>                                | -             | -              | -              | -               | -                |
| <b>Parking Enforcement / Collection</b>     | -             | -              | -              | -               | -                |
| <b>Advertising</b>                          | -             | -              | -              | -               | -                |
| <b>Franchise Fee: Water</b>                 | -             | -              | -              | -               | -                |
| <b>Close Friday</b>                         | -             | -              | -              | -               | -                |
| <b>CIP Offset</b>                           | -             | -              | -              | -               | -                |
| <b>Ongoing Net Change per Year</b>          | <b>51,239</b> | <b>67,239</b>  | <b>13,239</b>  | <b>(12,761)</b> | <b>(101,261)</b> |
| <b>Onetime Legal &amp; Transition Costs</b> |               |                |                |                 |                  |
| Legal                                       | (100,000)     | -              | -              | -               | -                |
| Severance                                   | (100,000)     | -              | -              | -               | -                |
| Accrued Vac/Sick Pay                        | (125,000)     | -              | -              | -               | -                |
| Training / Replacement                      | (100,000)     | -              | -              | -               | -                |

**RESOLUTION NO. 2012-7213**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING THE FISCAL YEAR 2012-2013 BUDGET AND RE-ESTABLISHING THE GANN LIMIT**

**WHEREAS**, the City Council a adopted the Fiscal Year 2012-2013 Budget on June 15, 2011; and

**WHEREAS**, the City Council has reviewed, studied and amended said proposed amended Budget; and

**WHEREAS**, Prop 4 (commonly known as the Gann Spending Initiative) created Article XIII B of the State Constitution placing limits on the amount of revenue which can be spent by the City; and

**WHEREAS**, the City is annually required to calculate its Spending Limit and its appropriations subject to that limit; and

**WHEREAS**, the City recalculated the Gann Spending Limit and the Calculation of Proceeds of Taxes as shown on Schedule 7 of the attachment titled City of Imperial Beach Amended Budget Fiscal Year 2012-2013 (Exhibit A).

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

- A. The various funds within the budget appropriated for the City of Imperial Beach for the fiscal year beginning July 1, 2012 and ending June 30, 2013 are adopted as shown on Schedule 3 of the attachment titled City of Imperial Beach Fiscal Year 2012-2013 Amended Budget (Exhibit A).
- B. The appropriation limit and the appropriations subject to the limit are hereby amended pursuant to Article XIII B of the California Constitution detailed on Schedule 7 of the Amended Budget (Exhibit A). The appropriation limit is \$19,635,351 and the appropriations subject to the limit totals \$7,520,400.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 20<sup>th</sup> day of June 2012, by the following roll call 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**

**Exhibit A  
to  
Resolution No. 2012-7213**

Will be available prior to  
City Council Meeting





**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** JENNIFER LYON, CITY ATTORNEY  
**MEETING DATE:** JUNE 20, 2012  
**ORIGINATING DEPT.:** CITY ATTORNEY  
**SUBJECT:** ASSESSMENT DISTRICT FORMATION

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**BACKGROUND:**

The City Council and staff have asked for more information regarding the formation of assessment districts. Recent questions originated from the May 2, 2012 City Council meeting discussion on possibly increasing the annual funding for assessment district AD 67M. Our office was asked about the steps the City must take in order to increase the assessment fees to keep pace with the cost of maintaining the district. Since then, we have been asked to broaden our research to discuss formation of assessment districts generally.

**DISCUSSION:**

1. Assessment Districts Generally:

Assessment districts are levied to pay for specific public improvements or services that benefit the properties or businesses subject to the assessment. Assessments are distinct from revenue generators, such as fees and taxes, in that assessments charge for the special benefit that a property or business receives from the assessment. There are many laws in the California Constitution and State Codes that discuss various assessments for different purposes. As a general law City, Imperial Beach is subject to these provisions. Nearly all assessments are subject to the procedural and voter approval requirements of Proposition 218.

Typically, assessments are levied against a geographic area known as an assessment district. These districts can include small portions of a city or the entirety of the jurisdiction. Assessment laws usually require each assessment district to include all properties that will specially benefit from the funded improvements or services. Such assessments are levied against real property and generally collected on the property tax roll, which is secured by a lien against the real property. Certain assessments may be levied against businesses and are normally collected along with business license taxes.

## 2. Applicable Law:

There are general and specific laws when it comes to establishing assessment districts. Proposition 218 provides general guidance when it comes to assessment district formation. The process may be initiated by petition of those wishing to be assessed or via resolution from the City Council. In either case, the City Council must approve one or more required resolutions declaring its intention to levy the assessment, direct preparation of and later preliminarily approve the engineer's report, schedule the public hearing and initiate the assessment ballot proceeding as required by Proposition 218. Some assessments require the recordation of boundary maps, which usually involve assessments levied in the first year for construction of infrastructure, which may be collected over time or assessments that are bonded. The assessment engineer's report should include a description and cost estimate of the improvements or services to be financed, an assessment diagram indicating the boundaries of the district and parcels for assessment, the method of apportioning the properties, and an assessment roll listing the parcels and their proposed assessments.

Proposition 218 also requires notice, protest and hearing requirements be provided for new and increased assessments. This includes mailing a notice of public hearing, along with assessment ballots to all property owners to be assessed, a 45-day notice for the public hearing and protest period, and a public hearing at which time the city council considers the protest and objections. The notice must also contain ballots for voting which clearly give the property owner the ability to sign and mark the assessment ballot in favor or against the proposed assessment. Ballots are weighted in accordance with the financial obligations of the affected parcels.

At the end of the hearing, the assessment ballots are counted to determine whether a majority protest exists. If there is no majority protest, then the city council may adopt a resolution to establish and impose a levy on the assessment district. Some additional steps may be taken depending on whether the assessment district is bonded, including recording a notice of assessment and diagram.

The district may not be formed if a majority protests the assessment. A majority protest exists "if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the assessment ballots submitted, and not withdrawn, in its favor, weighting those assessment ballots by the amount of the proposed assessment to be imposed . . ." Thus, the tabulation for a majority protest counts only the ballots submitted. If there is no majority protest, then the assessment may be approved by the city council.

Additional procedures and laws may apply depending upon the type of assessment district formed. There are a number of statutes that discuss the formation of specific assessment districts. These include the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Landscaping and Lighting Act of 1972, the Benefit Assessment Act of 1982, the Parking and Business Improvement Area Law of 1989 and the Property and Business Improvement District Law of 1994.

From our review of some Imperial Beach's actions on assessment districts, it has used the 1911 and 1972 acts for various streets and lighting improvements. For example, the City formed AD 67 pursuant to the Landscaping and Lighting Act of 1972, which was done prior to the passage of Proposition 218 in 1996. Any increase in the assessment must now comply with Proposition 218 requirements. This includes preparation of a detailed engineer's report. The other general requirements mentioned above also would apply, including notifying the parcel owner of record

with this information including the amount of the proposed assessment, the amount for the district, and details of the public hearing. Cal. Const. Art. XIID, section 4(c).

3. Initiation of Assessment Districts:

As mentioned above, assessment district formation or the increase in existing districts may be done by petition or the legislative body. Depending upon the type of assessment, different petition requirements may apply. For example, when petitioning for sidewalk and curb improvements under the 1911 Act, 60% of those who proposed being assessed (as determined by linear frontage) must sign the petition. Otherwise, the legislative body is not compelled to undertake the proceeding to form the assessment district.

In order to defray the costs of assessment district formation, some legislative bodies have adopted policies requiring deposits from each petitioner for startup costs. There is some dispute as to whether both renters and property owners may be involved with the assessment district process, including formation by petition and voting. Depending upon the type of assessment, the statute may provide guidance. For example, the 1911 Act specifies that the petition must be "signed by the owners" of the real property. This makes sense, given that the requirement to complete the improvements will be imposed upon the property owner.

In other situations, the legislative body may wish to form the assessment district on its own volition. If the assessment district succeeds, the costs associated with forming the district may be incorporated into the assessment. However, if the district formation fails, then the public agency must pay those expenses. Thus, the public agency may wish to undertake outreach efforts and gauge the interest of those voting on any assessment district prior to its formation.

**FISCAL IMPACT:**

None at this time. This item is informational only.

**DEPARTMENT RECOMMENDATION:**

City Council receive this report and provide direction, if any related to specific types of assessments the Council would like to review in more detail. If Council does provide direction, our office can do the research and provide more specific guidance on a particular type of assessment district.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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





**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: GARY BROWN, CITY MANAGER**

**MEETING DATE: JUNE 20, 2012**

**ORIGINATING DEPT.: PUBLIC WORKS & COMMUNITY DEVELOPMENT**

**SUBJECT: ADOPTION OF RESOLUTION NOS. 2012-7215 AND 2012-7222  
AUTHORIZING THE FILING OF APPLICATIONS FOR FISCAL  
YEAR 2011-2012 ACTIVE TRANSPORTATION GRANT  
PROGRAM FUNDS THROUGH THE SAN DIEGO  
ASSOCIATION OF GOVERNMENTS**

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**BACKGROUND:**

The San Diego Association of Governments (SANDAG) has announced a call for Capitol Grants for Fiscal Year 2011/2012 Active Transportation Program (Active Transportation Grant) applications. All applications must be submitted to SANDAG not later than July 17, 2012 and must include an authorizing resolution from City Council for each proposed project. Staff is planning to submit applications for two proposed City projects that include the Eco Bikeway 7<sup>th</sup> & Seacoast Project and the Bikeway Village Bayshore Bikeway Access Improvement Project.

The Active Transportation Grant Program has a total of \$6.6 million available for capital projects and \$2.2 million available for non-capital projects that best meet the following objectives:

- Encourage the development of a cohesive network of complete streets, improve bicycle/pedestrian neighborhood connectivity to transit and destinations such as schools, retail, places of work, parks, and other community gathering places and support smart growth placemaking.
- Improve safety for bicyclists and pedestrians through traffic calming and complete street design principles.
- Serve as models for the region by featuring innovative solutions that comprehensively prioritize access for bicyclists and pedestrians.
- Ensure access to jobs, services, and recreation for populations with fewer transportation choices and create equitable transportation opportunities for all users, regardless of age, ability, race, ethnicity, or income.
- Increase community support for bicycling and walking as a viable transportation choice for all trip purposes, and promote active transportation as a means of improving health outcomes.
- Support reduction in greenhouse gas emissions and facilitate an increase in levels of bicycling and walking in the region, by providing supportive facilities, amenities, and programs for bicyclists and pedestrians.

## **DISCUSSION:**

The Eco Bikeway 7<sup>th</sup> & Seacoast Project involves the construction of a Class 3 bikeway along 7<sup>th</sup> Street and a Class 2 bikeway along Palm Ave between 7<sup>th</sup> and 3<sup>rd</sup> Streets that provides connection from the Bayshore Bikeway to the beach. The proposed route includes road dieting along Palm Avenue, innovative traffic calming pop outs, widening of sidewalk, new crosswalks, pedestrian islands, and street signage. The City's Bicycle Transportation Plan (BTP) adopted in 2009 identifies the Eco Bikeway 7<sup>th</sup> & Seacoast Project as an important link to the Bayshore Bikeway. City Council has held numerous discussions on the Eco Route at previous Council meetings and most recently at the May 2, 2012 meeting.

The Engineer's estimate for construction of the Eco Bikeway 7<sup>th</sup> & Seacoast Project is \$2,100,000. The maximum allowable individual grant award for this cycle is \$1,500,000. There is no match required in the grant, however there are project evaluation points gained from a City match. Staff recommends a \$600,000 cash match that will cover the difference between the \$2,100,000 construction cost and the \$1,500,000 maximum grant award. The matching cost (\$600,000) would come from the City's TransNet funds. The City match is justified because the existing major maintenance requirements for Palm Avenue between 7<sup>th</sup> Street and 3<sup>rd</sup> Street (without the Class 2 Bikeway) will cost about \$600,000. Thus the \$600,000 City cash match will be consistent with the repair cost the City would incur without the bikeway improvement.

The Bikeway Village Bayshore Bikeway Access Improvement Project involves the enhancement and improvement of both bicycle and pedestrian access along and within 13<sup>th</sup> Street to the Bayshore Bikeway. These improvements are associated with the Bikeway Village project which for which the City Council approved a General Plan Amendment, Rezone, Design Review, and Site Plan on May 2, 2012 and May 16, 2012. A Mitigated Negative Declaration (MND) was also approved and certified for the project on May 2, 2012. The project pro forma provided by the Bikeway Village applicant estimates the 13<sup>th</sup> Street public improvement costs and plan preparation at approximately \$500,000.

## **ENVIRONMENTAL DETERMINATION:**

The BTP and associated CEQA adopted in 2009 analyzed and accepted the installation of a Class 2 bikeway on Palm Avenue between 7<sup>th</sup> Street and 3<sup>rd</sup> Street. The Bikeway Village Bayshore Bikeway Access Improvement Project currently proposes bicycle and pedestrian improvements that are compliant with the BTP and General Plan. An MND for the Bikeway Village Project, including the proposed bicycle and pedestrian improvements, was certified by the City Council on May 2, 2012. The MND identifies mitigation measures that will avoid or reduce all potentially significant environmental effects to below a level of significance.

## **FISCAL IMPACT:**

There would be several hours of staff time required to prepare and submit the Active Transportation Grant applications with some possible help from the Project design engineer (KOA Corporation) and the project applicant for the Bikeway Village project.

The City is asking for the maximum allowable grant amount of \$1.5 million for the Eco Bikeway 7<sup>th</sup> & Seacoast project with the City contributing \$600,000 of TransNet funds towards the total construction cost of \$2.1 million. Project costs to date have been approximately \$415,000.

For the Bikeway Village Bayshore Bikeway Access Improvement Project, the City is requesting \$500,000. The City has already contributed \$125,000 for the preparation of the environmental review document and has allocated up to \$1.8 million of funding for the project through an

Owner Participation Agreement between the City and the project applicant/developer.

**DEPARTMENT RECOMMENDATION:**

1. Receive this report; and
2. Adopt Resolution No. 2012-7215 authorizing City of Imperial Beach staff to submit an application to SANDAG for Fiscal Year 2011-2012 Active Transportation Grant Funds in the amount of \$500,000 for the Bikeway Village Bayshore Bikeway Access Improvement Project.
3. Adopt Resolution No. 2012-7222 authorizing City of Imperial Beach staff to submit an application to SANDAG for Fiscal Year 2011-2012 Active Transportation Grant Funds in the amount of \$1,500,000 for the Eco Bikeway 7<sup>th</sup> & Seacoast Project; and

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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

Attachments:

1. Resolution No. 2012-7215
2. Resolution 2012-7222

RESOLUTION NO. 2012-7215

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE FILING OF AN APPLICATION FOR ACTIVE TRANSPORTATION GRANT PROGRAM FUNDS THROUGH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR THE BIKEWAY VILLAGE BAYSHORE BIKEWAY ACCESS IMPROVEMENTS, AND ACCEPTING THE TERMS OF THE GRANT AGREEMENT.**

**WHEREAS**, \$8.8 million of Transportation Development Act/TransNet funding for capital and non-capital active transportation projects is available to local jurisdictions and the County of San Diego from Fiscal Year 2011-2012; and

**WHEREAS**, the City of Imperial Beach wishes to receive five hundred thousand dollars (\$500,000) in Active Transportation Grant funds for the following project: Bikeway Village Bayshore Bikeway Access Improvements; and

**WHEREAS**, the City of Imperial Beach understands that the Active Transportation Grant Program funding is fixed at the programmed amount, and therefore project cost increases that exceed the grant awarded will be the sole responsibility of the grantee; and

**WHEREAS**, the City of Imperial Beach agrees to complete the proposed grant project within a timely matter and in compliance with Board Policy No. 035.

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

1. That the City of Imperial Beach staff is authorized to submit an application to the San Diego Association of Governments (SANDAG) for Active Transportation Grant Program funding in the amount of \$500,000 for the Bikeway Village Bayshore Bikeway Access Improvements.
2. That the City Council has committed up to \$1.8 million towards the Bikeway Village project to fund public improvements associated with the project which would constitute matching funds and/or in-kind contributions to the project.
3. City of Imperial Beach staff is authorized to accept the grant funds, execute the attached grant agreement with SANDAG with no exceptions, and complete the Project.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 20<sup>th</sup> day of June 2012, by the following roll call vote:

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

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

**ATTEST:**

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

**RESOLUTION NO. 2012-7222**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE FILING OF AN APPLICATION FOR ACTIVE TRANSPORTATION GRANT PROGRAM FUNDS THROUGH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR THE ECO BIKEWAY 7<sup>TH</sup> & SEACOAST PROJECT, AND ACCEPTION THE TERMS OF THE GRANT AGREEMENT**

**WHEREAS**, \$8.8 million of Transportation Development Act/TransNet funding for capital and non-capital active transportation projects is available to local jurisdictions and the County of San Diego from Fiscal Year 2011-2012; and

**WHEREAS**, the City of Imperial Beach wishes to receive \$1,500,000 in Active Transportation Grant funds for the Eco Bikeway 7<sup>th</sup> and Seacoast Project; and

**WHEREAS**, the City of Imperial Beach understands that the Active Transportation Grant Program funding is fixed at the programmed amount, and therefore project cost increases that exceed the grant awarded will be the sole responsibility of the grantee; and

**WHEREAS**, the City of Imperial Beach agrees to complete the proposed grant project within a timely matter and in compliance with Board Policy No. 035.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Imperial Beach that the City Manager is authorized to submit an application to SANDAG for Active Transportation Grant Program funding in the amount of \$1,500,000.

**BE IT FURTHER RESOLVED** that, if a grant award is made by SANDAG to fund the Eco Bikeway 7<sup>th</sup> and Seacoast Project, the Imperial Beach City Council commits to providing \$600,000 of matching funds and/or in-kind contributions and authorizes the City Manager to accept the grant funds, execute the attached grant agreement with SANDAG with no exceptions, and complete the Eco Bikeway 7<sup>th</sup> and Seacoast Project.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 20<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, MMC**  
**CITY CLERK**



STAFF REPORT  
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: JUNE 20, 2012

ORIGINATING DEPT.: PUBLIC WORKS *HB*

SUBJECT: RESOLUTION AWARDING CONTRACT FOR CAPITAL IMPROVEMENT PROJECT RTIP FY 10-11 (STREET IMPROVEMENTS) S11-101 CONSTRUCTION

---

**BACKGROUND:** The Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009-2010 through 2013-2014 included annual Street Improvements funded through the TransNet program. The project size was dependent upon the estimated revenue earned through TransNet. The estimated average annual allocation that can be used for CIP projects was approximately \$500,000. The CIP projects budget was approved with Resolution Nr. 2009-6732.

On April 20, 2011, City Council adopted resolution 2011-7027 awarding the RTIP FY 10-11 (Street Improvements) S11-101 project design services to the City Engineer, BDS Engineering, for \$21,500. The project included the following streets for improvements:

- 3<sup>rd</sup> Street – between Elm Avenue and Imperial Beach Blvd.
- Hemlock Avenue – between 10<sup>th</sup> Street and Adelfa Court
- Adelfa Court

The project design is complete and the project was advertised for bids in the Imperial Beach Eagle & Times and other sources starting May 17, 2012. Bid opening was scheduled for Thursday, June, 14, 2012.

**DISCUSSION:** The project bids were opened and evaluated Thursday, June 14, 2012 in an advertised public meeting at 2:00 p.m. The lowest responsive and qualified bidder for the RTIP FY 10-11 (Street Improvements) Project S11-101 was from Koch Armstrong General Engineering at a bid price of \$557,926.50.

The eleven (11) contractors who submitted proposals are listed below along with their proposal amounts:

- |   |              |
|---|--------------|
| 1. Koch Armstrong General Engineering         | \$557,926.50 |
| 2. Southland Paving, Inc.                     | \$569,223.51 |
| 3. PAL General Engineering, Inc.              | \$587,802.20 |
| 4. Just Construction, Inc.                    | \$590,000.60 |
| 5. Tri Group Construction & Development, Inc. | \$649,177.00 |
| 6. ATP General Engineering, Contractors       | \$650,053.25 |
| 7. SRM Contracting & Paving                   | \$669,528.00 |
| 8. HTA Engineering and Construction, Inc.     | \$670,178.70 |
| 9. Portillo Concrete, Inc.                    | \$749,315.22 |

10. Wier Construction Corp.  
11. Blair Rasmussen Construction

\$769,167.25  
\$826,302.79

The engineer's estimate for this construction was \$ 617,231.85.

**ENVIRONMENTAL DETERMINATION:**

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

**FISCAL IMPACT:**

|                           |                     |
|---------------------------|---------------------|
| TransNet Revenue          | \$1,000,000         |
| Expenditures/Encumbrances |                     |
| Project Design            | \$ 21,500.00        |
| Project Administration    | \$ 15,000.00        |
| Contract Administration   | \$ 2,300.00         |
| Project Construction      | \$557,926.50        |
| <b>TOTAL EXPENDITURE</b>  | <b>\$596,726.50</b> |

There are sufficient revenue to cover the cost of this project construction. Remaining funds will be used in the next TRANSNET funded project – RTIP FY 11-12 (Street Improvements) project.

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Adopt the attached resolution awarding a contract to the lowest responsive bidder.
4. 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. 2012-7214

**RESOLUTION NO. 2012-7214****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AWARDING CONTRACT FOR CAPITAL IMPROVEMENT PROJECT RTIP FY 10-11 (STREET IMPROVEMENTS) S11-101 CONSTRUCTION**

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

**WHEREAS**, on April 20, 2011, City Council adopted resolution 2011-7027 awarding the RTIP FY 10-11 (Street Improvements) S11-101 project design services to the City Engineer, BDS Engineering Inc., for \$21,500; and

**WHEREAS**, the project included the following streets for improvements:

- 3rd Street – between Elm Avenue and Imperial Beach Blvd.
- Hemlock Avenue – between 10th Street and Adelfa Court
- Adelfa Court; and

**WHEREAS**, the project design is complete and the project was advertised for bids in the Imperial Beach Eagle & Times and other sources starting May 17, 2012; and

**WHEREAS**, the project bids were opened and evaluated Thursday, June 14, 2012 in an advertised public meeting at 2:00 p.m.; and

**WHEREAS**, the lowest responsive and qualified bidder for the RTIP FY 10-11 (Street Improvements) Project S11-101 was from Koch Armstrong General Engineering at a bid price of \$557,926.50; and

**WHEREAS**, the engineer's estimate for this construction was \$ 617,231.85.

**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 20th day of June 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 BROWN, CITY MANAGER

**MEETING DATE:** JUNE 20, 2011

**ORIGINATING DEPT.:** PUBLIC SAFETY *JB*

**SUBJECT:** ADOPTION OF RESOLUTIONS 2012-7208 & 2012-7209,  
AUTHORIZING THE CITY MANAGER TO SIGN AGREEMENTS  
FOR SCHOOL RESOURCE OFFICER SERVICES WITH THE  
SWEETWATER UNION HIGH SCHOOL DISTRICT AND SOUTH  
BAY UNION SCHOOL DISTRICT, RESPECTIVELY.

**BACKGROUND:**

Since 1995, the Sweetwater Union High School District (SUHSD) has contracted with the City of Imperial Beach for a School Resource Officer (SRO), which is a Sheriff's Deputy assigned to Mar Vista High School. This position is a full-time Sheriff's deputy, as the Sheriff's Department only staffs whole full-time equivalent positions for contract services. The deputy serves for a total of nine months in the SRO position during the school year. The school year is year-round with intermittent two-week breaks. During the breaks, the deputy's duties shift to other juvenile-based investigations, including graffiti identification and control activities. Recently, elementary schools within the South Bay Union School District (SBUSD) have also needed and utilized the services of the SRO.

**DISCUSSION:**

Historically, the city pays 100% of the expense for the Sheriff's deputy position during school breaks. The City and SUHSD have shared the cost of the position while the deputy is assigned to the SRO role at Mar Vista High School during the school year. During the 2011/2012 school year, however, the District paid a fixed cost of \$60,000 for the SRO position at a prorated level of service. The full level of service share would have been \$80,927. While it was intention that the SRO would have been assigned to the school for the prorated hours, the needs for these services at the school made this unrealistic, and he has been full time, especially between the high school and elementary schools during sessions. All parties agree this position is vital to maintaining a safe environment on the schools, including considerable preventative policing and investigative services. The proposed three year agreement with Sweetwater Union High School District is a fixed amount of \$65,000 each year.

As the value and need for SRO services have become apparent at the elementary schools, the City and Sheriff have worked with the South Bay Union School District to coordinate services and exploring cost sharing. The SBUSD Board is considering a recommendation to fund the SRO at a fixed cost of \$20,000 annually for three years. If the agreement is approved by both their board and Imperial Beach City Council, the SRO cost share would essentially be equal

between the City and the combined reimbursements of the school districts. If the South Bay Union School District agreement is not approved, Sweetwater Union High School District would still cover a good portion of the cost, and the common interest of enhanced safety at the high school would be preserved.

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

Adoption of Resolution 2012-7208 authorizing the City Manager to enter into the proposed three (3) year agreement with Sweetwater Union High School District would result in cost recovery of \$65,000 a year, which in Fiscal Year 2012/2013 is \$5,000 above the Fiscal Year 2011/2012 amount. If Resolution 2012-7209 is adopted, the agreement with South Bay Union School District would result in additional cost recovery of \$20,000 in Fiscal Year 2012/2013, and for the next two fiscal years. The expense for the School Resource Officer will be as follows if these agreements are executed.

| School Year  | Total Deputy | City Share | SUHSD Share | SBUSD Share |
|--------------|--------------|------------|-------------|-------------|
| FY 2012/2013 | \$214,835    | \$129,835  | \$65,000    | \$20,000    |
| FY 2013/2014 | \$226,651    | \$141,651  | \$65,000    | \$20,000    |
| FY 2014/2015 | \$239,117    | \$154,117  | \$65,000    | \$20,000    |
| Total        | \$680,603    | \$425,603  | \$195,000   | \$60,000    |

**DEPARTMENT RECOMMENDATION:**

Public Safety recommends that City Council adopt Resolution 2012-7208 authorizing the City Manager to enter into the MOU with the Sweetwater Union High School District for School Resource Officer services.

The department further recommends that if South Bay Union School District approves the proposed agreement, City Council adopt Resolution 2012-7209 authorizing the City Manager to enter into the MOU with the South Bay Union School District for School Resource Officer services.

**CITY MANAGER'S RECOMMENDATION:**

Approve the Department Recommendation.

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

Attachments:

1. Resolution No. 2012-7208
2. Resolution No. 2012-7209
3. SRO Memorandum of Understanding with SUHSD
4. SRO Memorandum of Understanding with SBUSD

**RESOLUTION NO. 2012-7208**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IMPERIAL BEACH AND THE SWEETWATER UNION HIGH SCHOOL DISTRICT FOR THE PURPOSE OF PROVIDING THE SERVICES OF A SHERIFF'S DEPUTY IN THE ROLE OF THE SCHOOL RESOURCE OFFICER AT MAR VISTA HIGH SCHOOL.**

**WHEREAS,** The parties agree that the safety of the children and staff members of Mar Vista High School are of highest importance; and

**WHEREAS,** The parties previously entered into an agreement on September 16, 2011 wherein the City of Imperial Beach agreed to provide, via its contract with the San Diego Sheriff's Office, a Sheriff's Deputy to serve in the role of the School Resource Officer at Mar Vista High School during the 2011/2012 School Year for a prorated level of service; and

**WHEREAS,** The parties previously entered into an agreement on September 16, 2011 wherein the City of Imperial Beach agreed to provide, via its contract with the San Diego County Sheriff's Department, a Sheriff's Deputy to serve in the role of the School Resource Officer at Mar Vista High School during the 2011/2012 School Year for a prorated level of service; and

**WHEREAS,** The parties have agreed in principle to the District paying \$65,000 a year commencing Fiscal Year 2012/2013, for three years.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Imperial Beach that the City Manager is authorized to enter into a Memorandum of Understanding between the City of Imperial Beach and the Sweetwater Union High School District for the provision of a School Resource Officer according to the terms of the Memorandum of Understanding.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 20<sup>th</sup> day of June 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, MMC  
CITY CLERK**

**RESOLUTION NO. 2012-7209**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IMPERIAL BEACH AND THE SOUTH BAY UNION SCHOOL DISTRICT FOR THE PURPOSE OF PROVIDING THE SERVICES OF A SHERIFF'S DEPUTY IN THE ROLE OF THE SCHOOL RESOURCE OFFICER AT MAR VISTA HIGH SCHOOL.**

**WHEREAS,** The parties agree that the safety of the children and staff members of Imperial Beach elementary schools in the South Bay Union School District are of highest importance; and

**WHEREAS,** The parties have agreed in principle to work cooperatively with the Sweetwater Union High School District, via the City of Imperial Beach contract with the San Diego Sheriff's Office, to share the services of a Sheriff's Deputy in the role of the School Resource Officer; and

**WHEREAS,** The parties have agreed in principle, pending approval of the South Bay Union School District Board, to the District paying \$20,000 a year commencing Fiscal Year 2012/2013 for three years.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Imperial Beach that the City Manager is authorized to enter into a Memorandum of Understanding between the City of Imperial Beach and the South Bay Union High School District for the provision of a School Resource Officer, according to the terms of the proposed Memorandum of Understanding.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 20<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, MMC**  
**CITY CLERK**

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE SWEETWATER UNION HIGH SCHOOL DISTRICT  
AND  
THE CITY OF IMPERIAL BEACH**

**MISSION STATEMENT:** It is the mission of the Sweetwater Union High School District (the DISTRICT) in concert with the City of Imperial Beach (the CITY) to provide a safe, secure, orderly teaching and learning environment for all students and staff at Mar Vista High School (MVHS) by protecting life and property.

Law Enforcement in the CITY is provided via contract between the CITY and the San Diego County Sheriff's Office (the DEPARTMENT), and provides the ability for the CITY to staff School Resource Officer (SRO) positions. Adoption of this Memorandum of Understanding (MOU) will result in campus security being increased by the presence of a Sheriff's Deputy, deployed as the SRO, who will interact with the students in both a positive and proactive manner. The on-campus SRO will also help improve relations between the DEPARTMENT and the youth of the community. As a result, the DISTRICT and the CITY, via the DEPARTMENT, agree to undertake the following responsibilities and expectations to achieve these mutual objectives:

**A. THE DISTRICT'S ROLE AND RESPONSIBILITY:**

1. Ensure student welfare portal to portal;
2. Develop procedures to handle campus safety issues;
3. Establish and follow procedures for referring SRO involvement; and
4. Cooperate with and support in a proactive manner the SRO's efforts to work with students, school personnel, parents and the community

**B. SCHOOL RESOURCE OFFICER'S ROLE AND RESPONSIBILITY:**

1. To provide prevention/intervention by:
  - a. Providing a uniformed SRO on the campus of MVHS.
  - b. Developing classroom and faculty presentations related to the youth and the law.
  - c. Attending parent conferences/meetings when requested.
  - d. Attending Student Attendance Review Board (S.A.R.B.) meetings.
  - e. Scheduling security activities as needed.
  - f. Take reasonable measures to make the first response in all law enforcement related matters as they occur while on duty during regular school hours.
  - g. Attending various school events and activities during the regular school day as needed for proactive enforcement and interaction.
  - h. Documenting all incidents of crime as per the DEPARTMENT regulations.
2. To continue to work with:
  - a. Community agencies; and
  - b. Parent/teacher groups as needed throughout the affected schools.

3. To assist investigative personnel of the DEPARTMENT assigned to cases intersecting with individuals associated with MVHS by conducting continued and ongoing investigations and preliminary investigations of criminal activity.
4. To work with personnel of MVHS and the DISTRICT in matters of mutual concern such as:
  - a. Education.
  - b. Prevention and intervention regarding alcohol and drug use on campus.
  - c. Safety of students and staff on campus.
  - d. Gang-related violence and crime.
  - e. Campus intrusion, and loss and/or damage to property.

**C. TIME FRAME**

This Memorandum of Understanding shall remain in effect for three years, commencing July 1, 2012 and ending June 30, 2015.

Either party shall have the right to cancel this MOU with or without cause upon 90 days advance written notice during the term of this agreement. The DISTRICT shall be responsible for to make all payments to the CITY for services rendered through the date of termination or expiration of this MOU.

**D. SPAN OF CONTROL/JURISDICTION**

Prevention, education, training, and proactive activities will take place at MVHS and public meeting places within the respective community as it relates to the DISTRICT activities. The SRO will remain under the direction and control of the DEPARTMENT.

**E. RESOURCE**

Resource and local management will be coordinated at:

Sweetwater Union High School District  
Attn: Dianne Russo, Chief Financial Officer  
1130 Fifth Avenue  
Chula Vista, CA 91911  
(619) 585-6265

City of Imperial Beach – Public Safety Department  
Attn: Tom Clark, Public Safety Director/Fire Chief  
865 Imperial Beach Blvd.  
Imperial Beach, CA 91932  
(619) 423-8323

**F. COST**

One Sheriff's Deputy will be funded jointly by the CITY and the DISTRICT as follows.

The DISTRICT will pay \$65,000 for each year of the term of the agreement, including any extensions executed. The City, and/or any other interested parties shall pay the remainder of the anticipated expenses per the chart below.

| Period       | Total Deputy | City Share | DISTRICT Share | Quarterly Payment |
|--------------|--------------|------------|----------------|-------------------|
| FY 2012/2013 | 214,835      | 149,835    | 65,000         | <b>16,250</b>     |
| FY 2013/2014 | 226,651      | 161,651    | 65,000         | <b>16,250</b>     |
| FY 2014/2015 | 239,117      | 174,117    | 65,000         | <b>16,250</b>     |

This MOU will be effective July 1, 2012, after which, the District, upon receipt of invoices, will pay the CITY equal quarterly installments as indicated in the preceding table. If the MOU is canceled as herein permitted, the CITY shall return forthwith to the DISTRICT the portion of such payment allocable to the period of the term subsequent to the effective date of cancellation.

The DISTRICT will receive the services of one SRO during the school year, while school is in session, barring major emergencies or other duties related to the SRO's position, including services to the South Bay Union School District as negotiated, training, approved time off, or other related duties, causing the DEPARTMENT to temporarily reallocate the deputy.

This MOU does not include any events outside of the regular school day, or outside of the SRO's regular work schedule, where additional costs are incurred by the CITY. All costs for additional SRO or Sheriff's Deputy staffing is the exclusive responsibility of the DISTRICT and will be charged, either directly by the DEPARTMENT, or by the CITY, according to the DEPARTMENT's contract costs as specified in the contract for services between the DEPARTMENT and the CITY.

**G. NO INDEPENDENT BASIS FOR LIABILITY**

Nothing herein shall create, by this or other understanding between the parties, an independent basis for liability of the CITY or the DEPARTMENT, and their respective officers, officials, employees and agents to either the DISTRICT or to a third party for any matter, including, but not limited to, failing to respond or for responding to a call for sheriff's services in a dilatory or negligent manner. Any liability of the CITY, or the DEPARTMENT, shall be limited to that as determined by law without regard to the existence of this Agreement.

**H. AUTHORITY TO EXECUTE**

The signatories below warrant that they have the legal authority to enter into this MOU and bind their respective parties to the rights and obligations herein.

SWEETWATER UNION  
HIGH SCHOOL DISTRICT

CITY OF IMPERIAL BEACH

By: *Dianne Russo*  
Dianne Russo, Chief Financial Officer

By: \_\_\_\_\_  
Gary Brown, City Manager

Date: 5-10-12

Date: \_\_\_\_\_

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE SOUTH BAY UNION SCHOOL DISTRICT  
AND  
THE CITY OF IMPERIAL BEACH**

**MISSION STATEMENT:** It is the mission of the South Bay Union School District (the DISTRICT) in concert with the City of Imperial Beach (the CITY) to provide a safe, secure, orderly teaching and learning environment for all students and staff at South Bay Union School District schools by protecting life and property.

Law Enforcement in the CITY is provided via contract between the CITY and the San Diego County Sheriff's Office (the DEPARTMENT), and provides the ability for the CITY to staff School Resource Officer (SRO) positions. Adoption of this Memorandum of Understanding (MOU) will result in campus security being increased by the presence of a Sheriff's Deputy, deployed as the SRO, who will interact with the students in both a positive and proactive manner. The SRO will also help improve relations between the DEPARTMENT and the youth of the community. As a result, the DISTRICT and the CITY, via the DEPARTMENT, agree to undertake the following responsibilities and expectations to achieve these mutual objectives:

**A. THE DISTRICT'S ROLE AND RESPONSIBILITY:**

1. Ensure student welfare portal to portal;
2. Develop procedures to handle campus safety issues;
3. Establish and follow procedures for referring SRO involvement; and
4. Cooperate with and support in a proactive manner the SRO's efforts to work with students, school personnel, parents and the community

**B. SCHOOL RESOURCE OFFICER'S ROLE AND RESPONSIBILITY:**

1. To provide prevention/intervention by:
  - a. Providing a uniformed SRO for negotiated times and as needed on DISTRICT campuses.
  - b. Developing classroom and faculty presentations related to the youth and the law.
  - c. Attending parent conferences/meetings when requested.
  - d. Attending Student Attendance Review Board (S.A.R.B.) meetings.
  - e. Scheduling security activities as needed.
  - f. Take reasonable measures to make the first response in all law enforcement related matters as they occur while on duty during regular school hours.
  - g. Attending various school events and activities during the regular school day as needed for proactive enforcement and interaction.
  - h. Documenting all incidents of crime as per the DEPARTMENT regulations.
2. To continue to work with:
  - a. Community agencies; and
  - b. Parent/teacher groups as needed throughout the affected schools.

3. To assist investigative personnel of the DEPARTMENT assigned to cases intersecting with individuals associated with schools within the DISTRICT by conducting continued and ongoing investigations and preliminary investigations of criminal activity.
4. To work with personnel of the DISTRICT and its schools in matters of mutual concern such as:
  - a. Education.
  - b. Prevention and intervention regarding alcohol and drug use on campus.
  - c. Safety of students and staff on campus.
  - d. Gang-related violence and crime.
  - e. Campus intrusion, and loss and/or damage to property.

**C. TIME FRAME**

This Memorandum of Understanding shall remain in effect for three years, commencing July 1, 2012 and ending June 30, 2015.

Either party shall have the right to cancel this MOU with or without cause upon 90 days advance written notice during the term of this agreement. The DISTRICT shall be responsible for to make all payments to the CITY for services rendered through the date of termination or expiration of this MOU.

**D. SPAN OF CONTROL/JURISDICTION**

Prevention, education, training, and proactive activities will take place at campuses within the DISTRICT and public meeting places within the respective community as it relates to the DISTRICT activities. The SRO will remain under the direction and control of the DEPARTMENT.

**E. RESOURCE**

Resource and local management will be coordinated at:

South Bay Union School District  
Attn: Carol Parish, Superintendent  
601 Elm Street  
Imperial Beach, CA 91932  
(619) 628-1605

City of Imperial Beach – Public Safety Department  
Attn: Tom Clark, Public Safety Director/Fire Chief  
865 Imperial Beach Blvd.  
Imperial Beach, CA 91932  
(619) 423-8323

**F. COST**

One Sheriff's Deputy will be funded jointly by the CITY and the DISTRICT.

The DISTRICT will pay \$65,000 for each year of the term of the agreement, including any extensions executed. The City, and/or any other interested parties shall pay the remainder of the anticipated expenses per the chart below.

| Period       | Total Deputy | City Share | DISTRICT Share | Quarterly Payment |
|--------------|--------------|------------|----------------|-------------------|
| FY 2012/2013 | 214,835      | 149,835    | 20,000         | <b>5,000</b>      |
| FY 2013/2014 | 226,651      | 161,651    | 20,000         | <b>5,000</b>      |
| FY 2014/2015 | 239,117      | 174,117    | 20,000         | <b>5,000</b>      |

This MOU will be effective July 1, 2012, after which, the District, upon receipt of invoices, will pay the CITY equal quarterly installments as indicated in the preceding table. If the MOU is canceled as herein permitted, the CITY shall return forthwith to the DISTRICT the portion of such payment allocable to the period of the term subsequent to the effective date of cancellation.

The DISTRICT will receive the services of one SRO during the school year, while school is in session, barring major emergencies or other duties related to the SRO's position, including services to the Sweetwater Union High School District at Mar Vista High School as negotiated, training, approved time off, or other related duties, causing the DEPARTMENT to temporarily reallocate the deputy.

This MOU does not include any events outside of the regular school day, or outside of the SRO's regular work schedule, where additional costs are incurred by the CITY. All costs for additional SRO or Sheriff's Deputy staffing is the exclusive responsibility of the DISTRICT and will be charged, either directly by the DEPARTMENT, or by the CITY, according to the DEPARTMENT's contract costs as specified in the contract for services between the DEPARTMENT and the CITY.

**G. NO INDEPENDENT BASIS FOR LIABILITY**

Nothing herein shall create, by this or other understanding between the parties, an independent basis for liability of the CITY or the DEPARTMENT, and their respective officers, officials, employees and agents to either the DISTRICT or to a third party for any matter, including, but not limited to, failing to respond or for responding to a call for sheriff's services in a dilatory or negligent manner. Any liability of the CITY, or the DEPARTMENT, shall be limited to that as determined by law without regard to the existence of this Agreement.

**H. AUTHORITY TO EXECUTE**

The signatories below warrant that they have the legal authority to enter into this MOU and bind their respective parties to the rights and obligations herein.

SOUTH BAY UNION  
SCHOOL DISTRICT

CITY OF IMPERIAL BEACH

By: \_\_\_\_\_  
Carol Parish, Superintendent

By: \_\_\_\_\_  
Gary Brown, City Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** GARY BROWN, CITY MANAGER

**MEETING DATE:** JUNE 20, 2012

**ORIGINATING DEPT.:** PUBLIC SAFETY *GB*

**SUBJECT:** ADOPTION OF RESOLUTION NO. 2012-7212 AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT AN APPLICATION FOR THE 2012 ASSISTANCE TO FIREFIGHTERS GRANT FOR THE PURPOSE OF ACQUIRING A NEW FIRE ENGINE

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**BACKGROUND:**

The City of Imperial Beach Fire Department has a fleet of one primary rescue-pumper and one reserve fire pumper apparatus. The reserve apparatus is nineteen years old and past the typical replacement age, mileage and safety/operational standards for current emergency practices and is currently out-of-service with a broken road transmission. The cost of repairs for known problems with the engine exceeds its salvage value. The primary apparatus is experiencing rapidly increasing mileage and wear-and-tear for its age.

**DISCUSSION:**

City Council authorized the Fire Department to apply for these funds last year, but the application was denied. Additionally, the primary engine broke down shortly after the reserve unit, and the department had to borrow engines from Cal-Fire and Bonita Sunnyside until the primary engine was repaired. With the loss of the reserve engine, our case is more compelling and replacement of the reserve apparatus is essential to providing reliable fire and life safety efforts in and around Imperial Beach. Therefore, the Fire Department is again requesting authorization to pursue federal funding via the Assistance to Firefighters Grant.

Generally departments prefer to replace apparatus every 15 years, though budget constraints often necessitate somewhat longer lifecycles. This leads to the types of challenges currently being experienced in the City of Imperial Beach.

The Assistance to Firefighters Grant (AFG), is a program which provides federal funding opportunities to address equipment, training, and other needs of community fire departments. For cities the size of Imperial Beach, the grant covers 90% of the associated costs for any awards made, and the city is required to provide a cost-share of 10% of the total project cost. Imperial Beach was recipient of an AFG grant in 2009, for rescue equipment and firefighter crew training. This equipment will also help to offset costs for outfitting of the new fire engine, once procured.

The cost of a comparable Pierce unit, which can readily be "piggybacked purchased" with another city's specifications that closely matches those that would be spec'd for Imperial Beach, and the cost estimate would be approximately:

|                       |                  |
|-----------------------|------------------|
| Pierce Rescue-Pumper  | \$575,000        |
| Required Equipment    | \$ 65,000        |
| <b>Apparatus Cost</b> | <b>\$640,000</b> |
| <br>                  |                  |
| Sales Tax             | \$ 56,000        |
| <b>Total Cost</b>     | <b>\$696,000</b> |

At that the total cost of \$696,000, the City's 10% share would be approximately \$70,000, which would need to be identified should the grant be awarded.

The application period is June 11, 2012 to July 6, 2012 and is currently being completed.

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

If approved, this action has no fiscal impact. Should the City be awarded the grant, a future action accepting the award would have a two-fold impact to the City:

- Savings of approximately \$700,000 in the immediate-future expense of replacing the aging Westates apparatus, and
- Expenditure of \$70,000 during Fiscal Year 2013.

**DEPARTMENT RECOMMENDATION:**

Staff recommends the City Council adopt Resolution No. 2012-7212 authorizing the City Manager, or his designee, to sign and submit an application for the 2012 Assistance to Firefighters Grant for the purpose of acquiring a fire engine.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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

Attachments:

1. Resolution No. 2012-7212

**RESOLUTION NO. 2012-7212**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPLY FOR THE 2012 ASSISTANCE TO FIREFIGHTERS GRANT FOR A FIRE ENGINE.**

**WHEREAS**, The Imperial Beach Fire Department has an aging fleet of two fire engines, both of which are experiencing mechanical problems and service outages; and

**WHEREAS**, The Imperial Beach Fire Department reserve fire engine is 20 years old with mileage of almost 100,000 miles; and

**WHEREAS**, FEMA has initiated the 2012 Assistance to Firefighter Grant, which allows agencies to submit for new fire engines; and

**WHEREAS**, The cost of a new fire engine is estimated to be approximately \$700,000, of which if awarded, FEMA would provide funds totaling \$630,000 with the City requiring to match approximately \$70,000.

**WHEREAS**, if the City is awarded the grant, City Council would be briefed and would then decide whether to accept the grant, and thereby obligate the City for the \$70,000 match.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Imperial Beach that the City Manager or his designee is authorized to apply for the 2012 Assistance to Firefighters Grant.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 20<sup>th</sup> day of June 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:**

\_\_\_\_\_  
**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:** June 20, 2012

**ORIGINATING DEPT.:** PUBLIC SAFETY *JB*

**SUBJECT:** ADOPTION OF RESOLUTION 2012-7211 AUTHORIZING THE CITY MANAGER TO EXTEND THE AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE CITY OF IMPERIAL BEACH FOR THE PURPOSE OF PROVIDING ANIMAL SHELTER AND ANIMAL CONTROL SERVICES THROUGH FISCAL YEAR 2012/2013

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**BACKGROUND:**

The City of Imperial Beach had contracted with the City of Chula Vista for full Animal Control Officer (ACO) and Animal Shelter services, from October 1, 1999 to October 21, 2009. In 2009 City Council approved the Imperial Beach Animal Control Program which replaced the Chula Vista contracted Animal Control Officer services with its own full-time ACO while maintaining the Animal Shelter services. The contract included call-out services from Chula Vista when the Imperial Beach ACO was unavailable. In August 2010, the Imperial Beach ACO position became vacant and the City relied on Chula Vista for priority one emergency call-out services. Based on the satisfactory performance provided by the City of Chula Vista Animal Control Shelter services from 1999 to the present, staff recommended the continued use of their Animal Control Officer services. In November of 2010, the City of Imperial Beach entered into an eight month agreement (November-June) with the City of Chula Vista for Animal Shelter and Animal Control Officer Services. The agreement provides for an option to extend the agreement for two (2) additional one (1) year terms.

**DISCUSSION:**

At this time, the City of Imperial Beach and the City of Chula Vista would like to execute the final one-year extension of the agreement, commencing July 1, 2012 and ending June 30, 2013. A new multi-year contract will need to be negotiated beginning Fiscal Year 2013/2014. In 2009 the City of Chula Vista instituted a new cost formula for shelter and control services. The cost for services is divided amongst the participating agencies (Chula Vista, Lemon Grove, Imperial Beach, and National City) based on the percentage of animals taken into the shelter per year. The intake count for Imperial Beach in calendar year 2011 totals 556. Animal intakes increased by .18% from the prior year. The total cost for Fiscal Year 2012/2013 for animal control services will be \$220,021. The cost for Animal Shelter services is \$143,889, and for weekly 4-day Animal Control Officer services is \$76,132.

**ENVIRONMENTAL IMPACT:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

There is no fiscal impact with this action. The Budget for 2012-2013 will cover the anticipated expense of \$220,021 for the Animal Control Contract with the City of Chula Vista.

**DEPARTMENT RECOMMENDATION:**

Adopt Resolution No. 2012-7211, which authorizes the City Manager to execute the final one-year extension to the agreement for Animal Shelter and Animal Control Officer services between the City of Imperial Beach and the City of Chula Vista for Fiscal Year 2012-2013.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution 2012-7211
2. Second Amendment to Agreement

**RESOLUTION NO. 2012-7211****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXTEND THE AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE CITY OF IMPERIAL BEACH FOR THE PURPOSE OF PROVIDING ANIMAL CARE AND ANIMAL CONTROL SERVICES**

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

**WHEREAS**, The Parties entered into an Agreement on November 23, 2010 (the "Agreement"), wherein the City of Chula Vista agreed to provide animal shelter and on call control services for the impounding, adoption, redemption, and the care and disposition of dogs, cats, and other small animals; and

**WHEREAS**, The Parties amended the Agreement on or about June 1, 2010, providing the Parties to change coverage to four days a week, to change the extensions from two (2) calendar years, to two (2) fiscal years, and to execute the first extension of the contract, ending June 30, 2012; and

**WHEREAS**, The Parties now desire to extend the term of the Agreement through Fiscal Year 2012-2013, beginning July 1, 2012 and ending June 30, 2013, for a total of \$220,021.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Imperial Beach authorizes the City Manager to execute the final one-year extension to the Agreement between the City of Chula Vista and the City of Imperial Beach for the purpose of providing animal control and care services for a period of one (1) year, commencing July 1, 2012 and ending June 30, 2013.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 20<sup>th</sup> day of June 2012, by the following roll call vote:

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

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

**ATTEST:**

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

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy of Resolution No. 2012-7211 - A Resolution of the City Council of the City of Imperial Beach, California, AUTHORIZING THE CITY MANAGER TO EXTEND THE AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE CITY OF IMPERIAL BEACH FOR THE PURPOSE OF PROVIDING ANIMAL CARE AND ANIMAL CONTROL SERVICES

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

\_\_\_\_\_  
DATE

**SECOND AMENDMENT TO AGREEMENT  
BY AND BETWEEN  
THE CITY OF IMPERIAL BEACH AND  
THE CITY OF CHULA VISTA  
TO PROVIDE ANIMAL CARE AND ANIMAL CONTROL SERVICES  
TO THE CITY OF IMPERIAL BEACH**

This Second Amendment to the Agreement is entered into this 20<sup>th</sup> day of June 2012, by and between the City of Chula Vista, a chartered municipal corporation of the State of California, and the City of Imperial Beach, a municipal corporation of the State of California. The City of Chula Vista and the City of Imperial Beach may be referred to collectively as "Parties."

**RECITALS**

- A. The Parties entered into an Agreement on November 23, 2010 (the "Agreement"), wherein the City of Chula Vista agreed to provide animal shelter and on call control services for the impounding, adoption, redemption, and the care and disposition of dogs, cats, and other small animals for the amount of \$174,078.40 for the remainder of Fiscal Year 2010-11.
- B. The Parties executed an amendment to the Agreement on or about June 1, 2010, providing the Parties to change coverage to four days a week, to change the extensions from two (2) calendar years to two (2) fiscal years, and to execute the first extension of the contract, ending June 30, 2012.
- C. The Parties now desire to execute the second and final extension of the Agreement.

NOW, THEREFORE, the Parties agree to extend the term through Fiscal Year 2012-2013, beginning July 1, 2012 and ending June 30, 2013, for a total amount of \$220,021.

The parties further agree that with the foregoing exceptions, each and every term and provision of the Agreement dated November 23, 2010, and as amended on or about June 1, 2011 in the 1<sup>st</sup> Amendment to the Agreement, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first above written.

CITY OF IMPERIAL BEACH

CITY OF CHULA VISTA

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED AS TO FORM:

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

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

ATTEST:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Clerk



## STAFF REPORT CITY OF IMPERIAL BEACH

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

MEETING DATE: JUNE 20, 2012  
ORIGINATING DEPT.: JACQUELINE M. HALD, CITY CLERK

SUBJECT: NOVEMBER 6, 2012 GENERAL MUNICIPAL ELECTION  
RESOLUTIONS

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### BACKGROUND & DISCUSSION:

The City of Imperial Beach is scheduled to conduct a General Municipal Election on November 6, 2012 for the purpose of electing two Members of the City Council. Therefore, adoption of the attached resolutions is required to begin the election process and consolidate with the Statewide election to be held on the same date.

The Candidate Filing Period for the November election is from the 113<sup>th</sup> day to the 88<sup>th</sup> day before the election (July 16, 2012 to August 10, 2012) during normal office hours, as posted. In the event an incumbent does not file for a position, the filing period is extended to the 83<sup>rd</sup> day before the election (August 15, 2012) during normal business hours, as posted.

The following resolutions are being presented for City Council's consideration:

**Resolution No. 2012-7216** calls and gives notice of the November 6, 2012 General Municipal Election for the purpose of electing two Members of the City Council of the City of Imperial Beach.

**Resolution No. 2012-7217** requests the Board of Supervisors to conduct and consolidate the General Municipal Election with the Statewide General Election pursuant to Elections Code §10403 and authorizes the Registrar of Voters to provide services.

**Resolution No. 2012-7218** pertains to regulations for Candidate's Statements. Candidates may file a Candidate's Statement for the voter's pamphlet and Council determines if the statement is to be 200 or 400 words. The Registrar of Voters' estimated cost for a 200 word statement is \$450.00 and a 400 word statement is \$520. This resolution reflects a 200 word statement, which is one-half of a page and a lesser cost. The Federal Voting Rights Act requires voters' pamphlets to be translated in other languages as specified by the Registrar of Voters (Spanish, Vietnamese, Filipino and Chinese).

**Resolution No. 2012-7219** regarding tie votes is OPTIONAL and is being provided to Council at this time for consideration. Resolution of a tie vote may be decided either by lot or by conducting a Special Runoff Election involving only those candidates who receive an equal number of votes and the highest number of votes.

If by lot, adoption of this Resolution would be appropriate. If Council should decide a Special Runoff Election be conducted, then the appropriate resolution would be brought back at the next meeting.

**FISCAL ANALYSIS:**

The Registrar of Voters estimates its fees to be approximately \$9,000.00 to \$12,000.00 for conducting the General Municipal Election. According to the Registrar of Voters, the conservative estimate to conduct a Special Poll Election is \$205,000 to \$215,000.

**DEPARTMENT RECOMMENDATION:**

That the City Council adopt the following resolutions:

1. Resolution No. 2012-7216 calling for the holding of a General Municipal Election to be held on Tuesday, November 6, 2012 for the election of certain officers as required by the provisions of the laws of the State of California relating to general law cities;
2. Resolution No. 2012-7217 requesting the Board of Supervisors of the County of San Diego to consolidate a General Municipal Election to be held on Tuesday, November 6, 2012, with the Statewide General Election to be held on the same date pursuant to §10403 of the Elections Code;
3. Resolution No. 2012-7218 adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at an election to be held on Tuesday, November 6, 2012; and
4. Resolution No. 2012-7219 adopting a procedure to resolve tie votes by lot.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2012-7216
2. Resolution No. 2012-7217
3. Resolution No. 2012-7218
4. Resolution No. 2012-7219

## RESOLUTION NO. 2012-7216

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES**

**WHEREAS**, under the provisions of the laws relating to General Law cities in the State of California, a General Municipal Election shall be held on November 6, 2012 for the election of Municipal Officers.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**SECTION 1.** That pursuant to the requirements of the laws of the State of California relating to General Law cities, there is called and ordered to be held in the City of Imperial Beach, California, on Tuesday, November 6, 2012, a General Municipal Election for the purpose of electing two Members of the City Council for a full term of four years.

**SECTION 2.** That the ballots to be used at the election shall be in form and content as required by law.

**SECTION 3.** That the City Clerk is authorized, instructed, and directed to coordinate with the County of San Diego Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

**SECTION 4.** That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code §10242, except as provided in §14401 of the Elections Code of the State of California.

**SECTION 5.** That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 6.** That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.

**SECTION 8.** That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**SECTION 9.** The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Imperial Beach at its regular meeting held this 20<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, MMC**  
**CITY CLERK**

**RESOLUTION NO. 2012-7217**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO §10403 OF THE ELECTIONS CODE**

**WHEREAS**, the City Council of the City of Imperial Beach called a General Municipal Election to be held on Tuesday, November 6, 2012, for the purpose of the election of two Members of the City Council; and

**WHEREAS**, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the Registrar of Voters of the County of San Diego canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

SECTION 1. That pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of San Diego is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 6, 2012 for the purpose of the election of two Members of the City Council.

SECTION 2. That the Registrar of Voters is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 3. That the Board of Supervisors of the County of San Diego is requested to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

SECTION 4: That the City of Imperial Beach recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs upon presentation of an invoice.

SECTION 5: That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of the County of San Diego.

SECTION 6: That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Imperial Beach at its regular meeting held this 20<sup>th</sup> day of June 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, MMC**  
**CITY CLERK**

**RESOLUTION NO. 2012-7218****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012**

**WHEREAS**, §13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidate's statement.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**SECTION 1. GENERAL PROVISIONS.** That pursuant to §13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Imperial Beach, California on Tuesday, November 6, 2012, may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age, and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in typewritten form in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

**SECTION 2. FOREIGN LANGUAGE POLICY.**

- A. Pursuant to the Federal Voting Rights Act, candidate's statements will be translated into all languages required by the County of San Diego. The County is required to translate candidate's statements into the following languages: Spanish, Vietnamese, Filipino and Chinese.
- B. The County of San Diego will print and mail sample ballots and candidate's statements in English to all voters. The County will also mail sample ballots and candidates statements in Spanish, Vietnamese, Filipino and Chinese to only those voters who are on the county voter file as having requested a sample ballot in a particular language. The County will make sample ballots and candidates statements in the required languages available at all polling places, on the County's website, and the Election Official's office.

**SECTION 3. PAYMENT.**

- A. Translations
  - 1. The candidate shall be required to pay for the cost of translating the candidate's statement into any required foreign language as specified in (A) of Section 2 above pursuant to Federal and/or State law.
- B. Printing
  - 1. The candidate shall be required to pay for the cost of printing the candidate's statement in English in the main voter pamphlet.
  - 2. The candidate shall be required to pay for the cost of printing the candidate's statement in a foreign language required in (A) of Section 2 above, in the main voter pamphlet.

The City Clerk shall provide the Registrar of Voters' estimate for the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share of \$450.00 as a condition of having his or her statement included in the voter's pamphlet. The estimated amount is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the Clerk shall prorate the excess amount among the candidates and refund the excess amount paid.

**SECTION 4. MISCELLANEOUS.**

- A. All translations shall be provided by professionally certified translators.
- B. Candidate's statements shall be consistent with the standard formatting guidelines utilized by the County of San Diego Registrar of Voters.
- C. The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

**SECTION 5. ADDITIONAL MATERIALS.** No candidate will be permitted to include additional materials in the sample ballot package.

**SECTION 6.** That the City Clerk shall provide each candidate or candidate's representative with a copy of this resolution at the time nominating petitions are issued.

**SECTION 7.** That all previous resolutions establishing council policy on payment for candidate's statements are repealed.

**SECTION 8.** That this resolution shall apply only to the election to be held on November 6, 2012 and shall then be repealed.

**SECTION 9.** That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Imperial Beach at its regular meeting held this 20<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, MMC**  
**CITY CLERK**

**RESOLUTION NO. 2012-7219****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING A PROCEDURE TO RESOLVE TIE VOTES BY LOT**

**WHEREAS**, pursuant to §15651 of the Elections Code, the City Council may adopt a procedure to resolve a tie vote by lot or by conducting a special runoff election involving only those candidates who received an equal number of votes and the highest number of votes.

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

1. Pursuant to Elections Code §15651, if at any election, two or more persons receive an equal and the highest numbers of votes for an office to be voted upon in the City of Imperial Beach, the tie shall be resolved by lot.
2. Upon a tie vote, the City Council shall forthwith summon the candidates who have received the tie votes, whether upon the canvass of the returns by the Council or upon a recount by a court, to appear before the Council at a time and place to be designated by the Council. The Council shall at that time and place determine the tie by lot (e.g. tossing a coin, etc.) or in order to maintain a sense of dignity in resolving a tie vote, Council may place each candidate's name in an unmarked, sealed envelope. The Council can then select a person to draw an envelope and read the name of the winning candidate.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Imperial Beach at its regular meeting held this 20<sup>th</sup> day of June 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, MMC**  
**CITY CLERK**