



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

FEBRUARY 19, 2014

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

CLOSED SESSION MEETING – 5:00 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 (1-2)

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code section 54956.9(d)(1)
Case No. 37-2013-00081555-CU-EI-CTL

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: APN 625-271-02-00

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: S.D. County

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

Property: APN 626-291-05-00

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: S.D. County

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

Property: APN 626-291-12-00

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: S.D. County

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

Continued on Next Page

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.

CLOSED SESSION (Continued)

Property: APN 626-291-13-00

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: S.D. County

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

Property: APN 626-291-14-00

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: S.D. County

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

RECONVENE AND ANNOUNCE ACTION (IF APPROPRIATE)

ADJOURN CLOSED SESSION

REGULAR MEETING CALL TO ORDER

ROLL CALL BY CITY CLERK

PLEDGE OF ALLEGIANCE

AGENDA CHANGES

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

COMMUNICATIONS FROM CITY STAFF

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

PRESENTATIONS (1.1)

1.1* **PRESENTATION ON CLIMATE UNDERSTANDING AND RESILIENCE IN THE RIVER VALLEY BY DANIELLE BOUDREAU OF THE TIJUANA RIVER NATIONAL ESTUARINE RESEARCH RESERVE. (0150-40)**

* No staff report.

CONSENT CALENDAR (2.1-2.3) - *All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items, unless a Councilmember or member of the public requests that particular item(s) be removed from the Consent Calendar and considered separately. Those items removed from the Consent Calendar will be discussed at the end of the Agenda.*

2.1 MINUTES.

Recommendation: Approve the minutes of the November 20, 2013 Regular City Council Meeting.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Recommendation: Ratify the following registers: Accounts Payable Numbers 83936 through 84053 with a subtotal amount of \$126,950.46 and Payroll Checks/Direct Deposits 45736 through 45756 for a subtotal amount of \$125,918.66 for a total amount of \$252,869.12.

2.3 ADOPT RESOLUTION NO. 2014-7452 APPROVING AND ADOPTING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE MEMBERS OF THE IMPERIAL BEACH FIREFIGHTERS' ASSOCIATION LOCAL 4692. (0540-20)

Recommendation: Adopt resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

PUBLIC HEARINGS (4)

None.

REPORTS (5.1-5.2)

5.1* SPORTS PARK TASK FORCE. (0920-40)

Recommendation: Receive update.

* No staff report.

5.2 CAPITAL IMPROVEMENTS PROGRAM PROJECT DETAIL AND ENABLING RESOLUTIONS 2014-7451, 2014-7453, 2014-7454, 2014-7455.

Recommendation:

1. Adopt Resolutions 2014-7453, 2014-7454 and 2014-7455 establishing Subpolicies for City Council Policy 616 to provide more detailed direction for alley improvements, citywide street lighting and installation of sidewalks, respectively;
2. Approve the Two Year Implementation Schedule in accordance with City Council Policy 616 with the additional detail provided by staff; and
3. Adopt Resolution 2014-7451 providing funding allocations to initiate the projects identified in the Two Year Implementation Schedule.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (6.1-6.4)

6.1 ADOPTION OF RESOLUTION NO. SA-14-38 APPROVING AND RECOMMENDING THAT THE OVERSIGHT BOARD APPROVES THE REALLOCATION AND USE OF FUNDS RECEIVED FROM THE REDEVELOPMENT PROPERTY TAX TRUST FUND IN THE AMOUNT OF \$756,916 TO BE EXPENDED ON ENFORCEABLE OBLIGATIONS APPROVED ON RECOGNIZED OBLIGATION PAYMENT SCHEDULES. (0418-50)

Recommendation: Adopt resolution.

6.2 ADOPTION OF RESOLUTION NO. SA-14-39 FINDING AND RECOMMENDING THAT THE OVERSIGHT BOARD FINDS THAT THE LOAN TOTALING \$3,738,100 MADE BY THE CITY OF IMPERIAL BEACH TO THE FORMER IMPERIAL BEACH REDEVELOPMENT AGENCY WAS FOR LEGITIMATE REDEVELOPMENT PURPOSES, AND OTHER RELATED ACTIONS TAKEN IN ACCORDANCE WITH HEALTH AND SAFETY CODE SECTION 34191.4(b). (0418-50)

Recommendation: Adopt resolution.

6.3 ADOPTION OF RESOLUTION NO. SA-14-40 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE ADMINISTRATIVE BUDGET FOR THE PERIOD OF JULY 1, 2014 THROUGH DECEMBER 31, 2014 AND RELATED ACTIONS. (0418-50)

Recommendation: Adopt resolution.

6.4 ADOPTION OF RESOLUTION NO. SA-14-41 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING AND ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD OF JULY 1, 2014 THROUGH DECEMBER 31, 2014 (ROPS 14-15A). (0418-50)

Recommendation: Adopt resolution.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

ADJOURNMENT

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

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

/s/
Jacqueline M. Hald, MMC
City Clerk

Climate Understanding & Resilience in the River Valley

Tijuana River Valley: A Threatened but Resilient Ecosystem

The Tijuana River Valley (TRV) contains the largest intact coastal wetland system in Southern California, despite intense pressure from development associated with being situated on an international border between two major metropolitan areas- San Diego (California, United States) and Tijuana (Baja California, Mexico). Unlike most other coastal ecosystems in the region, which have been fragmented or lost altogether, the Valley has contiguous beach, dune, salt marsh, riparian, and upland ecosystems. These habitats are largely in public ownership, managed by the National Oceanic & Atmospheric Administration, US Fish & Wildlife, California State Parks, County of San Diego, and City of San Diego.



Tijuana River Watershed drains 1,700 miles to the Pacific Ocean through the Tijuana River Valley.
(Map: TRV Recovery Strategy)



US-Mexico Border: Tijuana adjacent to Border Field State Park



Oneonta Slough neighboring Imperial Beach, CA

Light-footed Clapper Rail
Habitat: Salt Marsh



California Least Tern
Habitat: Dune



Least Bell's Vireo
Habitat: Riparian



Salt Marsh
Bird's - Beak



Why this project?

Climate change will effect the long-term ecological viability of natural ecosystems, while impacting the social and economic health of the surrounding communities. Fortunately, the Tijuana River Valley has been the focus of major restoration, conservation, and research efforts, making it a regional system able to accommodate impacts associated with our changing climate. In order to maintain and improve the resiliency of the TRV, we must strengthen our understanding of local vulnerabilities to climate change and develop adaptation strategies to address the impacts that threaten the future sustainability of important natural ecosystems and human communities.

A Climate Adaptation Strategy will help resource managers effectively protect the habitats of endangered and threatened species throughout the TRV.

(Flower Photo: Michael L. Charters, calflora.net / Vireo Photo: PRBO)



Expertise from TRNERR's primary programs will be drawn on throughout the development and implementation of this project.

Education & Community Outreach



Research

Stewardship



Training

Project Objectives

The overarching goal is to begin a regionally committed process of adapting to climate change within the context of other environmental and socioeconomic changes. In order to achieve this goal, the Tijuana River National Estuarine Research Reserve (TRNERR) will collaborate with a diverse stakeholder group to conduct a vulnerability assessment that informs the development of an Adaptation Strategy addressing the impacts of climate change, specifically sea level rise and riverine flooding. This project will aid the Tijuana River Valley Recovery Team (TRVRT) in addressing one of its priority action areas listed in the Recovery Strategy as a way to help protect and enhance natural resources throughout the region. The development and implementation of this Climate Adaptation Strategy will help local communities adapt to climate change and increase ecosystem resiliency by providing jointly developed recommendations to coastal decision-makers on how to consider climate change in managing our natural resources and built infrastructure.

US Navy



Equestrian



Border Patrol



A Collaborative Approach

TRNERR will lead a team that builds on well-established partnerships through the TRVRT and is expanded to include perspectives among federal, state, regional, county, and local public agencies; universities; nonprofits; businesses; and landowners throughout the development and implementation of the Adaptation Strategy. This process will improve the ability of public agencies in the TRV to adapt to climate change, as well as offer tools for effective participatory ecosystem-based management in light of these changes.

In addition to being an important ecological resource, the Tijuana River Valley provides a wide variety of uses.

(Navy & Border Patrol Photos: KPBS)



For more information contact:
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CTP Associate, CURRV Project Lead
Tijuana River NERR
619.575.3613 x332
dboudreau@trnerr.org

This project is funded by a grant from the Coastal and Ocean Climate Applications Program of the National Oceanic and Atmospheric Administration (NOAA) Climate Program Office.

Also supported in part by a grant from the National Estuarine Research Reserve System (NERRS) Science Collaborative.

MINUTES

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

NOVEMBER 20, 2013

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

REGULAR MEETING – 6:00 P.M.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the City Council meeting to order at 6:00 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Patton, Bilbray, Spriggs
Councilmembers absent:	None
Mayor Present:	Janney
Mayor Pro Tem Present:	Bragg
Staff Present:	City Manager Hall, City Attorney Lyon, City Clerk Hald, Assistant City Manager Wade, City Planner Nakagawa, Building Official Holden, Public Works Director Levien, Interim Administrative Services Director Wellcome

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

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

COUNCILMEMBER SPRIGGS thanked staff for setting up the lighting demonstration on Seacoast Drive.

MAYOR PRO TEM BRAGG announced that she was reappointed as Chair to the Accessible Services Advisory Committee for MTS.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

BOB MILLER thanked City Council and staff for the Seacoast Drive lighting demonstration and he said that he looked forward to having a discussion on the matter at a future City Council meeting.

CHUCK QUISENBERRY suggested that City Council agendas be placed on the sigalert sign to inform the public of upcoming City Council meetings.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1-2.6)

ASSISTANT CITY MANAGER WADE announced for the record a clerical correction to Item No. 2.4, Article VII – Leave of Absence, Section 4(b)(3): the removal of one of the words “one.”

MOTION BY BILBRAY, SECOND BY PATTON, TO APPROVE CONSENT CALENDAR ITEMS NOS. 2.1 THRU 2.6. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the Regular City Council Meeting Minutes of October 16, 2013.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 83458 through 83524 for a subtotal amount of \$347,583.23 and Payroll Checks/Direct Deposit 45585 through 45606 for a subtotal of \$130,938.96 for a total amount of \$478,522.19. Additionally, approved previous payroll checks 45250 through 45274 for \$126,968.93 and 45303-45328 for \$164,627.28.

2.3 ADOPTION OF RESOLUTION NO. 2013-7421 APPROVING A PROFESSIONAL SERVICES AGREEMENT FOR CODE COMPLIANCE HEARING OFFICER. (0470-07)

Adopted resolution.

2.4 ADOPT RESOLUTION NO. 2013-7423 AMENDING ARTICLES VI – SALARY ADJUSTMENT, VII – HOLIDAY WITH PAY (SECTION 3), VII VACATION LEAVE (SECTION 4), IX – DISCIPLINARY PROCEDURES, AND X – GRIEVANCE PROCEDURE OF THE CITY OF IMPERIAL BEACH PERSONNEL RULES. (0500-95)

Adopted resolution.

2.5 RESOLUTION NO. 2013-7427 APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IMPERIAL BEACH AND THE CITY OF SAN DIEGO OFFICE OF HOMELAND SECURITY FOR A FY14 URBAN AREA SECURITY INITIATIVE (UASI) GRANT OF \$13,240 TO FUND A GIS INTERN POSITION FOR THE PURPOSE OF ASSISTING IN THE PREPARATION OF FIREFIGHTING PREPLAN MAPS. (0390-88 & 0510-05)

1. Received report;
2. Authorized the City Manager to accept the City of San Diego Office of Homeland Security FY14 Urban Area Security Initiative (UASI) grant funds when received;
3. Appropriated these grant funds to account no. 503-1923-419-1001; and
4. Authorized the City Manager to sign the Memorandum of Understanding between the City of Imperial Beach and the City of San Diego Office of Homeland Security regarding the FY 14 Urban Area Security Initiative (UASI) Grant Funding when received.

- 2.6 RESOLUTION NO. 2013-7428 TO AFFIRM CHANGE ORDER NO. 1 TO REPLACE THE RECREATION CENTER MANSARD ROOF CIP F14-001 AND APPROPRIATE AN ADDITIONAL \$27,417 FROM THE NEW STRATEGIC CAPITAL IMPROVEMENT GF RESERVE TO CIP PROJECT F14-001. (0330-35 & 0920-40)**
1. Received report;
 2. Affirmed the City Manager's approval on Change Order No. 1 to the "Replace the Recreation Center Mansard Roof" project CIP F14-001 for a total change order cost of \$27,417; and
 3. Appropriated an additional \$27,417 from the New Strategic Capital Improvement GF Reserve Account for the payment of Change Order No. 1 to the "Replace the Recreation Center Mansard Roof" CIP F14-001 contract, account no. 420-5000-532-XXXX.

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

- 3.1 ORDINANCE NO. 2013-1140 AND ADOPTION OF RESOLUTION NO. 2013-7410: THE CITY OF IMPERIAL BEACH: GENERAL PLAN AMENDMENT (GPA)/ LOCAL COASTAL PROGRAM AMENDMENT (LCPA) / AND ZONING CODE AMENDMENT (ZCA) 100057/ TO IMPLEMENT COASTAL COMMISSION MODIFICATIONS TO THE IMPERIAL BEACH COMMERCIAL LCPA PROJECT. MF 935. (0610-95)**

CITY MANAGER HALL introduced the item.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item and he announced a corrected Resolution No. 2013-7410 and corrected Ordinance No. 2013-1140 were submitted as Last Minute Agenda Information. Additionally, clerical corrections were made to the 6th "Whereas" section of the resolution.

MAYOR JANNEY declared the public hearing open.

COUNCILMEMBER SPRIGGS expressed concern about mandatory requirements under the Employer Support of Transit language. He noted that there is no exemption for small employers who would be negatively impacted by these types of requirements. He suggested that the recommendations be encouraged rather than required. He recommended that there be an exemption or limiting language for smaller businesses.

ASSISTANT CITY MANAGER WADE stated that there are many ways in which to implement transportation demand measures and noted that City Staff did not view the language as a burden on any business, whatever the size. The language provides for ideas and he stressed that they are not exclusive. He also noted that the recommendations are a State mandate as per Senate Bill 375 and Assembly Bill 32 to decrease greenhouse gases.

In response to comments made by staff, MAYOR JANNEY clarified that SANDAG does not get involved in local land use issues but instead makes recommendations.

ASSISTANT CITY MANAGER WADE further clarified that actively encouraging these types of recommendations does not mean an outright requirement. He cautioned that if City Council does not want to accept the modification, it would greatly extend the process for approval of all of the amendments before City Council. He stated that the General Plan is a guiding document

while the Zoning Code is the law. He further stated that the proposed language would not require any business to do anything unless it is in the code and again stressed that he did not believe it puts a burden on any business.

In response to Councilmember Spriggs' concern about the California Coastal Commission's (CCC) removal of language allowing for exceptions by a conditional use permit, ASSISTANT CITY MANAGER WADE stated that as staff reviewed the proposed changes made by the CCC, staff had to pick their battles. He stressed that the initial changes proposed by the CCC were a lot worse. He also stated that developers do not want discretionary action requiring them to get a CUP because it adds cost and time to any process. He spoke about the requirements for upper level step backs to preserve view corridors. He gave background on the difficult experience with the CCC staff with regard to the zoning for Bernardo Shores.

CHUCK QUISENBERRY spoke in opposition to the item.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION OF INTENT NO. 2013-7410 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING ATTACHMENT 3 OF RESOLUTION NO. 2012-7236 THAT APPROVED IMPERIAL BEACH COMMERCIAL GENERAL PLAN/ LOCAL COASTAL PROGRAM AMENDMENT (GPA/ LCPA) 100057, AND FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH# 2011041048) AND CERTIFYING THAT PROPOSED MODIFICATIONS TO THE COMMERCIAL LCP AMENDMENT STIPULATED BY THE COASTAL COMMISSION IS CONSISTENT WITH THE COASTAL ACT. MF 935

COUNCILMEMBER SPRIGGS commented that the ordinance represents a hard fought community battle on height limits and density. He also stated that the height limit is lower than many in the community asked for and it preserves the community.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION OF INTENT NO. 2013-7410 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING ATTACHMENT 3 OF RESOLUTION NO. 2012-7236 THAT APPROVED IMPERIAL BEACH COMMERCIAL GENERAL PLAN/ LOCAL COASTAL PROGRAM AMENDMENT (GPA/ LCPA) 100057, AND FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH# 2011041048) AND CERTIFYING THAT PROPOSED MODIFICATIONS TO THE COMMERCIAL LCP AMENDMENT STIPULATED BY THE COASTAL COMMISSION IS CONSISTENT WITH THE COASTAL ACT. MF 935. MOTION CARRIED UNANIMOUSLY.

CITY CLERK HALD read the title of Ordinance No. 2013-1140 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING ATTACHMENT 2 OF ORDINANCE NO. 2012-1130 THAT AMENDED TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE BY AMENDING THE PROVISIONS FOR THE C-1, C-2, AND C-3 COMMERCIAL ZONES AND AMENDING THE ZONING MAP FOR PROPERTIES DESIGNATED C-1 (GENERAL COMMERCIAL) IN THE PALM AVENUE STUDY AREA, C-2 (SEACOAST COMMERCIAL) IN THE OLD PALM AVENUE AND SEACOAST DRIVE STUDY AREAS, AND C-3 (NEIGHBORHOOD COMMERCIAL) IN THE 13TH STREET CORRIDOR STUDY AREAS AND AREAS ZONED R-1500 (HIGH DENSITY RESIDENTIAL) THAT WERE SUBJECT TO THE MU-1 (MIXED USED-1) OVERLAY DESIGNATION IN THE PALM AVENUE STUDY AREA AND THE MU-2 (MIXED USE-2) OVERLAY DESIGNATION IN THE

SEACOAST DRIVE STUDY AREA TO SATISFY THE MODIFICATIONS STIPULATED BY THE COASTAL COMMISSION. MF 935.”

MOTION BY SPRIGGS, SECOND BY BRAGG, TO CONTINUE THE PUBLIC HEARING TO THE CITY COUNCIL MEETING OF DECEMBER 4, 2013 AND TO WAIVE FURTHER READING OF ORDINANCE NO. 2013-1140 IN FULL, AND SET THE MATTER FOR A SECOND READING AND ADOPTION ON DECEMBER 4, 2013. MOTION CARRIED UNANIMOUSLY.

3.2 ORDINANCE NO. 2013-1143, INTRODUCTION AND FIRST READING: ADOPTING CALIFORNIA CODE OF REGULATIONS TITLE 24 PARTS 1 THROUGH 12, 2013 EDITION WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS. (0710-95)

CITY MANAGER HALL introduced the item.

BUILDING OFFICIAL HOLDEN stated that the Building Code is 12 volumes of technical information that changes every three years. The changes presented are fairly minor and occurring statewide.

CITY CLERK HALD read the title of Ordinance No. 2013-1143 “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING CHAPTERS 8.50, 15.02, 15.04, 15.06, 15.08, 15.16, 15.20, 15.28 15.32 AND 15.38, ADDING CHAPTERS 15.14, 15.18, AND 15.34 AND REPEALING CHAPTERS 15.24 AND 15.40 OF THE IMPERIAL BEACH MUNICIPAL CODE.”

MOTION BY SPRIGGS, SECOND BY PATTON, TO INTRODUCE AND HOLD THE FIRST READING OF ORDINANCE NO. 2013-1143 BY TITLE ONLY, WAIVE FURTHER READING IN FULL, AND SET THE MATTER FOR SECOND READING BY TITLE ONLY AND ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING OF DECEMBER 4, 2013 AND AUTHORIZE THE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING/ADOPTION

None.

PUBLIC HEARINGS

None.

REPORTS (6.1-6.4)

6.1 RESOLUTION NO. 2013-7422 ADOPTING AND APPROVING THE CITY SALARY & COMPENSATION PLAN FOR FY 2013-2015. (0520-95)

CITY MANAGER HALL introduced the item.

ASSISTANT CITY MANAGER WADE reported on the item.

MOTION BY PATTON, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2013-7422 ADOPTING AND APPROVING THE SALARY & COMPENSATION PLAN FOR FISCAL

YEARS (FY) 2013-2015.

COUNCILMEMBER SPRIGGS recognized staff and the unions for concluding the negotiations successfully.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY PATTON, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2013-7422 ADOPTING AND APPROVING THE SALARY & COMPENSATION PLAN FOR FISCAL YEARS (FY) 2013-2015. MOTION CARRIED UNANIMOUSLY.

6.2. 10TH STREET (BETWEEN S.R. 75 TO DONAX AVENUE) DESIGN OPTIONS. (0720-10)

CITY MANGER HALL introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item.

LARRY THORNBURGH, Senior Project Manager for Nasland Engineering, along with PAT O'CONNOR, of Parterre Landscape Architects, presented conceptual plans for the 700 block of 10th Street.

CHUCK QUISENBERRY spoke in opposition to the item. He suggested that the City not spend any more money until the 9th and Palm project is completed.

COUNCILMEMBER PATTON expressed concern about lighting and safety in the area, suggested selection of acceptable lighting without doing test lighting, and supported generous sized parking spaces. He also expressed concern about the weight of the equipment going in and out of the CalAm property.

PUBLIC WORKS DIRECTOR LEVIEN responded that CalAm does not have equipment larger than the City's Public Work's Dept. and he noted that he has not seen an impact on Cherry Ave. where CalAm is currently located.

MAYOR PRO TEM BRAGG stated that she did not support the location of CalAm on the corner of Palm Ave. and 10th Street. She spoke in support for Concept A.

COUNCILMEMBER SPRIGGS expressed concern about investing too much in a commercial area that is located away from residential foot traffic. He spoke in favor of the design and concept but questioned if the area is appropriate for the required amount of time, energy and investment.

PUBLIC WORKS DIRECTOR LEVIEN stated that the design compliments the Palm Ave. Master Plan. He stressed that if the City lets individual businesses do the improvements, it will lead to a mixture of designs. He suggested that the City Council set the standard for the area or else the same level of businesses will continue to exist on that street.

MAYOR JANNEY supported setting the standard for development in order to avoid a mixture of designs.

COUNCILMEMBER SPRIGGS expressed concern about the cost for construction drawings.

COUNCILMEMBER PATTON stated that the concept is a model for consistency of the streets and supported Concept A.

CITY MANAGER HALL spoke about the importance of putting forth information so the developers know what to do and they have some expectation on predictability and time. He also commented that having a development pattern avoids having to come back to City Council for review on every street.

ASSISTANT CITY MANAGER WADE stated that there is no obligation of the City to pay for improvements. The City can place requirements on the developers to incrementally build the improvements.

COUNCILMEMBER SPRIGGS stated that he is fine for the City to proceed with the planning stage. He expressed concern about getting incrementally committed to an area that is already built up. He preferred a focus on target areas such as 9th and Palm and Seacoast Drive where there is a more likely chance of getting investors.

MOTION BY JANNEY, SECOND BY BILBRAY, TO PROCEED WITH THE CONSTRUCTION DRAWINGS FOR THE 700 BLOCK OF 10TH STREET PER THE CONCEPT PLAN “A” AND TO DIRECT STAFF TO RETURN TO CITY COUNCIL FOR AN APPROPRIATION OF FUNDS NECESSARY TO DESIGN THE APPROVED CONCEPT PLAN FOR THE 700 BLOCK OF 10TH STREET. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: BILBRAY, PATTON, BRAGG, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSTENTIONS: COUNCILMEMBERS: SPRIGGS

6.3. PERSONNEL STATUS UPDATE, EMPLOYEE FURLOUGH SCHEDULE AND CONSIDERATION OF RESOLUTION NO. 2013-7425 APPROVING A ONE-TIME RETENTION INCENTIVE STIPEND FOR ALL NON-DEPARTMENT HEAD LEVEL EMPLOYEES. (0520-60)

CITY MANAGER HALL reported on the item.

MOTION BY JANNEY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2013-7425 AUTHORIZING THE CITY MANAGER TO ASSIGN ONE-TIME RETENTION INCENTIVE STIPENDS TO NON-DEPARTMENT HEAD EMPLOYEES. MOTION CARRIED UNANIMOUSLY.

6.4. RECOMMENDATION FOR ADOPTION OF A GENERAL FUND FUND BALANCE POLICY. (0300-95)

CITY MANAGER HALL gave a PowerPoint presentation on the item.

Consensus of City Council to support a General Fund Reserve of 40% to 50% of annual expenditures.

CHUCK QUISENBERRY questioned why the funds for the Redevelopment Agency were not included.

CITY MANAGER HALL stated that Redevelopment funds are a function of the State. The State is trying to keep any money that is not due to the City. He noted that there are two sources where the City might get money from the dissolution of redevelopment agencies: recouping money it loaned to the RDA and property tax revenue.

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

None.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

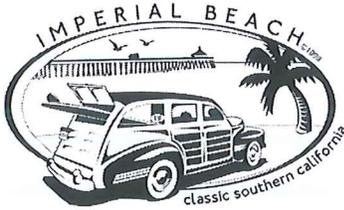
None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:53 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, MMC
City Clerk



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ANDY HALL, CITY MANAGER *AK*
MEETING DATE: FEBRUARY 19, 2014
ORIGINATING DEPT.: ADMINISTRATIVE SERVICES *DSB*
SUBJECT: RATIFICATION OF WARRANT REGISTER

EXECUTIVE SUMMARY:

Approval of the warrant register in the amount of \$126,950.46 and the payroll checks in the amount of \$125,918.66.

BACKGROUND:

None

ANALYSIS:

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

Vendor: _____ Check: _____ Amount: _____ Description: _____

The following registers are submitted for Council ratification:

<u>WARRANT #</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Accounts Payable</u>		
83936-83973	01/31/2014	\$ 73,030.39
83974-84029	02/05/2014	\$ 5,777.49
84030-84053	02/06/2014	\$ 48,142.58
	Sub-Total	\$ 126,950.46
<u>Payroll Checks/Direct Deposit</u>		
45736-45756	P.P.E. 1/23/14	\$ 125,918.66
	Sub-Total	\$ 125,918.66
	TOTAL	\$ 252,869.12

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

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

RECOMMENDATION:

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

Attachments:

1. Warrant Register

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
01/31/2014	83936	AFLAC	120			716.98	
101-0000-209.01-13	01/16/2014	PAYROLL AP PPE 1/09/14	20140116		07/2014	358.49	
101-0000-209.01-13	01/30/2014	PAYROLL AP PPE 1/23/14	348360		07/2014	358.49	
01/31/2014	83937	CAREER SURVIVAL GROUP, LLC	2429			725.00	
101-3020-422.20-06	12/17/2013	ADMIN MANUAL PREP SVCS	IBFD 2013-2		06/2014	725.00	
01/31/2014	83938	CHARLES KING CO INC	2482			3,000.00	
601-5060-436.21-04	01/08/2014	WET WELL REPAIR	1014-1	140577	07/2014	3,000.00	
01/31/2014	83939	CITY OF SAN DIEGO	896			16,737.00	
101-3020-422.21-04	01/03/2014	OCT - DEC 2013 FIRE	1000095088		07/2014	16,737.00	
01/31/2014	83940	COLONIAL LIFE & ACCIDENT	941			168.23	
101-0000-209.01-13	01/16/2014	PAYROLL AP PPE 1/09/14	20140116		07/2014	118.14	
101-0000-209.01-13	01/30/2014	PAYROLL AP PPE 1/23/14	9498114-0102710		07/2014	50.09	
01/31/2014	83941	COOK CONSTRUCTION AND DESIGN,	2387			1,000.00	
217-5000-532.20-06	01/07/2014	C&G-474 CITRUS	465	140582	07/2014	1,000.00	
01/31/2014	83942	CORODATA MEDIA STORAGE, INC.	2334			144.49	
503-1923-419.20-06	12/31/2013	DEC 2013	DS1260993	140096	06/2014	144.49	
01/31/2014	83943	COUNTY OF SAN DIEGO	1055			1,718.50	
101-3010-421.21-04	12/13/2013	DEC 2013 PARKING PENALTY	12/13		06/2014	1,718.50	
01/31/2014	83944	COUNTY OF SAN DIEGO RCS	1065			3,253.00	
101-3010-421.21-25	01/01/2014	DEC 2013	14CTOFIBN06	140165	07/2014	2,272.50	
101-3020-422.21-25	01/01/2014	DEC 2013	14CTOFIBN06	140165	07/2014	371.00	
101-3030-423.21-25	01/01/2014	DEC 2013	14CTOFIBN06	140165	07/2014	609.50	
01/31/2014	83945	DANIEL HOLIAN	2365			532.54	
101-3030-423.28-04	01/22/2014	REIMBURSE EMT CERT COSTS	01-22-2014		07/2014	532.54	
01/31/2014	83946	DRUG TESTING NETWORK INC	1195			291.95	
101-1130-412.20-06	01/15/2014	JAN 2014 RANDOM TESTING	69692	140081	07/2014	291.95	
01/31/2014	83947	FIDELITY SECURITY LIFE INSURAN	2476			179.70	
101-0000-209.01-18	01/16/2014	PAYROLL AP PPE 1/09/14	20140116		07/2014	89.85	
101-0000-209.01-18	01/30/2014	PAYROLL AP PPE 1/23/14	20140130		07/2014	89.85	
01/31/2014	83948	GO-STAFF, INC.	2031			1,725.89	
101-1210-413.21-01	01/21/2014	W/E 01/19/14 FERGUSON,N	119198	140089	07/2014	978.12	
101-3020-422.21-01	01/21/2014	W/E 01/19/2014 MEDLEY,A	119197	140164	07/2014	747.77	
01/31/2014	83949	GOOGLE, INC.	2009			205.80	
503-1923-419.20-06	01/05/2014	DEC/JAN 2014	8635742	140190	07/2014	205.80	
01/31/2014	83950	HUDSON SAFE-T LITE RENTALS	2382			817.50	
101-5010-431.21-23	01/09/2014	SQUARE POSTS/ANCHORS	00020673	140069	07/2014	817.50	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #					CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN	AMOUNT	
01/31/2014	83951	I B FIREFIGHTERS ASSOCIATION	214					270.00
101-0000-209.01-08	01/30/2014	PAYROLL AP PPE 1/23/14	20140130		07/2014			270.00
01/31/2014	83952	ICMA RETIREMENT TRUST 457	242					5,504.31
101-0000-209.01-10	01/30/2014	PAYROLL AP PPE 1/23/14	101737352		07/2014			5,504.31
01/31/2014	83953	JACQUELINE SUE STENZEL	2491					240.00
101-6030-453.20-06	01/21/2014	DEC 2013/JAN 2014	7		07/2014			240.00
01/31/2014	83954	MANUAL CASAS	1845					200.00
502-1922-419.29-04	12/03/2013	REIMBURSE -PRESCRIPTION	881553		07/2014			200.00
01/31/2014	83955	MARTIN & CHAPMAN COMPANY	912					531.76
101-1020-411.21-06	01/09/2014	ELECTION CONSULT FEES	2014007	140579	07/2014			531.76
01/31/2014	83956	MCDUGAL LOVE ECKIS &	962					14,166.08
101-1220-413.20-02	12/31/2013	DEC 2013 MONTHLY RETAINER	85177	140198	06/2014			8,227.00
101-1220-413.20-01	12/31/2013	DEC 2013	85176		06/2014			758.78
502-1922-419.20-01	12/31/2013	DEC 2013	85178		06/2014			3,000.30
101-1220-413.20-01	12/31/2013	DEC 2013	85179		06/2014			144.50
101-1220-413.20-01	12/31/2013	DEC 2013	85207		06/2014			8.30
101-1220-413.20-01	12/31/2013	DEC 2013	85208		06/2014			1,929.09
303-1250-413.20-01	12/31/2013	DEC 2013	85181		06/2014			38.31
502-1922-419.20-01	12/31/2013	DEC 2013	85209		06/2014			2.00
101-1220-413.20-01	12/31/2013	DEC 2013	85180		06/2014			57.80
01/31/2014	83957	MYERS TIRE SUPPLY DIST., INC.	1095					116.40
501-1921-419.30-02	01/15/2014	SHOP TOWELS	41400941	140043	07/2014			116.40
01/31/2014	83958	OFFICETEAM	1266					997.20
101-1020-411.21-01	01/13/2014	W/E 01/10/14 CARBALLO,S	39554490	140421	07/2014			997.20
01/31/2014	83959	PETER LAU	1887					200.00
502-1922-419.29-04	01/13/2014	REIMBURSE -PRESCRIPTION	5HT7H		07/2014			200.00
01/31/2014	83960	PORT OF SAN DIEGO	28					1,146.00
101-5050-435.29-04	01/19/2014	WATER QUALITY IMPRVMT P1	1800027082	140576	07/2014			1,146.00
01/31/2014	83961	PRAXAIR DISTRIBUTION INC	1652					115.40
501-1921-419.30-02	01/09/2014	PROPANE/OXYGEN	48244335	140002	07/2014			115.40
01/31/2014	83962	PRUDENTIAL OVERALL SUPPLY	72					372.41
101-5020-432.25-03	01/22/2014	01/22/14 PW UNIFORMS	30394503	140094	07/2014			126.44
101-5020-432.25-03	01/29/2014	01/29/14 PW UNIFORMS	30395960	140094	07/2014			116.72
101-5020-432.25-03	12/25/2013	12/25/13 PW UNIFORMS	30388633	140094	06/2014			129.25
01/31/2014	83963	RANCHO AUTO & TRUCK PARTS	1685					180.35
501-1921-419.28-16	01/08/2014	STOCK OIL/FUEL FILTERS	7693-180960	140016	07/2014			63.66
501-1921-419.28-16	01/15/2014	STOCK OIL/FILTERS	7693-181643	140016	07/2014			86.88

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ACCOUNT #	TRN DATE	DESCRIPTION					TRN AMOUNT
501-1921-419.28-16	01/22/2014	FILTERS/CLAMPS		7693-182404	140016	07/2014	29.81
01/31/2014	83964	ROBERT HALF TECHNOLOGY	1826				2,622.38
503-1923-419.10-02	01/14/2014	W/E 01/10/14 WASHINGTON, E		39565673	140098	07/2014	1,299.38
503-1923-419.10-02	01/22/2014	W/E 01/17/14 WASHINGTON, E		39621140	140098	07/2014	1,323.00
01/31/2014	83965	SANDPIPA	321				1,615.00
502-1922-419.28-02	01/10/2014	BOND/CRIME PROGRAM		BC1415-6	F14039	07/2014	1,615.00
01/31/2014	83966	SEIU LOCAL 221	1821				1,229.20
101-0000-209.01-08	01/30/2014	PAYROLL AP PPE 1/23/14		20140130		07/2014	1,229.20
01/31/2014	83967	SKS INC.	412				6,632.13
501-1921-419.28-15	01/16/2014	950 GAL REG FUEL		1259909-IN	140046	07/2014	3,141.00
501-1921-419.28-15	01/23/2014	1041.2 GAL REG FUEL		1260047-IN	140046	07/2014	3,491.13
01/31/2014	83968	SPARKLETTS	2341				43.58
101-3020-422.30-02	01/17/2014	DEC/JAN 2014		12529930 011714	140102	07/2014	43.58
01/31/2014	83969	STANDARD ELECTRONICS	504				142.50
101-1910-419.20-23	01/10/2014	01/02/14 LABOR-CHK PANEL		19627	140254	07/2014	142.50
01/31/2014	83970	STATE BOARD OF EQUALIZATION	523				136.00
101-0000-211.01-02	01/27/2014	2013 SALES TAX		2013		07/2014	136.00
01/31/2014	83971	US BANK	2458				1,208.52
101-0000-209.01-20	01/30/2014	PAYROLL AP PPE 1/23/14		20140130		07/2014	1,208.52
01/31/2014	83972	WELLS FARGO BANK	1513				4,000.00
303-1250-413.29-04	01/02/2014	2014 FEES TAB2003/2010		1036278	140614	07/2014	4,000.00
01/31/2014	83973	ZUMAR INDUSTRIES INC.	875				144.59
101-6040-454.30-02	01/13/2014	PARKING SIGNS		0150337	140014	07/2014	144.59
02/04/2014	83974	ALEXANDER & ROXANA OVALLE	2				65.32
601-0000-346.70-04	02/05/2014	1288 SEACOAST DRIVE		2013/2014		08/2014	65.32
02/04/2014	83975	ANDREW D HAMILTON	2				219.00
601-0000-346.70-04	02/05/2014	566 9TH STREET		2013/2014		08/2014	219.00
02/04/2014	83976	ANNA M BANZER TRUST 08-28-96	2				174.15
601-0000-346.70-04	02/05/2014	1277 11TH STREET		2013/2014		08/2014	174.15
02/04/2014	83977	CHRISTINE MADDEN LIVING TRUST	2				154.34
601-0000-346.70-04	02/05/2014	152 EVERGREEN AVENUE #3		2013/2014		08/2014	154.34
02/04/2014	83978	COLIN & SHELLEY WATSON	2				154.80
601-0000-346.70-04	02/05/2014	206 EVERGREEN AVENUE		2013/2014		08/2014	154.80
02/04/2014	83979	DAVID R MONTALBANO TRUST 08-15	2				90.11
601-0000-346.70-04	02/05/2014	738 CHERRY AVENUE		2013/2014		08/2014	90.11

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	CHECK AMOUNT	TRN AMOUNT
02/04/2014	83980	DAVID VERGANI	2	601-0000-346.70-04	02/05/2014	1262 FLORENCE STREET	2013/2014		08/2014	196.71	
				601-0000-346.70-04	02/05/2014	1266 FLORENCE STREET	2013/2014		08/2014	.97	
				601-0000-346.70-04	02/05/2014	1258 FLORENCE STREET	2013/2014		08/2014	51.36	
				601-0000-346.70-04	02/05/2014		2013/2014		08/2014	144.38	
02/04/2014	83981	DOROTHY M JOHNSON	2	601-0000-346.70-04	02/05/2014	579 12TH STREET #B	2013/2014		08/2014	108.53	
										108.53	
02/04/2014	83982	ERIK F GAGON	2	601-0000-346.70-04	02/05/2014	240 DAHLIA AVE #A	2013/2014		08/2014	169.53	
										169.53	
02/04/2014	83983	FERNANDO & DEBORAH ESCAMILLA	2	601-0000-346.70-04	02/05/2014	1037 11TH STREET	2013/2014		08/2014	129.29	
										129.29	
02/04/2014	83984	FINNE LIVING TRUST	2	601-0000-346.70-04	02/05/2014	806 12TH STREET	2013/2014		08/2014	56.11	
										56.11	
02/04/2014	83985	FOUR GRANGER LLC	2	601-0000-346.70-04	02/05/2014	1282 GRANGER STREET	2013/2014		08/2014	184.58	
										184.58	
02/04/2014	83986	GASPAR & MERCEDES MEJIA	2	601-0000-346.70-04	02/05/2014	952 EMORY AVENUE	2013/2014		08/2014	78.54	
										78.54	
02/04/2014	83987	GERALDO & ANDREA VALENZUELA	2	601-0000-346.70-04	02/05/2014	1100 14TH STREET	2013/2014		08/2014	118.37	
										118.37	
02/04/2014	83988	GILBERT LEVINE	2	601-0000-346.70-04	02/05/2014	240 DAHLIA AVENUE #D	2013/2014		08/2014	129.54	
										129.54	
02/04/2014	83989	HANS BERTSCH	2	601-0000-346.70-04	02/05/2014	192 IB BLVD #A	2013/2014		08/2014	17.80	
										17.80	
02/04/2014	83990	IVAN H KANZAKI	2	601-0000-346.70-04	02/05/2014	847 EMORY STREET	2013/2014		08/2014	177.65	
										177.65	
02/04/2014	83991	JAMES & MAURSHUNDA SCOTT-BARNW	2	601-0000-346.70-04	02/05/2014	1265 12TH STREET	2013/2014		08/2014	179.52	
										179.52	
02/04/2014	83992	JAUREGUI FAMILY TRUST 03-14-07	2	601-0000-346.70-04	02/05/2014	922 IMPERIAL BEACH BLVD	2013/2014		08/2014	195.09	
				601-0000-346.70-04	02/05/2014	920 IMPERIAL BEACH BLVD	2013/2014		08/2014	71.53	
										123.56	
02/04/2014	83993	JAY L & ARUYA DAVIS	2	601-0000-346.70-04	02/05/2014	571 FLORENCE STREET	2013/2014		08/2014	32.64	
										32.64	
02/04/2014	83994	JEFFREY & MICHELLE KINGSLAND	2	601-0000-346.70-04	02/05/2014	861 11TH STREET	2013/2014		08/2014	38.76	
										38.76	
02/04/2014	83995	JENELLE M STROBLE TRUST 03-13-	2	601-0000-346.70-04	02/05/2014	1283 FLORIDA STREET	2013/2014		08/2014	200.59	
										200.59	

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02/04/2014	83996	JESS MOORE FAMILY REVOCABLE	2	601-0000-346.70-04	02/05/2014	976 ELM AVENUE	2013/2014		08/2014	56.15	56.15
02/04/2014	83997	JOEL & ALMA ORTEGA	2	601-0000-346.70-04	02/05/2014	570 9TH STREET	2013/2014		08/2014	10.92	10.92
02/04/2014	83998	JOSEPH M BULIIVAC	2	601-0000-346.70-04	02/05/2014	980 CYPRESS AVENUE	2013/2014		08/2014	191.76	191.76
02/04/2014	83999	JUAN SANCHEZ	2	601-0000-346.70-04	02/05/2014	1285 FLORIDA STREET	2013/2014		08/2014	103.69	103.69
02/04/2014	84000	KATE H FREEMAN	2	601-0000-346.70-04	02/05/2014	1140 FLORENCE AVENUE	2013/2014		08/2014	81.60	81.60
02/04/2014	84001	KIVOSHI S KANZAWA	2	601-0000-346.70-04	02/05/2014	1053 EMORY STREET	2013/2014		08/2014	160.01	160.01
02/04/2014	84002	LEO S LESNICK	2	601-0000-346.70-04	02/05/2014	948 EMORY STREET	2013/2014		08/2014	35.71	35.71
02/04/2014	84003	MARGARITA HERNANDEZ	2	601-0000-346.70-04	02/05/2014	1276 GRANGER STREET	2013/2014		08/2014	339.00	339.00
02/04/2014	84004	MICHAEL & PATRICIA KESHKA	2	601-0000-346.70-04	02/05/2014	915 EBONY AVENUE	2013/2014		08/2014	22.44	22.44
02/04/2014	84005	MICHAEL EDWARDS	2	601-0000-346.70-04	02/05/2014	529 11TH STREET	2013/2014		08/2014	79.56	79.56
02/04/2014	84006	MICHELLE ORDINOLA	2	601-0000-346.70-04	02/05/2014	192 IB BLVD #B	2013/2014		08/2014	20.89	20.89
02/04/2014	84007	MURRAY & KRISTIN HAMILTON	2	601-0000-346.70-04	02/05/2014	660 OCEAN LANE	2013/2014		08/2014	1.96	1.96
02/04/2014	84008	MURRAY & KRISTIN HAMILTON	2	601-0000-346.70-04	02/05/2014	664 OCEAN LANE	2013/2014		08/2014	21.56	21.56
02/04/2014	84009	NIKOLAOS SIDIROPOULOS	2	601-0000-346.70-04	02/05/2014	162 DATE AVENUE #A	2013/2014		08/2014	142.66	142.66
02/04/2014	84010	OSCAR & VICTORIA GONZALEZ-RIVE	2	601-0000-346.70-04	02/05/2014	1176 DONAX AVENUE	2013/2014		08/2014	97.93	97.93
02/04/2014	84011	PATRICIA N WAGNER TRUST 04-10-	2	601-0000-346.70-04	02/05/2014	166 ELM AVENUE	2013/2014		08/2014	40.17	40.17
02/04/2014	84012	PETER & CYNTHIA CHURGIN	2	601-0000-346.70-04	02/05/2014	155 EBONY AVENUE	2013/2014		08/2014	111.03	111.03

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
02/04/2014 601-0000-346.70-04	84013 02/05/2014	PROPHET, DAVID TO EST OF	2				80.65
		162 DATE AVENUE #B	2013/2014		08/2014		80.65
02/04/2014 601-0000-346.70-04	84014 02/05/2014	RAINA MCGINTY	2				337.76
		978 ELM AVENUE	2013/2014		08/2014		337.76
02/04/2014 601-0000-346.70-04	84015 02/05/2014	RALPH M CARUSO FAMILY TRUST 12	2				27.55
		527 11TH STREET	2013/2014		08/2014		27.55
02/04/2014 601-0000-346.70-04	84016 02/05/2014	REBECCA DELATORRE	2				37.16
		742 CHERRY AVENUE	2013/2014		08/2014		37.16
02/04/2014 601-0000-346.70-04	84017 02/05/2014	RICARDO BACA	2				52.94
		568 9TH STREET	2013/2014		08/2014		52.94
02/04/2014 601-0000-346.70-04	84018 02/05/2014	RICHARD W VOGEL	2				102.00
		159 EBONY AVENUE	2013/2014		08/2014		102.00
02/04/2014 601-0000-346.70-04	84019 02/05/2014	RISE COOLEY	2				46.93
		804 12TH STREET	2013/2014		08/2014		46.93
02/04/2014 601-0000-346.70-04	84020 02/05/2014	SCHMIDT FAMILY 2012 TRUST	01-3 2				143.05
		662 OCEAN LANE	2013/2014		08/2014		143.05
02/04/2014 601-0000-346.70-04	84021 02/05/2014	SEAN & JENNIFER CAHILL	2				4.21
		1035 11TH STREET	2013/2014		08/2014		4.21
02/04/2014 601-0000-346.70-04	84022 02/05/2014	SHAYNE & PATRICIA WALDRON	2				107.31
		152 EVERGREEN AVENUE #2	2013/2014		08/2014		107.31
02/04/2014 601-0000-346.70-04	84023 02/05/2014	STEPHEN & MARILYN NYSTUL	2				22.44
		911 EBONY AVENUE	2013/2014		08/2014		22.44
02/04/2014 601-0000-346.70-04	84024 02/05/2014	TAMMY JO RYMOFF	2				63.25
		1142 FLORENCE AVENUE	2013/2014		08/2014		63.25
02/04/2014 601-0000-346.70-04	84025 02/05/2014	TAO FAMILY TRUST 12-20-83	2				86.57
		245 DATE AVENUE	2013/2014		08/2014		7.51
		247 DATE AVENUE	2013/2014		08/2014		16.68
		243 DATE AVENUE	2013/2014		08/2014		62.38
02/04/2014 601-0000-346.70-04	84026 02/05/2014	TERRI GORDON	2				103.16
		277 ELM AVENUE #B	2013/2014		08/2014		103.16
02/04/2014 601-0000-346.70-04	84027 02/05/2014	TODD E FLINN	2				42.64
		579 12TH STREET #C	2013/2014		08/2014		42.64
02/04/2014 601-0000-346.70-04	84028 02/05/2014	2219 29TH STREET LLC	2				103.16
		277 ELM AVE #A	2013/2014		08/2014		103.16

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02/06/2014 101-1020-411.21-06	84037 01/30/2014	DFM ASSOCIATES	1166				53.75
		2014 CA ELECTIONS CODES	2014 CA		07/2014		53.75
02/06/2014 501-1921-419.28-16	84038 01/15/2014	INTERSTATE BATTERY OF SAN DIEG	388				127.73
		WACKER PUMPS #138 #111	680037808	140009	07/2014		127.73
02/06/2014 101-6040-454.30-02	84039 01/24/2014	JOHN DEERE LANDSCAPES	1986				788.04
		2 CYCLE OIL	67047197	140028	07/2014		47.43
		SPRAY HEADS	67063386	140028	07/2014		180.84
		NODE 100 CONTROLLER/BASE	67009473	140028	07/2014		354.35
		ELECT VALVE	67023711	140028	07/2014		78.13
		NODE 200 CONTROLLER	67041996	140028	07/2014		127.29
02/06/2014 303-1250-413.20-01	84040 01/08/2014	KANE, BALLMER & BERKMAN	1828				33,069.48
		DEC 2013-AFFORDABLE HSNB	19788	140618	06/2014		1,982.25
		DEC 2013 9TH/PALM DDA	19814	140618	06/2014		2,090.00
		DEC 2013 -BIKEWAY VILLAGE	19815	140618	06/2014		9,867.50
		DEC 2013 -SA OPERATIONS	19817	140618	06/2014		2,117.50
		DEC 2013 -20013 TABS REFN	19819	140618	06/2014		2,997.50
		NOV 2013 1/13 SHARED RDA	19713	140618	05/2014		560.00
		NOV 2013-SD HOUSING LIT	19761	140618	05/2014		3,371.00
		DEC 2013 -1/13 SHARE RDA	19789	140618	06/2014		555.38
		DEC 2013 -HABITAT AHA	19816	140618	06/2014		2,447.50
		DEC 2013-SEACOAST INN OPA	19818	140618	06/2014		7,080.85
02/06/2014 101-5000-532.20-01	84041 01/09/2014	KEYSER MARSTON ASSOC INC	620				902.50
		DEC 2013 9TH PALM MIXED	0026860	140617	06/2014		902.50
02/06/2014 101-5020-432.30-01	84042 01/14/2014	OFFICE DEPOT, INC	1262				242.19
		STORAGE BOXES/DVD-R	1648829090	140001	07/2014		26.55
		LOCKING WALL POCKET	693919611001	140001	07/2014		59.82
		RETURNED CALENDAR	686354688001	140001	07/2014		13.76
		CALENDAR	686354689001	140001	07/2014		13.76
		BLTN BOARD	685750341001	140001	07/2014		67.64
		BUSINESS CARDS, MOELLER, A	695206952001	140001	07/2014		44.09
		BUSINESS CARDS-NOWAK, D	695204037001	140001	07/2014		44.09
02/06/2014 101-6040-454.30-02	84043 01/14/2014	ONE SOURCE DISTRIBUTORS	1071				980.93
		FLUORESCENT LAMPS	S4209427.001	140011	07/2014		62.52
		BALLAST KIT/FLOOD LIGHTS	S4191643.001	140011	07/2014		918.41
02/06/2014 217-1240-413.20-06	84044 01/27/2014	SEACOAST LANDSCAPING	2557				1,000.00
		C&G-1042 FLORIDA STREET	1001	140620	07/2014		1,000.00
02/06/2014 101-6040-454.30-02	84045 01/22/2014	PADRE JANITORIAL SUPPLIES	1430				735.95
		JANITORIAL SUPPLIES	352633	140022	07/2014		117.78
		JANITORIAL SUPPLIES	352634	140022	07/2014		265.26
		JANITORIAL SUPPLIES	352524	140022	07/2014		96.67
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101-6040-454.21-04	01/15/2014	P/E 01/15/2014	GS05180	140516	07/2014		333.13
101-6040-454.21-04	01/15/2014	P/E 01/15/2014	GS05180	140516	07/2014		444.16
02/06/2014	84047	RBF CONSULTING	1756				1,988.10
402-5000-532.20-06	01/21/2014	OCT 2013 PW YARD IMPRVMT	868421	070418	07/2014		1,988.10
02/06/2014	84048	SLOAN ELECTRIC COMPANY	417				187.50
601-5060-436.21-04	01/14/2014	PS 10 SERVICE CALL	0063026	140061	07/2014		187.50
02/06/2014	84049	SPRINT	2040				149.97
101-3020-422.27-05	01/29/2014	12/26/13-01/25/14	594768811-074	140184	07/2014		149.97
02/06/2014	84050	UNDERGROUND SERVICE ALERT	OF 731				42.00
601-5060-436.21-04	02/01/2014	JAN 2013 TICKET CHGS	120140318	140074	08/2014		42.00
02/06/2014	84051	WAXIE SANITARY SUPPLY	802				610.63
101-6040-454.30-02	01/22/2014	JANITORIAL SUPPLIES	74386834	140013	07/2014		610.63
02/06/2014	84052	WESTERN PUMP INC	752				230.00
501-1921-419.28-01	01/27/2014	GAS PUMP MAINT	W30037	140045	07/2014		230.00
02/06/2014	84053	ZOLL MEDICAL CORPORATION	1976				769.50
101-3020-422.30-02	01/17/2014	RECHARGEABLE LITHIUM BATT	2088373	140163	07/2014		769.50
DATE RANGE TOTAL *							126,950.46 *



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ANDY HALL, CITY MANAGER 

MEETING DATE: FEBRUARY 19, 2014

ORIGINATING DEPT.: GREGORY WADE, ASSISTANT CITY MANAGER 
ERIKA N. CORTEZ, HUMAN RESOURCES ANALYST 

SUBJECT: ADOPT RESOLUTION NO. 2014-7452 APPROVING AND ADOPTING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE MEMBERS OF THE IMPERIAL BEACH FIREFIGHTERS' ASSOCIATION LOCAL 4692

EXECUTIVE SUMMARY:

Staff is recommending that the City Council adopt Resolution No. 2014-7452 approving the MOU between the City and IBFA for Fiscal Years 2013-2015. The terms of the MOU before Council were agreed upon between the City's Labor Negotiation Team and IBFA during negotiations. Council previously approved the terms agreed upon between the parties on September 4, 2013 when Council approved the Letter of Intent between the City and IBFA. The MOU before Council codifies the terms previously approved in the Letter of Intent.

BACKGROUND:

The Memorandum of Understanding ("MOU") between the City and the employees of the City's fire service ("bargaining unit") for fiscal years 2011-2013 expired on June 30, 2013. The bargaining unit is formally represented by the Imperial Beach Firefighters' Association Local 4692 ("IBFA"), as the exclusive bargaining agent for the bargaining unit.

The City's Negotiation Team and representatives of the bargaining unit held "meet and confer" meetings in an effort to reach agreement on a new Memorandum of Understanding. The City and the bargaining unit signed a Letter of Intent agreeing to the terms contained in the attached MOU. Council approved the Letter of Intent on September 4, 2013, implementing the terms agreed upon between the parties. The MOU before Council for approval codifies the terms previously approved and agreed upon between the parties.

ANALYSIS:

The changes from the previous MOU are as follows:

- 1) The parties agree to a new MOU for the period of July 1, 2013 through June 30, 2015; and

- 2) Contingent on confirmation from CalPERS regarding the timing and steps for implementation, effective July 1, 2013, or the earliest possible implementation date thereafter, employees will pay an additional 3% towards their CalPERS retirement, for a total employee contribution of 12%; and
- 3) Effective July 1, 2013, all employees will receive a 3% cost of living adjustment. Effective January 1, 2014, all employees will receive a 1.5% cost of living adjustment. Effective July 1, 2014, all employees will receive a 1.5% cost of living adjustment. Effective January 1, 2015, all employees will receive a 3% cost of living adjustment; and
- 4) Effective January 1, 2014, the City shall increase by \$25 a month from \$855 to \$880 per month the maximum the City pays toward the cost of health insurance coverage or the purchase of other qualified benefits. Effective January 1, 2015, the City shall increase by \$50 a month from \$880 to \$930 per month the maximum the City pays toward the cost of health insurance coverage or the purchase of other qualified benefits; and
- 5) The MOU has been updated to comply with the pension requirements pursuant to the Public Employees Pension Reform Act (PEPRA) and related Public Employees' Retirement Law (PERL); and
- 6) Employees may be required to attend training sessions necessary to job indoctrination, performance, supervision, workplace safety, and any other training deemed necessary by the City, which will be on City time; and
- 7) The City's Employee Computer Purchase Program will be available to all City employees after successfully completing the probationary period, subject to budgetary constraints and City Council approval; and
- 8) Classifications of Captain/Paramedic and Engineer/Paramedic have been created for Captains and Engineers that maintain a Paramedic License. The paramedic specialty pay has been included in the base pay of the positions of Captain/Paramedic, Engineer/Paramedic, and Firefighter/Paramedic, and the paramedic specialty pays will be eliminated. Firefighter/Paramedics are required to retain a Paramedic License as a condition of employment with the City; and
- 9) The parties have agreed to clean up language throughout the MOU as stated in the Tentative Agreements; and
- 10) Employees who have reached the retirement age of 50, but have not yet completed 30 years of service with the City will be offered a one-time opportunity for an early retirement incentive. The early retirement incentive will not be available after December 31, 2013. Employees wishing to elect this early retirement incentive can retire at any time between July 1, 2013 through December 31, 2013, but must make notification of their intent to the Fire Chief no later than October 15, 2013. Any employee accepting this early retirement incentive must sign a standard separation agreement and will not be eligible for unemployment insurance. The early retirement compensation will be \$1,000 per year of service up to a maximum of 20 years. The City will offer \$500 per month up to a maximum of \$6,000 for 1 year of medical insurance benefits. An employee accepting this early retirement incentive who elects not to be covered under the City's health insurance plan will receive a lump sum taxable cash benefit of \$4,800; and

- 11) All members of the fire suppression unit on shift shall participate in a mandatory mess. Exceptions to this shall only be allowed for religious, dietary or medical reasons. Except for unusual circumstances and emergencies, one member of the crew shall be allowed to cook and prepare meals during normal work hours. Such arrangement shall be administered by the Firefighters' Association in accordance with applicable laws. Employees will be responsible for all tax consequences, where applicable. This section shall not be subject to the grievance procedure; and

The membership of the bargaining unit ratified the terms of the MOU on February 9, 2014.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

The fiscal impact associated with this action is as follows:

Category	Fiscal Year 2014	Fiscal Year 2015*
Salaries & Fringe	\$91,257	\$185,251
Health Care	\$ 7,950	\$ 31,800
Total Impact	\$99,207	\$217,051

*Fiscal Year 2015 includes carrying forward the Fiscal Year 2014 costs.

The total general fund cost impact over the two-year budget term is \$316,258. The approved Fiscal Year 2013-2015 Budget has sufficient funds to cover these costs.

RECOMMENDATION:

That the City Council adopt Resolution No. 2014-7452 approving and adopting the MOU between the City and the members of the City's fire service/IBFA Local 4692.

Attachments:

1. Resolution No. 2014-7452
2. MOU

RESOLUTION NO. 2014-7452

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING AND ADOPTING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE MEMBERS OF THE IMPERIAL BEACH FIREFIGHTERS' ASSOCIATION LOCAL 4692

WHEREAS, Employer-Employee Relations for the City of Imperial Beach (hereinafter, "City") are governed by California Government Code section 3500 through 3511, known as the Meyers-Milias-Brown Act; and

WHEREAS, the employees in the City's fire service (hereinafter, "bargaining unit") are formally represented by the Imperial Beach Firefighters' Association Local 4692 (hereinafter, "IBFA"), as the exclusive bargaining agent for the bargaining unit; and

WHEREAS, the Memorandum of Understanding ("MOU") between the City and IBFA for fiscal years 2011-2013 expired on June 30, 2013; and

WHEREAS, the parties held "meet and confer" sessions in an effort to reach an agreement on a new MOU; and

WHEREAS, the City's Negotiating Team and IBFA tentatively agreed upon provisions for a new MOU for Fiscal Years 2013-2015; and

WHEREAS, Council approved a Letter of Intent to enter into an MOU with IBFA via Resolution 2013-7384 outlining the agreed upon provisions to be included in a successor MOU; and

WHEREAS, the MOU for Fiscal Years 2013-2015 has been ratified and approved by the membership of the IBFA; and

WHEREAS, upon approval of the Resolution by City Council, the MOU shall reflect the sole agreement of the parties and supersede all prior agreements whether written or oral.

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. MOU between the City and IBFA is hereby adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 19th day of February 2014, 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 CITY OF IMPERIAL BEACH
825 Imperial Beach Boulevard
Imperial Beach, CA. 91932

And

IMPERIAL BEACH FIREFIGHTERS' ASSOCIATION (IBFA) Local 4692
845 Imperial Beach Boulevard
Imperial Beach, CA. 91932

TERM:

July 1, 2013 – June 30, 2015

FINAL

* * * * *

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Preamble

Representatives of the City of Imperial Beach and the Imperial Beach Firefighters' Association Local 4692 have met and conferred in good faith regarding wages, hours and other terms and conditions of employment and have exchanged freely information, opinions and proposals in a sincere effort to reach agreement on all matters relating to the employment conditions and employer-employee relations of such employees.

This Memorandum of Understanding hereinafter referred to as "M.O.U" is entered into pursuant to the Meyers-Millas-Brown Act (Government Code Section 3500-3511) and has been jointly prepared by the parties. This M.O.U shall constitute the whole and entire existing agreement for salary and fringe benefits applicable to members of the Imperial Beach Firefighters' Association Local 4692 hereinafter referred to as "ASSOCIATION", and it supersedes all prior agreements, commitments, and practices. This M.O.U. shall be presented to the Imperial Beach City Council as the joint recommendations of the undersigned for employee salary and fringe benefits adjustments for a two-year (2) period commencing July 1, 2013 through June 30, 2015.

Article 1.0 Management Rights

It is agreed that the City of Imperial Beach, hereafter to be referred to as the "CITY" has the exclusive right to determine the mission of each of its constituent departments, divisions, boards, and commissions; to set standards of selection for employment and promotion; to exercise control and discretion over its organization and operations; to direct its employees and to take disciplinary action for proper cause; to relieve its employees from duty because of lack of work or other legitimate reasons; to maintain the efficiency of governmental operations; to determine the methods, means and personnel by which government operations are to be conducted; to determine the context of job classifications; to take all necessary actions to carry out its mission in emergencies; and to exercise complete control and discretion over the technology of performing its work.

The exercise of such rights shall be reasonable and shall not preclude employees of the ASSOCIATION from meeting and conferring with management representatives about the effect that these decisions may have on matters pertaining to wages, hours, and other terms and conditions of employment.

Article 2.0 Employee Rights

It is agreed that each individual employee shall have the following rights which he/she may exercise in accordance with applicable laws, ordinances, and rules and regulations:

- a. The right to form, join, and participate in the activities of employee organizations of his/her own choosing for the purpose of representation on matters of his/her employee relations with the CITY, or to refuse to join or participate in the activities of any organization.
- b. The right to be free from interference, intimidation, restraint, coercion, discrimination, or reprisal on the part of his/her department head, his/her supervisor, or other employees, or employees organizations, with respect to his/her membership or non-membership in any employee organization or with respect to any lawful activity associated therewith which is within the scope of representation.

- c. The right to represent himself/herself individually in his/her employee relations with the CITY or through an authorized ASSOCIATION representative.

It is agreed that whenever a CITY employee desires to represent himself/herself in consulting with CITY management during his/her regular hours of work, he/she shall first request and obtain from his/her department head permission to take time off to do so, which permission shall not be unreasonably withheld.

Article 3.0 Responsibilities of the Imperial Beach Firefighters' Association

Recognizing the crucial role of the CITY in the preservation of the public health, safety and welfare of a free society, the ASSOCIATION agrees that it will take all reasonable steps to cause the employees covered by this agreement, individually and collectively, to perform all of their assigned duties, rendering loyal and efficient service to the very best of their abilities.

The ASSOCIATION, therefore, agrees that there shall be no interruption of these services for any cause whatsoever by the employees it represent; nor shall there be any concerted failure by them to report for duty; nor shall they absent themselves from their work or abstain, in whole or in part, from the full, faithful, and proper performance of all the duties of their employment.

The ASSOCIATION further agrees that it shall not encourage any strikes, sit-downs, stay-ins, slow downs, stoppages of work, malingering, or any acts that interfere in any manner or to any degree with the continuity of all CITY services during the term of this agreement.

A reasonable amount of space shall be provided to the ASSOCIATION on CITY bulletin boards at the Fire Department for legitimate ASSOCIATION communications with members including posting announcements, news items, meeting notices, agendas, training notices, and social activities. The ASSOCIATION shall be responsible to maintain space provided in an orderly condition and shall promptly remove outdated materials.

Article 4.0 Unfair Employee Relations Practices

1. It is agreed that it shall be unfair employee relations practice for the CITY and its management representatives:
 - a. To interfere with, restrain, discriminate, intimidate, or coerce employees in the exercise of the rights recognized or granted in the M.O.U.
 - b. To dominate or interfere with the formation of any employee organization or contribute financial support to it, provided the rights recognized or granted to employee organizations in this M.O.U. shall not be construed as financial support.
 - c. To refuse to meet and confer in good faith with representatives of recognized employee organizations on matters within the scope of representation.
2. It is agreed that it shall be an unfair employee relations practice for the ASSOCIATION, its representatives, or members:

- a. To interfere with, restrain, discriminate, intimidate, or coerce employees in the exercise of the rights recognized or granted in the M.O.U.
- b. To refuse to meet and confer in good faith CITY officials on matters within the scope of representation.
- c. To refuse to furnish the CITY in writing the names of its representatives, shop stewards and/or their alternates.

Article 5.0 Grievance Procedure

It is agreed that the ASSOCIATION shall have the right to assist any employee covered by this M.O.U. who requests representation of his/her grievance and/or work safety measures for consideration of CITY representatives. The CITY shall release authorized personnel during normal work hours to resolve such grievances, and the pay for such personnel will continue during this period, but overtime pay will not be authorized.

The Grievance Procedure is in the City of Imperial Beach Personnel Rules Article X- Grievance Procedure, and incorporated herein.

Article 6.0 Discharge or Other Disciplinary Action

It is agreed that the CITY shall advise the employee involved of his/her right to representation and a statement in writing for the reason or reasons for taking any disciplinary action against him/her.

It is agreed that all appeals relating to disciplinary action shall be submitted in writing to the CITY in accordance with Article IX – Discipline Procedure of the City of Imperial Beach Personnel Rules, incorporated herein.

Article 7.0 General Provisions

- 1. Dismissal During Probation: It is agreed that the CITY shall have the right to dismiss for cause any newly hired employee during the twelve (12) month probationary period. Such discharge shall not be subject to the Article X - Grievance Procedure or to Article IX - Discipline Procedure of the City of Imperial Beach Personnel Rules.
- 2. Discrimination: It is agreed that there shall be no discrimination on the part of the CITY or the ASSOCIATION by reason of age, sex, creed, color, national origin, ASSOCIATION membership or non-ASSOCIATION membership.
- 3. Personnel Folder: Employees have the right to review their individual personnel folder in the presence of a Human Resources Department employee. Access shall be scheduled at the convenience of the employee and the Human Resources Department. Copies of all materials to be included in personnel folders shall be provided to individual employees.
- 4. Visitation Rights: It is agreed that the authorized representatives of the ASSOCIATION shall be allowed to visit the CITY’s work premises for the purpose of ascertaining whether or not this M.O.U. is being observed, to have access to the bulletin boards, and the right to be present at any

meeting between the stewards and the employer. If he/she desires to interview any employee privately, he/she shall be permitted to do so during work hours, with the permission of the employee's immediate supervisor or superior. The Business Agent or authorized representatives shall not interfere with the normal work hour operations or cause unnecessary loss of time to the CITY.

5. Residence Location: It is agreed that the employees shall keep the CITY informed immediately of any change of their telephone number and mailing address. The CITY shall be deemed to have satisfied all notification requirements under the MOU by attempting to contact the employee through the last address of record.
6. Training Sessions: Employees may be required to attend training sessions necessary to job indoctrination, performance, supervision, workplace safety, and any other training deemed necessary by the CITY, which will be on CITY time.
7. Quarterly Meetings: That supervisory personnel (Fire Captains) with reasonable advance notice, shall be required to attend quarterly Fire Department regular meetings. This will be compensated time considered necessary and required for departmental training and operational readiness.
8. Association Business: The CITY agrees to provide time off with pay for representatives of the ASSOCIATION when such representatives are meeting with the CITY on matters within the scope of representation.
9. Direct Deposit: All current and new employees shall sign up for direct deposit.

Article 8.0 Out-of-Classification Pay

An employee who is assigned in writing to work in a higher classification during the fiscal year will at the next appropriate bi-weekly payroll period be paid for these shifts at the salary schedule for the higher classification that is the lowest step that is at least 5.0% (five percent) higher than current salary. It is understood that only one Fire Engineer or Engineer/Paramedic and one Captain or Captain/Paramedic will serve each shift.

Article 9.0 Hours of Work

1. Work Week: Fifty-six (56) hours shall constitute a normal workweek. Twenty-four (24) hours shall constitute a normal shift for shift personnel. In special situations, with the mutual agreement of the employee and management, different hours of work may be scheduled.
2. Overtime Defined: Overtime work shall include only time worked by employees at the request of department heads, authorized and approved by the City Manager, and that is in excess of the established workday and/or workweek for that class and department. This overtime shall be compensated by cash payment at one and one-half times the regular established rate. The smallest unit of time to be used computing overtime shall be one-quarter (1/4) hour.
3. Fair Labor Standard Act (FLSA) Wages: FLSA overtime shall be calculated in accordance with the Fair Labor Standards Act (FLSA) and paid for all hours worked over 182 hours in the CITY's twenty-four (24) day work cycle. EMPLOYEES shall be compensated one-half time at 5.85 hours per pay period to meet the minimum requirements in accordance with FLSA standards.

EMPLOYEES shall be entitled to overtime pay for holiday or vacation, leave of absence in lieu of disability (Labor Code §4850 – time), disability, jury duty or military leave. When an EMPLOYEE has used sick leave, the time off shall be counted as hours worked for purposes of overtime, provided however, that the sick leave charge does not exceed ten (10) hours per 24-day work cycle of sick leave usage. Overtime compensation will NOT be granted or counted as hours worked for purposes of overtime for EMPLOYEES on a modified work schedule (40 hours workweek, 8 hours per day).

4. Call-Back Overtime: An employee required to perform call-back overtime shall receive a minimum of not less than two (2) hours at one and half (1-1/2) times his rate of pay based on a 56 hour workweek for such call-back, even if less service is required. Employees on vacation when called back remain on vacation for pay to the employee, and vacation usage purposes, but get time and one-half pay for all time served with the minimum pay requirement applicable.
5. Salary Increases: Salary increases that are based on a known date such as longevity pay and step increases shall be paid from the first day of the pay period in which the anniversary occurs.
6. Promotion Salary: Upon promotion, an employee's new pay scale shall be at least 5.0% (five percent) higher or shall fall upon the nearest step within the range of the classification being promoted to, whichever is higher. A person can never be paid higher than the highest step of the pay range of the classification to which they are being promoted.
7. Mileage Reimbursement: Employees using their own car on authorized CITY business shall receive the per mileage fee set by the CITY.
8. Working Down: Overtime for work in a lower classification will be paid at the top step rate for the position being filled. This will not apply to force-backs. Example- a Captain filling an Engineer's position will be paid 1.5 pay for hours worked at the Engineer's top step rate. Captains cannot fill Firefighter/Paramedic vacancies unless they are a currently licensed paramedic. Engineers/Paramedics working as Firefighter/Paramedics will be paid at the Firefighter/Paramedic top step rate.
9. Work Hours: When not engaged in emergency activity, the Daily Shift Schedule will be as follows:
 - o Morning Work Period- 0730-1100 hours
 - o 1 Hour Lunch Break between 1100-1300 hours
 - o Afternoon Work Period from 1300-1700hours
 - o Work to be performed during the Daily Shift Schedule will include but not be limited to: Station and Apparatus Maintenance; Fire Operations and EMS Training; Pre-Fire Planning; Fire Prevention Inspections which include Residential and Commercial Rentals, Commercial Properties, Weed Abatement and Alley Inspections; Parking Citations on the street and private property while in the course of normal outside activities (red curb, disabled parking, hydrant); Community Education Programs; CITY CPR Instructor/Trainer, and other duties as assigned.

Employees may begin their physical fitness program at 0730 provided that they are available to respond, if necessary, and as long as the employee finishes the workout, showers and is in uniform by 0930. Captains are responsible for ensuring that their crews utilize this time for working out. Otherwise, all physical training will be performed after the end of the afternoon work period. Employees may begin their physical fitness program at 1630 if they are unable to workout in the morning.

There will be one designated CPR Instructor/Trainer on each shift.

In the event of operational needs, this section can be modified at any time at the direction of the Fire Chief to meet the needs of the CITY.

The Fire Department Policy and Procedures Manual will be updated to comply with this section.

Article 10.0 Sick Leave

It is agreed that sick leave for each probationary and regular employee in the CITY service is subject to Imperial Beach Personnel Rules Article VII Section 5 and to the following provisions authorized as follows:

1. Sick Leave Accrual:

a. Employees hired prior to July 1, 2011- Employees shall accrue sick leave with pay at the rate of 11.67 hours for each full month of service for a total of 140 for each full twelve months of service. A maximum of 1400 hours may be accumulated.

b. Employees hired on or after July 1, 2011- Employees shall accrue sick leave with pay at the rate of 11.67 hours for each full month of service for a total of 140 for each full twelve months of service. A maximum of 1120 hours may be accumulated.

2. Sick Leave Permitted: Sick leave shall not be considered as a privilege which an employee may use at his own discretion but shall be granted only upon the recommendation of the department head. Employees may use accrued sick leave with pay for absences necessitated as follows:

a. Actual personal sickness or disability for the first fourteen (14) calendar days; thereafter, as a supplement (up to 100% of basic wages) to short-term or long-term disability insurance;

b. Medical or dental treatment for the first fourteen (14) calendar days; thereafter, as a supplement (up to 100% of basic wages) to short-term or long-term disability insurance; or

c. In case of emergency illness, including contagious disease, or injury in the immediate family or domestic partner. To be eligible for the domestic partner benefit, the employee must register their domestic partner with the State of California and provide proof to the City; or

d. Bonding time after the birth or adoption of a child as specified in Section 3 below.

3. Sick Leave Usage for Family Bonding Time: Employees are permitted to use up to 132 hours of sick leave for bonding time after the birth or adoption of a child, in accordance with Federal or State laws, provided that the employee maintains a minimum sick leave balance of 60 sick leave hours after the use of the sick leave for bonding time.

4. Sick Leave Payoff:

a. Employees hired prior to July 1, 2011- On June 30, each year, regular employees shall receive cash payment for accrued sick leave in excess of 1,400 hours. Upon separation in good standing after five (5) years of completed CITY service, regular employees shall receive a cash payment for 50% of up to 1120 accrued sick leave hours, with a maximum cash payment for no more than 560 accrued sick leave hours. Upon retirement from CITY service, regular employees shall receive cash payment for 50 percent of their accrued hours of sick leave to a maximum of 700 hours. . Upon the death of a regular employee his/her beneficiary shall receive a sick leave cash payment for no more than 700 accrued sick leave hours.

b. Employees hired on or after July 1, 2011- On June 30, each year, regular employees shall receive cash payment for accrued sick leave in excess of 1120 hours. Upon separation in good standing after five (5) years of completed CITY service, regular employees shall receive a cash payment for 50% of up to 1120 accrued sick leave hours, with a maximum cash payment for no more than 560 accrued sick leave hours. Unused sick leave cannot be converted to CalPERS service credit.

5. Sick Leave Modification: Should a shorter workweek be mandated during the life of this agreement, sick leave accrual rates will be adjusted to:

$$\frac{\textit{Firefighter's workweek} \times 100 \textit{ hours per year}}{40}$$

and 1, 2, and 3 above will be adjusted accordingly.

6. Sick Leave Payoff Procedure: Sick leave when paid off upon separation shall be compensated at the hourly rate paid the employee when each hour was earned. For computation of separation, employees will have oldest sick leave deducted first when used.

Article 11.0 Holiday and Vacation Benefits

1. HOLIDAYS: It is agreed that twelve (12) regular holidays at 11.2 hours each and two (2) floating holidays at 12 hours each shall be granted to each probationary and regular sworn fire employee that works a shift in the CITY service to these provisions shall be authorized.

For probationary fire employees that work a shift, an allowance of two (2) twelve (12) hour floating holiday time periods will be credited to their holiday account in proportion to the months remaining in the fiscal year at the time of employment, i.e.,

$$\frac{24 \textit{ hours} \times \textit{ months remaining}}{12}$$

For example, an employee hired in October would receive:

$$\frac{24 \times 9}{12} = 18 \textit{ hours of floating Holiday Time}$$

2. FLOATING HOLIDAYS: Employees shall receive two (2) twelve (12) hour floating holiday paid absences from work annually to be taken on a day mutually agreeable to the employee and the department head. When an employee is hired, floating holidays will be prorated for the year.

3. REGULAR HOLIDAY CREDIT: Sworn fire employees who are shift workers will receive a guaranteed twelve (12) regular holiday credits at 11.2 hours each per holiday for a total of 134.4 hours per year.

$$\frac{8 \times 56 (\text{Firefighters workweek})}{40} = 11.2 \text{ hours}$$

These 12 holidays will be credited to each employee's vacation time in accordance with the following schedule, based on years of continuous service:

0 – 5 yrs of service:	$\frac{96 \times \text{Firefighter's workweek}}{40}$	+	134.4 hours
greater than 5 to 15 yrs of service:	$\frac{120 \times \text{Firefighter's workweek}}{40}$	+	134.4 hours
greater than 15 yrs of service:	$\frac{160 \times \text{Firefighter's workweek}}{40}$	+	134.4 hours

4. VACATION ACCRUAL: Vacation will accrue as outlined in Article VII Section 4 (e) of the City of Imperial Beach Personnel Rules.
5. VACATION TIME-SELLING: Firefighter personnel have the option to sell back accumulated vacation or holiday time at a maximum of 112 hours per fiscal year at the previous contract rate. A minimum of 112 hours must remain available as of assessment date. The request for sell back payment date is to be coordinated with the maximum balance assessment date.

Article 12.0 Educational Benefits

1. The CITY, as employer shall maintain a program providing for the partial refund of tuition and fees for all courses taken by employees when such courses are included in the courses required to obtain or maintain a job related certificate, Associates in Fire Science or Baccalaureate Degree in Public Administration or any other course previously approved by the department head. The CITY agrees to budget for \$1,000 per employee per year for fees and/or tuition for such firefighting classes, seminars, etc. The program will allow individuals to exceed \$1000 for tuition reimbursement if they are working towards a Baccalaureate or Masters Degree in Public or Business Administration, Associates in Fire Science, Fire Officer Certificate, or other job related degree or certificate, provided that the department head pre-approves a Career Plan submitted by the employee. An approved Career Plan is required in order for an employee to exceed \$1000 in reimbursements. All classes would require prior approval of the department head and Human Resources Department for the employee to receive any reimbursement. The employee shall be reimbursed for fees and/or tuition only upon conclusion of each individual with a grade of "B" or better, or successful completion of courses that do not assign grades.
2. CITY agrees to the continuation of an Employee Computer Purchase Program available to all CITY employees after successfully completing probationary period during the term of this agreement subject to budgetary constraints and City Council approval.

Article 13.0 Employee Benefits

If the Federal Affordable Care Act (ACA), implementing regulations, or similar California legislation impact the benefit plans covered by this MOU, the parties agree to reopen negotiations to meet and confer over any related mandatory subjects of bargaining.

The CITY is required by law to administer the ACA and will implement administrative guidelines such as the stabilization and look back periods for all employees in a manner that provides ease of CITY administration.

1. Cafeteria Plan and Allotment

The CITY will provide to each full-time represented employee a Cafeteria Plan allotment to purchase benefits qualified under Section 125 of the Internal Revenue Code. Effective January 1, 2014, the maximum Cafeteria Plan Allotment the CITY pays toward the cost of health insurance coverage or the purchase of other qualified benefits is \$880 per month (\$10,560 per plan year). Effective January 1, 2015, the maximum Cafeteria Plan allotment the CITY pays toward the cost of health insurance coverage or the purchase of other qualified benefits is \$930 per month (\$11,160 per plan year). The EMPLOYEE, through payroll deductions, will pay any premium cost in excess of the Cafeteria Plan Allotment. The Cafeteria Plan is effective the first of the month following hire and upon health benefits effective date. The Cafeteria Plan terminates the last day of the month upon separation.

Represented full-time employees will be eligible to participate in any CITY sponsored group dental plan. Any difference between the employee's available Cafeteria Plan allotment and the premium for the selected plan will be paid by the employee through payroll deductions. An EMPLOYEE who elects to be covered under the CITY's medical health insurance plan, must select single employee coverage under the CITY's dental care provider. This selection is also required to be eligible to take advantage of the CITY's Flexible Spending Accounts (FSAs) for Health Care and Dependent Care. This selection will ensure that no Third Party Administrator (TPA) administrative costs are associated with EMPLOYEE's participation as described under Section 3, Subpart C of this Article.

Represented full-time employees will be eligible to participate in any CITY sponsored group vision plan. Any difference between the employee's available Cafeteria Plan allotment and the premium for the selected plan will be paid by the employee through payroll deductions. Vision election is option for EMPLOYEE and their dependents.

EMPLOYEES hired prior to July 1, 2011, who elect not to be covered under the CITY's medical health insurance plan, may cash out as a taxable cash benefit a maximum of \$400 per month. Those EMPLOYEES who elect not to be covered under the CITY's medical health insurance plan must demonstrate proof of alternative medical and dental coverage insurance. (i.e. spouse or independent insurance coverage).

Employees hired on or after July 1, 2011 who elect not to be covered under the CITY's medical health insurance plan, may cash out as a taxable cash benefit a maximum of \$150 per month. Those EMPLOYEES who elect not to be covered under the CITY's medical health insurance plan must demonstrate proof of alternative medical and dental insurance (i.e. spouse or independent insurance coverage).

The CITY shall pay any applicable mandatory minimum employer contribution for retiree health as required by law.

2. Health, Dental and Vision Payroll Deductions Treated as Pre-Tax:

All payroll deductions for health, and dental care and vision are treated by the CITY on a pre-tax basis in order for the CITY to meet IRS regulations or if the IRS regulations change for any reason, this benefit may be discontinued. In the event that the total cost of benefits exceeds the allowance, the difference shall be deducted from the EMPLOYEE's salary as a salary reduction. If the allowance exceeds the total cost of benefits selected, the difference shall be paid to the EMPLOYEE as taxable income.

3. Flexible Spending Accounts for Health Care and Dependent Care:

Two Flexible Spending Accounts (FSA's), under Section 125, 105, 129 and 213 of the Internal Revenue Services Code, are offered to all represented employees. An EMPLOYEE may elect to budget by salary reduction, for certain health and welfare benefits and dependent care reimbursements on a pre-tax basis. If the CITY does not meet IRS regulations or if the IRS regulations change for any reason, this benefit may be discontinued.

a. Health and Welfare FSA

Before the start of the FSA plan year (January 1 to December 31), represented employees may reduce their salary up to maximum of \$2,500 per plan year to pay for eligible health and welfare expenses. Salary reductions will accrue bi-weekly during the plan year and reimbursements will be made on a schedule to be determined by the CITY. This is a reimbursement program. Participating employees must submit documentation of payment on the appropriate forms to receive reimbursement. Salary reductions not spent by the end of the plan year, by law, are forfeited to the CITY.

b. Dependent Care FSA

Before the start of the FSA plan year (January 1 to December 31), represented employees may reduce their salary up to a maximum of \$5,000 per plan year to pay for eligible dependent care. In no event can dependent care pre-tax dollars, whether reimbursed through FSA, the CITY Flexible Benefit Plan or a combination of both, exceed \$5,000 per calendar year. Salary reduction will accrue bi-weekly during the plan year and reimbursements will be made on a schedule to be determined by the CITY. Dependent care must qualify under all pertinent IRS regulations. This is a reimbursement program. Participating employees must submit documentation of payment and other information related to dependent care arrangement to receive reimbursement. Salary reductions not spent by the end of the plan year, by law, are forfeited to the CITY.

c. FSA Administration

The CITY reserves the right to contract with the Third Party Administrator (TPA) for administration of both FSA's. The CITY will pay the start-up costs associated with the third party administration, if any required. The CITY pays monthly administration fees.

4. Short Term Disability (STD), Long Term Disability (LTD) and Group Term Life Insurance:

Each employee will be provided Group Term Life Insurance as agreed to through negotiations. Employees may purchase Voluntary Life Insurance at an Employee's own cost as an after-tax deduction.

Each employee will participate in the CITY's STD and LTD Plans. Employees are required to file for STD or LTD after fourteen (14) consecutive calendar days of absence due to illness, contagious disease, injury or an authorized absence for medical care and/or appointments. STD and LTD premiums are paid by the EMPLOYEE as an after-tax deduction.

5. Enrollment and Election:

Election under the CITY's Cafeteria Plan shall take effect on the first of the month following 30 days after approval of the request and/or eligibility for health insurance. Payment shall be divided equally between the first two paydays in each month. If the CITY significantly alters the payment schedule, this payment schedule will be subject to meet and confer.

Once this election is made, the EMPLOYEE will not be allowed to change except as follows:

- a. At the next open enrollment
- b. Subsequent to proof or loss of coverage under the spouse's plan, re-enrollment may occur on the first of the month following 30 days after notice of this event is given to the CITY Human Resources Department via approved and completed enrollment forms.
- c. As allowed under any federal or state regulations.
- d. The CITY shall not be liable for any medical costs resulting to the employee as part of this election.

6. Health Insurance Committee

The Health Insurance Committee was established for the purpose of investigating and reviewing health related matters and all insurance options, including health, life, disability, etc. The Health Insurance Committee will continue to meet as necessary. Matters subject to the duty to bargain may be discussed, however, the Insurance Committee shall not have the authority to add to, amend, or modify this Agreement. The CITY and the Firefighters agree to reopen negotiations during the term of this MOU to consider changes to matters investigated and reviewed by the Insurance Committee.

If any legally mandated changes to health insurance should occur during the term of this MOU, both parties agree to re-open negotiations to meet and confer over any related mandatory subjects of bargaining.

Article 14.0 Uniform Replacement Allowance

The uniform allowance will remain as status quo for July 1, 2011 through June 30, 2012. The parties agree to reopen negotiations during the term of the MOU for changes to Article 14.0- Uniform Replacement Allowance.

Existing employees will receive a uniform maintenance allowance in the amount of \$600 per fiscal year on a separate check. For new firefighter employees, the CITY will purchase two pair of nomex uniform shirts and two pair of nomex uniform pants. Beginning January 1, 2006 only nomex uniforms will be permitted.

Article 15.0 Physical Examinations

1. The CITY will provide comprehensive physical examinations bi-annually for all firefighting personnel. This medical exam shall include vision screening, a pulmonary function test, lumbar and chest x-rays, an electrocardiogram (EKG), and medical examiners certificate as required by the Department of Motor Vehicle for Class "B" license.
2. New employees must provide a CPAT certificate six months prior to date of hire.
3. If sufficient funds are available, employees are required to participate bi-annually in all portions of the Wellness Program at San Diego Sports Medicine. If the funds are available, but the employee elects not to participate in the complete Wellness Program, the employee must annually submit a CPAT certificate.

If sufficient funds are not available for the employees to participate in all portions of the Wellness Program at San Diego Sports Medicine, the CITY will continue to provide the current level of physical examinations that are provided through San Diego Sports Medicine.

All employees will attend San Diego Sports Medicine activities during a scheduled or assigned shift.

In keeping with the intent of the Fire Service Joint Labor Management Wellness-Fitness Initiative, participation in the complete wellness program shall be non-punitive.

Article 16.0 Prevailing Benefits

All benefits, privileges and working conditions within the scope of representation which are not included in this agreement shall continue during the term of this agreement unless modified as a result of meeting and conferring between the parties as required by State Law.

Article 17.0 Service to the Public

The Imperial Beach Firefighters' Association will actively assist in and encourage improved service to the citizens of Imperial Beach and the ASSOCIATION members will at all times provide helpful and courteous service to the citizens of Imperial Beach.

Article 18.0 Term

The term of this M.O.U. shall be for a two (2) year period commencing July 1, 2013, and ending June 30, 2015, This M.O.U. shall remain in effect and shall not expire prior to June 30, 2015.

Article 19.0 Salaries

Effective July 1, 2013, employees will receive a three (3) percent cost of living adjustment.

Effective January 1, 2014, employees will receive a one and a half (1 ½) percent cost of living adjustment.

Effective July 1, 2014, employees will receive a one and a half (1 ½) percent cost of living adjustment.

Effective January 1, 2015, employees will receive a three (3) percent cost of living adjustment.

Article 20.0 Retirement Benefits

Retirement benefits are subject to the Public Employees Pension Reform Act (PEPRA) and related Public Employees' Retirement Law (PERL). If there is a conflict between this MOU and requirements pursuant to PEPRA and/or PERL, PEPRA and PERL shall prevail.

1. Report of Employer Paid Member Contribution (EPMC): CITY agrees by resolution only to report the employer's value of EPMC in accordance with established rules and regulations set for by the CalPERS and under Government Code Section 20636 (c). Annual reporting of the EPMC by resolution only is subject to annual review and economic analysis by CITY of CITY's financial condition. Effective July 1, 2011, the EPMC will no longer be reported to CalPERS and will not be included in an employee's final compensation for employees hired prior to July 1, 2011.
2. CalPERS Retirement Formulas and Employee Contributions:
 - a. Employees hired prior to July 1, 2011-The CITY will continue the 3% @ 50 service retirement benefit for fire public safety members. Effective July 1, 2011, employees shall pay the entire employee portion of the CalPERS retirement contribution.
 - b. Employees hired on or after July 1, 2011- The CalPERS formula for employees hired on or after July 1, 2011 through December 31, 2012, shall be 2% at 50 with the use of the average of the employee's highest-three-year-salary. Employees shall pay the entire employee portion of the CalPERS retirement contribution. Employees hired on or after July 1, 2011, will not be allowed to convert unused sick leave to CalPERS service credit. Because the CITY will not be paying the employee portion of the CalPERS contribution, the EPMC will not be reported to CalPERS, and will not be included in an employee's final compensation.
 - c. Employees hired on or after January 1, 2013- Pursuant to the Public Employees Pension Reform Act (PEPRA) and related Public Employees' Retirement Law (PERL) new employees (as defined by PEPRA) hired on or after January 1, 2013, will receive the 2.7% @ 57 retirement

formula with the use of the average of the employee's highest three-year salary. All new employees/members, hired on or after January 1, 2013, will pay 50% of the normal cost contribution.

3. Cost Sharing of Employer Contribution Pursuant to Government Code section 20516: Employees defined as classic members per CalPERS and PEPRA/PERL shall pay 3% of pay towards the costs of CalPERS retirement benefits. This 3% of pay is in addition to employee's paying the entire employee portion of the CalPERS retirement contribution.
4. PERS 1957 Survivor Benefit: Pursuant to California Public Employees Retirement Law Section 21546 (1957 Survivor Allowance) (i) On and after April 1, 1972 this section shall apply to all contracting agencies and to the employees of those agencies with respect to deaths occurring after April 1, 1972, whether or not the agencies have previously elected to be subject to this section.
5. Deferred Compensation: The CITY will make available a 457 Deferred Compensation Program to all full-time employees.
6. Part-time employees: All part time employees will be enrolled in PARS and will not pay into social security.
7. Early service retirement option: Effective July 1, 2013 through December 31, 2013, Employees who have reached retirement age (50), but have not yet completed 30 years of service with the CITY, will be offered a one-time opportunity for an early retirement incentive. The early retirement incentive will not be available after December 31, 2013. Employees wishing to elect this early retirement incentive can retire at any time between July 1, 2013 through December 31, 2013, but must make notification of their intent to the Fire Chief no later than October 15, 2013. Any employee accepting this early retirement incentive must sign a standard separation agreement, and will not be eligible for unemployment insurance.

Early retirement compensation will be \$1,000 per year of service up to a maximum of 20 years. The CITY will offer \$500 per month up to a maximum of \$6,000 for 1 year of medical insurance benefits. An employee accepting this early retirement incentive who elects not to be covered under the CITY's health insurance plan will receive a lump sum taxable cash benefit of \$4,800.

Article 21.0 Recognition

The CITY recognizes that the Association is the sole and exclusive bargaining agent and representative for the classification which are currently in the bargaining unit or which may later be added pursuant to the Imperial Beach Employer-Employee Relations Policy and State Law. These classifications are:

1. Fire Captain
2. Fire Captain/Paramedic
3. Engineer/Paramedic
4. Fire Engineer
5. Firefighter/Paramedic
6. Firefighter
7. Firefighter/EMT (part-time/Seasonal)
8. Firefighter/Paramedic Recruit

Once the two Captains who have not held the rated position of Engineer retire or leave CITY employment, the classification of Firefighter will be eliminated.

Article 22.0 Payroll Deduction of Dues

The employer agrees to deduct, once each pay period, dues and assessments in an amount certified to be current by the designated representative of the Association from the pay of those employees who individually request in writing that such deductions are made. The total amount of deductions shall be remitted, each pay period, by the employer to the representative of the Association. This authorization shall remain in full force and effect until such authorization has been revoked in writing by the employee.

Article 23.0 Rules and Regulations

The ASSOCIATION agrees that its members shall comply with all applicable CITY and Fire Department rules and regulations, including those relating to conduct, work performance, and personnel matters. Revisions to any of these rules and regulations require proper notice to ASSOCIATION and meet and confer process.

The employer agrees that disputes concerning departmental rules and regulations which affect working conditions and personnel practices are subject to the Grievance Procedure.

Article 24.0 Re-negotiation

In the event either party desires to meet and confer on the provisions of a successor M.O.U., it shall serve upon the other not later than April 1st of the year that this M.O.U. expires, its written request to commence meeting and conferring. Each party may then submit its full and entire written proposal on a successor M.O.U.

Article 25.0 Implementation

This M.O.U. constitutes a mutual recommendation to be jointly submitted to the Imperial Beach City Council. It is agreed that this M.O.U. shall not be binding either in whole or in part unless and until the City Council acts by majority vote formally to approve and adopt this M.O.U.

Article 26.0 Emergency

Nothing contained herein shall limit the authority of Management to make necessary changes during emergencies. However, Management shall notify the Association of such changes as soon as possible. Such emergency assignments shall not extend beyond the period of the emergency. Emergency is defined as an unforeseen circumstance requiring immediate implementation of the change.

Article 27.0 Smoke Free Work Environment

The CITY and Association recognize that smoking, second hand smoke and tobacco use are one of the leading causes of death and disease in the United States. As a condition of employment with the CITY, employees hired on or after July 1, 2011, must be non-smokers and remain non-smokers, and cannot use tobacco of any kind as a condition of continued employment.

Effective January 1, 2012, employees are prohibited from smoking and using tobacco of any kind while on duty.

To ensure the health and welfare of the employees, the Fire Station and Fire Department work areas shall be designated smoke free zones and tobacco-free zones.

Smoke and Tobacco Free Zones include:

Fire Station:

1. No smoking or use of tobacco permitted in any area of the Fire Station.
2. No smoking or use of tobacco is permitted within twenty (20') of open doorways, windows and apparatus bay doorways.

Fire Apparatus:

1. Smoke free zone shall follow Fire Apparatus, no smoking or use of tobacco on or within twenty feet (20') of Fire Apparatus

Fire Department Response:

1. No smoking or use of tobacco permitted during Fire Department operations at the scene of emergency responses.

Appropriate signs shall be placed in and on the Fire Station and Fire Apparatus.

Article 28.0 Employee Assistance Program

The CITY will continue to provide an Employee Assistance Program for all CITY employees.

Article 29.0 Savings Clause

If any provisions of this M.O.U. or the enabling resolution is at any time, or in any way, held to be contrary to any law by any court or proper jurisdiction, the remainder of this M.O.U. and the remainder of the enabling resolution shall not be affected thereby, and shall remain in full force and effect.

Article 30.0 Agreement Review

Recognizing the joint concern over the City of Imperial Beach's ability to fund the recommendations contained within the agreement, it is mutually understood that should the California State Legislature mandate a salary or fringe benefit item applicable to employees represented by the association, CITY may at its option require that this Memorandum be reviewed. It is further understood that should the California State legislature mandate a reduction in a salary or fringe benefit item applicable to the employees represented by the Association, the Association may at its option require that this M.O.U., be reviewed.

It is understood that the Association and the CITY may discuss and consult with each other with respect to non-economic items during the period of this agreement, except as noted above, in order to further communicate between the CITY and Association in an effort to promote the improvement of personnel management and employer-employee relations.

Article 31.0 Catastrophic Leave

The CITY agrees to implement a Catastrophic Leave policy to allow vacation, floating holiday, sick leave, or compensatory time credits to be transferred from one employee to another on an hour-for-hour basis for authorized catastrophic leave. A maximum of 20 hours of sick leave, and up to a combined total of 56 hours of vacation, floating holiday, compensatory time and sick leave per employee may be transferred with the receiving employee credits not exceeding more than 520 hours over any 24 month period without City Manager approval.

Article 32.0 Re-opener Provisions

If or when the CITY desires to implement a change to the current ambulance transportation service, the CITY and ASSOCIATION agree to meet and confer with the other party on such service.

Article 33.0 Personal Appearance

Current and new employees shall not have visible tattoos showing during the course of the employee's assigned shift while in Class A, Class B or Class C uniforms. During workouts or physical fitness outside of the fire station, employees must wear long-sleeve shirts and are not permitted to wear a long-sleeve shirt under a Class B uniform shirt. During workouts or physical fitness inside the fire station, employees will be permitted to wear shorts and t-shirts that display visible tattoos.

Employees may wear one set of stud earrings per earlobe. The earrings shall be plain, less than ¼ inch in diameter, and cannot interfere with proper donning of Personal Protective Equipment. All other visible earrings, punches, and piercings are prohibited.

Article 34.0 Paramedic License

A classification of Captain/Paramedic will be created for Captains that maintain a Paramedic License with a base pay 5% higher than the Captain classification. A classification of Engineer/Paramedic will be created for Engineers that maintain a Paramedic License with a base pay 7.5% higher than the Engineer classification. The Firefighter Paramedic classification base pay will be increased by 11.3% and the specialty pay will be eliminated. Firefighter/Paramedics are required to retain a Paramedic License as a condition of employment with the CITY. Captains and Engineers are not required to maintain a Paramedic license as a condition of employment, but must be current with all the required continued education and quarterly training to work down as a Firefighter/Paramedic.



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ANDY HALL, CITY MANAGER *AH*
MEETING DATE: FEBRUARY 19, 2014
ORIGINATING DEPT.: CITY ADMINISTRATION AND PUBLIC WORKS
SUBJECT: CAPITAL IMPROVEMENTS PROGRAM PROJECT DETAIL
AND ENABLING RESOLUTIONS 2014-7451, 2014-7453, 2014-
7454, 2014-7455

EXECUTIVE SUMMARY:

On February 5, 2014, the City Council reviewed the Imperial Beach Capital Improvement Program and directed staff to complete some modifications and provide additional information necessary to approve the Two Year Implementation Schedule and allocate adequate funding to commence the selected projects. Staff has prepared additional information, guiding polices and the necessary resolutions necessary to allocate the necessary funding for the high priority projects identified by the City Council.

BACKGROUND:

On January 15, 2014, the City Council adopted Council Policy 616 enacting policies to guide the preparation and implementation of the Imperial Beach Capital Improvements Program (CIP). The CIP contains the Capital Project List (a comprehensive list of projects) the Major Maintenance Inventory road, sewer line, pump station, drainage facility and public facility maintenance projects), the Professional Services and Planning Documents List (costs anticipated for consultant services and the preparation of planning documents) and the Two Year Implementation Schedule (projects selected for implementation during the two year municipal budget cycle).

ANALYSIS:

The Two Year Implementation Schedule identifies the projects selected by the City Council for project initiation and funding. On February 5, 2014, staff presented an initial draft of the Two Year Implementation Schedule during a City Council Policy Discussion. Staff was directed to provide additional information and to revise the enabling resolution for further consideration by the City Council. Staff has prepared the following information for City Council discussion, consideration and potential adoption:

1. Subpolicies of Council Policy 616 that identify selection criteria and guidance for projects that will be implemented in multiple phases (alley improvements, citywide street lighting and sidewalk installation). It is anticipated that the subpolicies will be adopted by resolution.
2. More detailed information and refined funding requests for the projects selected as high priority Major Maintenance and Capital Improvements Projects.

3. A resolution allocating the necessary funding to commence work on the projects.

SUBPOLICIES:

Council Policy 616 contains direction for implementation of the Imperial Beach Capital Improvements Program. In order to implement some of the projects, additional guidance is necessary, especially projects that will be completed in multiple phases. Rather than create independent Council Policies that may become disjointed, staff is recommending approval of subpolicies of Policy 616 so that all CIP guidelines are associated by number. At the current time, staff is recommending three (3) subpolicies:

1. Subpolicy 616 (A) – It is anticipated that the capital improvements to unpaved alleys and alleys in disrepair in the community will take several years to complete. Therefore, staff has created a prioritized list of criteria that will allow staff to select the alleys to be improved based on established parameters and funding allocations. The selection criteria, in priority order, for alley improvements include:
 - a. An unpaved alley that inhibits the timely and effective provision of public safety services including police, fire and ambulatory services.
 - b. An unpaved alley that causes, or could cause, damage to or impact the effectiveness of an existing public infrastructure system including storm drainage, sanitary sewer systems, drinking water systems, public power and gas services, or degradation of public road surfaces.
 - c. An unpaved alley that inhibits safe and sanitary primary access to an existing residence.
 - d. An unpaved alley that presents a significant negative aesthetic impact that could result in lower property values in the surrounding area or in the general community.
 - e. An unpaved alley that could improve the circulation pattern of a particular neighborhood.
 - f. An unpaved alley that is used for secondary access to properties.
 - g. A paved alley that is in severe disrepair.
 - h. A paved alley in need of repair.

No less than three (3) Imperial Beach Department Heads will determine which alleys will be improved based on the criteria listed herein and the funding allocation authorized by the City Council in the Two Year Implementation Schedule. If the Department Heads are unable to reach consensus on which alleys should be improved, the City Manager will make a final determination.

Additionally, the City Council may consider participation in the improvement of an unpaved alley when a majority of the property owners adjacent to an alley are willing to contribute to the construction costs of an alley or to allow liens or encumbrances to be placed upon their property to repay the construction costs upon sale of the property. Such consideration may allow the project to advance more quickly than would otherwise occur through the typical selection process.

2. Subpolicy 616 (B) – Citywide street lighting has been selected as a high priority project in the Imperial Beach Capital Improvements Program. The criteria established to prioritize the identification of locations for streetlights to be included in the Two Year Implementation Schedule include:
 - a. Locations having the lowest density of existing streetlights.
 - b. Locations with a comparatively high number of public safety calls for service.
 - c. Locations where it is determined that additional lighting can significantly improve safety and security of the area.

- d. Locations where a lighting project can be completed in the most economically efficient manner.
- e. Locations where street lighting can be coordinated with other public improvements such as street rehabilitation, sidewalk repair or utility upgrades.

The Public Works Director and the Director of Public Safety will identify a street lighting project to coincide with funding allocations approved by the City Council. The Public Works Director and the Director of Public Safety may submit recommendations for projects to the City Council for consideration during the preparation of the two year municipal budget.

Additionally, If outside funding from grant sources, improvement projects or other funding sources is identified, the City Council may consider an allocation of funding for a street lighting project. Such consideration may allow the lighting project to advance more quickly than would otherwise occur through the typical selection process.

- 3. Subpolicy 616 (C) – Sidewalks are a high priority project in the Imperial Beach Capital Improvements Program, but proper installation and maintenance will be an ongoing process. As funding allocations for sidewalks are approved by the City Council, the following selection criteria will be used to determine the location of the project:
 - a. Locations where it is determined sidewalks will significantly improve pedestrian safety and convenience.
 - b. Locations that will allow the safe travel of children to a school facility.
 - c. Locations that will allow the safe travel of pedestrians to a public facility.
 - d. Locations that will connect missing links of pedestrian facilities.
 - e. Locations linking to a commercial area.
 - f. Locations where sidewalks can be coordinated with other public improvements such as street rehabilitation, installation of street lighting or utility upgrades.
 - g. Locations where sidewalks are in disrepair and need to be replaced.

If outside funding from grant sources, improvement projects or other funding sources is identified, the City Council may consider allocation of funding for sidewalk installation. Such consideration may allow the sidewalk project to advance more quickly than would otherwise occur through the typical selection process.

DETAILED INFORMATION AND REFINED FUNDING REQUEST:

The proposed Two Year Implementation Schedule that identifies the high priority Major Maintenance and Capital Improvements Projects is attached hereto. Staff has prepared more detailed information about each high priority project and refined the current funding request. In many instances, staff will need to seek further direction and funding from the City Council prior to commencement or completion of a project. However, to address immediate project initiation issues and allocate the funding necessary to begin, staff has prepared the following:

Major Maintenance

- 1. Elm Avenue Rehabilitation – Following a series of public meetings, several improvement alternatives were identified. The information was gathered using a design charrette method where general concepts are placed on large demonstration boards in the room. The next step is to conduct some preliminary engineering to determine if the concepts are feasible and to display the alternatives in a medium that can be provided to the City Council. Staff is seeking approval to prepare the engineering documents to allow the City Council to make a

well-informed decision. Staff is seeking a funding allocation of **\$40,000** from the TRANSNET Fund Balance to initiate the next tasks for this project.

2. Annual Slurry Seal – Several streets will be identified in accordance with the street maintenance schedule. Staff is requesting an allocation of **\$100,000** from the Gas Tax Fund Balance to complete the slurry seal project.
3. RTIP Street Improvements – Staff is recommending an allocation of **\$450,000** from the TRANSNET Fund Balance to complete street improvements consistent with the Regional Transportation Improvement Plan.
4. Annual Mainline Sewer Maintenance – In accordance with the mainline maintenance schedule, **\$250,000** is being requested to conduct the maintenance from the Sewer Enterprise Fund Balance.
5. Pump Station 4 Rehabilitation – In order to complete scheduled maintenance, staff is seeking an allocation of **\$75,000** from the Sewer Enterprise Fund Balance.
6. Pump Station 6 Rehabilitation – In order to complete scheduled maintenance, staff is seeking an allocation of **\$75,000** from the Sewer Enterprise Fund Balance.
7. Televiser Sewer Mainlines – **\$160,000** is being sought from the Sewer Enterprise Fund Balance to televiser a portion of the main sewer lines in the City.

Capital Projects

1. Bikeway Village – Approximately **\$1.7 million** has been previously committed to the project from the 2010 Redevelopment Bond Fund. Staff is seeking an allocation of bond funds to fulfill the commitment.
2. State Route 75 Public Improvements – Following approval from the State Department of Finance, the commercial project at the intersection of 9th Street and Palm Avenue is expected to commence in the near future. Staff is seeking an allocation of **\$2.16 million** from the 2010 Redevelopment Bond Fund to satisfy previous commitments of the Redevelopment Agency.
3. Eco Tourism Infrastructure – Staff is seeking an allocation of **\$50,000** Restricted Public Works Project Fund to provide placemaking and wayfinding amenities in the community to increase awareness and ease of travel to visitor areas in the community such as the Tijuana Estuary, Bayshore Bikeway, beachfront and other locations in the community. Improvements include signage, public art and other enhancements.
4. Revolving Loan Fund – Staff is seeking authorization to develop a revolving loan fund for façade renovations in the community. No funding is necessary to develop the program and staff will present the details of the program to the City Council for consideration at a later date.
5. Regional Communication System – Imperial Beach is a partner with several other communities in the provision of a public safety communication system. The proportionate share of the project for Imperial Beach is **\$750,000**. At the current time, \$270,000 has been placed in a Restricted Public Safety account and an additional \$100,000 has been included in the two year municipal budget to augment the fund. No allocation of funding is being sought at this time and staff will prepare a resolution and a funding scenario for consideration by the City Council at the appropriate time.
6. Technology Upgrade – Staff is seeking direction to form an internal review committee with representation from each department to discuss the technological needs of the various departments. No funding is necessary to form the committee and staff will present future requests for technology upgrades for consideration by the City Council at the appropriate time.
7. Alley Improvements – Council Subpolicy 616 (A) has been prepared to establish criteria for a more objective selection of alley improvement locations. Staff will implement the subpolicy

as adopted and identify the initial phase of alley improvements. The initial phase of alley improvements has yet to be designed and staff is requesting **\$50,000** from the Restricted Capital Projects Reserve to complete the necessary engineering for Phase I of the project. It is anticipated that staff will ask the City Council to consider an additional allocation of \$450,000 for physical alley improvements.

8. Elm Avenue Improvements – In association with the restoration of Elm Avenue, staff is seeking direction from the City Council to include roadway enhancements such as pedestrian and bicycle facilities, roadway striping and other treatments beyond the basic roadway improvements. Staff is not seeking funding at this time, but will ask the City Council to consider an allocation at a future date.
9. Seacoast Drive Aesthetic Project – A variety of roadway enhancements along Seacoast Drive have already been implemented. However, due to financial constraints, some of the enhancements anticipated in the design of the roadway have been delayed. Staff is seeking an allocation of **\$300,000** from the Strategic Capital Project Reserve to complete additional improvements. Staff will present the overall plan to the City Council with an indication of the improvements that have been completed and those that remain incomplete so direction can be given in regard to the priorities for the next phase of the project.
10. Demonstration Roundabout – Staff is seeking an allocation of **\$19,000** from the Gas Tax Fund Balance to augment the current budgeted funds in order to properly implement the demonstration project located at the intersection of 9th Street and Donax Avenue.
11. New Park in Eastern Portion of the Community – Staff is seeking **\$5,000** from the Strategic Capital Projects Reserve to develop a conceptual plan for a new community park in the eastern portion of the City. It is anticipated that once a location for the new park is secured, staff will seek an additional allocation for construction of the park.
12. Citywide Street Lighting Project – Council Subpolicy 616 (B) has been prepared to establish criteria for a more objective selection of street lighting projects. Staff will implement the subpolicy as adopted and identify a street lighting project in accordance with the provisions of the subpolicy. Staff is seeking **\$150,000** from the Restricted Public Works Projects Reserve to complete the next phase of the project.
13. Complete Streets Plan – Staff is seeking **\$5,000** from the Gas Tax fund balance to engage a consultant to procure grant funding to complete a complete streets plan for the City of Imperial Beach.
14. Installation of Sidewalks – Council Subpolicy 616 (C) has been prepared to identify appropriate locations for the installation of new sidewalk or to repair areas of existing sidewalks. In accordance with the proposed policy, staff is seeking approval to install sidewalk extending both north and south of State Route 75 on Delaware Avenue. Staff is seeking **\$100,000** from the 2010 Redevelopment Bond Proceeds to complete the engineering for this complex section of sidewalk and will return to the City Council for additional funding when an engineer's estimate is prepared.
15. Update of the "Big Picture" Planning Document – The "Big Picture" has provided significant guidance for economic and neighborhood development in the City. The plan is now approximately a decade old and in need of an update. Staff is seeking **\$50,000** from the General Fund Balance to engage a consultant to update the plan.

RESOLUTION:

Staff has refined the draft resolution presented to the City Council on February 5, 2014, to reflect the funding requests included in this staff report. The requests are more specific, and will allow the City Council to be more involved in the project development and funding for Major Maintenance and Capital Improvement projects.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

The contents of this staff report identify the fiscal impacts and funding sources for the anticipated impacts.

RECOMMENDATION:

Staff is seeking the following actions of the City Council:

1. Adoption of Resolutions 2014-7453, 2014-7454 and 2014-7455 establishing Subpolicies for City Council Policy 616 to provide more detailed direction for alley improvements, citywide street lighting and installation of sidewalks, respectively.
2. Approval of the Two Year Implementation Schedule in accordance with City Council Policy 616 with the additional detail provided by staff.
3. Adoption of Resolution 2014-7451 providing funding allocations to initiate the projects identified in the Two Year Implementation Schedule.

Attachments:

1. Resolution 2014-7453 – Subpolicy 616 (A)
2. Resolution 2014-7454 – Subpolicy 616 (B)
3. Resolution 2014-7455 – Subpolicy 616 (C)
4. Capital Project List
5. Resolution 2014-7451 – Approval of the CIP and Funding Allocations

RESOLUTION NO. 2014-7453

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING COUNCIL SUBPOLICY – 616 (A) WHICH ESTABLISHES PRIORITIES FOR ALLEY PAVING WITHIN THE CAPITAL IMPROVEMENTS PROGRAM

WHEREAS, City Council identified the pavement of alleys as a high priority project in the Imperial Beach Capital Improvements Program and directed staff to include Phase I of the project on the Two Year Implementation Schedule in accordance with Council Policy 616; and

WHEREAS, Council Subpolicy – 616 (A) establishes specific criteria to prioritize the selection of unpaved alleys to be included in Phase I; and

WHEREAS, Council Subpolicy – 616 (A) allows for certain other considerations where City Council may (deliberately permissive) consider participation in the improvement of an unpaved alley under criteria outlined within the subpolicy. Such consideration may (deliberately permissive) allow the project to advance more quickly than would otherwise occur through criteria identified in this subpolicy; and

WHEREAS, Council Subpolicy – 616 (A) establishes measurement and reporting requirements that allow the City Manager to provide an update on the progress of paving alleys in the community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach that the provisions of City Council Subpolicy 616 (A), attached hereto as Exhibit A, are to be implemented by the City Manager and Department Heads of the City of Imperial Beach.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 19th day of February 2014, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

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

CITY OF IMPERIAL BEACH COUNCIL SUBPOLICY – 616 (A)		
SUBJECT: Establishment of Priorities for Alley Paving	SUBPOLICY NUMBER: 616 (A)	PAGE 1 OF 1
ADOPTED BY: Resolution No. 2014-7453 AMENDED BY:	DATED: February 19, 2014	

SELECTION CRITERIA

The City Council identified the pavement of alleys as a high priority project in the Imperial Beach Capital Improvements Program and directed staff to include Phase I of the project on the Two Year Implementation Schedule in accordance with Council Policy 616. This Subpolicy has been created to establish specific criteria to prioritize the selection of unpaved alleys to be included in Phase I.

The following selection criteria is listed in priority order in the prioritization of unpaved alleys for funding allocation by the City Council:

1. An unpaved alley that inhibits the timely and effective provision of public safety services including police, fire and ambulatory services.
2. An unpaved alley that causes, or could cause, damage to or impact the effectiveness of an existing public infrastructure system including storm drainage, sanitary sewer systems, drinking water systems, public power and gas services, or degradation of public road surfaces.
3. An unpaved alley that inhibits safe and sanitary primary access to an existing residence.
4. An unpaved alley that presents a significant negative aesthetic impact that could result in lower property values in the surrounding area or in the general community.
5. An unpaved alley that could improve the circulation pattern of a particular neighborhood.
6. An unpaved alley that is used for secondary access to properties.
7. A paved alley that is in severe disrepair.
8. A paved alley in need of repair.

No less than three (3) Imperial Beach Department Heads will determine which alleys will be improved based on the criteria listed herein and the funding allocation authorized by the City Council in the Two Year Implementation Schedule. If the Department Heads are unable to reach consensus on which alleys should be improved, the City Manager will make a final determination.

OTHER CONSIDERATIONS

The City Council may consider participation in the improvement of an unpaved alley when a majority of the property owners adjacent to an alley are willing to contribute to the construction costs of an alley or to allow liens or encumbrances to be placed upon their property to repay the construction costs upon sale of the property. Such

consideration may allow the project to advance more quickly than would otherwise occur through implementation of the criteria identified in this subpolicy.

MEASUREMENT AND REPORTING

Each time the Capital Project List or Two Year Implementation Schedule is updated by the City Council or a request for additional funding allocations are presented to the City Council, the City Manager will provide an update on the progress of paving alleys in the community.

RESOLUTION NO. 2014-7454

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING COUNCIL SUBPOLICY – 616 (B) WHICH ESTABLISHES PRIORITIES FOR CITYWIDE STREET LIGHTING WITHIN THE CAPITAL IMPROVEMENTS PROGRAM

WHEREAS, City Council identified citywide street lighting as a high priority project in the Imperial Beach Capital Improvements Program and directed staff to include Phase I of the project on the Two Year Implementation Schedule in accordance with Council Policy 616; and

WHEREAS, Council Subpolicy – 616 (B) establishes specific criteria to prioritize the selection of locations for streetlights to be included in Phase I; and

WHEREAS, Council Subpolicy – 616 (B) allows for certain other considerations where City Council may (deliberately permissive) consider allocation of funding for a street lighting project under criteria outlined within the subpolicy. Such consideration may (deliberately permissive) allow the lighting project to advance more quickly than would otherwise occur through criteria identified in this subpolicy; and

WHEREAS, Council Subpolicy – 616 (B) establishes measurement and reporting requirements which allow the City Manager to provide an update on the progress of providing street lighting throughout the community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach that the provisions of City Council Subpolicy 616 (B), attached hereto as Exhibit A, are to be implemented by the City Manager and Department Heads of the City of Imperial Beach.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 19th day of February 2014, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK

CITY OF IMPERIAL BEACH COUNCIL SUBPOLICY – 616 (B)		
SUBJECT: Establishment of Priorities for Citywide Street Lighting Project	SUBPOLICY NUMBER: 616 (B)	PAGE 1 OF 1
ADOPTED BY: Resolution No. 2014-7454 AMENDED BY:	DATED: February 19, 2014	

SELECTION CRITERIA

The City Council identified citywide street lighting as a high priority project in the Imperial Beach Capital Improvements Program and directed staff to include Phase I of the project on the Two Year Implementation Schedule in accordance with Council Policy 616. This Subpolicy has been created to establish specific criteria to prioritize the selection of locations for streetlights to be included in Phase I.

The following selection criteria is listed in priority order in the prioritization of locations for funding the installation of streetlights by the City Council:

1. Locations having the lowest density of existing streetlights.
2. Locations with a comparatively high number of public safety calls for service.
3. Locations where it is determined that additional lighting can significantly improve safety and security of the area.
4. Locations where a lighting project can be completed in the most economically efficient manner.
5. Locations where street lighting can be coordinated with other public improvements such as street rehabilitation, sidewalk repair or utility upgrades.

The Public Works Director and the Director of Public Safety will identify a street lighting project to coincide with funding allocations approved by the City Council. The Public Works Director and the Director of Public Safety may submit recommendations for projects to the City Council for consideration during the preparation of the two year municipal budget.

OTHER CONSIDERATIONS

If outside funding from grant sources, improvement projects or other funding sources is identified, the City Council may consider allocation of funding for a street lighting project. Such consideration may allow the lighting project to advance more quickly than would otherwise occur through implementation of the criteria identified in this subpolicy.

MEASUREMENT AND REPORTING

Each time the Capital Project List or Two Year Implementation Schedule is updated by the City Council, the City Manager will provide an update on the progress of providing street lighting throughout the community.

RESOLUTION NO. 2014-7455

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING COUNCIL SUBPOLICY – 616 (C) WHICH ESTABLISHES PRIORITIES FOR INSTALLATION OF SIDEWALKS WITHIN THE CAPITAL IMPROVEMENTS PROGRAM

WHEREAS, City Council identified installation of sidewalks as a high priority project in the Imperial Beach Capital Improvements Program and directed staff to include Phase I of the project on the Two Year Implementation Schedule in accordance with Council Policy 616; and

WHEREAS, Council Subpolicy – 616 (C) establishes specific criteria to prioritize the selection of locations for the installation of sidewalks to be included in Phase I; and

WHEREAS, Council Subpolicy – 616 (C) allows for certain other considerations where City Council may (deliberately permissive) consider allocation of funding for sidewalk installation under criteria outlined within the subpolicy. Such consideration may (deliberately permissive) allow the sidewalk project to advance more quickly than would otherwise occur through implementation of the criteria identified in this subpolicy; and

WHEREAS, Council Subpolicy – 616 (C) establishes measurement and reporting requirements which identify when the City Manager must provide an update on the progress of installing sidewalks throughout the community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach that the provisions of City Council Subpolicy 616 (C), attached hereto as Exhibit A, are to be implemented by the City Manager and Department Heads of the City of Imperial Beach.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 19th day of February 2014, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK

CITY OF IMPERIAL BEACH COUNCIL SUBPOLICY – 616 (C)		
SUBJECT: Establishment of Priorities for Installation of Sidewalks	SUBPOLICY NUMBER: 616 (C)	PAGE 1 OF 1
ADOPTED BY: Resolution No. 2014-7455 AMENDED BY:	DATED: February 19, 2014	

SELECTION CRITERIA

The City Council identified the installation of sidewalks as a high priority project in the Imperial Beach Capital Improvements Program and directed staff to include Phase I of the project on the Two Year Implementation Schedule in accordance with Council Policy 616. This Subpolicy has been created to establish specific criteria to prioritize the selection of locations for the installation of sidewalks to be included in Phase I.

The following selection criteria is listed in priority order in the prioritization of locations for funding the installation of sidewalks by the City Council:

1. Locations where it is determined sidewalks will significantly improve pedestrian safety and convenience.
2. Locations that will allow the safe travel of children to a school facility.
3. Locations that will allow the safe travel of pedestrians to a public facility.
4. Locations that will connect missing links of pedestrian facilities.
5. Locations linking to a commercial area.
6. Locations where sidewalks can be coordinated with other public improvements such as street rehabilitation, installation of street lighting or utility upgrades.
7. Locations where sidewalks are in disrepair and need to be replaced.

OTHER CONSIDERATIONS

If outside funding from grant sources, improvement projects or other funding sources is identified, the City Council may consider allocation of funding for sidewalk installation. Such consideration may allow the sidewalk project to advance more quickly than would otherwise occur through implementation of the criteria identified in this subpolicy.

MEASUREMENT AND REPORTING

Each time the Capital Project List or Two Year Implementation Schedule is updated by the City Council, the City Manager will provide an update on the progress of installing sidewalk throughout the community.

PROJECTS BY FUND SOURCE

Attachment 4

		Unidentified	GENERAL FUND BALANCE	RESTRICTED ECONOMIC UNCERTAINTY RSRV	RESTRICTED STRATEGIC CAPITAL RSRV	RESTRICTED PUBLIC WORKS PROJECTS	RESTRICTED PUBLIC SAFETY COMMUNICATI	GAS TAX FUND	PROP "A" (TRANSPET) FUND	2010 BOND	VEHICLE REPLACEMENT/MAINT	TECHNOLOGY/ COMMUNICATIONS	FACILITY MAINT/ REPLACEMENT	SEWER ENTERPRISE FUND	PARKS MAJOR MAINTENAN CIP	PORT OF SAN DIEGO		
Current Fund Balance			\$ 6,056,000	\$ 1,800,000	\$ 1,180,000	\$ 2,013,000	\$ 270,000	\$ 2,025,706	\$ 841,000	\$ 4,604,465	\$ 384,310	\$ 400,000	\$ 275,400	\$ 3,540,000	\$ 300,000			
Reserve Minimum Requirement			\$ (5,400,000)	\$ (1,800,000)		\$ (1,000,000)								\$ (2,000,000)				
FY15 Additional Fund Balance							\$ 100,000		\$ 450,000			\$ 25,000	\$ 100,000	\$ 400,000	\$ 50,000			
FY16 Additional Fund Balance							\$ 100,000		\$ 450,000			\$ 25,000	\$ 100,000	\$ 400,000	\$ 50,000			
FY17 Additional Fund Balance							\$ 100,000		\$ 450,000			\$ 25,000	\$ 100,000	\$ 400,000	\$ 50,000			
FY18 Additional Fund Balance							\$ 100,000		\$ 450,000			\$ 25,000	\$ 100,000	\$ 400,000	\$ 50,000			
DEPARTMENT	PROJECT	New/ Maint	Priority	Est Costs														
PW FY13/14	RTIP FY 13/14 Elm Ave (Seacoast to 7th) Asphalt Overlay and associated sidewalk, curb & gutter and crosswalk improvements. This project will also install a raised intersection at 5th Street.	M-Maint.	High	\$ 750,000				\$ 100,000	\$ 600,000					\$ 50,000				
PW-S	Annual Slurry Seal - FY14/15	M-Maint.	High	\$ 100,000				\$ 100,000										
PW-S	RTIP FY14/15 Street Improvements	M-Maint.	High	\$ 450,000					\$ 450,000									
PW-S	RTIP FY15/16 Street Improvements	M-Maint.	High	\$ 450,000					\$ 450,000									
PW-S	RTIP FY16/17 Street Improvements	M-Maint.	High	\$ 450,000					\$ 450,000									
PW-S	RTIP FY17/18 Street Improvements	M-Maint.	High	\$ 450,000					\$ 450,000									
PW-W	FY 14/15 Annual Main Line Work Identified in previous CCTV	M-Maint.	High	\$ 250,000										\$ 250,000				
PW-W	FY 15/16 Annual Main Line Work Identified in previous CCTV	M-Maint.	High	\$ 400,000										\$ 400,000				
PW-W	FY 16/17 Annual Main Line Work Identified in previous CCTV	M-Maint.	High	\$ 400,000										\$ 400,000				
PW-W	FY 17/18 Annual Main Line Work Identified in previous CCTV	M-Maint.	High	\$ 400,000										\$ 400,000				
PW-W	Pump Station No. 4 Rehabilitation (FY 14/15)	M-Maint.	High	\$ 75,000										\$ 75,000				
PW-W	Pump Station No. 6 Rehabilitation (FY 14/15)	M-Maint.	High	\$ 75,000										\$ 75,000				
PW-W	Televised Pipe Sections/Sewer Mains 161,000 of remaining lines	M-Maint.	High	\$ 160,000										\$ 160,000				
PW-F	Fire Station - Lighting and Plumbing	M-Maint.	Medium	\$ 20,000	\$ 20,000													
PW-F	City Hall / Community Room (EOC)	M-Maint.	Medium	\$ 100,000	\$ 100,000													
PW-F	Marina Vista Center / Senior Center. This project is 50% designed from previous funding which was removed in 2008.	M-Maint.	Medium	\$ 150,000	\$ 150,000													
PW-P	Sports Park Master Plan Phase 2 approx. This project 80% designed from previous funding which was removed in 2008.	M-Maint.	Medium	\$ 350,000	\$ 350,000													
PW-P	Sports Park Master Plan Phase 3	M-Maint.	Medium	\$ 400,000	\$ 400,000													
PW-S	Bayshore Bikeway Slurry Seal	M-Maint.	Medium	\$ 15,000	\$ 15,000													
PW-S	Annual Slurry Seal - FY15/16	M-Maint.	Medium	\$ 100,000				\$ 100,000										
PW-S	Annual Slurry Seal - FY16/17	M-Maint.	Medium	\$ 100,000				\$ 100,000										
PW-S	Annual Slurry Seal - FY17/18	M-Maint.	Medium	\$ 100,000				\$ 100,000										
PW-S	South Seacoast Sidewalk	M-Maint.	Medium	\$ 200,000	\$ 200,000													
PW-P	Sports Park Recreation Center Master Plan	M-Maint.	Low	\$ 30,000	\$ 30,000													
PW-P	Reama Park Master Plan	M-Maint.	Low	\$ 100,000	\$ 100,000													
PW-W	Pump Station No. 5 Rehabilitation	M-Maint.	Low	\$ 300,000										\$ 300,000				
PW-W	Pump Station No. 8 Rehabilitation	M-Maint.	Low	\$ 30,000										\$ 30,000				
				\$ 6,405,000	\$ 1,365,000	\$ -	\$ -	\$ -	\$ -	\$ 500,000	\$ 2,400,000	\$ -	\$ -	\$ -	\$ -	\$ 2,140,000	\$ -	\$ -
CD	Bikeway Village	N-New	High	\$ 1,700,000						\$ 1,700,000								
CD	9th & Palm Avenue / State Route 75 Public Improvements	N-New	High	\$ 2,160,000						\$ 2,160,000								
CD	Eco Tourism Infrastructure	N-New	High	\$ 50,000			\$ 50,000											
CD	Revolving Loan Fund	N-New	High	\$ 100,000			\$ 100,000											
IT	RCS purchase.	N-New	High	\$ 750,000	\$ 480,000							\$ 270,000						
PW FY13/14	Alley Improvements	N-New	High	\$ 500,000			\$ 500,000											
PW FY13/14	Elm Avenue (7th to 4th Streets) Pedestrian, Bicycle and Traffic Calming	N-New	High	\$ 300,000														
PW FY13/14	Accommodations	N-New	High	\$ 300,000						\$ 300,000								
PW FY13/14	Seacoast Dr Aesthetic Project	N-New	High	\$ 300,000			\$ 300,000											
PW FY13/14	Demonstration Round about	N-New	High	\$ 19,000						\$ 19,000								
PW-P	New Park: Southeast Imperial Beach	N-New	High	\$ 5,000			\$ 5,000											
PW-S	Residential Citywide Lighting Improvements	N-New	High	\$ 50,000			\$ 50,000											
PW-S	Sidewalk Infill	N-New	High	\$ 1,000,000	\$ 1,000,000													
STDY	Complete Streets Plan / Policy	N-New	High	\$ 5,000						\$ 5,000								
STDY	Public Restroom and shower - South Seacoast	N-New	High	\$ 75,000												\$ 75,000		
IT	Technology Upgrade	N-New	High	\$ 425,000								\$ 425,000						
PW-D	Storm Drain Channel Upgrade Thorn to 5th; Spruce to Carolina; Essex to 9th; and 1200 blk Holly to Grove	N-New	Medium	\$ 300,000	\$ 300,000													
STDY	Storm Drain Treatment Control BMP's at Selected Outfalls	N-New	Medium	\$ 50,000	\$ 50,000													
PW-F	Construction of Vehicle Wash Pit	N-New	Medium	\$ 30,000	\$ 30,000													
PW-F	Addition to P.W.s office facility	N-New	Medium	\$ 100,000	\$ 100,000													
PW-P	Veterans Park Master Plan	N-New	Medium	\$ 200,000	\$ 200,000													
STDY	Municipal Code Update	N-New	Medium	\$ 500,000	\$ 500,000													
STDY	Pavement Management Plan	N-New	Medium	\$ 40,000	\$ 40,000													
PW - P	Municipal Swimming Pool	N-New	Low	\$ 6,000,000	\$ 6,000,000													
PW - P	Carnation & Silver strand Open Space	N-New	Low	\$ 400,000	\$ 400,000													
PW-D	Carnation & Seacoast Intersection Flooding Project	N-New	Low	\$ 60,000	\$ 60,000													
PW-D	Underground Storm Drain: Bayside Elementary	N-New	Low	\$ 120,000	\$ 120,000													
PW-F	Fire Station - Metal Building	N-New	Low	\$ 333,000	\$ 333,000													
PW-F	Dempsey Holder Safety Center - phase 1	N-New	Low	\$ 300,000	\$ 300,000													
PW-F	Dempsey Holder Safety Center - phase 2	N-New	Low	\$ 135,000	\$ 135,000													
PW-P	Skate Spot (North of SR-75)	N-New	Low	\$ 100,000	\$ 100,000													
PW-P	Cherry Avenue Open Space east of 11th Street Eenhancements	N-New	Low	\$ 150,000	\$ 150,000													
PW-P	Tennis Courts	N-New	Low	\$ 420,000	\$ 420,000													
PW-P	Triangle Park Phase 2	N-New	Low	\$ 100,000	\$ 100,000													
PW-S	Bayshore Bikeway Spur	N-New	Low	\$ 3,000,000	\$ 3,000,000													
PW-S	Carnation Avenue Street End Plaza	N-New	Low	\$ 1,200,000														
PW-S	Regional Transportation Congestion Improvement Plan (RTICIP)	N-New	Low	\$ 23,000					\$ 23,000							\$ 1,200,000		
PW-S	State Route 75 Irrigation Upgrade	N-New	Low	\$ 100,000	\$ 100,000													
PW-S	State Route 75 @ Rainbow Drive-Landscaping Project	N-New	Low	\$ 120,000	\$ 120,000													
PW-S	State Route 75 Sound Wall	N-New	Low	\$ 500,000	\$ 500,000													
PW-V	Fire Station - Response Vehicle	N-New	Low	\$ 275,621								\$ 275,621						
PW-W	Fire Station - Communications Vehicle	N-New	Low	\$ 200,000								\$ 200,000						
PW-W	Pump Station No. 8 Odor Control	N-New	Low	\$ 100,000										\$ 100,000				
				\$ 22,295,621	\$ 14,538,000	\$ -	\$ 905,000	\$ 100,000	\$ -	\$ 324,000	\$ 23,000	\$ 3,860,000	\$ 475,621	\$ 695,000	\$ -	\$ 100,000	\$ -	\$ 1,275,000
Project Total				\$ 28,700,621	\$ 15,903,000	\$ -	\$ 905,000	\$ 100,000	\$ -	\$ 824,000	\$ 2,423,000	\$ 3,860,000	\$ 475,621	\$ 695,000	\$ -	\$ 2,240,000	\$ -	\$ 1,275,000
Ending Fund Balance				\$ 656,000	\$ -	\$ 275,000	\$ 913,000	\$ 670,000	\$ 1,201,706	\$ 218,000	\$ 744,465	\$ (91,311)	\$ (195,000)	\$ 675,400	\$ 900,000	\$ 500,000	\$ (1,275,000)	

Maintenance

New Projects

RESOLUTION NO. 2014-7451**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING CITY OF IMPERIAL BEACH FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM (CIP) AND THE INITIAL FUNDING NECESSARY TO IMPLEMENT THE TWO YEAR IMPLEMENTATION SCHEDULE**

WHEREAS, the City Council has adopted City Council Policy 616 creating an Imperial Beach Capital Improvement Program containing a Capital Improvements List, a Major Maintenance Inventory, A Professional Services and Planning Documents List and a Two Year Implementation Schedule; and

WHEREAS, the City Council has reviewed the proposed capital and major maintenance projects and caused a comprehensive list of projects and professional services to be organized into the Imperial Beach Capital Improvements Program as directed in City Council Policy 616; and

WHEREAS, the City Council has identified the high priority maintenance and capital improvement projects and the funding necessary to complete the high priority projects; and

WHEREAS, commencement of the high priority maintenance and capital improvement projects will require the allocation of funding from the funding source(s) identified for each high priority project and it has been determined that there are sufficient funds in the respective accounts to design, construct and / or study the projects included in the Two Year Implementation Schedule.

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

SECTION 1 Capital Improvement Program

In accordance with City Council Policy 616, the City Council adopts the Imperial Beach Capital Improvement Program attached hereto as:

1. Exhibit A: Major Maintenance Inventory and Capital Improvement Projects List
2. Exhibit B: Two Year Major Maintenance and Capital Improvement Implementation Schedule

SECTION 2 Funding Allocations

Funding for all projects identified in the Two Year Implementation Schedule will require a funding allocation approved by the City Council. In some instances, until more detailed project information is available, only a portion of the anticipated project funding needs to initially allocated. The funds will be drawn from the funding source identified in Exhibit B: Two Year Major Maintenance and Capital Improvements Implementation Schedule. The following projects (for additional detail refer to Exhibit C: Two Year Implementation Schedule Detail Sheet) have been identified as high priority projects and this resolution authorizes allocation of funding for implementation of the projects as indicated:

<u>Project</u>	<u>Funding Allocation</u>
1. Bikeway Village	\$1.7 million
2. Public Improvements at 9 th and Palm	\$2.16 million

<u>Project</u>	<u>Funding Allocation</u>
3. Eco Tourism Wayfinding and Placemaking	\$50,000
4. Revolving Loan Fund	\$100,000
5. Regional Communication System	Staff will present future Resolution
6. Technology Upgrades	Internal Committee to define Scope
7. Alley Improvements	\$50,000 to conduct engineering
8. Elm Avenue Enhancements	\$40,000 to complete pre-engineering
9. Seacoast Aesthetics	\$300,000
10. Demonstration Roundabout	\$19,000 to augment current funding
11. New Park – Eastern Portion of Community	\$5,000 to develop concept
12. Residential Citywide Street Lighting	\$150,000
13. Installation of Sidewalks on Delaware	\$100,000 to complete engineering
14. Update the “Big Picture” Planning Document	\$50,000

Additional funding allocations to complete high priority projects will be presented to the City Council for consideration after project details have been developed.

SECTION 3 Direction to Proceed

Adoption of this resolution authorizes the City Manager to commence appropriate action on the projects identified in Exhibit B: Two Year Major Maintenance and Capital Improvements Implementation Schedule which is attached hereto. It is noted that several of the project will require additional action from the City Council for funding and approval.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 19th day of February 2014, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK

Capital Improvements Program (CIP)

Project Number	Priority	M-Maint. N-New	Dept. Type	Capital Projects List (NEW), Major Maintenance Inventory (MAINT) and Professional Services and Planning Documents List (STDY) Project Name	Project Scope of Work	Estimated Costs	Fund Source
				CIP FY 13-14 Projects on Hold			
S14-104	High	N-New	PW FY13/14	Alley Improvements	This project will complete the alley paving of all dirt alleys in the City as directed by City Council. There are 34 dirt alley blocks or partial blocks in the City. The estimated construction cost for paving these alleys to Regional Standard Drawings - San Diego Region is \$2,500,000 plus another \$100,000 for design and administration costs. It has been suggested that the alley construction costs could be reduced by 1/3 by installing asphalt paving instead of concrete paving. The alley paving would need to include a storm water BMP design that will reduce or eliminate water discharge into the adjacent receiving waters. It is recommended that the alley paving be scheduled over a number of years with paving being accomplished in segments of \$400,000 to \$500,000 per segment.	\$ 500,000	New Strategic Capital Improvement GF Reserve
S13-309	High	M-Maint.	PW FY13/14	RTIP FY 13/14 Elm Ave (Seacoast to 7th) Asphalt Overlay and associated sidewalk, curb & gutter and crosswalk improvements. This project will also install a raised intersection at 5th Street.	Overlay roadway; replace rolled curb with G-Curb; Streets portion funded by TRANSNET and Gas Tax; Raise the intersection at 5th Street to raise the below ground Sewer Lift Station No. 3 access above street grade to minimize flooding of lift station. A below ground storm drain system will be installed to reduce street flooding on Elm between MVHS east side alley to 5th Street and underneath the new raised intersection.	\$750,000	\$600,000 TRANSNET & \$100,000 Gas Tax & \$50,000 Sewer Enterprise Fund CIP
S13-309	High	N-New	PW FY13/14	Elm Avenue (7th to 4th Streets) Pedestrian, Bicycle and Traffic Calming Accommodations	Construct bike lane between Connecticut and 4th Streets; widen sidewalk on south side between 7th and 4th replace most of the MVHS parking in front of H.S. with student drop off zone; eliminate parking on south side between Connecticut and 4th Street;	\$300,000	Gas Tax (Note: staff will actively seek grant funding for some or all of this project).

Capital Improvements Program (CIP)

Project	Priority	M-Maint.	Dept.	Capital Projects List (NEW), Major Maintenance Inventory (MAINT) and Professional Services and Planning Documents List (STDY)	Project Scope of Work	Estimated	Fund Source
Number		N-New	Type	Project Name		Costs	
SP1-310	High	N-New	PW FY13/14	Seacoast Dr Aesthetic Project	The Seacoast Drive Aesthetic Project has three main goals: 1) improve lighting in pedestrian settings such as sidewalks, plazas and parks; 2) enhance the walking experience physically and visually along Seacoast Drive; 3) create a special identity thus making Seacoast Drive a destination for residents and visitors. The methods to be considered to improve Seacoast Drive aesthetics are: 1) make Seacoast Drive appear "brighter" by creating a heiracrchy of lighting 2: improve places for people to walk and gather; and 3) create a street "brand" or visual identity.	\$300,000	New Strategic Capital Improvement GF Reserve
S14-105	High	N-New	PW FY13/14	Demonstration Round about	Reolution No. 2013-7407 adopted October 16, 2013 appropriated funding for and authorized design and construction of a 9th & Donax Street demo round about. Resolution No. 2013-7407 appropriated \$12,000 from Gas Tax Undesignated Reserve for this purpose. The design cost for this project was \$7,000. The construction materials cost is estimated at \$23,000 with City forces performing the construction. City employee labor is estimated at 200 person hours. Thus the total cost of the project, less City labor, is \$30,000. Since the appropriate amount is \$11,000, it is necessary to appropriate an additional \$19,000 to complete the project using City forces.	\$19,000	Gas Tax

Capital Improvements Program (CIP)

Project Number	Priority	M-Maint. N-New	Dept. Type	Capital Projects List (NEW), Major Maintenance Inventory (MAINT) and Professional Services and Planning Documents List (STDY) Project Name	Project Scope of Work	Estimated Costs	Fund Source
				CIP FY 10-14 Project List Unfunded			
			CD	COMMUNITY DEVELOPMENT PROJECTS			
	High	N-New	CD	Bikeway Village	Construct public improvements to a new commercial development project at the property at the intersection of 13th St and Cypress Ave. Including new access to Bayshore Bikeway. Developer will do this work.	\$1,700,000	2010 Bond Fund
	High	N-New	CD	9th & Palm Avenue / State Route 75 Public Improvements	Construct public improvements to a new commercial development project at the properties west of 9th Street, south of State Route 75/Palm Avenue, east of Delaware Street and north of adjacent alley. Developer will do this work.	\$2,160,000	2010 Bond Fund
	High	N-New	CD	Eco Tourism Infrastructure	This project is intended to increase the number of visitors to Imperial Beach through ecological tourism. This project will focus on the development of a placemaking and waymaking system (including public art) and visitor serving facilities. The funding recommended with this effort is to study and design these elements. Additional funding may be required for actual construction or installation.	\$50,000	Public Works GF Reserve
	High	N-New	CD	Revolving Loan Fund	An appropriation of funding to be used as a revolving loan fund for commercial building façade renovation. Low interest loans will be provided to business owners, not to exceed \$10,000, to be paid back over a defined period of time (typically 5 years). This is a one-time allocation and it is anticipated that the funding will be used on an ongoing revolving loan issued on a first come first served basis	\$100,000	New Strategic Capital Improvement GF Reserve

Capital Improvements Program (CIP)

Project Number	Priority	M-Maint. N-New	Dept. Type	Capital Projects List (NEW), Major Maintenance Inventory (MAINT) and Professional Services and Planning Documents List (STDY) Project Name	Project Scope of Work	Estimated Costs	Fund Source
			PW	PUBLIC WORKS PROJECTS			
			PW-F	FACILITIES			
	Medium	N-New	PW-F	Construction of Vehicle Wash Pit	This project will construct a wash pit at Public Works Facility separate from the waste water pit to enhance public health of employees	\$ 30,000	Not Identified
	Medium	N-New	PW-F	Addition to P.W.s office facility	Pour concrete slab on NW corner of existing building and erect a steel building to add approximately 800 sq. ft. of office space.	\$100,000	Not Identified
	Medium	M-Maint.	PW-F	Fire Station - lighting and plumbing	Upgrade windows, lighting and plumbing to current building codes	\$20,000	Not Identified
	Low	N-New	PW-F	Fire Station - Metal Building	Metal Extension Building behind the apparatus floor (\$300,000); Fire Station Drying Lockers (\$33,000)	\$333,000	Not Identified
	Medium	M-Maint.	PW-F	City Hall / Community Room (EOC)	Upgrade windows and lighting to current building codes. Refurbish parking lot, upgrade the irrigation & landscape throughout	\$100,000	Not Identified
	Medium	M-Maint.	PW-F	Marina Vista Center / Senior Center. This project is 50% designed from previous funding which was removed in 2008.	Upgrade lighting to current building code; replace flooring throughout; refurbish both kitchens; refurbish arts & craft room. Install HVAC; Refurbish lobby and hall.	\$150,000	Not Identified
	Low	N-New	PW-F	Dempsey Holder Safety Center - phase 1	Replace carpet on 2nd floor mezzanine; complete gas fireplace installation; create additional locker room area; custom fit new window blinds @ 3rd and 4th floors; replace all hardware on exterior pedestrian doors; replace flooring @ 1st floor Life Guard area; tint all lifeguard area windows; new outdoor shower; new stingray wound area	\$300,000	Not Identified
	Low	N-New	PW-F	Dempsey Holder Safety Center - phase 2	Dempsey Center 2nd floor Weight Room - \$75,000 Dempsey Center 1st floor kitchen - \$30,000 Dempsey Center 1st floor Outside Medical Aid Station - \$15,000 Dempsey Center 1st floor Tidelands Office in the north garage bay - \$5,000 Dempsey Center 2nd floor Event Planning Event Planning Center - \$10,000	\$135,000	Not Identified
			PW-V	VEHICLE REPLACEMENT			
	Low	N-New	PW-V	Fire Station - Response Vehicle	Fully Equipped Squad Response Vehicle	\$275,621	Vehicle Replacement and Maintenance Fund
	Low	N-New	PW-V	Fire Station - Communications vehicle	Communications Vehicle / Mobile EOC	\$200,000	Vehicle Replacement and Maintenance Fund

Capital Improvements Program (CIP)

Project Number	Priority	M-Maint. N-New	Dept. Type	Capital Projects List (NEW), Major Maintenance Inventory (MAINT) and Professional Services and Planning Documents List (STDY) Project Name	Project Scope of Work	Estimated Costs	Fund Source
			PW-P	PARKS			
	High	N-New	PW-P	New Park: Southeast Imperial Beach	The intent of this project is to provide a neighborhood park in the southeast quadrant of the City. The location and infrastructure for this park are yet to be identified. It is estimated that the cost for this new park will range between \$500,000 and \$2,500,000. It is suggested that up to \$5,000 be appropriated to initiate the search and identify the project parameters. Once a project site and infrastructure are approved, it is suggested that the City seek grant funds to include Prop 84.	\$ 5,000	New Strategic Capital Improvement GF Reserve
	Low	N-New	PW-P	Skate Spot (North of SR-75)	This project proposes to construct a skate "spot" north of S.R. 75. Location has not been identified, however possible locations include Teeple Park, area west of City's public works facility, and Bayside Elementary school	\$ 100,000	Not Identified
	Medium	M-Maint.	PW-P	Sports Park Master Plan Phase 2 approx. This project 80% designed from previous funding which was removed in 2008.	4' and 6' perimeter outer fence at fields E/F, 8' perimeter outer fence at field D, backstops at field B & D, Benches/Bleachers and dug outs on concrete pads at fields B & D, Bleachers safety barrier at field D, Concrete curb under fence at field E & F, Construction of ball field E/F fence, Install electrical outlets at field F, new bleachers at field D, Permeable concrete south of field A and north of field E/F including new tree planters, reshape outfield fence at field D	\$ 350,000	Not Identified
	Medium	M-Maint.	PW-P	Sports Park Master Plan Phase 3	Construct additional trash enclosures; Clean up/tidy up the area west of field C; Concession Stand Remodel; Fencing around storage containers by field C; Install drinking fountain by trellis/picnic area; Install parking lot gate South of Caspian Way and 4th Street Intersection; <u>Remodel or replace outside restrooms adjacent to field A (outfield)</u> ; Replace retaining wall brick cap around picnic area; Replace & modernize to tot lot equipment; Replace 4" backflow device with 3" device; Replace entire tot lot surface with rubberized materials; Replace/rebuild seat wall at tot lot with like walls (similar to Teeple or Reama Park); Resurface alley parking lot between rec center & church; Replace missing /removed and other damaged trees within the park.	\$ 400,000	Not Identified
	Low	M-Maint.	PW-P	Sports Park Recreation Center Master Plan	Game/Staff Room--add café-style seating, Game/Staff Room--add window access to Café, Teen room--add pool/air hockey table, Teen room--new furniture & equipment	\$ 30,000	Not Identified

Capital Improvements Program (CIP)

Project Number	Priority	M-Maint. N-New	Dept. Type	Capital Projects List (NEW), Major Maintenance Inventory (MAINT) and Professional Services and Planning Documents List (STDY) Project Name	Project Scope of Work	Estimated Costs	Fund Source
	Low	N-New	PW-P	Cherry Avenue Open Space east of 11th Street Eenhancements	To provide Bayshore Bikeway amenities at the north end of Florida Street. Project will include an Environmental review; fencing, park furniture; irrigation, etc.	\$ 150,000	Not Identified
	Low	N-New	PW-P	Tennis Courts	It has been discussed that this project could possibly be considered jointly with a school district. The Courts would be most useful if located within easy access to school kids as part of their school curriculum. The estimated construction cost is \$70,000 per court. This project suggests at least 4 to 6 courts should be construction.	\$ 420,000	Not Identified
	Low	N-New	PW - P	Municipal Swimming Pool	As part of the 2004 RDA community workshops, there was much discussion from members of the public regarding the need/desire of a community swimming pool. This project is being included for consideration as a future project with no known location or construction and maintenance funding source.	\$ 6,000,000	Not Identified
	Low	N-New	PW - P	Carnation & Silver strand Open Space	Approximately 1.5 acres of open space adjacent to Camp Surf. This area is being held available for a future recreational opportunity.	\$ 400,000	Not Identified
	Low	N-New	PW-P	Triangle Park Phase 2	Attributes and infrastructure unspecified, Modernized irrigation system.	\$ 100,000	Not Identified
	Low	M-Maint.	PW-P	Reama Park Master Plan	Rehab the park infrastructure (tot-lot, ADA surface, irrigation, lighting etc.)	\$ 100,000	Not Identified
	Medium	N-New	PW-P	Veterans Park Master Plan	Remodel & replace outside restrooms, Replace & modernize tot lot equipment	\$ 200,000	Not Identified

Capital Improvements Program (CIP)

Project Number	Priority	M-Maint. N-New	Dept. Type	Capital Projects List (NEW), Major Maintenance Inventory (MAINT) and Professional Services and Planning Documents List (STDY) Project Name	Project Scope of Work	Estimated Costs	Fund Source
			PW-W	SEWER			
	High	M-Maint.	PW-W	FY 14/15 Annual Main Line Work Identified in previous CCTV	New work identified via the most recent CCTV reports showing greatest need to maintain the sewer mainlines and to reduce infiltration	\$ 250,000	Sewer Enterprise Fund
	High	M-Maint.	PW-W	FY 15/16 Annual Main Line Work Identified in previous CCTV	New work identified via the most recent CCTV reports showing greatest need to maintain the sewer mainlines and to reduce infiltration	\$ 400,000	Sewer Enterprise Fund
	High	M-Maint.	PW-W	FY 16/17 Annual Main Line Work Identified in previous CCTV	New work identified via the most recent CCTV reports showing greatest need to maintain the sewer mainlines and to reduce infiltration	\$ 400,000	Sewer Enterprise Fund
	High	M-Maint.	PW-W	FY 17/18 Annual Main Line Work Identified in previous CCTV	New work identified via the most recent CCTV reports showing greatest need to maintain the sewer mainlines and to reduce infiltration	\$ 400,000	Sewer Enterprise Fund
	High	M-Maint.	PW-W	Pump Station No. 4 Rehabilitation (FY 14/15)	replace pumps, stands, and foundations; remove and replace vertical brace for piping; replace wet well inlet valves;	\$ 75,000	Sewer Enterprise Fund
	Low	M-Maint.	PW-W	Pump Station No. 5 Rehabilitation	Renovate or replace the pump station to include pump foundations, new pumps, new valves, and wall casing. Prepare construction plans and specifications. Award a contract to replace or modify pumping station and/or wet well to eliminate surcharging of incoming lines.	\$ 300,000	Sewer Enterprise Fund
	High	M-Maint.	PW-W	Pump Station No. 6 Rehabilitation (FY 14/15)	Renovate pump station to include station floor, pump foundations, valves and piping	\$ 75,000	Sewer Enterprise Fund
	Low	M-Maint.	PW-W	Pump Station No. 8 Rehabilitation	Replace all three pumps' foundations and repair / float floor	\$ 30,000	Sewer Enterprise Fund
	High	M-Maint.	PW-W	Televised Pipe Sections/Sewer Mains 161,000 of remaining lines	This project will televise the remaining 142,000 linear feet of sewer main in the City. The first 82,000 linear feet was televised in fiscal years 2007/2008 and 2010/2011. The CCTV will help direct the City towards making sewer main repairs towards the most severe main failures.	\$ 160,000	Sewer Enterprise Fund
	Low	N-New	PW-W	Pump Station No. 8 Odor Control	Design and construct an Odor Control system for Pump Station No. 8	\$ 100,000	Sewer Enterprise Fund

Capital Improvements Program (CIP)

Project Number	Priority	M-Maint. N-New	Dept. Type	Capital Projects List (NEW), Major Maintenance Inventory (MAINT) and Professional Services and Planning Documents List (STDY) Project Name	Project Scope of Work	Estimated Costs	Fund Source
			PW-D	STORM DRAIN			
	Low	N-New	PW-D	Carnation & Seacoast Intersection Flooding Project	As part of the Palm Avenue street-end storm water pump station improvements, a stub line was extended from the Palm Avenue lift station wet well to Seacoast Drive at Palm Avenue. This project would provide for a connection between Carnation Avenue / Seacoast Drive intersection to the new stub out at Palm and Seacoast Drive. The purpose of this connection would be to alleviate or reduce storm water ponding at the intersection of Carnation and Seacoast Drive when the Camp Surf detention pond is full and will not take in additional street water. The new storm drain line is approximately 600-feet long @ a cost of \$100 per liner foot.	\$ 60,000	Not Identified
	Medium	N-New	PW-D	Storm Drain Channel Upgrade Thorn to 5th; Spruce to Carolina; Essex to 9th; and 1200 blk Holly to Grove	This project will improve the easement infrastructure at these locations to improve drainage and improve storm water and nuisance water infiltration. The exact design of these improvements will need further study by City Engineer.	\$ 300,000	Not Identified
	Low	N-New	PW-D	Underground Storm Drain: Bayside Elementary	Improve drainage at Bayside Elementary School to drain playground area at Southwest Corner. Add 2-manholes in Bayside Elementary School line. Requires permission from school district for maintenance access.	\$ 120,000	Not Identified

Capital Improvements Program (CIP)

Project Number	Priority	M-Maint. N-New	Dept. Type	Capital Projects List (NEW), Major Maintenance Inventory (MAINT) and Professional Services and Planning Documents List (STDY) Project Name	Project Scope of Work	Estimated Costs	Fund Source
			PW-S	STREETS			
	Medium	M-Maint.	PW-S	Bayshore Bikeway Slurry Seal	To Lay down a slurry seal to increase the life of the Bayshore Bikeway.	\$ 15,000	Not Identified
	High	M-Maint.	PW-S	Annual Slurry Seal - FY14/15	An annual slurry seal program will extend the life of the streets and reduced the long term maintenance cost of the streets by extending the time between major street repairs/asphalt overlay/reconstruction.	\$ 100,000	Gas Tax Reserve
	Medium	M-Maint.	PW-S	Annual Slurry Seal - FY15/16	An annual slurry seal program will extend the life of the streets and reduced the long term maintenance cost of the streets by extending the time between major street repairs/asphalt overlay/reconstruction.	\$ 100,000	Gas Tax Reserve
	Medium	M-Maint.	PW-S	Annual Slurry Seal - FY16/17	An annual slurry seal program will extend the life of the streets and reduced the long term maintenance cost of the streets by extending the time between major street repairs/asphalt overlay/reconstruction.	\$ 100,000	Gas Tax Reserve
	Medium	M-Maint.	PW-S	Annual Slurry Seal - FY17/18	An annual slurry seal program will extend the life of the streets and reduced the long term maintenance cost of the streets by extending the time between major street repairs/asphalt overlay/reconstruction.	\$ 100,000	Gas Tax Reserve
	High	M-Maint.	PW-S	RTIP FY14/15 Street Improvements	Annually the City receives approximately \$450,000 of TransNet funds that can be used for major street maintenance. This is an ongoing annual funded program that should be used on a capital street improvement projects annually or bi-annually if combining yearly allocations.	\$ 450,000	TransNet funded
	High	M-Maint.	PW-S	RTIP FY15/16 Street Improvements	Annually the City receives approximately \$450,000 of TransNet funds that can be used for major street maintenance. This is an ongoing annual funded program that should be used on a capital street improvement projects annually or bi-annually if combining yearly allocations.	\$ 450,000	TransNet funded
	High	M-Maint.	PW-S	RTIP FY16/17 Street Improvements	Annually the City receives approximately \$450,000 of TransNet funds that can be used for major street maintenance. This is an ongoing annual funded program that should be used on a capital street improvement projects annually or bi-annually if combining yearly allocations.	\$ 450,000	TransNet funded
	High	M-Maint.	PW-S	RTIP FY17/18 Street Improvements	Annually the City receives approximately \$450,000 of TransNet funds that can be used for major street maintenance. This is an ongoing annual funded program that should be used on a capital street improvement projects annually or bi-annually if combining yearly allocations.	\$ 450,000	TransNet funded

Capital Improvements Program (CIP)

Project Number	Priority	M-Maint. N-New	Dept. Type	Capital Projects List (NEW), Major Maintenance Inventory (MAINT) and Professional Services and Planning Documents List (STDY) Project Name	Project Scope of Work	Estimated Costs	Fund Source
	Low	N-New	PW-S	Bayshore Bikeway Spur	Design and construct a new bikeway from existing Bayshore Bikeway across S.R. 75 that will provide access to the City's ocean front area via one of the concepts included in the current Bicycle Transportation Plan (BTP).	\$ 3,000,000	Not Identified
	Low	N-New	PW-S	Carnation Avenue Street End Plaza	This project has been designed by the Port of San Diego and approved by City Council. The Port of San Diego's funds for this project are no longer available. The design widens the street end by 20 feet to the north, constructs a wall/fence along the northern perimeter, provides beach access, includes handicap parking and a plaza for an ocean view.	\$ 1,200,000	Port of San Diego
	Low	N-New	PW-S	Regional Transportation Congestion Improvement Plan (RTCIP)	This project will design and construct vehicle, bicycle and public transportation circulation and pedestrian improvements in that segment of SR75 between 7th Street and 9th Street, including the intersections of 7th Street and 9th Street. This project is consistent with and required by the Prop A Extension Ordinance.	\$ 23,000	TRANSNET transportation impact fee - exaction
	High	N-New	PW-S	Residential Citywide Lighting Improvements	Install street lights in neighborhoods that currently have inadequate street lighting. A 2005 study by a Lighting Assessment Engineer proposed that to provide a minimum of pedestrian and street lighting throughout the City an additional 270 additional street lights should be installed in the residential neighborhoods. There are currently approximately 340 residential street lights installed. Most of the new lights could be installed on existing SDG&E utility poles. Although some locations within the City would require new poles installed (approximately 80 new poles to be installed) to provide adequate coverage. The Assesment Engineer estimated the installation of lighting on existing poles plus the installation of the new poles would cost \$500,000. The annual maintenance costs for the additional lights were estimated at \$50,000. If City Council desires to move forward with this effort, Council may desire to consider proceeding in smaller increments over a number of years. For this implementation plan, appropriating \$50,000 will initiate a small project that if continued over succeeding years, will lead to street lighting throughout the City.	\$ 50,000	Public Works GF Reserve

Capital Improvements Program (CIP)

Project Number	Priority	M-Maint. N-New	Dept. Type	Capital Projects List (NEW), Major Maintenance Inventory (MAINT) and Professional Services and Planning Documents List (STDY) Project Name	Project Scope of Work	Estimated Costs	Fund Source
	High	N-New	PW-S	Sidewalk Infill	This project would work to complete the construction of new sidewalk where none exist currently, to include: 600-700 Blocks of Grove Avenue; 1100-1200 blocks of 7th Street; 600-700 blocks of Delaware; 100 block of Carnation Avenue; 300 block of Bonito Avenue; 300 to 500 blocks of Citrus Avenue; etc. For many of these sidewalk installations, a new G-Curb and gutter must be installed coincident with the sidewalk. For efficiency and reduction in costs, it is suggested that the sidewalk installation be performed when the adjacent street block(s) are due for an asphalt street restoration / overlay.	\$ 1,000,000	Not Identified
	Medium	M-Maint.	PW-S	South Seacoast Sidewalk	There are sections of sidewalk adjacent to the Estuary along South Seacoast Drive sliding or tilting toward the estuary. This project is to reinforce or reconstruct the sidewalk in a manner that corrects or stabilizes the sidewalk slide.	\$ 200,000	Not Identified
	Low	N-New	PW-S	State Route 75 Irrigation Upgrade	The State Route 75 median landscape was installed in 1998 with a drip irrigation system. The system is high maintenance because the drip tubes are easily damaged and broken by the pedestrian cross traffic. This project would replace the drip system with a more durable system and will replace the plants that are disturbed or removed as the result of the new irrigation system.	\$ 100,000	Not Identified
	Low	N-New	PW-S	State Route 75 @ Rainbow Drive-Landscaping Project	The intersection of Rainbow Drive & S.R. 75 is cluttered with utility boxes and weeds. This is a primary entrance to the City beaches coming south on S.R. 75. This project would landscape the corners of Rainbow Drive and S.R. 75 intersection and the adjacent median to include irrigation, plants, trees and possible signage to the beachfront.	\$ 120,000	not Identified
	Low	N-New	PW-S	State Route 75 Sound Wall	Construct masonry block wall from Rainbow Drive to the northwest city limits on the west side of State Route 75	\$ 500,000	Not Identified

Capital Improvements Program (CIP)

Project Number	Priority	M-Maint. N-New	Dept. Type	Capital Projects List (NEW), Major Maintenance Inventory (MAINT) and Professional Services and Planning Documents List (STDY) Project Name	Project Scope of Work	Estimated Costs	Fund Source
			STDY	STUDIES / PROFESSIONAL SERVICES			
	High	N-New	STDY	Public Restroom and shower - South Seacoast	Investigate alternative locations for the construction of public restroom(s) and outdoor shower facility south of Imperial Beach Blvd. preferably near South Seacoast southern cul-de-sac. This would include public outreach and public meetings to obtain consensus of location and cost. The cost within this scope of work does not include design or construction.	\$ 75,000	Port of San Diego
	Medium	N-New	STDY	Storm Drain Treatment Control BMP's at Selected Outfalls	A study needs to be performed to determine what treatment control BMPs should be or can be constructed at the City's three major storm water outfalls in accordance with the Best Available Technologies (BAT's) to reduce the pollutant flow into the receiving waters. Those outfalls being Outfall K (12th Street into Otay River), Outfall H (immediately north of Bayside Elementary School into Otay River) and Outfall E/F (Grove Avenue discharge into Tijuana Estuary)	\$ 50,000	Not Identified
	High	N-New	STDY	Complete Streets Plan / Policy	Develop a Complete Streets / Active Transportation Plan with a circulation element update supported by an environmental study. This first element would be to engage a consultant to seek grant funding and develop a grant package for this effort. The consultant cost for the project's first element is estimated at \$5,000. The second element, to develop the Complete Streets, ... , is estimated to cost \$200,000 to \$500,000. This would be funded primarily through a grant.	\$ 5,000	Gas Tax Fund
	Medium	N-New	STDY	Municipal Code Update	Modernizing and updating the Municipal Codes to current standards	\$ 500,000	Not Identified
	Medium	N-New	STDY	Pavement Management Plan	Prepare an update to the Pavement Management Study completed in 2008. Propose a study to be conducted in FY 2015/2016 that will provide a report of the pavement conditions and rehabilitation strategies.	\$ 40,000	Not Identified
			IT	TECHNOLOGY			
	High	N-New	IT	Technology Upgrades	Investigate and purchase A software package that provides for Website upgrades, advanced accounting protocols, telephone upgrades, advanced agenda management, minutes creation, web streaming technology and citizen engagement tools for government transparency. The software package will promote staff efficiency, citizen participation, meeting efficiency, and legislative management solutions.	\$ 425,000	Technology / Communications Fund Balance

Capital Improvements Program (CIP)

Project Number	Priority	M-Maint. N-New	Dept. Type	Capital Projects List (NEW), Major Maintenance Inventory (MAINT) and Professional Services and Planning Documents List (STDY) Project Name	Project Scope of Work	Estimated Costs	Fund Source
	High	N-New	IT	RCS purchase.	The Public Safety Department in company with County Sheriff will be upgrading the county wide Regional Communication System (RCS) in the next few years. The City is a participating member in this system and must pay its share of the installation and equipment purchase cost. The City has allocated approximately \$270,000 to towards the purchase of a new system that is expected to cost the City approximately \$750,000 when this program is implemented. In subsequent fiscal years additional funds are proposed to be placed towards this purchase.	\$ 750,000	Not identified. \$270,000 currently appropriated. Remaining fund source to be identified in subsequent years.

Exhibit B

TWO YEAR IMPLMENTATION SCHEDULE

	Unidentified	GENERAL FUND BALANCE	RESTRICTED ECONOMIC UNCERTAINTY RSRV	RESTRICTED STRATEGIC CAPITAL RSRV	RESTRICTED PUBLIC WORKS PROJECTS	RESTRICTED PUBLIC SAFETY COMMUNICATI	GAS TAX FUND	PROP "A" (TRANSNET) FUND	2010 BOND	VEHICLE REPLACEMENT/ MAINT	TECHNOLOGY/COM MUNICATIONS	FACILITY MAINT/ REPLACEMENT	SEWER ENTERPRISE FUND	PARKS MAJOR MAINTENAN CIP	PORT OF SAN DIEGO
Current Fund Balance		\$ 6,056,000	\$ 1,800,000	\$ 1,180,000	\$ 2,013,000	\$ 270,000	\$ 2,025,706	\$ 841,000	\$ 4,604,465	\$ 384,310	\$ 400,000	\$ 275,400	\$ 3,540,000	\$ 300,000	
Reserve Minimum Requirement					\$ (1,000,000)								\$ (2,000,000)		
FY15 Additional Fund Balance						\$ 100,000		\$ 450,000			\$ 25,000	\$ 100,000	\$ 400,000	\$ 50,000	

DEPARTMENT

PROJECT	New/ Maint	Priority	Est Costs													
PW FY13/14																
RTIP FY 13/14 Elm Ave (Seacoast to 7th) Asphalt Overlay and associated sidewalk, curb & gutter and crosswalk improvements. This project will also install a raised intersection at 5th Street.	M-Maint.	High	\$ 750,000													
Annual Slurry Seal - FY14/15	M-Maint.	High	\$ 100,000					\$ 100,000							\$ 50,000	
RTIP FY14/15 Street Improvements	M-Maint.	High	\$ 450,000							\$ 450,000						
FY 14/15 Annual Main Line Work Identified in previous CCTV	M-Maint.	High	\$ 250,000												\$ 250,000	
Pump Station No. 4 Rehabilitation (FY 14/15)	M-Maint.	High	\$ 75,000												\$ 75,000	
Pump Station No. 6 Rehabilitation (FY 14/15)	M-Maint.	High	\$ 75,000												\$ 75,000	
Televised Pipe Sections/Sewer Mains 161,000 of remaining lines	M-Maint.	High	\$ 160,000												\$ 160,000	
			\$ 1,860,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200,000	\$ 1,050,000	\$ -	\$ -	\$ -	\$ -	\$ 610,000	\$ -
CD Bikeway Village	N-New	High	\$ 1,700,000													
9th & Palm Avenue / State Route 75 Public Improvements	N-New	High	\$ 2,160,000								\$ 1,700,000					
Eco Tourism Infrastructure	N-New	High	\$ 50,000													
Revolving Loan Fund	N-New	High	\$ 100,000				\$ 100,000									
RCS purchase.	N-New	High	\$ 750,000	\$ 480,000				\$ 270,000								
Technology Upgrade	N-New	High	\$ 425,000									\$ 425,000				
Alley Improvements	N-New	High	\$ 500,000				\$ 500,000									
Elm Avenue (7th to 4th Streets) Pedestrian, Bicycle and Traffic Calming Accommodations	N-New	High	\$ 300,000							\$ 300,000						
Seacoast Dr Aesthetic Project	N-New	High	\$ 300,000				\$ 300,000									
Demonstration Round about	N-New	High	\$ 19,000						\$ 19,000							
New Park: Southeast Imperial Beach	N-New	High	\$ 5,000				\$ 5,000									
Residential Citywide Lighting Improvements	N-New	High	\$ 50,000				\$ 50,000									
Complete Streets Plan / Policy	N-New	High	\$ 5,000					\$ 5,000								
			\$ 6,364,000	\$ 480,000	\$ -	\$ -	\$ 905,000	\$ 100,000	\$ 270,000	\$ 324,000	\$ -	\$ 3,860,000	\$ -	\$ 425,000	\$ -	\$ -
Project Total			\$ 8,224,000	\$ 480,000	\$ -	\$ -	\$ 905,000	\$ 100,000	\$ 270,000	\$ 524,000	\$ 1,050,000	\$ 3,860,000	\$ -	\$ 425,000	\$ -	\$ 610,000
Ending Fund Balance			\$ 6,056,000	\$ 1,800,000	\$ 275,000	\$ 913,000	\$ 100,000	\$ 100,000	\$ 1,501,706	\$ 241,000	\$ 744,465	\$ 384,310	\$ -	\$ 375,400	\$ 1,330,000	\$ 350,000



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

TO: CHAIR AND MEMBERS OF THE SUCCESSOR AGENCY

FROM: ANDY HALL, CITY MANAGER/EXECUTIVE DIRECTOR *AH*

MEETING DATE: FEBRUARY 19, 2014

ORIGINATING DEPT.: SUCCESSOR AGENCY STAFF
GREGORY WADE, DEPUTY DIRECTOR *GW*

SUBJECT: ADOPTION OF RESOLUTION NO. SA-14-38 APPROVING, AND RECOMMENDING THAT THE OVERSIGHT BOARD APPROVES, THE REALLOCATION AND USE OF FUNDS RECEIVED FROM THE REDEVELOPMENT PROPERTY TAX TRUST FUND IN THE AMOUNT OF \$756,916 TO BE EXPENDED ON ENFORCEABLE OBLIGATIONS APPROVED ON RECOGNIZED OBLIGATION PAYMENT SCHEDULES

EXECUTIVE SUMMARY:

Successor Agency staff is seeking adoption of Resolution No. SA-14-38 which would approve and recommend that the Oversight Board approve a reallocation of unspent Redevelopment Property Tax Trust Fund ("RPTTF") to be held as a reserve during the current Recognized Obligation Payment Schedule ("ROPS") 13-14B period and to be used and expended toward the debt service payments to be made during the ROPS 14-15A period on the 2013 Series A Tax Allocation Refunding Bonds and on the 2010 Tax Allocation Bonds. The amount of RPTTF recommended for reallocation totals of \$756,916 and would come from a variety of previously approved enforceable obligations for which all or portions of the allocated RPTTF was unexpended in the prior and current ROPS periods and would then be reallocated to provide bond debt service payments on both the 2010 Tax Allocation Bonds and the 2013 Tax Allocations Refunding Bonds during the ROPS 14-15A period.

BACKGROUND:

On June 28, 2011, Assembly Bill No. X1 26 ("AB 26") was signed into law by the Governor of California which called for the dissolution of redevelopment agencies throughout the state and established the procedures by which this was to be accomplished. On December 29, 2011, AB 26 was largely upheld by the California State Supreme Court with some of the dates by which certain dissolution actions were to occur pushed back by four months. As a result of the Supreme Court's decision, and on February 1, 2012, all California redevelopment agencies were dissolved, successor agencies were established as successor agencies to the former redevelopment agencies, and successor agencies are tasked with paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the affairs of former redevelopment agencies.

As part of the FY 2012-2013 State budget package, on June 27, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1484 ("AB 1484"), which amended certain provisions of AB 26. On September 29, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1585 ("AB 1585"), which further amended certain provisions of AB 26 as amended by AB 1484 (AB 26, AB 1484, and AB 1585 are collectively referred to herein as the "Dissolution Act").

According to the Dissolution Act, the Successor Agency shall prepare a ROPS before each six-month fiscal period. For each recognized obligation, the ROPS shall identify one or more of the following sources of payment: (i) Low and Moderate Income Housing Funds, (ii) bond proceeds, (iii) reserve balances, (iv) administrative cost allowance, (v) the Redevelopment Property Tax Trust Fund ("RPTTF") but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation or by the provisions of the Dissolution Act, and (vi) other revenue sources, including rents, concessions, asset sale proceeds, interest earnings, and any other revenues derived from the former Redevelopment Agency as approved by the Oversight Board.

It is the intent of the Dissolution Act that the ROPS serve as the designated reporting mechanism for disclosing the Successor Agency's minimum bi-annual payment obligations by amount and source and that the San Diego County Auditor-Controller ("County Auditor-Controller") will be responsible for ensuring that the Successor Agency receives revenues sufficient to meet the requirements of the ROPS during each bi-annual period.

The Successor Agency is required to submit the ROPS 14-15A, after its approval and adoption by the Oversight Board, to the DOF and the County Auditor-Controller no fewer than 90 days before the date of property tax distribution on June 1, 2014, which is no later than March 3, 2014. Upon approval by the DOF, the County Auditor-Controller is required to make a payment of property tax revenues (i.e. former tax increment funds) from the RPTTF to the Successor Agency on June 1, 2014 for payments to be made toward recognized obligations listed on the ROPS 14-15A and approved by the DOF.

ANALYSIS:

The ROPS 14-15A has been prepared and is also scheduled for submittal to and consideration by the Successor Agency on February 19, 2014. The ROPS 14-15A includes requested RPTTF for enforceable obligations for the up-coming six-month period of July 1, 2014 through December 31, 2014 in the total amount of \$1,555,714.

Bond Debt Reserves' Reallocation

In the DOF's approval of the ROPS 13-14A (July 1, 2013 through December 31, 2013 period), the DOF approved the funding of bond debt reserves for the 2003 and 2010 Tax Allocation Bonds with RPTTF distributed to the Successor Agency on June 1, 2013 for this purpose. The approved bond debt reserves included \$1,028,787 for the June 2013 payment on the 2003 Tax Allocation Bonds and \$754,003 for the June 2014 payment on the 2010 Tax Allocation Bonds, for a total bond debt reserve of \$1,782,790. Due to this approved and funded debt service reserve, the Successor Agency did not need to request RPTTF for the ROPS 13-14B period for bond debt service payments as these payments were to be paid entirely from the DOF-approved bond debt reserves funded with RPTTF during the ROPS 13-14A period.

Also during the ROPS 13-14A period, on December 4, 2013 the Successor Agency refunded the 2003 Tax Allocation Bonds with the issuance of 2013 Series A Tax Allocations Refunding

Bonds. This resulted in significant debt service savings in both annual and total debt service with the newly-issued Bonds, particularly in the first four years of debt service payments. As noted above, the June 2014 debt service payment for the 2003 Tax Allocations Bonds, for which a debt service reserve had been approved and RPTTF distributed on June 1, 2013, was expected to be \$1,028,787. The June 2014 debt service payment for the 2013 Tax Allocation Refunding Bonds, however, will now be only \$388,644, resulting in total savings of \$640,143. Pursuant to Successor Agency Resolution No. SA-14-38, therefore, Successor Agency staff is recommending that this balance of \$640,143 of RPTTF be held as a reserve during the ROPS 13-14B period and reallocated toward the entire December 2014 bond debt service payment for the 2013 Series A Tax Allocation Refunding Bonds (a total of \$395,231) with the remainder of these funds (\$244,912) allocated to the December 2014 debt service payment for the 2010 Tax Allocation Bonds and the during the ROPS 14-15A period (which will be \$520,553).

Additional Bond Debt Reserves Reallocation

Also approved and funded on the ROPS 13-14B were three items related to the issuance of the 2013 Tax Allocation Refunding Bonds. Those items were:

- Financial Management services (First Southwest) – \$19,000
 - Fiscal Consultant services (Fraser & Associates) – \$25,500
 - Successor Agency Costs of Issuance – \$50,000
- | | |
|--------------|-----------------|
| Total | \$90,506 |
|--------------|-----------------|

Because the 2013 Tax Allocation Refunding Bonds were successfully issued on December 4, 2013, however, the consultant services were paid entirely from bond proceeds and, therefore, the RPTTF approved and distributed for the above-listed consultant services (a total of \$44,500) will not be needed during this current ROPS 13-14B period. Additionally, the \$50,000 of Successor Agency costs was also provided from bond proceeds; however, Successor Agency costs for issuance of the Refunding Bonds totaled \$53,994, which will leave a balance of unused RPTTF for this item of \$46,006 during the current ROPS 13-14B period.

Pursuant to Successor Agency Resolution No. SA-14-38, the above costs relating to the 2013 Tax Allocation Refunding Bond issuance totaling of \$90,506 of DOF-approved and distributed but unexpended RPTTF is also proposed to be held as a reserve during the ROPS 13-14B period and reallocated toward the December 2014 bond debt service payment for the 2010 Tax Allocation Bonds during the ROPS 14-15A period.

Additionally, during the ROPS 13-14A period, the Successor Agency received \$49,657 of RPTTF for litigation costs associated with a lawsuit filed by the Affordable Housing Coalition of San Diego County regarding the affordable housing obligations of the former redevelopment agency. During the ROPS 13-14A period, however, the Successor Agency incurred costs of \$23,390, leaving unexpended RPTTF during this period in the amount of \$26,267. Therefore, the Successor Agency is also recommending that this \$26,267 of unexpended RPTTF be allocated towards the December 2014 debt service payment on the 2010 Tax Allocation Bonds.

When added together, the reallocation of bond debt reserves resulting from the savings from the 2013 Tax Allocation Refunding Bonds (\$640,143) and the reallocated reserves from unexpended RPTTF from both the ROPS 13-14A period (\$26,267) and the ROPS 13-14B period (\$90,506) would total \$756,916 and would provide the full December 2014 bond debt

service payment of \$395,231 for the 2013 Tax Allocation Refunding Bonds and would provide partial payment of \$361,865 for the 2010 Tax Allocation Bonds December 2014 payment during the ROPS 14-15A period.

Successor Agency staff is seeking adoption of Resolution No. SA-14-38 which would approve and recommend that the Oversight Board approve a reallocation of the unspent RPTTF balance of \$756,916 approved on the ROPS 13-14A (\$26,267 of unspent RPTTF) and on the ROPS 13-14B (\$730,649 of unspent RPTTF) to be held as a reserve during the ROPS 13-14B period and to be used and expended toward the debt service payments to be made during the ROPS 14-15A period on the 2013 Series A Tax Allocation Refunding Bonds and on the 2010 Tax Allocation Bonds.

ENVIRONMENTAL DETERMINATION:

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

FISCAL IMPACT:

Adoption of Resolution No. SA-14-38 and subsequent approval by the Oversight Board of the reallocation of the RPTTF funds as described above would allow the Successor Agency to meet the entire bond debt service obligation for the 2013 Tax Allocation Refunding Bonds and 70% of the bond debt service obligation for the 2010 Tax Allocation Bonds during the ROPS 14-15A period. This reallocation would also decrease the total amount of RPTTF requested by the Successor Agency during the ROPS 14-15A period which would benefit all affected taxing entities.

RECOMMENDATION:

Staff recommends that the Imperial Beach Redevelopment Agency Successor Agency adopt Resolution Number SA-14-38 approving and recommending that the Oversight Board approve a reallocation of the unspent balance of \$756,916 from the Redevelopment Property Tax Trust Fund ("RPTTF") approved on the ROPS 13-14A (\$26,267 of unspent RPTTF) and on the ROPS 13-14B (\$730,649 of unspent RPTTF) to be held as a reserve during the ROPS 13-14B period and to be used and expended toward the debt service payments to be made during the ROPS 14-15A period on the 2013 Series A Tax Allocation Refunding Bonds ("2013 Bonds") and on the 2010 Tax Allocation Bonds ("2010 Bonds").

Attachments:

1. Resolution No. SA-14-38

RESOLUTION NO. SA-14-38

A RESOLUTION OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING, AND RECOMMENDING TO ITS OVERSIGHT BOARD THAT THE OVERSIGHT BOARD APPROVES, A REALLOCATION AND USE OF FUNDS RECEIVED FROM THE REDEVELOPMENT PROPERTY TAX TRUST FUND IN THE AMOUNT OF \$756,916 TO BE EXPENDED ON ENFORCEABLE OBLIGATIONS APPROVED ON RECOGNIZED OBLIGATION PAYMENT SCHEDULES

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

WHEREAS, Assembly Bill No. X1 26 (2011-2012 1st Ex. Sess.) ("AB 26") was signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law and to the California Health and Safety Code ("H&S Code"), including adding Part 1.8 (commencing with Section 34161) ("Part 1.8") and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the H&S Code; and

WHEREAS, pursuant to AB 26, as modified by the California Supreme Court on December 29, 2011 by its decision in *California Redevelopment Association v. Matosantos*, all California redevelopment agencies, including the Redevelopment Agency, were dissolved on February 1, 2012, and successor agencies were designated and vested with the responsibility of paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the business and fiscal affairs of the former redevelopment agencies; and

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

WHEREAS, on February 15, 2012, the Board of Directors of the Successor Agency, adopted Resolution No. SA-12-01 naming itself the "Imperial Beach Redevelopment Agency Successor Agency," the sole name by which it will exercise its powers and fulfill its duties pursuant to Part 1.85 of AB 26, and establishing itself as a separate legal entity with rules and regulations that will apply to the governance and operations of the Successor Agency; and

WHEREAS, H&S Code Section 34179 of AB 26 establishes a seven (7) member local entity with respect to each successor agency with fiduciary responsibilities to holders of enforceable obligations and taxing entities that benefit from distributions of property taxes, and such entity is titled the "oversight board." The oversight board has been established for the Successor Agency (hereinafter referred to as the "Oversight Board") and all seven (7) members have been appointed to the Oversight Board pursuant to H&S Code Section 34179. The duties and responsibilities of the Oversight Board are primarily set forth in H&S Code Sections 34179 through 34181 of AB 26; and

WHEREAS, as part of the FY 2012-2013 State budget package, on June 27, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1484 ("AB 1484"), which amended certain provisions of AB 26. On September 29, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1585 ("AB 1585"), which further amended certain provisions of AB 26 as amended by AB 1484. On October 13, 2013, the Legislature passed and the

Governor signed Senate Bill No. 341 ("SB 341"), which further amended certain provisions of AB 26 as amended by AB 1484 and AB 1585 (AB 26, AB 1484, AB 1585, and SB 341 are collectively referred to herein as the "Dissolution Act"); and

WHEREAS, on April 12, 2013, the Department of Finance issued a Finding of Completion to the Successor Agency pursuant to H&S Code Section 34179.7 of the Dissolution Act; and

WHEREAS, pursuant to H&S Code Section 34171(m) of the Dissolution Act, a "Recognized Obligation Payment Schedule" ("ROPS") means the document setting forth the minimum payment amounts and due dates of payments required by enforceable obligations for each 6-month fiscal period as provided in H&S Code Section 34177(m) of the Dissolution Act; and

WHEREAS, according to H&S Code Section 34177(l)(1) of the Dissolution Act, the Successor Agency shall prepare a ROPS before each 6-month fiscal period. For each recognized obligation, the ROPS shall identify one or more of the following sources of payment: (i) Low and Moderate Income Housing Funds, (ii) bond proceeds, (iii) reserve balances, (iv) administrative cost allowance, (v) the Redevelopment Property Tax Trust Fund ("RPTTF") but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation or by the provisions of Part 1.85 of the Dissolution Act, and (vi) other revenue sources, including rents, concessions, asset sale proceeds, interest earnings, and any other revenues derived from the former Redevelopment Agency as approved by the Oversight Board in accordance with Part 1.85 of the Dissolution Act; and

WHEREAS, pursuant to H&S Code Section 34177 of the Dissolution Act, the Successor Agency adopted the First ROPS covering the period from January 1, 2012 through June 30, 2012 ("First ROPS"), the Second ROPS covering the period from July 1, 2012 through December 31, 2012 ("Second ROPS"), the Third ROPS covering the period from January 1, 2013 through June 30, 2013 ("Third ROPS"), the ROPS 13-14A covering the period from July 1, 2013 through December 31, 2013 ("ROPS 13-14A"), and the ROPS 13-14B covering the period from January 1, 2014 through June 30, 2014 ("ROPS 13-14B"); and

WHEREAS, in accordance with H&S Code Sections 34177(l)(2)(B) and 34180(g) of the Dissolution Act, the Oversight Board approved the First ROPS, Second ROPS, Third ROPS, ROPS 13-14A, and ROPS 13-14B as proposed by the Successor Agency. In accordance with the Dissolution Act, the Successor Agency submitted each of the Oversight Board-approved ROPS to the State Department of Finance ("Department of Finance"), the San Diego County Auditor-Controller ("County Auditor-Controller") and other entities as required by the Dissolution Act and by the statutory deadlines. The Department of Finance approved each ROPS, some with certain modifications; and

WHEREAS, pursuant to H&S Code Section 34183(a)(2) of the Dissolution Act, the County Auditor-Controller is required to make a payment of property tax revenues (i.e. former tax increment funds) from the RPTTF to the Successor Agency on January 2 and June 1 of each year for payments to be made toward recognized obligations listed on a ROPS and approved by the Department of Finance; and

WHEREAS, pursuant to H&S Code Section 34177(a)(4) of the Dissolution Act, the Successor Agency, with the prior approval of the Oversight Board, may make payments on enforceable obligations from sources other than those listed in the ROPS; and

WHEREAS, the Successor Agency has prepared the ROPS 14-15A covering the period from July 1, 2014 through December 31, 2014 ("ROPS 14-15A") for approval by the Successor Agency, Oversight Board, and Department of Finance. In the ROPS 14-15A, the Successor Agency proposes to use excess RPTTF funds previously distributed to the Successor Agency for enforceable obligations listed on the ROPS 13-14A and the ROPS 13-14B; and

WHEREAS, specifically, in accordance with H&S Code Section 34177(a)(4) of the Dissolution Act, the Successor Agency desires to approve, and recommends that its Oversight Board approve, a reallocation of the unspent balance of RPTTF in the total amount of \$756,916 to be held as a reserve during the ROPS 13-14B period and to be used and expended toward enforceable obligations to be made during the ROPS 14-15A period as follows:

(a) There exists \$26,267 of unexpended RPTTF from Item #18 (Litigation Costs/Fees) approved on the ROPS 13-14A. The Successor Agency desires to reallocate the \$26,267 of unspent RPTTF to be held as a reserve during the ROPS 13-14B period and to use and expend the \$26,267 as a partial payment toward the bond debt service payment on the 2010 Tax Allocation Bonds ("2010 Bonds") (Item #2 on the ROPS 14-15A) proposed during the ROPS 14-15A period; and

(b) There exists \$640,143 of unexpended RPTTF from Item #1 (2003 Series A tax Allocation Bonds Debt Service Payment) approved on the ROPS 13-14B. Specifically, a total bond debt service payment of \$1,028,787 for the 2003 Series A tax Allocation Bonds ("2003 Bonds") was approved for expenditure from prior RPTTF bond debt service reserves during the ROPS 13-14B period as Item #1 on the ROPS 13-14B. Since the 2003 Bonds were refunded in December 2013 by the issuance of the 2013 Series A Tax Allocation Refunding Bonds ("2013 Bonds") for savings pursuant to H&S Code Section 34177.5, the actual bond debt service payment for the 2013 Bonds during the ROPS 13-14B period was reduced to \$388,644, leaving a balance of unspent RPTTF of \$640,143. The Successor Agency desires to reallocate the \$640,143 of unspent RPTTF to be held as a reserve during the ROPS 13-14B period and to use and expend the \$640,143 as payments toward the debt service payments to be made during the ROPS 14-15A period on both the 2013 Bonds and the 2010 Bonds as follows: (i) \$395,231 as payment in full of the bond debt service payment on the 2013 Bonds (Item #36 on the ROPS 14-15A) proposed during the ROPS 14-15A period and (ii) \$244,912 as a partial payment toward the bond debt service payment on the 2010 Bonds (Item #2 on the ROPS 14-15A) proposed during the ROPS 14-15A period; and

(c) There exists a total balance of \$90,506 of unspent RPTTF from non-contingent costs relating to the 2003 Bonds and the 2013 Bonds refunding matter approved on the ROPS 13-14B due to these costs being paid by the 2013 Bonds refunding proceeds, or were unexpended in the case of Item #28. Specifically, \$19,000 of unspent RPTTF exists for Item #26 (Financial Advisor Costs), \$25,500 of unspent RPTTF exists for Item #27 (Fiscal Consultant Costs), and \$46,006 of unspent RPTTF exists for Item #28 (Successor Agency Fees and Costs), all as approved on the ROPS 13-14B. The Successor Agency desires to reallocate the \$90,506 of unspent RPTTF to be held as a reserve during the ROPS 13-14B period and to use and expend the \$90,506 as a partial payment toward the bond debt service payment on the 2010 Bonds (Item #2 on the ROPS 14-15A) proposed during the ROPS 14-15A period; and

WHEREAS, the activity proposed for approval by this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines; and

WHEREAS, the activity proposed for approval by this Resolution is not a "project" for

purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity proposed by this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines; and

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

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

- Section 1.** The Successor Agency hereby determines that the foregoing recitals are true and correct and are a substantive part of this Resolution.
- Section 2.** The Successor Agency hereby approves, and recommends that its Oversight Board approve, a reallocation of the unspent balance of \$756,916 from the Redevelopment Property Tax Trust Fund ("RPTTF") approved on the ROPS 13-14A (\$26,267 of unspent RPTTF) and on the ROPS 13-14B (\$730,649 of unspent RPTTF) to be held as a reserve during the ROPS 13-14B period and to be used and expended toward the debt service payments to be made during the ROPS 14-15A period on the 2013 Series A Tax Allocation Refunding Bonds ("2013 Bonds") and on the 2010 Tax Allocation Bonds ("2010 Bonds"), as shown on the ROPS 14-15A, in the amounts specified in the above recitals in this Resolution.
- Section 3.** The Successor Agency hereby adopts, approves, ratifies and confirms all actions taken by the Successor Agency and its staff to reallocate, use, and expend the \$756,916 toward the debt service payments on the 2013 Bonds and the 2010 Bonds payable during the ROPS 14-15A period, as shown on the ROPS 14-15A, in the amounts specified in the above recitals in this Resolution.
- Section 4.** The Executive Director, or designee, of the Successor Agency is hereby authorized and directed to take such actions and execute such instruments and documents as are reasonable, appropriate, and necessary or desirable to effectuate the intent of this Resolution.
- Section 5.** If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Successor Agency declares that its board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.
- Section 6.** The adoption of this Resolution is not intended to and shall not constitute a waiver by the Successor Agency of any constitutional, legal or equitable rights that the Successor Agency may have to challenge, through any administrative or judicial proceedings, the effectiveness and/or legality of all or any portion of the Dissolution Act, any determinations rendered or actions or omissions to act by any public agency or government entity or division in the implementation of the Dissolution Act, and any and all related legal and factual issues, and the Successor Agency expressly

reserves any and all rights, privileges, and defenses available under law and equity.

Section 7. The Successor Agency determines that the activity approved by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity approved by this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.

Section 8. This Resolution shall take effect upon the date of its adoption.

PASSED, APPROVED, AND ADOPTED by the Imperial Beach Redevelopment Agency Successor Agency at its meeting held on the 19th day of February 2014, by the following vote:

AYES: BOARD MEMBERS:
NOES: BOARD MEMBERS:
ABSENT: BOARD MEMBERS:

JAMES C. JANNEY
CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, MMC
SECRETARY



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

TO: CHAIR AND MEMBERS OF THE SUCCESSOR AGENCY

FROM: ANDY HALL, CITY MANAGER/EXECUTIVE DIRECTOR *AH*

MEETING DATE: FEBRUARY 19, 2014

ORIGINATING DEPT.: SUCCESSOR AGENCY STAFF
GREGORY WADE, DEPUTY DIRECTOR *GW*

SUBJECT: ADOPTION OF RESOLUTION NO. SA-14-39 FINDING AND RECOMMENDING THAT THE OVERSIGHT BOARD FINDS THAT THE LOAN TOTALING \$3,738,100 MADE BY THE CITY OF IMPERIAL BEACH TO THE FORMER IMPERIAL BEACH REDEVELOPMENT AGENCY WAS FOR LEGITIMATE REDEVELOPMENT PURPOSES, AND OTHER RELATED ACTIONS TAKEN IN ACCORDANCE WITH HEALTH AND SAFETY CODE SECTION 34191.4(b)

EXECUTIVE SUMMARY:

Staff is seeking adoption of Resolution No. SA-14-39 that would approve and adopt the Recognized Obligation Payment Schedule (ROPS) for the period of July 1, 2014 through December 31, 2014 (the "ROPS 14-15A"). A total of \$1,555,714 of Redevelopment Property Tax Trust Fund (RPTTF) monies are being requested for the upcoming six-month period. Among the items included on the ROPS 14-15A for which RPTTF is being requested is repayment of the City Loan made by the City of Imperial Beach to the Redevelopment Agency which currently has an outstanding principal balance of \$3,738,100. Since the Successor Agency received its Finding of Completion on April 12, 2013, pursuant to Section 34191.4(b) of the Dissolution Act, the DOF has advised the Successor Agency that this loan may be repaid as an enforceable obligation provided the Oversight Board makes a finding that the loan was made for legitimate redevelopment purposes. Adoption of Resolution No. SA-14-39 would make these required findings and recommend that the Oversight Board do so as well. Additionally, repayment of the loan is subject to the repayment formula outlined in Section 34191.4(b)(2)(A) of the Dissolution Act Pursuant to this formula, the maximum amount of RPTTF authorized each fiscal year to repay the loan is equal to fifty percent (50%) of the increase in residual distributions of RPTTF to the taxing entities from the "base year" of Fiscal Year 2012-2013 (which totaled \$0) to Fiscal Year 2013-2014 (which totaled \$2,230,430). Therefore, an initial repayment amount of is \$1,115,215 is being requested in the ROPS 14-15A period.

BACKGROUND:

On June 28, 2011, Assembly Bill No. X1 26 ("AB 26") was signed into law by the Governor of California which called for the dissolution of redevelopment agencies throughout the state and established the procedures by which this was to be accomplished. On December 29, 2011, AB

26 was largely upheld by the California State Supreme Court with some of the dates by which certain dissolution actions were to occur pushed back by four months. As a result of the Supreme Court's decision, and on February 1, 2012, all California redevelopment agencies were dissolved, successor agencies were established as successor agencies to the former redevelopment agencies, and successor agencies are tasked with paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the affairs of former redevelopment agencies.

As part of the FY 2012-2013 State budget package, on June 27, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1484 ("AB 1484"), which amended certain provisions of AB 26. On September 29, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1585 ("AB 1585"), which further amended certain provisions of AB 26 as amended by AB 1484 (AB 26, AB 1484, and AB 1585 are collectively referred to herein as the "Dissolution Act").

According to the Dissolution Act, the Successor Agency shall prepare a ROPS before each six-month fiscal period. For each recognized obligation, the ROPS shall identify one or more of the following sources of payment: (i) Low and Moderate Income Housing Funds, (ii) bond proceeds, (iii) reserve balances, (iv) administrative cost allowance, (v) the Redevelopment Property Tax Trust Fund ("RPTTF") but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation or by the provisions of the Dissolution Act, and (vi) other revenue sources, including rents, concessions, asset sale proceeds, interest earnings, and any other revenues derived from the former Redevelopment Agency as approved by the Oversight Board.

It is the intent of the Dissolution Act that the ROPS serve as the designated reporting mechanism for disclosing the Successor Agency's minimum bi-annual payment obligations by amount and source and that the San Diego County Auditor-Controller ("County Auditor-Controller") will be responsible for ensuring that the Successor Agency receives revenues sufficient to meet the requirements of the ROPS during each bi-annual period.

The Successor Agency is required to submit the ROPS 14-15A, after its approval and adoption by the Oversight Board, to the DOF and the County Auditor-Controller no fewer than 90 days before the date of property tax distribution on June 1, 2014, which is no later than March 3, 2014. Upon approval by the DOF, the County Auditor-Controller is required to make a payment of property tax revenues (i.e. former tax increment funds) from the RPTTF to the Successor Agency on June 1, 2014 for payments to be made toward recognized obligations listed on the ROPS 14-15A and approved by the DOF.

On April 12, 2013, the Successor Agency received its Finding of Completion from the State Department of Finance (the "DOF"). Pursuant to Section 34191.4(b)(1) of the Dissolution Act, after the Successor Agency receives its Finding of Completion and upon application by the Successor Agency and approval of the Oversight Board, loan agreements entered into between the former Redevelopment Agency and the City of Imperial Beach (the "City") shall be deemed to be enforceable obligations provided that the Oversight Board makes a finding that the loan was for legitimate redevelopment purposes. Upon the Oversight Board's approval and making of the required finding, the loan is deemed an enforceable obligation and may be listed on a ROPS for repayment and repaid by the Successor Agency from RPTTF or other available funds subject to the repayment terms and conditions specified in Section 34191.4(b)(2) of the Dissolution Act.

The City made a loan of funds to the former Redevelopment Agency totaling \$3,738,100 ("City Loan") pursuant to a Cooperation Agreement between the Redevelopment Agency and the City dated June 7, 1995, immediately subsequent to the activation of the former Redevelopment Agency on May 3, 1995. The City Loan was made pursuant to City Council/Redevelopment Agency Resolution No. R-03-40 dated June 4, 2003, as well as an Agreement between the Redevelopment Agency and the City dated May 17, 2006, and was made for the former Redevelopment Agency's use for legitimate redevelopment purposes in connection with the preparation and implementation of the Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project adopted on February 7, 1996 and the Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project Amendment No. 1 adopted on July 18, 2001 (collectively, the "Redevelopment Plans") and the implementation of, among other projects, capital improvement program projects.

Additionally, pursuant to Sections 34171(d)(2) and 34178(b)(2) of the Dissolution Act, the City Loan was not invalidated by the Dissolution Act because the Cooperation Agreement between the Redevelopment Agency and the City dated June 7, 1995 providing loans/start-up funds to the former Redevelopment Agency was entered into within two years of formation of the Redevelopment Agency. Pursuant to Sections 34171(d)(1)(B) and (E), 34171(d)(2), and 34178(b)(2) of the Dissolution Act, the City Loan would, therefore, constitute an enforceable obligation of the Successor Agency repayable from the RPTTF. However, the DOF, in its letter dated December 17, 2013, required that the Successor Agency's repayment of the City Loan be subject to the loan repayment terms and conditions of Section 34191.4(b) of the Dissolution Act.

On September 25, 2013, the Oversight Board adopted Resolution No. OB-13-26 which, among other actions, specifically made findings that (i) the City Loan was made to the Redevelopment Agency for legitimate redevelopment purposes, (ii) determined that the City Loan constitutes an enforceable obligation of the Successor Agency under the Dissolution Act repayable from the RPTTF, (iii) acknowledged and agreed that the City Loan is now immediately due and payable in full in the principal amount of \$3,738,100 to the City by the Successor Agency from the Successor Agency's RPTTF, and (iv) approved the Successor Agency's immediate repayment of the City Loan on the ROPS 13-14B in the total principal amount of \$3,738,100. However, in its letter dated December 17, 2013, the DOF determined that the Successor Agency must wait until ROPS 14-15A to seek repayment of the City Loan on a ROPS from RPTTF so that the Fiscal Year 2013-2014 residual distributions to taxing entities would be known in order to calculate the maximum repayment amount for the applicable six-month period. As such, Successor Agency staff is recommending that the Successor Agency find and recommend that the Oversight Board finds that the City Loan was made by the City to the former Redevelopment Agency for legitimate redevelopment purposes in connection with the preparation and implementation of the Redevelopment Plans and the implementation of, among other projects, capital improvement program projects.

ANALYSIS:

As noted above, the Successor Agency received its Finding of Completion from the DOF on April 12, 2013 which, among other things, allows the Successor Agency to seek repayment of the City Loan to the former Redevelopment Agency on the ROPS 14-15A as an enforceable obligation, provided the Oversight Board makes a finding that the loan was for legitimate redevelopment purposes. Although the Oversight Board already made such a finding with the adoption of Resolution No. OB-13-26 approving the ROPS 13-14B, the DOF has requested that a separate such finding be made by all successor agencies seeking repayment of these loans. Therefore, staff recommends that the Successor Agency adopt a separate, stand-alone

resolution (Resolution No. SA-14-39) that would approve and recommend that the Oversight Board make these required findings.

Under Section 34191.4(b) of the Dissolution Act, and according to the determination of the DOF, the City Loan is subject to the repayment formula of Section 34191.4(b)(2)(A) which provides that the maximum repayment amount for each fiscal year shall be equal to one-half of the increase between the amount of residual RPTTF distributed to the taxing entities in Fiscal Year 2012-13 (the “base year”) and amount of residual RPTTF distributions to the taxing entities in Fiscal Year 2013-14. In the case of Imperial Beach, the amount of residual RPTTF in the base year was \$0 and the amount distributed in Fiscal Year 2013-14 was \$2,230,240. Fifty percent of that increase is equal to \$1,115,215 and, therefore, that amount is being requested as the first loan repayment to the City on ROPS 14-15A. As such, staff recommends that the Successor Agency approve, and recommend that the Oversight Board approve, the City Loan as an enforceable obligation of the Successor Agency and also approves the schedule for repayment of the City Loan from RPTTF as an enforceable obligation listed on a ROPS beginning with the first payment of \$1,115,215 to be listed on the ROPS 14-15A consistent with the maximum repayment amounts specified in Section 34191.4(b)(2)(A) of the Dissolution Act with the remaining balance of the City Loan to be paid on successive ROPS in the maximum repayment amounts consistent and in accordance with applicable provisions of the Dissolution Act.

ENVIRONMENTAL DETERMINATION:

The activity proposed for approval by this Resolution is not a “project” for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity proposed by this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.

FISCAL IMPACT:

Adoption of Resolution No. SA-14-39, and subsequent approval by the Oversight Board of a similar resolution, would make the necessary findings that the City Loan to the former Redevelopment Agency of was for legitimate redevelopment purposes. If approved by the DOF, this would allow repayment of the City Loan to begin with ROPS 14-15A and would seek an initial repayment amount of \$1,115,215 funded from RPTTF, pursuant to the repayment formula of Section 34191.4(b)(2)(A) of the Dissolution Act. If approved by the DOF, the repayment of the City Loan would reduce outstanding obligations of the Successor Agency and the City’s General Fund would be repaid up to \$1,115,215 towards the total outstanding loan balance of \$3,738,100.

RECOMMENDATION:

Staff recommends that the Imperial Beach Redevelopment Agency Successor Agency adopt Resolution Number SA-14-39 finding and recommending that the Oversight Board finds that the loan totaling \$3,738,100 made by the City of Imperial Beach to the former Imperial Beach Redevelopment Agency was for legitimate redevelopment purposes, and other related actions taken in accordance with Health and Safety Code Section 34191.4(b)

Attachments:

1. Resolution No. SA-14-39

RESOLUTION NO. SA-14-39

A RESOLUTION OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY FINDING, AND RECOMMENDING TO ITS OVERSIGHT BOARD THAT THE OVERSIGHT BOARD FINDS, THAT THE LOAN TOTALING \$3,738,100 MADE BY THE CITY OF IMPERIAL BEACH TO THE FORMER IMPERIAL BEACH REDEVELOPMENT AGENCY WAS FOR LEGITIMATE REDEVELOPMENT PURPOSES, AND APPROVING THE LOAN AS AN ENFORCEABLE OBLIGATION AND THE SCHEDULE FOR REPAYMENT OF SAID LOAN BY THE SUCCESSOR AGENCY TO THE CITY OF IMPERIAL BEACH, IN ACCORDANCE WITH HEALTH AND SAFETY CODE SECTION 34191.4(b)

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

WHEREAS, Assembly Bill No. X1 26 (2011-2012 1st Ex. Sess.) ("AB 26") was signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law and to the California Health and Safety Code ("H&S Code"), including adding Part 1.8 (commencing with Section 34161) ("Part 1.8") and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the H&S Code; and

WHEREAS, pursuant to AB 26, as modified by the California Supreme Court on December 29, 2011 by its decision in *California Redevelopment Association v. Matosantos*, all California redevelopment agencies, including the Redevelopment Agency, were dissolved on February 1, 2012, and successor agencies were designated and vested with the responsibility of paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the business and fiscal affairs of the former redevelopment agencies; and

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

WHEREAS, on February 15, 2012, the Board of Directors of the Successor Agency, adopted Resolution No. SA-12-01 naming itself the "Imperial Beach Redevelopment Agency Successor Agency," the sole name by which it will exercise its powers and fulfill its duties pursuant to Part 1.85 of AB 26, and establishing itself as a separate legal entity with rules and regulations that will apply to the governance and operations of the Successor Agency; and

WHEREAS, Health and Safety Code Section 34179 of AB 26 establishes a seven (7) member local entity with respect to each successor agency with fiduciary responsibilities to holders of enforceable obligations and taxing entities that benefit from distributions of property taxes, and such entity is titled the "oversight board." The oversight board has been established for the Successor Agency (hereinafter referred to as the "Oversight Board") and all seven (7) members have been appointed to the Oversight Board pursuant to Health and Safety Code Section 34179. The duties and responsibilities of the Oversight Board are primarily set forth in H&S Code Sections 34179 through 34181 of AB 26; and

WHEREAS, as part of the FY 2012-2013 State budget package, on June 27, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1484 ("AB 1484"), which

amended certain provisions of AB 26. On September 29, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1585 ("AB 1585"), which further amended certain provisions of AB 26 as amended by AB 1484. On October 13, 2013, the Legislature passed and the Governor signed Senate Bill No. 341 ("SB 341"), which further amended certain provisions of AB 26 as amended by AB 1484 and AB 1585 (AB 26, AB 1484, AB 1585, and SB 341 are collectively referred to herein as the "Dissolution Act"); and

WHEREAS, on April 12, 2013, the Department of Finance issued a Finding of Completion to the Successor Agency pursuant to H&S Code Section 34179.7 of the Dissolution Act; and

WHEREAS, pursuant to H&S Code Section 34171(m) of the Dissolution Act, a "Recognized Obligation Payment Schedule" ("ROPS") means the document setting forth the minimum payment amounts and due dates of payments required by enforceable obligations for each 6-month fiscal period as provided in H&S Code Section 34177(m) of the Dissolution Act; and

WHEREAS, according to H&S Code Section 34177(l)(1) of the Dissolution Act, the Successor Agency shall prepare a ROPS before each 6-month fiscal period. For each recognized obligation, the ROPS shall identify one or more of the following sources of payment: (i) Low and Moderate Income Housing Funds, (ii) bond proceeds, (iii) reserve balances, (iv) administrative cost allowance, (v) the Redevelopment Property Tax Trust Fund ("RPTTF") but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation or by the provisions of Part 1.85 of the Dissolution Act, and (vi) other revenue sources, including rents, concessions, asset sale proceeds, interest earnings, and any other revenues derived from the former Redevelopment Agency as approved by the Oversight Board in accordance with Part 1.85 of the Dissolution Act; and

WHEREAS, pursuant to H&S Code Section 34191.4(b)(1) of the Dissolution Act, after the Successor Agency receives its Finding of Completion and upon application by the Successor Agency and approval of the Oversight Board, loan agreements entered into between the former Redevelopment Agency and the City shall be deemed to be enforceable obligations provided that the Oversight Board makes a finding that the loan was for legitimate redevelopment purposes. Upon the Oversight Board's approval and making of the required finding, the loan is deemed an enforceable obligation and may be listed on a ROPS for repayment and repaid by the Successor Agency from RPTTF or other available funds subject to the repayment terms and conditions specified in H&S Code Section 34191.4(b)(2); and

WHEREAS, the City made a loan of funds to the former Redevelopment Agency totaling \$3,738,100 ("City Loan") pursuant to that certain Cooperation Agreement between the Redevelopment Agency and the City dated June 7, 1995, which date is immediately subsequent to the activation of the former Redevelopment Agency on May 3, 1995. The City Loan was also made pursuant to City Council/Redevelopment Agency Resolution No. R-03-40 dated June 4, 2003, the Redevelopment Agency's year-end financial statements beginning June 30, 1996 through June 30, 2004, and the Agreement between the Redevelopment Agency and the City dated May 17, 2006. The City Loan was made by the City to the former Redevelopment Agency for the Redevelopment Agency's use for legitimate redevelopment purposes in connection with the preparation and implementation of the Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project adopted on February 7, 1996 and the Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project Amendment No. 1 adopted on July 18, 2001 (collectively, the "Redevelopment Plans") and the implementation of, among other projects, capital improvement program projects; and

WHEREAS, pursuant to H&S Code Sections 34171(d)(2) and 34178(b)(2) of the Dissolution Act, the City Loan was not invalidated by the Dissolution Act because the Cooperation Agreement between the Redevelopment Agency and the City dated June 7, 1995 providing loans/start up funds to the former Redevelopment Agency was entered into within two years of formation of the Redevelopment Agency. Pursuant to H&S Code Sections 34171(d)(1)(B) and (E), 34171(d)(2), and 34178(b)(2) of the Dissolution Act, the City Loan would, therefore, constitute an enforceable obligation of the Successor Agency under the Dissolution Act repayable from the RPTTF. However, the State Department of Finance ("Department of Finance"), in its letter dated December 17, 2013, required that the Successor Agency's repayment of the City Loan be subject to the loan repayment terms and conditions of H&S Code Section 34191.4(b) of the Dissolution Act; and

WHEREAS, on September 25, 2013, the Oversight Board adopted Resolution No. OB-13-26, wherein the Oversight Board, among other actions, specifically (i) made a finding that the City Loan was made to the Redevelopment Agency for legitimate redevelopment purposes, (ii) determined that the City Loan constitutes an enforceable obligation of the Successor Agency under the Dissolution Act repayable from the RPTTF, (iii) acknowledged and agreed that the City Loan is now immediately due and payable in full in the principal amount of \$3,738,100 to the City by the Successor Agency from the Successor Agency's RPTTF, and (iv) approved the Successor Agency's immediate repayment of the City Loan on the ROPS 13-14B in the total principal amount of \$3,738,100. The Department of Finance, in its letter dated December 17, 2013, determined that the Successor Agency must wait until ROPS 14-15A to seek repayment of the City Loan on a ROPS from RPTTF so that the Fiscal Year 2013-2014 residual distributions to taxing entities would be known in order to calculate the maximum repayment amount for the applicable 6-month period; and

WHEREAS, the Successor Agency desires to find, and to recommend to its Oversight Board that the Oversight Board finds, pursuant to H&S Code Section 34191.4(b)(1), that the City Loan was made by the City to the former Redevelopment Agency for legitimate redevelopment purposes in connection with the preparation and implementation of the Redevelopment Plans and the implementation of, among other projects, capital improvement program projects; and

WHEREAS, the Successor Agency further desires to approve the City Loan as an enforceable obligation of the Successor Agency and to approve the schedule for repayment of the City Loan from RPTTF as an enforceable obligation listed on a ROPS beginning with the first payment of \$1,115,215 to be listed on the proposed ROPS for the 6-month period from July 1, 2014 through December 31, 2014 ("ROPS 14-15A") consistent and in accordance with the maximum repayment amounts specified in H&S Code Section 34191.4(b)(2)(A), with the remaining balance of the City Loan to be paid on successive ROPS in the maximum repayment amounts consistent and in accordance with H&S Code Section 34191.4(b)(2)(A) until the City Loan is repaid in full, subject to other applicable loan repayment terms and conditions set forth in H&S Code Section 34191.4(b)(2); and

WHEREAS, pursuant to H&S Code Section 34183(a)(2) of the Dissolution Act, the San Diego County Auditor-Controller is required to make a payment of property tax revenues (i.e. former tax increment funds) from the RPTTF to the Successor Agency on June 1, 2014 for payments to be made toward recognized obligations listed on the ROPS 14-15A as approved by the Department of Finance, and on January 2 and June 1 annually for payments to be made toward recognized obligations listed on successive ROPS as approved by the Department of Finance; and

WHEREAS, the activity proposed for approval by this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines; and

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

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

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

- Section 1.** The Successor Agency hereby determines that the foregoing recitals are true and correct and are a substantive part of this Resolution.
- Section 2.** The Successor Agency hereby finds, and recommends to its Oversight Board that the Oversight Board finds, pursuant to H&S Code Section 34191.4(b)(1), that the City Loan described in the Recitals above was made by the City to the former Redevelopment Agency for legitimate redevelopment purposes in connection with the preparation and implementation of the Redevelopment Plans and the implementation of, among other projects, capital improvement program projects.
- Section 3.** The Successor Agency hereby approves the City Loan as an enforceable obligation of the Successor Agency and approves the repayment of the City Loan from RPTTF as an enforceable obligation listed on a ROPS beginning with the first payment of \$1,115,215 to be listed on the proposed ROPS for the 6-month period from July 1, 2014 through December 31, 2014 ("ROPS 14-15A") consistent and in accordance with the maximum repayment amounts specified in H&S Code Section 34191.4(b)(2)(A), with the remaining balance of the City Loan to be paid on successive ROPS in the maximum repayment amounts consistent and in accordance with H&S Code Section 34191.4(b)(2)(A) until the City Loan is repaid in full, subject to other applicable loan repayment terms and conditions set forth in H&S Code Section 34191.4(b)(2).
- Section 4.** The Executive Director, or designee, of the Successor Agency is hereby authorized and directed (i) to submit the Successor Agency's recommendation to its Oversight Board that the Oversight Board find that the City Loan described in the Recitals above was made by the City to the former Redevelopment Agency for legitimate redevelopment purposes in connection with the preparation and implementation of the Redevelopment Plans and the implementation of, among other projects, capital improvement program projects; (ii) to include the repayment of the City Loan on the ROPS 14-15A and on successive ROPS until repaid in full consistent and in accordance with H&S Code Section 34191.4(b)(2)(A), and to comply with all other applicable loan repayment terms and conditions set forth in H&S Code Section 34191.4(b)(2); (iii) provide such notifications as required by the Dissolution Act; and (iv) take

such other actions and execute such other documents as are necessary or desirable to effectuate the intent of this Resolution on behalf of the Successor Agency.

Section 5. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Successor Agency declares that its board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 6. The adoption of this Resolution is not intended to and shall not constitute a waiver by the Successor Agency of any constitutional, legal or equitable rights that the Successor Agency may have to challenge, through any administrative or judicial proceedings, the effectiveness and/or legality of all or any portion of the Dissolution Act, any determinations rendered or actions or omissions to act by any public agency or government entity or division in the implementation of the Dissolution Act, and any and all related legal and factual issues, and the Successor Agency expressly reserves any and all rights, privileges, and defenses available under law and equity.

Section 7. The Successor Agency determines that the activity approved by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity approved by this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.

Section 8. This Resolution shall take effect upon the date of its adoption.

PASSED, APPROVED, AND ADOPTED by the Imperial Beach Redevelopment Agency Successor Agency at its meeting held on the 19th day of February 2014, by the following vote:

AYES: BOARD MEMBERS:
NOES: BOARD MEMBERS:
ABSENT: BOARD MEMBERS:

JAMES C. JANNEY
CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, MMC
SECRETARY



AGENDA ITEM NO. 6.3

STAFF REPORT
IMPERIAL BEACH REDEVELOPMENT
AGENCY SUCCESSOR AGENCY

TO: HONORABLE CHAIR AND MEMBERS OF THE BOARD

FROM: ANDY HALL, EXECUTIVE DIRECTOR *AH*

MEETING DATE: FEBRUARY 19, 2014

ORIGINATING DEPT.: GREGORY WADE, DEPUTY EXECUTIVE DIRECTOR *GW*

SUBJECT: ADOPTION OF RESOLUTION NO. SA-14-40 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE ADMINISTRATIVE BUDGET FOR THE PERIOD OF JULY 1, 2014 THROUGH DECEMBER 31, 2014 AND RELATED ACTIONS

EXECUTIVE SUMMARY:

Successor Agency staff is seeking adoption by the Successor Agency of Resolution No. SA-14-40 approving the Successor Agency's Administrative Budget for the period of July 1, 2014 through December 31, 2014. Pursuant to Section 34177(j) of the Dissolution Act, the Successor Agency is required to prepare an administrative budget for each six-month fiscal period and submit the administrative budget to the Oversight Board for approval. For Imperial Beach, the amount of administrative cost allowance available from the Redevelopment Property Tax Trust Fund (RPTTF) is capped at \$250,000 per fiscal year. Therefore, the proposed Administrative Budget for July to December 2014 totals \$125,000.

BACKGROUND:

On June 28, 2011, Assembly Bill No. X1 26 ("AB 26") was signed into law by the Governor of California which called for the dissolution of redevelopment agencies throughout the state and established the procedures by which this was to be accomplished. On December 29, 2011, AB 26 was largely upheld by the California State Supreme Court with some of the dates by which certain dissolution actions were to occur pushed back by four months. As a result of the Supreme Court's decision, and on February 1, 2012, all California redevelopment agencies were dissolved, successor agencies to the former redevelopment agencies were established and were tasked with paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the affairs of the former redevelopment agencies.

As part of the wind-down process enacted by AB 26, the City Council adopted Resolution No. 2012-7136 on January 5, 2012, electing for the City to serve as the successor agency to the Redevelopment Agency ("Successor Agency") upon the dissolution of the Redevelopment Agency under AB 26.

On June 27, 2012, the State Legislature passed and the Governor signed Assembly Bill No. 1484 (“AB 1484”, Chapter 26, Statutes 2012) as a trailer bill for the Fiscal Year 2012-2013 State budget package. Although the primary purpose of AB 1484 is to make technical and substantive amendments to AB 26 based on issues that have arisen in the implementation of AB 26, AB 1484 also imposes additional statutory provisions relating to the activities and obligations of successor agencies and to the wind-down process of former redevelopment agencies.

ANALYSIS:

Pursuant to Section 34177(j) of AB 26, as amended by AB 1484, the Successor Agency is required to prepare an administrative budget for each six-month fiscal period and submit the administrative budget to the Oversight Board for approval. The administrative budget shall include all of the following: (i) estimated amounts for Successor Agency administrative costs for the upcoming six-month fiscal period; (ii) proposed sources of payment for Successor Agency administrative costs; and (iii) proposals for arrangements for administrative and operations services provided by the City or other entity. Section 34177(k) of AB 26 as amended by AB 1484 requires the Successor Agency to provide to the San Diego County Auditor-Controller for each six-month fiscal period the administrative cost estimates from its approved administrative budget that are to be paid from property tax revenues (i.e. former tax increment revenues) deposited in the County’s Redevelopment Property Tax Trust Fund established for the Successor Agency.

Pursuant to AB 26 as amended by AB 1484, an “Administrative Cost Allowance” is paid to the Successor Agency from property tax revenues allocated by the County Auditor-Controller from the Redevelopment Property Tax Trust Fund. The Administrative Cost Allowance is defined as an amount, subject to the approval of the Oversight Board, which is up to 3% of the total amount of property tax allocated to the Successor Agency’s Redevelopment Obligation Retirement Fund to pay for enforceable obligations for each fiscal year, subject to a minimum amount of \$250,000 unless the Oversight Board reduces this amount.

Successor Agency staff is now seeking the Successor Agency’s approval of the administrative budget for the period of July 1, 2014 through December 31, 2014 (“Administrative Budget”), in the form attached to Resolution Number SA-14-40 as Exhibit “A”, and the Successor Agency’s authorization to submit the approved Administrative Budget to the Oversight Board for its consideration at their meeting on February 25, 2014, and to forward the information required by Section 34177(k) to the San Diego County Auditor-Controller. As noted in the Executive Summary, the amount of administrative cost allowance available to the Successor Agency from the Redevelopment Property Tax Trust Fund (RPTTF) is capped at \$250,000 per fiscal year. Therefore, the proposed Administrative Budget for July to December 2014 totals \$125,000.

ENVIRONMENTAL DETERMINATION:

The activity proposed for approval by this Resolution is not a “project” for purposes of CEQA, as that term is defined by CEQA Guidelines Section 15378, because the activity proposed by this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the CEQA Guidelines.

FISCAL IMPACT:

As noted above, the Administrative Cost Allowance is defined as an amount, subject to the approval of the Oversight Board, which is up to 3% of the total amount of property tax allocated to the Successor Agency's Redevelopment Obligation Retirement Fund to pay for enforceable obligations for each fiscal year, or a minimum of \$250,000 unless the Oversight Board reduces this amount. The DOF has maintained that the Successor Agency is entitled to receive no more than \$250,000 in a given fiscal year. For the six-month period of July 1, 2014 through December 31, 2014, therefore, staff has proposed an Administrative Budget totaling \$125,000 as this is half the amount of the Administrative Cost Allowance we expect to be approved by the DOF on the Recognized Obligation Payment Scheduled for July to December 2014 (the "ROPS 14-15A").

RECOMMENDATION:

Staff recommends that the Imperial Beach Redevelopment Agency Successor Agency adopt Resolution Number SA-14-40 approving the Administrative Budget for the period of July 1, 2014 through December 31, 2014 and other related actions.

Attachments:

1. Resolution No. SA-14-40

RESOLUTION NO. SA-14-40

**RESOLUTION OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY
SUCCESSOR AGENCY APPROVING THE ADMINISTRATIVE BUDGET FOR
THE 6-MONTH PERIOD FROM JULY 1, 2014 THROUGH DECEMBER 31, 2014
AND APPROVING RELATED ACTIONS**

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

WHEREAS, Assembly Bill No. X1 26 (2011-2012 1st Ex. Sess.) ("AB 26") was signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law and to the California Health and Safety Code ("H&S Code"), including adding Part 1.8 (commencing with Section 34161) ("Part 1.8") and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the H&S Code; and

WHEREAS, pursuant to AB 26, as modified by the California Supreme Court on December 29, 2011 by its decision in *California Redevelopment Association v. Matosantos*, all California redevelopment agencies, including the Redevelopment Agency, were dissolved on February 1, 2012, and successor agencies were designated and vested with the responsibility of paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the business and fiscal affairs of the former redevelopment agencies; and

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

WHEREAS, on February 15, 2012, the Board of Directors of the Successor Agency, adopted Resolution No. SA-12-01 naming itself the "Imperial Beach Redevelopment Agency Successor Agency," the sole name by which it will exercise its powers and fulfill its duties pursuant to Part 1.85 of AB 26, and establishing itself as a separate legal entity with rules and regulations that will apply to the governance and operations of the Successor Agency; and

WHEREAS, H&S Code Section 34179 of AB 26 establishes a seven (7) member local entity with respect to each successor agency with fiduciary responsibilities to holders of enforceable obligations and taxing entities that benefit from distributions of property taxes, and such entity is titled the "oversight board." The oversight board has been established for the Successor Agency (hereinafter referred to as the "Oversight Board") and all seven (7) members have been appointed to the Oversight Board pursuant to H&S Code Section 34179. The duties and responsibilities of the Oversight Board are primarily set forth in H&S Code Sections 34179 through 34181 of AB 26; and

WHEREAS, as part of the FY 2012-2013 State budget package, on June 27, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1484 ("AB 1484"), which amended certain provisions of AB 26. On September 29, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1585 ("AB 1585"), which further amended certain provisions of AB 26 as amended by AB 1484. On October 13, 2013, the Legislature passed and the Governor signed Senate Bill No. 341 ("SB 341"), which further amended certain provisions of AB 26 as amended by AB 1484 and AB 1585 (AB 26, AB 1484, AB 1585, and SB 341 are collectively referred to herein as the "Dissolution Act"); and

WHEREAS, on April 12, 2013, the Department of Finance issued a Finding of Completion to the Successor Agency pursuant to H&S Code Section 34179.7 of the Dissolution Act; and

WHEREAS, H&S Code Section 34177(j) of the Dissolution Act requires the Successor Agency to prepare an administrative budget for each 6-month fiscal period and submit the administrative budget to the Oversight Board for approval. The administrative budget shall include all of the following: (i) estimated amounts for Successor Agency administrative costs for the upcoming 6-month fiscal period; (ii) proposed sources of payment for Successor Agency administrative costs; and (iii) proposals for arrangements for administrative and operations services provided by the City or other entity; and

WHEREAS, H&S Code Section 34177(k) of the Dissolution Act requires the Successor Agency to provide to the San Diego County Auditor-Controller ("County Auditor-Controller") for each 6-month fiscal period the administrative cost estimates from its approved administrative budget that are to be paid from property tax revenues (i.e. former tax increment revenues) deposited in the County's Redevelopment Property Tax Trust Fund ("RPTTF") established for the Successor Agency; and

WHEREAS, staff of the Successor Agency seeks the Successor Agency's approval of the administrative budget for the 6-month period from July 1, 2014 through December 31, 2014 ("Administrative Budget"), in the form attached to this Resolution as Exhibit "A", and the Successor Agency's authorization to submit the approved Administrative Budget to the Oversight Board for its approval and to forward the information required by H&S Code Section 34177(k) to the County Auditor-Controller; and

WHEREAS, the Administrative Budget has been prepared in accordance with H&S Code Section 34177(j) of the Dissolution Act and is consistent with the requirements of the H&S Code and other applicable law. As indicated in the Administrative Budget, the Successor Agency does not directly employ its own staff but relies on the employees and staff members of the City to perform its functions and operations required by the Dissolution Act; and

WHEREAS, the proposed source of payment of the costs set forth in the Administrative Budget in the amount of \$125,000 is property taxes from the County's RPTTF established for the Successor Agency. These costs in the amount of \$125,000 are listed as Item #11 on the proposed Recognized Obligation Payment Schedule for the 6-month period from July 1, 2014 through December 31, 2014 ("ROPS 14-15A") for funding from RPTTF, which ROPS 14-15A is proposed to be considered by the Successor Agency at this same meeting of the Successor Agency; and

WHEREAS, as required by H&S Code Section 34180(j) of the Dissolution Act, the Successor Agency will submit a copy of the Administrative Budget to the County Administrative Officer, the County Auditor-Controller, and the State Department of Finance ("Department of Finance") at the same time that the Successor Agency submits the Administrative Budget to the Oversight Board for review and approval; and

WHEREAS, as required by H&S Code Section 34179(f) of the Dissolution Act, all notices required by law for proposed actions of the Oversight Board will be posted on the Successor Agency's internet website or the Oversight Board's internet website; and

WHEREAS, pursuant to H&S Code Section 34179(h) of the Dissolution Act, the Successor Agency is required to provide written notice and information about all actions taken by the Oversight Board to the Department of Finance by electronic means and in the manner of the

Department of Finance's choosing; and

WHEREAS, in furtherance of Part 1.85 of the Dissolution Act, a copy of the Administrative Budget as it may be approved by the Oversight Board will be submitted to the County Auditor-Controller and both the State Controller's Office and the Department of Finance and will be posted on the Successor Agency's internet website; and

WHEREAS, pursuant to H&S Code Section 34183(a)(2) of the Dissolution Act, the County Auditor-Controller is required to make a payment of property tax revenues (i.e. former tax increment funds) from the RPTTF to the Successor Agency on June 1, 2014 for payments to be made toward recognized obligations listed on the approved ROPS 14-15A and for the administrative cost estimates from its approved Administrative Budget; and

WHEREAS, the activity proposed for approval by this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines; and

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

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

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

- Section 1.** The Successor Agency hereby determines that the foregoing recitals are true and correct and are a substantive part of this Resolution.
- Section 2.** The Successor Agency hereby approves the Administrative Budget for the 6-month period from July 1, 2014 through December 31, 2014, in substantially the form attached to this Resolution as Exhibit "A".
- Section 3.** The Executive Director, or designee, of the Successor Agency is hereby authorized and directed to: (i) submit the approved Administrative Budget to the Oversight Board for its review and approval and concurrently submit a copy of the Administrative Budget to the County Administrative Officer, the County Auditor-Controller, and the Department of Finance; (ii) submit the Administrative Budget, as approved by the Oversight Board, and written notice of the Oversight Board's approval of the Administrative Budget, to the Department of Finance electronically pursuant to H&S Code Section 34179(h) of the Dissolution Act; (iii) submit a copy of the Administrative Budget, as approved by the Oversight Board, to the County Auditor-Controller and the State Controller's Office; (iv) post the Administrative Budget, as approved by the Oversight Board, on the Successor Agency's internet website; (v) upon approval of the Oversight Board, submit to the County Auditor-Controller the administrative cost estimates from the Administrative Budget in the amount of \$125,000 that are to be paid from property tax revenues deposited in the County's

Redevelopment Property Tax Trust Fund established for the Successor Agency; and (vi) take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution on behalf of the Successor Agency.

Section 4. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Successor Agency declares that its board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 5. The adoption of this Resolution is not intended to and shall not constitute a waiver by the Successor Agency of any constitutional, legal or equitable rights that the Successor Agency may have to challenge, through any administrative or judicial proceedings, the effectiveness and/or legality of all or any portion of the Dissolution Act, any determinations rendered or actions or omissions to act by any public agency or government entity or division in the implementation of the Dissolution Act, and any and all related legal and factual issues, and the Successor Agency expressly reserves any and all rights, privileges, and defenses available under law and equity.

Section 6. The Successor Agency determines that the activity approved by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity approved by this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.

Section 7. This Resolution shall take effect upon the date of its adoption.

PASSED, APPROVED, AND ADOPTED by the Imperial Beach Redevelopment Agency Successor Agency at its meeting held on the 19th day of February 2014, by the following vote:

AYES: BOARD MEMBERS:
NOES: BOARD MEMBERS:
ABSENT: BOARD MEMBERS:

JAMES C. JANNEY
CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, MMC
SECRETARY

EXHIBIT "A"

IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY
ADMINISTRATIVE BUDGET
July 1, 2014 THROUGH DECEMBER 31, 2014

JULY 1, 2014 THROUGH DECEMBER 31, 2014

LABOR COSTS

Position Title	SA Admin Labor Cost
Assistant City Manager/Comm Dev Director	\$ 35,749.01
Administrative Secretary II	\$ 1,090.00
City Manager	\$ 16,954.14
Clerk Typist	\$ 1,180.82
City Clerk	\$ 8,291.30
Administrative Services Director	\$ 20,499.38
Financial Services Assistant	\$ 1,994.75
Senior Account Technician	\$ 1,740.83
Labor Cost SA Calculation Totals	\$ 87,500

OTHER OPERATING EXPENSES

Legal Costs (6-months)	30,000
Audit Services - Financial Statements (6-months)	7,500

Other Operating Expenses Totals: \$ 37,500

Successor Agency Administrative Cost Total: \$ 125,000



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

TO: CHAIR AND MEMBERS OF THE SUCCESSOR AGENCY

FROM: ANDY HALL, CITY MANAGER/EXECUTIVE DIRECTOR *AH*

MEETING DATE: FEBRUARY 19, 2014

ORIGINATING DEPT.: SUCCESSOR AGENCY STAFF
GREGORY WADE, DEPUTY DIRECTOR *GW*

SUBJECT: ADOPTION OF RESOLUTION NO. SA-14-41 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING AND ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD OF JULY 1, 2014 THROUGH DECEMBER 31, 2014 (ROPS 14-15A)

EXECUTIVE SUMMARY:

Staff is seeking adoption of Resolution No. SA-14-41 that would approve and adopt the Recognized Obligation Payment Schedule (ROPS) for the period of July 1, 2014 through December 31, 2014 (the "ROPS 14-15A"). A total of \$1,555,714 of Redevelopment Property Tax Trust Fund (RPTTF) monies are being requested for the upcoming six-month period. Among the items included on the ROPS 14-15A for which RPTTF is being requested is repayment of the City Loan made by the City of Imperial Beach to the Redevelopment Agency which currently has an outstanding principal balance of \$3,738,100. Since the Successor Agency received its Finding of Completion on April 12, 2013, pursuant to Section 34191.4(b) of the Dissolution Act, the DOF has advised the Successor Agency that this loan may be repaid as an enforceable obligation provided the Oversight Board makes a finding that the loan was made for legitimate redevelopment purposes. Additionally, repayment of the loan is subject to the repayment formula outlined in Section 34191.4(b)(2)(A) of the Dissolution Act. Pursuant to this formula, the maximum amount of RPTTF authorized each fiscal year to repay the loan is equal to fifty percent (50%) of the increase in residual distributions of RPTTF to the taxing entities from Fiscal Year 2012-2013 (which totaled \$0) to Fiscal Year 2013-2014 (which totaled \$2,230,430). Therefore, an initial repayment amount of is \$1,115,215 is being requested in the ROPS 14-15A period.

BACKGROUND:

On June 28, 2011, Assembly Bill No. X1 26 ("AB 26") was signed into law by the Governor of California which called for the dissolution of redevelopment agencies throughout the state and established the procedures by which this was to be accomplished. On December 29, 2011, AB 26 was largely upheld by the California State Supreme Court with some of the dates by which certain dissolution actions were to occur pushed back by four months. As a result of the Supreme Court's decision, and on February 1, 2012, all California redevelopment agencies

were dissolved, successor agencies were established as successor agencies to the former redevelopment agencies, and successor agencies are tasked with paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the affairs of the former redevelopment agencies.

As part of the FY 2012-2013 State budget package, on June 27, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1484 ("AB 1484"), which amended certain provisions of AB 26. On September 29, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1585 ("AB 1585"), which further amended certain provisions of AB 26 as amended by AB 1484 (AB 26, AB 1484, and AB 1585 are collectively referred to herein as the "Dissolution Act").

According to the Dissolution Act, the Successor Agency shall prepare a ROPS before each six-month fiscal period. For each recognized obligation, the ROPS shall identify one or more of the following sources of payment: (i) Low and Moderate Income Housing Funds, (ii) bond proceeds, (iii) reserve balances, (iv) administrative cost allowance, (v) the Redevelopment Property Tax Trust Fund ("RPTTF") but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation or by the provisions of the Dissolution Act, and (vi) other revenue sources, including rents, concessions, asset sale proceeds, interest earnings, and any other revenues derived from the former Redevelopment Agency as approved by the Oversight Board.

It is the intent of the Dissolution Act that the ROPS serve as the designated reporting mechanism for disclosing the Successor Agency's minimum bi-annual payment obligations by amount and source and that the San Diego County Auditor-Controller ("County Auditor-Controller") will be responsible for ensuring that the Successor Agency receives revenues sufficient to meet the requirements of the ROPS during each bi-annual period.

The Successor Agency is required to submit the ROPS 14-15A, after its approval and adoption by the Oversight Board, to the DOF and the County Auditor-Controller no fewer than 90 days before the date of property tax distribution on June 1, 2014, which is no later than March 3, 2014. Upon approval by the DOF, the County Auditor-Controller is required to make a payment of property tax revenues (i.e. former tax increment funds) from the RPTTF to the Successor Agency on June 1, 2014 for payments to be made toward recognized obligations listed on the ROPS 14-15A and approved by the DOF.

ANALYSIS:

As noted above, the ROPS 14-15A must be approved by the Oversight Board and submitted to the DOF by March 3, 2014. The ROPS 14-15A, a copy of which is attached to this staff report, includes requested RPTTF for enforceable obligations for the up-coming six-month period of July 1, 2014 through December 31, 2014. In the DOF's approval of the ROPS 13-14A (July 1, 2013 through December 31, 2013 period), the DOF approved the funding of bond debt reserves for the 2003 and 2010 Tax Allocation Bonds with RPTTF distributed to the Successor Agency on June 1, 2013. Therefore, for the ROPS 13-14B period, the Successor Agency did not request RPTTF for bond debt service payments due in June 2014 as such payments were to be paid entirely from bond debt reserves funded by RPTTF approved by the DOF and received by the Successor Agency during the ROPS 13-14A period. Additionally, during the ROPS 13-14A period, the Successor Agency refunded the 2003 Series A Tax Allocation Bonds with the issuance of 2013 Series A Tax Allocations Refunding Bonds on December 4, 2013, resulting in significant savings in both annual and total debt service, particularly in the first four years of debt

service payments over the life of the newly issued Tax Allocation Refunding Bonds. The June 2014 debt service payment for the 2003 Tax Allocations Bonds, for which a debt service reserve had been approved and distributed on June 1, 2013, was to be \$1,028,787. The June 2014 debt service payment for the 2013 Tax Allocation Refunding Bonds, however, will only be \$388,644, resulting in total savings in debt reserve of \$640,143. Pursuant to Successor Agency Resolution No. SA-14-38, which is also being considered for adoption on February 19, 2014, this balance of \$640,143 of RPTTF is proposed to be held as a reserve during the ROPS 13-14B period and reallocated toward the entire \$395,231 December 2014 bond debt service payment for the 2013 Series A Tax Allocation Refunding Bonds and the remainder allocated to the December 2014 debt service payment for the 2010 Tax Allocation Bonds and the during the ROPS 14-15A period.

Additional Bond Debt Reserves

Also approved and funded on the ROPS 13-14B were three items related to the issuance of the 2013 Tax Allocation Refunding Bonds. Those items were Financial Management services (First Southwest) and Fiscal Consultant services (Fraser & Associates) in the amounts of \$19,000 and \$25,500, respectively, as well as \$50,000 for Successor Agency costs also related to issuance of the bonds. Because the 2013 Tax Allocation Refunding Bonds were successfully issued on December 4, 2013, the consultant services were paid entirely from bond proceeds and, therefore, the RPTTF approved and distributed for these services, totaling \$44,500, will not be needed during this current ROPS 13-14B period. Additionally, \$50,000 of Successor Agency costs were also provided from bond proceeds. The costs borne by the Successor Agency for issuance of the Refunding Bonds, however, totaled \$53,994, leaving a balance of unused RPTTF for this item of \$46,006. Pursuant to Successor Agency Resolution No. SA-14-38 being considered for adoption on February 19, 2014, this balance of \$46,006 of RPTTF, along with the \$44,500 of unexpended RPTTF for consultant services, is also proposed to be held as a reserve during the ROPS 13-14B period and reallocated toward the December 2014 bond debt service payment for the 2010 Tax Allocation Bonds during the ROPS 14-15A period.

Additionally, during the ROPS 13-14A period, the Successor Agency received \$49,657 of RPTTF for litigation costs associated with a lawsuit filed by the Affordable Housing Coalition of San Diego County regarding the affordable housing obligations of the former redevelopment agency. During that period, however, the Successor Agency incurred costs of \$23,390, leaving unexpended RPTTF during this period in the amount of \$26,267. Therefore, the Successor Agency is recommending that this \$26,267 of unexpended RPTTF also be allocated towards the December 2014 debt service payment on the 2010 Tax Allocation Bonds. This proposal is also included in Resolution No. SA-14-38 being considered by the Successor Agency on February 19, 2014.

When added together, the reallocation of bond debt reserves resulting from the savings from the 2013 Tax Allocation Refunding Bonds (\$640,143) and the reallocated reserves from unexpended RPTTF from both the ROPS 13-14A period (\$26,267) and the ROPS 13-14B period (\$90,506) would provide full payment of December 2014 bond debt service for the 2013 Tax Allocation Refunding Bonds in the amount of \$395,231 and would provide partial payment of the 2010 Tax Allocation Bonds in the amount of \$361,865 during the ROPS 14-15A period.

City Loan Repayment

On April 12, 2013, the Successor Agency received its Finding of Completion. Among other things, this allows the Successor Agency to place loan agreements entered into between the

former redevelopment agency and the City on the ROPS 14-15A as an enforceable obligation provided the Oversight Board makes a finding that the loan was for legitimate redevelopment purposes. Although the Oversight Board already made such a finding with the adoption of Resolution No. OB-13-26 approving the ROPS 13-14B, the DOF has requested that a separate such finding be made by all successor agencies seeking repayment of these loans. Therefore, the Successor Agency is also considering adoption of a separate, stand-alone resolution (Resolution No. SA-14-39) on February 19, 2014, that would make these required findings. Such loan repayments are also subject to the repayment formula of Section 34191.4(b)(2)(A) of the Dissolution Act which provides that the maximum repayment amount for each fiscal year shall be equal to one-half of the increase between the amount of residual RPTTF distributed to the taxing entities in Fiscal Year 2012-13 (the "base year") and amount of residual RPTTF distributions to the taxing entities in Fiscal Year 2013-14. In the case of Imperial Beach, the amount of residual RPTTF in the base year was \$0 and the amount distributed in Fiscal Year 2013-14 was \$2,230,240. Fifty percent of that increase is equal to \$1,115,215 and, therefore, that amount is being requested as the first loan repayment to the City on ROPS 14-15A.

The total amount of RPTTF requested for enforceable obligations during this ROPS 14-15A, including the requested initial loan repayment to the City of \$1,115,215, totals \$1,555,714. This also includes the annual Administrative Cost Allowance of \$125,000 which is half of the annual total maximum (\$250,000) allowed for distribution to the Successor Agency pursuant to the Administrative Cost Allowance provisions of the Dissolution Act.

ENVIRONMENTAL DETERMINATION:

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

FISCAL IMPACT:

Approval of the obligations listed on the ROPS 14-15A and their funding from RPTTF will allow the Successor Agency to make required and timely payments for those obligations during the period from July 1, 2014 through December 31, 2014. The amount of RPTTF requested to fund enforceable obligations, including the initial requested repayment of the City Loan, totals \$1,554,139. If approved by the DOF as an enforceable obligation, the repayment of the City Loan would reduce outstanding obligations of the Successor Agency and the City's General Fund would be repaid up to \$1,115,215 towards the total outstanding loan balance of \$3,738,100.

RECOMMENDATION:

Staff recommends that the Imperial Beach Redevelopment Agency Successor Agency adopt Resolution Number SA-14-41 approving the Recognized Obligation Payment Schedule for the period of July 1, 2014 through December 31, 2014 (referred to as the "ROPS 14-15A").

Attachments:

1. Resolution No. SA-14-41
2. ROPS 14-15A

RESOLUTION NO. SA-14-41

A RESOLUTION OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING AND ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE 6-MONTH PERIOD OF JULY 1, 2014 THROUGH DECEMBER 31, 2014 AND APPROVING RELATED ACTIONS

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

WHEREAS, Assembly Bill No. X1 26 (2011-2012 1st Ex. Sess.) ("AB 26") was signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law and to the California Health and Safety Code ("H&S Code"), including adding Part 1.8 (commencing with Section 34161) ("Part 1.8") and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the H&S Code; and

WHEREAS, pursuant to AB 26, as modified by the California Supreme Court on December 29, 2011 by its decision in *California Redevelopment Association v. Matosantos*, all California redevelopment agencies, including the Redevelopment Agency, were dissolved on February 1, 2012, and successor agencies were designated and vested with the responsibility of paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the business and fiscal affairs of the former redevelopment agencies; and

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

WHEREAS, on February 15, 2012, the Board of Directors of the Successor Agency, adopted Resolution No. SA-12-01 naming itself the "Imperial Beach Redevelopment Agency Successor Agency," the sole name by which it will exercise its powers and fulfill its duties pursuant to Part 1.85 of AB 26, and establishing itself as a separate legal entity with rules and regulations that will apply to the governance and operations of the Successor Agency; and

WHEREAS, H&S Code Section 34179 of AB 26 establishes a seven (7) member local entity with respect to each successor agency with fiduciary responsibilities to holders of enforceable obligations and taxing entities that benefit from distributions of property taxes, and such entity is titled the "oversight board." The oversight board has been established for the Successor Agency (hereinafter referred to as the "Oversight Board") and all seven (7) members have been appointed to the Oversight Board pursuant to H&S Code Section 34179. The duties and responsibilities of the Oversight Board are primarily set forth in H&S Code Sections 34179 through 34181 of AB 26; and

WHEREAS, as part of the FY 2012-2013 State budget package, on June 27, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1484 ("AB 1484"), which amended certain provisions of AB 26. On September 29, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1585 ("AB 1585"), which further amended certain provisions of AB 26 as amended by AB 1484. On October 13, 2013, the Legislature passed and the Governor signed Senate Bill No. 341 ("SB 341"), which further amended certain provisions of AB 26 as amended by AB 1484 and AB 1585 (AB 26, AB 1484, AB 1585, and SB 341 are

collectively referred to herein as the "Dissolution Act"); and

WHEREAS, on April 12, 2013, the Department of Finance issued a Finding of Completion to the Successor Agency pursuant to H&S Code Section 34179.7 of the Dissolution Act; and

WHEREAS, pursuant to H&S Code Section 34171(m) of the Dissolution Act, a "Recognized Obligation Payment Schedule" ("ROPS") means the document setting forth the minimum payment amounts and due dates of payments required by enforceable obligations for each 6-month fiscal period as provided in H&S Code Section 34177(m) of the Dissolution Act; and

WHEREAS, pursuant to H&S Code Section 34177(l)(3) of the Dissolution Act, the ROPS shall be forward looking to the next six (6) months; and

WHEREAS, according to H&S Code Section 34177(l)(1) of the Dissolution Act, the Successor Agency shall prepare a ROPS before each 6-month fiscal period. For each recognized obligation, the ROPS shall identify one or more of the following sources of payment: (i) Low and Moderate Income Housing Funds, (ii) bond proceeds, (iii) reserve balances, (iv) administrative cost allowance, (v) the Redevelopment Property Tax Trust Fund ("RPTTF") but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation or by the provisions of Part 1.85 of the Dissolution Act, and (vi) other revenue sources, including rents, concessions, asset sale proceeds, interest earnings, and any other revenues derived from the former Redevelopment Agency as approved by the Oversight Board in accordance with Part 1.85 of the Dissolution Act; and

WHEREAS, it is the intent of the Dissolution Act that the ROPS serve as the designated reporting mechanism for disclosing the Successor Agency's minimum bi-annual payment obligations by amount and source and that the San Diego County Auditor-Controller ("County Auditor-Controller") will be responsible for ensuring that the Successor Agency receives revenues sufficient to meet the requirements of the ROPS during each bi-annual period; and

WHEREAS, pursuant to H&S Code Section 34177(m) of the Dissolution Act, the Successor Agency is required to submit the ROPS for the period of July 1, 2014 through December 31, 2014, after its approval and adoption by the Oversight Board, to the State Department of Finance ("Department of Finance") and the County Auditor-Controller no fewer than 90 days before the date of property tax distribution on June 1, 2014, which is no later than March 3, 2014; and

WHEREAS, the ROPS covering the 6-month period from July 1, 2014 through December 31, 2014 (the "ROPS 14-15A") is attached to this Resolution as Exhibit "A" and is presented to the Successor Agency at this meeting for review, approval, and adoption; and

WHEREAS, if approved and adopted by the Successor Agency, the ROPS 14-15A shall thereafter be submitted to the Oversight Board for review, approval, and adoption. In this regard, H&S Code Section 34177(l)(2)(B) of the Dissolution Act requires the Successor Agency to submit a copy of the ROPS 14-15A to the San Diego County Administrative Officer, the County Auditor-Controller, and the Department of Finance at the same time that the Successor Agency submits the ROPS 14-15A to the Oversight Board for approval; and

WHEREAS, pursuant to H&S Code Section 34177(l)(2)(C) of the Dissolution Act, a copy of the Oversight Board-approved ROPS 14-15A shall be submitted to the County Auditor-

Controller and both the State Controller's Office and the Department of Finance and shall be posted on the Successor Agency's internet website; and

WHEREAS, pursuant to H&S Code Section 34177(m)(1) of the Dissolution Act, the Successor Agency shall submit a copy of the Oversight Board-approved ROPS 14-15A to the Department of Finance electronically and the Successor Agency shall have completed the ROPS 14-15A in the manner provided by the Department of Finance; and

WHEREAS, pursuant to H&S Code Section 34183(a)(2) of the Dissolution Act, the County Auditor-Controller is required to make a payment of property tax revenues (i.e. former tax increment funds) from the RPTTF to the Successor Agency on June 1, 2014 for payments to be made toward recognized obligations listed on the ROPS 14-15A and approved by the Department of Finance; and

WHEREAS, the proposed ROPS 14-15A attached to this Resolution as Exhibit "A" is consistent with the requirements of the H&S Code and other applicable law; and

WHEREAS, the proposed ROPS 14-15A contains the schedules for payments on enforceable obligations required for the applicable 6-month period and sources of funds for payments as required pursuant to H&S Code Section 34177(l) of the Dissolution Act; and

WHEREAS, pursuant to H&S Code Section 34177(m) of the Dissolution Act, the ROPS 14-15A as approved and adopted by the Oversight Board shall be submitted to the Department of Finance and the County Auditor-Controller by March 3, 2014. Section 34177(m) further provides that the Department of Finance shall make its determination of the enforceable obligations and the amounts and funding sources of enforceable obligations no later than forty-five (45) days after the ROPS is submitted and that the Successor Agency may, within five (5) business days of the Department of Finance's determination, request an additional review by the Department of Finance and an opportunity to meet and confer on disputed items. In the event of a meet and confer and request for additional review, the meet and confer period may vary but the Department of Finance shall notify the Successor Agency and the County Auditor-Controller as to the outcome of its review at least fifteen (15) days before the date of property tax distribution on June 1, 2014; and

WHEREAS, the activity proposed for approval by this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines; and

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

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

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

Section 1. The Successor Agency hereby determines that the foregoing recitals are true and correct and are a substantive part of this Resolution.

- Section 2.** The Successor Agency hereby approves and adopts the ROPS 14-15A for the 6-month period from July 1, 2014 through December 31, 2014, in substantially the form attached to this Resolution as Exhibit "A".
- Section 3.** The Executive Director, or designee, of the Successor Agency is hereby authorized and directed to: (i) provide the ROPS 14-15A to the Oversight Board for review, approval, and adoption and concurrently submit a copy of the ROPS 14-15A to the County Administrative Officer, the County Auditor-Controller, and the Department of Finance; (ii) submit the ROPS 14-15A, as approved and adopted by the Oversight Board, to the Department of Finance electronically and to the County Auditor-Controller no later than March 3, 2014; (iii) submit a copy of the ROPS 14-15A, as approved and adopted by the Oversight Board, to the State Controller's Office and post the ROPS 14-15A on the Successor Agency's internet website; (iv) revise the ROPS 14-15A, and make such changes and amendments as necessary, before the official submittal of the ROPS 14-15A to the Department of Finance in order to complete the ROPS 14-15A in the manner provided by the Department of Finance and to conform the ROPS 14-15A to the form or format as may be prescribed by the Department of Finance; (v) make other non-substantive changes and amendments to the ROPS 14-15A as may be approved by the Executive Director of the Successor Agency and its legal counsel; and (vi) take such other actions and execute such other documents as are necessary or desirable to effectuate the intent of this Resolution on behalf of the Successor Agency.
- Section 4.** If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Successor Agency declares that its board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.
- Section 5.** The adoption of this Resolution is not intended to and shall not constitute a waiver by the Successor Agency of any constitutional, legal or equitable rights that the Successor Agency may have to challenge, through any administrative or judicial proceedings, the effectiveness and/or legality of all or any portion of the Dissolution Act, any determinations rendered or actions or omissions to act by any public agency or government entity or division in the implementation of the Dissolution Act, and any and all related legal and factual issues, and the Successor Agency expressly reserves any and all rights, privileges, and defenses available under law and equity.
- Section 6.** The Successor Agency determines that the activity approved by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity approved by this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.
- Section 7.** This Resolution shall take effect upon the date of its adoption.

PASSED, APPROVED, AND ADOPTED by the Imperial Beach Redevelopment Agency
Successor Agency at its meeting held on the 19th day of February 2014, by the following vote:

AYES: BOARD MEMBERS:
NOES: BOARD MEMBERS:
ABSENT: BOARD MEMBERS:

JAMES C. JANNEY
CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, MMC
SECRETARY

EXHIBIT "A"

**IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY
RECOGNIZED OBLIGATION PAYMENT SCHEDULE
July 1, 2014 through December 31, 2014
("ROPS 14-15A")**

(attached)

Recognized Obligation Payment Schedule (ROPS 14-15A) - Summary

Filed for the July 1, 2014 through December 31, 2014 Period

Name of Successor Agency: Imperial Beach
Name of County: San Diego

Current Period Requested Funding for Outstanding Debt or Obligation		Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding		
A	Sources (B+C+D):	\$ 756,916
B	Bond Proceeds Funding (ROPS Detail)	-
C	Reserve Balance Funding (ROPS Detail)	756,916
D	Other Funding (ROPS Detail)	-
E	Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 1,555,714
F	Non-Administrative Costs (ROPS Detail)	1,430,714
G	Administrative Costs (ROPS Detail)	125,000
H	Current Period Enforceable Obligations (A+E):	\$ 2,312,630
Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
I	Enforceable Obligations funded with RPTTF (E):	1,555,714
J	Less Prior Period Adjustment (Report of Prior Period Adjustments Column S)	(151,267)
K	Adjusted Current Period RPTTF Requested Funding (I-J)	\$ 1,404,447
County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
L	Enforceable Obligations funded with RPTTF (E):	1,555,714
M	Less Prior Period Adjustment (Report of Prior Period Adjustments Column AA)	-
N	Adjusted Current Period RPTTF Requested Funding (L-M)	1,555,714

Certification of Oversight Board Chairman:
Pursuant to Section 34177(m) of the Health and Safety code, I hereby certify based on my information and belief that the above is a true and accurate Recognized Obligation Payment Schedule for the above named agency.

Name	Title
/s/	
Signature	Date

Recognized Obligation Payment Schedule (ROPS) 14-15A - ROPS Detail
July 1, 2014 through December 31, 2014
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K					P			
										L						M	N	O
										Funding Source								
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)			RPTTF					
										Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin				
								\$ 73,674,131			\$ -	\$ 756,916	\$ -	\$ 1,430,714	\$ 125,000	\$ 2,312,630		
1	2003 TAB Series A (Refunded by	Bonds Issued On or	12/1/2003	12/1/2036	Wells Fargo Bank	Bond Debt Service pursuant to Section	Palm Ave	-	Y							\$ -		
2	2010 Tax Allocation Bonds Series	Bonds Issued On or Before 12/31/10	11/1/2010	11/1/2041	Wells Fargo Bank	Bond Debt Service pursuant to Section 34171 (d) (1) (A) and 34171(d)(1)(E). See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	41,955,238	N			361,685		158,868		\$ 520,553		
3	2003 Tax Allocation Bonds Series A Reserve	Bonds Issued On or Before 12/31/10	12/1/2003	12/1/2036	Wells Fargo Bank	Bond Debt Service pursuant to Section 34171 (d) (1) (A) and 34171(d)(1)(E).	Palm Ave Commercial Corridor PA1, PA2	-	Y							\$ -		
4	2010 Tax Allocation Bonds Series Reserve	Bonds Issued On or Before 12/31/10	11/1/2010	11/1/2041	Wells Fargo Bank	Bond Debt Service pursuant to Section 34171 (d) (1) (A) and 34171(d)(1)(E).	Palm Ave Commercial Corridor PA1, PA2		N							\$ -		
5	Housing Loan/Advance to make Bond Payment		5/1/2012	6/30/2015	Housing Authority	Advance/loaned Housing Deficiency Low Mod Tax Increment Funds loaned/advanced to pay May 2012 Bond Payments. Section 34171 (d) (1) (G). See Notes Page.	Palm Ave Commercial Corridor PA1, PA2		N									
6	Housing Loan/Advance to pay Enforceable Obligations		6/1/2012	7/1/2015	Housing Authority	Advance/loaned Housing Deficiency Low Mod Tax Increment Funds loaned/advanced to pay ROPS 1 & 2 enforceable obligations. Section 34171 (d) (1) (G). See Notes Page.	Palm Ave Commercial Corridor PA1, PA2		N									
7	Housing (HA) Loan/Advance to pay Enforceable Obligations		6/1/2012	7/2/2015	Housing Authority	Advance/loaned Housing Deficiency Low Mod Tax Increment Funds (HA) loaned/advanced to pay ROPS 1 & 2 enforceable obligations. Section 34171 (d) (1) (G). See Notes Page.	Palm Ave Commercial Corridor PA1, PA2		N									
8	Housing Agreement		1/1/2011	7/3/2015	Imperial Beach	For provisions of housing costs under CRL pursuant to Health and Safety Code 34171 (d) (3), 34176. See Notes Page	Palm Ave Commercial Corridor PA1, PA2		N									
9	Clean & Green Program	Improvement/Infrastructure	4/17/2013	6/30/2014	Various Contractors/Project Management	Tax Exempt Housing Bond Indenture Project pursuant to and consistent with 2003 Tax Allocation Bonds Series A issued December 2003.	Palm Ave Commercial Corridor PA1, PA2	-	Y							\$ -		
10	Habitat Project	Improvement/Infrastructure	6/28/2013	6/30/2014	Habitat P.M. /Project Management	Tax Exempt Housing Bond Indenture Project pursuant to and consistent with 2003 Tax Allocation Bonds Series A issued December 2003.	Palm Ave Commercial Corridor PA1, PA2	-	Y							\$ -		
11	Admin Budget	Admin Costs	7/1/2014	12/31/2014	Successor Agency & City of Imperial Beach	Per Sections 34177(j) and 34177(k) of the Dissolution Act, the Administrative Budget and estimated payment with RPTTF was approved by Successor Agency on February 19, 2014 by Resolution and presented to the Oversight Board for approval by Resolution on February 26, 2014. See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	125,000	N						125,000	\$ 125,000		
12	City Service Agreement		7/1/2007	12/31/2014	City of Imperial Beach	Per AB 26/AB 1484 - Section 34171 (d) (1) (F), 34178 (a), 34180 (h). See Notes Page.	Palm Ave Commercial Corridor PA1, PA2		N									
13	Legal	Legal	11/13/2013	2/1/2016	McDougal Love/Kane Ballmer	Legal Services provided to Successor Agency per enforceable obligations.	Palm Ave Commercial Corridor PA1, PA2	200,000	N							\$ -		
14	Pier South Hotel Project Requirements	OPA/DDA/Construction	12/1/2010	3/15/2066	Successor Agency & City of Imperial Beach	Fulfillment of Project requirements per Developer/Former RDA DDA and Ground Lease, per H&S Code Section 34171(d)(1)(E). See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	180,000	N					30,000		\$ 30,000		

Recognized Obligation Payment Schedule (ROPS) 14-15A - ROPS Detail
July 1, 2014 through December 31, 2014
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K				O	P
										Funding Source					
										Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)		RPTTF			
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	Six-Month Total
18	Litigation - Defense Costs/Fees	Litigation	4/25/2012	2/1/2016	Successor Agency, City of Imperial Beach, McDougal Love, and Kane Ballmer	Lawsuit filed by Affordable Housing Coalition of San Diego County re obligations of Former RDA. See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	100,000	N				60,000		\$ 60,000
19	Oversight Board Costs Required by State Law	Admin Costs	7/1/2014	12/31/2014	Successor Agency & City of Imperial Beach	Costs incurred by Successor Agency as requested and required by the Oversight Board per State law. See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	20,000	N						\$ -
22	9th & Palm Avenue Real Estate Management	Property Maintenance	7/1/2014	12/31/2014	Successor Agency & City of Imperial Beach	Costs relating to Successor Agency owned asset per LRPMP and PSA. See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	100,000	N				50,000		\$ 50,000
23	Tax Allocation Bonds Required Annual Continuing Disclosure	Professional Services	11/17/2010	1/1/2041	NBS	Costs relating to required annual continuing disclosure obligations of the Successor Agency on the 2013 Series A TABs and 2010 TABs. See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	7,900	N				2,125		\$ 2,125
24	Tax Allocation Bonds Property Tax Data Collection/Monitoring	Professional Services	1/14/2004	1/1/2041	HdL	Data used by NBS for preparation of the required annual continuing disclosure obligations of the Successor Agency on the 2013 Series A TABs and 2010 TABs. See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	4,050	N				2,025		\$ 2,025
25	Successor Agency Annual Financial Audit and Financial Statements Required by State Law	Professional Services	9/4/2013	12/31/2014	Lance, Soll Lundgard, CPA Firm	Costs relating to the Successor Agency's preparation of Annual Audit and Financial Statements required by State law. See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	6,007	N				6,007		\$ 6,007
26	2003 Series A Tax Allocation Bonds Refunding Financial Advisor/Non-Contingent Portion	Professional Services	12/1/2013	2/1/2014	First Southwest	2003 Series A TABs Refunding Financial Advisor - non-contingent portion of costs. See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	-	Y						\$ -
27	2003 Series A Tax Allocation Bonds Fiscal Consultant/Non-Contingent Portion	Professional Services	7/17/2013	2/1/2014	Fraser & Associates	2003 Series A TABs Refunding Fiscal Consultant - non-contingent portion of costs. See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	-	Y						\$ -
28	2003 Series A Tax Allocation Bonds Refunding Successor Agency Non-Contingent Fees & Costs	Professional Services	12/1/2013	2/1/2014	Successor Agency, City of Imperial Beach, McDougal, Love and Kane, Ballmer	2003 Series A TABs Refunding and 2013 Series A Refunding TABs Issuance - Successor Agency non-contingent fees and costs (including legal fees and reimbursement costs).	Palm Ave Commercial Corridor PA1, PA2	-	Y						\$ -
29	City Loan Repayment Indebtedness - Loan from City to Former RDA within 2 years of Redevelopment Plan Adoption and Expansion/Amendment - H&S Code Section 34191.4(b)	City/County Loans On or Before 6/27/11	6/7/1995	12/21/2023	City of Imperial Beach	City loan to Former RDA executed within 2 years of Redevelopment Agency formation and repaid per H&S Code Section 34191.4(b). See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	3,738,100	N				1,115,215		1,115,215
30	Prior Period Litigation RPTTF Distribution	Litigation	1/1/2014	6/30/2014	Successor Agency & City of Imperial Beach	Litigation action relating to RPTTF distribution on June 1, 2012 and payment of enforceable obligations. Litigation was filed to protect enforceable obligations and prevent default as a result of County notice not to distribute June 1, 2012 RPTTF without DOF approval letter. See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	-	Y						\$ -
33	Bond Services 2003 TABs	Professional Services	12/11/2003	6/1/2033	Wells Fargo	Trustee Services for 2013 Series A Refunding TABs. See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	-	Y						\$ -
34	Bond Services 2010 TABs and 2013 Series A Tax Allocation Refunding Bonds	Professional Services	11/18/2010	11/1/2041	Wells Fargo	Trustee Services for 2010 TABs and the 2013 Series A Tax Allocation Refunding Bonds. See Notes Page.	Palm Ave Commercial Corridor PA1, PA3	36,000	N				5,500		\$ 5,500

Recognized Obligation Payment Schedule (ROPS) 14-15A - Report of Cash Balances

(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177(l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.

A	B	C	D	E	F	G	H	I	
		Fund Sources							
		Bond Proceeds		Reserve Balance		Other	RPTTF		
	Cash Balance Information by ROPS Period	Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Prior ROPS period balances and DDR balances retained	Prior ROPS RPTTF distributed as reserve for next bond payment	Rent, Grants, Interest, Etc.	Non-Admin and Admin	Comments	
ROPS 13-14A Actuals (07/01/13 - 12/31/13)									
1	Beginning Available Cash Balance (Actual 07/01/13) Note that for the RPTTF, 1 + 2 should tie to columns J and O in the Report of Prior Period Adjustments (PPAs)				267,146				
2	Revenue/Income (Actual 12/31/13) Note that the RPTTF amounts should tie to the ROPS 13-14A distribution from the County Auditor-Controller during June 2013						3,265,673	Column 2-H includes all \$250,000 of the Admin C	
3	Expenditures for ROPS 13-14A Enforceable Obligations (Actual 12/31/13) Note that for the RPTTF, 3 + 4 should tie to columns L and Q in the Report of PPAs				267,146		1,331,616	Column H-3 includes only half of the \$250,000 AC	
4	Retention of Available Cash Balance (Actual 12/31/13) Note that the RPTTF amount should only include the retention of reserves for debt service approved in ROPS 13-14A						1,809,057	Column 4-H includes DOF-approved bond debt re:	
5	ROPS 13-14A RPTTF Prior Period Adjustment Note that the RPTTF amount should tie to column S in the Report of PPAs.	No entry required						151,267	Column 5-H includes \$125,000 of approved \$250,0
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (26,267)	\$26,267 of RPTTF is proposed by the SA and C	
ROPS 13-14B Estimate (01/01/14 - 06/30/14)									
7	Beginning Available Cash Balance (Actual 01/01/14) (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	\$ -	\$ -	\$ -	\$ 1,809,057	\$ -	\$ 125,000	ed with the SA's June 1, 2013 RPTTF distribution.	
8	Revenue/Income (Estimate 06/30/14) Note that the RPTTF amounts should tie to the ROPS 13-14B distribution from the County Auditor-Controller during January 2014						243,645		
9	Expenditures for 13-14B Enforceable Obligations (Estimate 06/30/14)				1,142,647		283,144	Column 9-H includes RPTTF received on 1-2-14 p	
10	Retention of Available Cash Balance (Estimate 06/30/14) Note that the RPTTF amounts may include the retention of reserves for debt service approved in ROPS 13-14B			26,267	640,143		90,506	Column 10-H includes unexpended and retained F	
11	Ending Estimated Available Cash Balance (7 + 8 - 9 - 10)	\$ -	\$ -	\$ (26,267)	\$ 26,267	\$ -	\$ (5,005)		

Recognized Obligation Payment Schedule 14-15A - Notes

July 1, 2014 through December 31, 2014

Item #	Notes/Comments
1	The 2003 Series A Tax Allocation Bonds were refunded with the issuance of 2013 Series A Tax Allocation Refunding Bonds on December 4, 2013. Therefore, this item (Item 1) has been retired and a new item (Item 36) has been added for the 2013 Series A Tax Allocation Refunding Bonds.
2	Due to a reduction in bond debt service payments for the 2013 Series A Tax Allocation Refunding Bonds during the ROPS 13-14B period as a result of the refunding of the 2003 Series A Tax Allocation Bonds in December 2013, there is a balance of \$640,143 of unexpended RPTTF originally held as a reserve for bond debt service payments on the 2003 Series A TABS during the ROPS 13-14B period. The Successor Agency proposes to the Oversight Board for adoption on February 26, 2014 per Oversight Board Resolution No. OB-14-30 the holding of \$640,143 as a reserve during the ROPS 13-14B period and the reallocation and use of said funds toward the bond debt service payments on the 2013 Series A TABS during the ROPS 14-15A period as payment in full of bond debt service in the amount of \$395,231 and on the 2010 TABs during the ROPS 14-15A period as partial payment of bond debt service in the amount of \$244,912. In addition, obligations approved on the ROPS 13-14B pertaining to non-contingent costs for the bond refunding process (Item #26 for \$19,000, Item #27 for \$25,500, Item #28 for a remaining balance of \$46,006 - totaling \$90,506) were in fact paid by the bond refunding proceeds, or in the case of Item #28 has a remaining unexpended balance. Additionally, there is a \$26,267 unexpended RPTTF balance from Item #18 on ROPS 13-14A. Therefore, per Oversight Board Resolution No. OB-14-30 proposed to be adopted on February 26, 2014, the balance of \$90,506 of RPTTF from ROPS 13-14B and the balance of \$26,267 of RPTTF from ROPS 13-14A was approved to be held as a reserve during the ROPS 13-14B period and reallocated toward the bond debt service payment on the 2010 TABs during the ROPS 14-15A period as partial payment of bond debt service in the amount of \$116,773. As such, the total bond debt service payment for the 2010 TABs during the ROPS 14-15A period is \$522,278 and is proposed to be funded with the reserve RPTTF amount of \$361,685 (\$244,912 plus \$90,506 plus \$26,267) from the OB's reallocation of RPTTF funds from the ROPS 13-14A period and the ROPS 13-14B period, plus a total new RPTTF requested amount of \$158,868 for the ROPS 14-15A period.
3	The 2003 Series A Tax Allocation Bonds were refunded with the issuance of 2013 Series A Tax Allocation Refunding Bonds on December 4, 2013. Therefore, this item (Item 3), establishing a bond debt service reserve funded with RPTTF and previously approved by the DOF, has been retired and a new item (Item 37) has been added to establish a bond debt reserve funded with RPTTF for the 2013 Series A Tax Allocation Refunding Bonds.
11	The amount of the Administrative Cost Allowance is not intended to limit the use and amount of other funds available to the Successor Agency, if any is available, to be used to pay for additional administrative costs included in the Administrative Budget for the period July 1, 2014 through December 31, 2014.
14	These costs are associated with a DDA entered into by the Former RDA on December 16, 2010 and the Ground Lease, as required by the DDA, on March 15, 2011. Pursuant to H&S Code Section 34171(d)(1)(E), this item constitutes an enforceable obligation. This item is specifically excluded from the definition of and payment by the administrative cost allowance and does not constitute an administrative cost as a project-related cost pursuant to H&S Code Section 34171(b). Payment of this obligation is required by the underlying Former RDA DDA and Ground Lease and therefore constitutes an enforceable obligation of the Successor Agency pursuant to H&S Code Section 34171(d)(1)(E) and shall be payable from RPTTF monies.
18	Litigation costs due to the filing of a lawsuit by the Affordable Housing Coalition of San Diego County alleging that unmet obligations of the Former RDA pursuant to the California Community Redevelopment Law constitute an enforceable obligation of the Successor Agency payable from RPTTF. Costs relating to potential and pending litigation in connection with assets or obligations constitute an enforceable obligation of the Successor Agency and shall be payable from RPTTF monies, not as an administrative cost, pursuant to H&S Code Section 34171(b).
19	Costs incurred by the Successor Agency in connection with performing statutorily required services for the Oversight Board are not administrative costs and are not paid using the Administrative Cost Allowance because they are costs incurred by the Successor Agency due to the Successor Agency being required to perform services for the Oversight Board pursuant to State law set forth at H&S Code Section 34179(c). As such, payment of this obligation is required by State law at H&S Code Section 34179(c) and therefore constitutes an enforceable obligation of the Successor Agency pursuant to H&S Code Section 34171(d)(1)(C) and shall be payable from RPTTF monies, not as an administrative cost.

Recognized Obligation Payment Schedule 14-15A - Notes

July 1, 2014 through December 31, 2014

Item #	Notes/Comments
22	These costs are associated with managing this real estate asset owned by the Successor Agency per the LRPMP and Purchase and Sale Agreement approved by the DOF. Further, these costs are specifically excluded from the definition of and payment by the administrative cost allowance and does not constitute an administrative cost as a cost for maintaining assets pursuant to H&S Code Section 34171(b) and constitutes an enforceable obligation pursuant to H&S Code Section 34171(d)(1)(E). Payment of these obligations constitute an enforceable obligation of the Successor Agency and shall be payable from RPTTF monies.
23	Costs relating to annual continuing disclosure obligations of the Successor Agency on the 2013 Series A Tax Allocation Refunding Bonds and the 2010 TABs are required by the Indentures governing the issuance of the TABs and constitute enforceable obligations of the Successor Agency pursuant to H&S Code Sections 34171(d)(1)(A) and 34171(d)(1)(E), and shall be payable from RPTTF monies, not as an administrative cost.
24	Costs relating to data collection and monitoring for the annual continuing disclosure obligations of the Successor Agency on the 2013 Series A Tax Allocation Refunding Bonds and the 2010 TABs are required by the Indentures governing the issuance of the TABs and constitute enforceable obligations of the Successor Agency pursuant to H&S Code Sections 34171(d)(1)(A) and 34171(d)(1)(E), and shall be payable from RPTTF monies, not as an administrative cost.
25	Pursuant to State law at H&S Code Section 34177(n), the Successor Agency is required to cause a post audit of the financial transactions and records of the successor agency to be made at least annually by a certified public accountant. As such, payment of this obligation is required by State law at H&S Code Section 34177(n) and therefore constitutes an enforceable obligation of the Successor Agency pursuant to H&S Code Section 34171(d)(1)(C) and shall be payable from RPTTF monies, not as an administrative cost.
29	On May 3, 1995, the Former RDA was created. On June 7, 1995, and within 45 days of creation of the Former RDA, the City of Imperial Beach and the Former RDA entered into a Cooperation Agreement for the City's loan/advance of funds to the Former RDA for startup monies to jump start redevelopment, which loan/advances would be repaid by the Former RDA from tax increment funds. City loan/advances were provided to the Former RDA upon the adoption of the Redevelopment Plan for the original Project Area and upon the adoption of the Redevelopment Plan for Amendment No. 1 Area. Repayment of the City loan is due and payable now as the City has called repayment of the principal of the loan. However, per the DOF on the meet and confer determination on the ROPS 13-14B dated December 17, 2013, the DOF states this City loan is subject to the provisions and repayment formula outlined in H&S Code Section 34191.4(b). Therefore, per Oversight Board Resolution No. OB-14-31, the Oversight Board approved the City Loan as an enforceable obligation and made a finding that the City loan was made for legitimate redevelopment purposes and approved the repayment schedule for the principal balance of the City loan in the amount of \$3,738,100. Additionally, the requested RPTTF amount for this ROPS 14-15A period of \$1,115,215 is equal to 50% of the increase in residual distributions from FY 2012-2013 (\$0) to FY 2013-2014 (\$2,230,430).
33	The 2003 Series A Tax Allocation Bonds were refunded with the issuance of 2013 Series A Tax Allocation Refunding Bonds on December 4, 2013. Therefore, this item (Item 33) has been retired and the Trustee Services required for the 2013 Series A Tax Allocation Refunding Bonds have been combined with the Trustee Services for the 2010 Tax Allocation Bonds under Item 34.
34	Costs relating to Trustee services provided to the Successor Agency for both the 2010 Series A Tax Allocation Bonds and the 2013 Series A Tax Allocation Refunding Bonds are required by the Indenture governing the issuance of these TABs and constitute enforceable obligations of the Successor Agency pursuant to H&S Code Sections 34171(d)(1)(A) and 34171(d)(1)(E), and shall be payable from RPTTF monies, not as an administrative cost.
35	This requested payment from RPTTF in the amount of \$974 relates to actual costs exceeding allocated RPTTF on the ROPS 3 for unfunded ROPS 2 DOF-approved obligations. This payment relates to the following obligations: Wells Fargo Bank Continuing Bond Disclosure (\$3,200 estimated versus \$4,000 actual incurred) and RDA Statute of Compliance (\$2,611 estimated versus \$2,785 actual incurred).

