



# A G E N D A

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



**NOVEMBER 3, 2010**

**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 REDEVELOPMENT AGENCY,  
PLANNING COMMISSION, AND PUBLIC FINANCING AUTHORITY**

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 BY MAYOR**

**ROLL CALL BY CITY CLERK**

**CLOSED SESSION**

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8:

Property: 800 Seacoast Drive, Imperial Beach, CA 91932, APN 625-262-01-00

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Imperial Coast LTD Partnership

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

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

**REGULAR MEETING CALL TO ORDER BY MAYOR**

**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 OF CERTIFICATES OF ACCOMPLISHMENT TO FIRE  
PREVENTION WEEK POSTER CONTEST WINNERS. (0410-30)**

\*No Staff Report.

**Any writings or documents provided to a majority of the City Council/RDA/Planning Commission/Public Financing Authority 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.**

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

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 71919 through 72004 with the subtotal amount of \$669,229.73 and Payroll Checks 43241 through 43283 for the pay period ending 10/07/10 with the subtotal amount of \$151,110.20, for a total amount of \$820,339.93.

**2.2 RESOLUTION NO. 2010-6958 – AMENDING ARTICLE XIII OF THE CITY OF IMPERIAL BEACH PERSONNEL RULES. (0500-95)**

City Manager's Recommendation: Adopt resolution.

**2.3 RESOLUTION NO. 2010-6963 – RATIFYING THE “TIDELAND USE AND OCCUPANCY PERMIT” FOR THE INSTALLATION OF THE EL CAMINO REAL BELL MARKER AT DUNES PARK. (0150-70 & 0160-40)**

City Manager's Recommendation: Adopt resolution.

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

None.

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

**4.1 ORDINANCE NO. 2010-1108 – AMENDING TITLE 12 – “STREETS, SIDEWALKS, AND PUBLIC PLACES” TO ADD CHAPTER 12.76 – “NEWS RACKS AFFECTING PUBLIC SAFETY” TO THE IMPERIAL BEACH MUNICIPAL CODE. (0720-95)**

City Manager's Recommendation:

1. Receive report;
2. Mayor to call for the reading of the title of Ordinance No. 2010-1108, “An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING TITLE 12 – “STREETS, SIDEWALKS, AND PUBLIC PLACES” TO ADD CHAPTER 12.76 – “NEWS RACKS AFFECTING PUBLIC SAFETY” TO THE IMPERIAL BEACH MUNICIPAL CODE”;
3. City Clerk to read title of the Ordinance No. 2010-1108; and
4. Motion to dispense with the second reading and adopt Ordinance No. 2010-1108 by title only.

**PUBLIC HEARINGS (5.1)**

**5.1 RESOLUTION NO. 2010-6962 – APPROVING THE FISCAL YEAR 2009/2010 IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT REPORT AND LEVYING THE FISCAL YEAR 2010/2011 ANNUAL ASSESSMENT FOR THE DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989. (0465-20)**

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive public comment;
3. Close the public hearing; and
4. Adopt resolution.

## **REPORTS (6.1 - 6.2)**

- 6.1 RESOLUTION NO. 2010-6960 – AUTHORIZING CHANGE ORDER NO. 1 TO SEALING & PREPARING WET WELLS & MANHOLES W05-401 CONTRACT WITH NEWEST CONSTRUCTION COMPANY AND AUTHORIZING A BUDGET AMENDMENT OF \$20,000 TO THE SEALING & REPAIRING WET WELLS & MANHOLES W05-401 CIP PROJECT. (0830-35)**

City Manager's Recommendation:

1. Receive report; and
2. Adopt resolution.

- 6.2 RESOLUTION NO. 2010-6959 – DESIGNATING STATE PROPOSITION 1B LOCAL STREETS AND ROADS (LSR) 2008/2009 (TRANSPORTATION BOND) FUNDS TO PARTIALLY FINANCE STREET IMPROVEMENTS RDA PHASE 3-B CIP PROJECT (S04-108). (0720-25)**

City Manager's Recommendation:

1. Receive report.
2. Consider the allocation of the Prop 1B 2008/2009 funds in the amount of \$411,931 towards the Street Improvement RDA Phase 3-B CIP S04-108 project.
3. Adopt resolution.

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

### **ADJOURNMENT**

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

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

[www.cityofib.com](http://www.cityofib.com).

---

Jacqueline M. Hald, CMC  
City Clerk



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

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

**MEETING DATE:** November 3, 2010

**ORIGINATING DEPT.:** Michael McGrane *mm2*  
Finance Director

**SUBJECT:** RATIFICATION OF WARRANT REGISTER

**BACKGROUND:**

None

**DISCUSSION:**

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

Vendor	Check	Amount	Description
SD County Sheriff	71954	\$453,192.01	August 2010 Law Enforcement Services

**ENVIRONMENTAL IMPACT**

Not a project as defined by CEQA.

The following registers are submitted for Council ratification.

**WARRANT #**                      **DATE**                      **AMOUNT**

**Accounts Payable**

71919-71964	10/15/10	\$	575,137.62
71965	10/19/10		5,725.00
71966-72004	10/21/10		88,367.11

**Sub-Total**                      **\$ 669,229.73**

**Payroll Checks:**

43241-43283	P.P.E. 10/07/10 \$	151,110.20
	\$	<b><u>151,110.20</u></b>
	<b>TOTAL</b>	<b><u>\$ 820,339.93</u></b>

**FISCAL IMPACT:**

**Warrants are issued from budgeted funds.**

**DEPARTMENT RECOMMENDATION:**

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

**CITY MANAGER'S RECOMMENDATION:**

**Approve Department recommendation**

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

**Attachments:**

1. Warrant Registers

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT	
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR	TRN AMOUNT
10/15/2010 503-1923-419.20-06	71919 09/23/2010	ACOM SOLUTIONS, INC	799 NOV 10-NOV 11/ANNUAL MAIN	595.00 595.00	
10/15/2010 101-1210-413.29-04	71920 10/11/2010	AFFORDABLE PRINTER CARE	116 PAYROLL PRINTER CLEANING	49.95 49.95	
10/15/2010 101-0000-221.01-04	71921 10/07/2010	ALLIANT INSURANCE SERVICES, IN	1194 JUL-SEP 2010 SPECIAL EVEN	449.43 449.43	
10/15/2010 248-1920-519.20-06	71922 09/28/2010	ALTERNATIVE ENERGY TECHNOLOGIE	1971 CLEAN&GREEN/1213-A 13TH S	7,208.41 7,208.41	
10/15/2010 503-1923-419.30-22 503-1923-419.30-22	71923 09/29/2010 09/29/2010	APPLE INC.	2272 IPHONE4 DOCK IPHONE ANTI-GLARE FILM	128.17 63.08 65.09	
10/15/2010 101-5010-431.21-04	71924 09/30/2010	AZTEC LANDSCAPING INC	310 SEPTEMBER 2010 LANDSCAPE	1,540.00 1,540.00	
10/15/2010 101-1910-419.21-04	71925 09/21/2010	BAY CITY ELECTRIC WORKS	369 SEP 2010 GENERATOR MAINT	456.25 456.25	
10/15/2010 245-1240-413.20-06	71926 09/20/2010	CHICAGO TITLE INSUR CO	779 1192 11TH ST-PRE TITLE RE	500.00 500.00	
10/15/2010 101-3050-425.21-04	71927 10/04/2010	CITY OF CHULA VISTA	823 SEP 2010 A/C SERVICES	418.05 418.05	
10/15/2010 101-5040-434.21-04	71928 10/05/2010	CLEAN HARBORS	913 SEPTEMBER 2010	969.60 969.60	
10/15/2010 101-6020-452.30-02	71929 09/22/2010	COMMERCIAL LANDSCAPE SUPPLY	944 WEEDEATER	146.58 146.58	
10/15/2010 101-1020-411.21-06	71930 09/24/2010	COUNTY OF SAN DIEGO	1050 NOV 2010 GEN ELECTION	13,634.00 13,634.00	
10/15/2010 601-5050-436.21-04	71931 09/30/2010	COX COMMUNICATIONS	1073 10/04-11/03 3110091187001	179.00 179.00	
10/15/2010 101-1210-413.21-04 101-3020-422.21-04 101-3070-427.21-04	71932 10/04/2010 10/04/2010 10/04/2010	DATAQUICK	1134 SEPTEMBER 2010 SEPTEMBER 2010 SEPTEMBER 2010	215.00 31.50 29.50 154.00	
10/15/2010 101-1210-413.28-04	71933 10/06/2010	DIEHL, EVANS, & COMPANY, LLP	1171 BUANGAN/SHOUSE-REGISTRN	550.00 550.00	
10/15/2010 405-1260-513.20-06	71934 09/23/2010	EAGLE NEWSPAPER	1204 COMM ZONING AD	1,250.50 259.00	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
405-1260-513.20-06	09/30/2010	COMM ZONING AD	59185	110041 03/2011 259.00
101-1020-411.28-07	09/09/2010	ELECTIONS ADVERTISING	58749	110233 03/2011 220.00
101-1020-411.28-07	09/30/2010	LEGAL ADVERTISING	59185	110233 03/2011 117.50
210-1235-586.29-09	09/01/2010	BIDS-PEDESTRIAN RAMPS	58604	110041 03/2011 85.00
601-5060-536.20-06	09/01/2010	BIDS-PEDESTRIAN RAMPS	58604	110041 03/2011 75.00
210-1235-586.29-09	09/09/2010	BIDS ADVERTISING	58749	110041 03/2011 85.00
601-5060-536.20-06	09/09/2010	BIDS ADVERTISING	58749	110041 03/2011 75.00
601-5060-536.20-06	09/13/2010	ADVERTISING FOR BIDS	58864	110041 03/2011 75.00
10/15/2010	71935	EPIC LAND SOLUTIONS, INC.	2105	1,024.03
408-1920-519.20-06	09/30/2010	SEP 2010-PALM AVE RELOCAT	0910-0190	010328 03/2011 1,024.03
10/15/2010	71936	GCR TIRE CENTERS	1702	285.54
501-1921-419.28-16	09/20/2010	#612 TIRES	25650	110105 03/2011 285.54
10/15/2010	71937	GO-STAFF, INC.	2031	360.00
101-1210-413.21-01	10/05/2010	DURAN,A W/E 10/03/10	76100	110078 04/2011 360.00
10/15/2010	71938	HCFA	2147	2,597.46
101-3020-422.21-04	09/21/2010	FY10/11 1ST QTR BILLING	6853	03/2011 2,597.16
101-3020-422.21-04	09/21/2010	FY 10// 1ST QTR BILLING	6853	03/2011 .30
10/15/2010	71939	HITZKE DEVELOPMENT CORPORATION	2277	15,309.99
245-1240-513.11-06	09/21/2010	AMERICAN LEGION	1	110433 03/2011 15,309.99
245-1240-513.11-06	09/21/2010	ACCT # ADJUSTMENT	1	110433 03/2011 .50
245-1240-513.11-06	09/21/2010	ACCOUNT # CORRECTION	1	110433 03/2011 15,310.49
245-1240-513.20-06	09/21/2010	ACCOUNT # CORRECTION	1	110433 03/2011 15,309.99
10/15/2010	71940	VINYL MASTERS	2037	1,378.50
248-1920-519.20-06	09/30/2010	CLEAN&GREEN-1213 13TH ST	347889	110468 03/2011 1,378.50
10/15/2010	71941	I B FIREFIGHTERS ASSOCIATION	214	216.50
101-0000-209.01-08	10/14/2010	PR AP PPE 10/07/2010	20101014	04/2011 216.50
10/15/2010	71942	ICMA RETIREMENT TRUST 457	242	5,267.73
101-0000-209.01-10	10/14/2010	PR AP PPE 10/07/2010	20101014	04/2011 5,267.73
10/15/2010	71943	LIGHTHOUSE, INC	787	270.79
501-1921-419.28-16	10/07/2010	FLASHTUBE	0045701	110098 04/2011 270.79
10/15/2010	71944	LLOYD PEST CONTROL	814	286.00
101-1910-419.20-22	09/02/2010	SEPTEMBER 2010 PUBLIC WKS	2742763	110049 03/2011 47.00
101-1910-419.20-22	09/09/2010	SEPTEMBER 2010-CITY HALL	2755955	110049 03/2011 31.00
101-1910-419.20-22	09/09/2010	SEPTEMBER 2010-FIRE DEPT	2755956	110049 03/2011 31.00
101-1910-419.20-22	09/09/2010	SEPTEMBER 2010-SHERIFF DE	2756185	110049 03/2011 31.00
101-1910-419.20-22	09/10/2010	SEPTEMBER 2010-SENIOR CTR	2756268	110049 03/2011 47.00
101-1910-419.20-22	09/17/2010	SEPTEMBER 2010 SPORTS PK	2740536	110049 03/2011 45.00
101-1910-419.20-22	09/17/2010	SEPTEMBER 2010 DEMPSEY CT	2743128	110049 03/2011 54.00
10/15/2010	71945	MCDUGAL LOVE ECKIS &	962	28,302.63
405-1260-413.20-01	09/30/2010	SEPTEMBER 2010	09-30-2010	03/2011 1,553.18

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
405-1260-413.20-01	09/30/2010	SEPTEMBER 2010	09-30-2010		03/2011	2,066.39	
408-1920-519.20-06	09/30/2010	SEPTEMBER 2010	09-30-2010		03/2011	4,496.27	
101-0000-221.01-02	09/30/2010	SEPTEMBER 2010	09-30-2010		03/2011	382.94	
101-1220-413.20-01	09/30/2010	SEPTEMBER 2010	09-30-2010		03/2011	2,629.54	
101-1220-413.21-04	09/30/2010	SEPTEMBER 2010	09-30-2010		03/2011	902.50	
101-1220-413.21-04	09/30/2010	SEPTEMBER 2010	09-30-2010		03/2011	3,854.28	
405-1260-413.20-01	09/30/2010	SEPTEMBER 2010	09-30-2010		03/2011	512.98	
405-1260-413.20-01	09/30/2010	SEPTEMBER 2010	09-30-2010		03/2011	982.60	
101-1220-413.20-01	09/30/2010	SEPTEMBER 2010	09-30-2010		03/2011	2,658.82	
101-1220-413.20-01	09/30/2010	SEPTEMBER 2010	09-30-2010		03/2011	36.13	
101-1220-413.20-01	09/30/2010	SEPTEMBER 2010	09-30-2010	110079	03/2011	8,227.00	
10/15/2010	71946	MIRELES LANDSCAPING	2107			920.00	
408-1920-519.20-06	09/30/2010	SEPTEMBER 2010	0657	110226	03/2011	800.00	
245-1240-413.20-06	09/30/2010	SEPTEMBER 2010	0658	110469	03/2011	120.00	
10/15/2010	71947	OFFICE DEPOT, INC	1262			657.84	
101-5020-432.30-01	09/21/2010	COPY PAPER/KLEENEX	534622749001	110047	03/2011	129.45	
101-3020-422.30-01	09/16/2010	SHREDDER/DIVIDERS	534037338001	110047	03/2011	194.63	
101-3020-422.30-01	09/22/2010	COFFEE SUPPLIES	534742956001	110047	03/2011	42.59	
101-1130-412.30-01	09/23/2010	CLEAR LABELS	534907354001	110047	03/2011	16.98	
101-1210-413.30-01	10/06/2010	PENS/HIGHLIGHTERS/TABS	536430454001	110047	04/2011	253.56	
101-1210-413.30-01	10/06/2010	2011 CALENDARS	536434727001	110047	04/2011	20.63	
10/15/2010	71948	PADRE JANITORIAL SUPPLIES	1430			336.26	
101-6040-454.30-02	09/21/2010	DISINFECTANT	307317	110043	03/2011	163.13	
101-6040-454.30-02	10/08/2010	DISINFECTANT	307956	110043	04/2011	173.13	
10/15/2010	71949	PITNEY BOWES	1369			5,537.98	
101-1920-419.28-09	10/06/2010	POSTAGE MACHINE REFILL	10-06-2010	110461	04/2011	5,537.98	
10/15/2010	71950	RBF CONSULTING	1756			6,159.00	
405-1260-513.20-06	02/26/2010	JAN 2010-PW YARD IMPRVMT	10010513	070418	01/2011	6,159.00	
10/15/2010	71951	ROE, JACK	2			760.00	
101-0000-321.72-10	10/07/2010	OL REFUNDS	0002269		03/2011	190.00	
101-0000-321.72-10	10/07/2010	OL REFUNDS	0002250		03/2011	190.00	
101-0000-321.72-10	10/07/2010	OL REFUNDS	0002256		03/2011	190.00	
101-0000-321.72-10	10/07/2010	OL REFUNDS	0002257		03/2011	190.00	
10/15/2010	71952	ROE, JACK	2			190.00	
101-0000-321.72-10	10/07/2010	OL REFUNDS	0002248		03/2011	190.00	
10/15/2010	71953	SAN DIEGO COUNTY ASSESSOR	2120			125.00	
101-1920-419.29-04	09/28/2010	1ST QTR-FY10/11 MPR EXTRA	2010105	110012	03/2011	125.00	
10/15/2010	71954	SAN DIEGO COUNTY SHERIFF	882			453,192.01	
101-3010-421.20-06	09/22/2010	AUGUST 2010	09-22-2010		03/2011	438,540.47	
212-3036-421.20-06	09/22/2010	AUGUST 2010	09-22-2010		03/2011	16,080.00	
101-0000-338.60-03	09/22/2010	AUGUST 2010	09-22-2010		03/2011	1,428.46-	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT	
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR	TRN AMOUNT
10/15/2010	71955	SAN DIEGO COUNTY SHERIFF	882	3,326.00	
101-3010-421.21-04	09/28/2010	JUL-DEC 2010 CAL-ID PROGR	09-28-2010	110462 03/2011	3,326.00
10/15/2010	71956	SDGE	289	3,866.54	
405-1260-413.27-01	10/04/2010	0440 533 7641 08/30-09/30	10-19-2010	03/2011	146.53
101-5010-431.27-01	10/04/2010	0646 753 1938 08/30-09/30	10-19-2010	03/2011	10.24
101-5010-431.27-01	10/04/2010	1694 231 2432 08/30-09/30	10-19-2010	03/2011	21.74
101-5010-431.27-01	09/30/2010	1912 409 2723 08/26-09/28	10-15-2010	03/2011	10.54
101-5010-431.27-01	10/01/2010	2741 969 9359 08/31-09/30	10-16-2010	03/2011	77.94
215-6026-452.27-01	10/01/2010	2819 871 6315 08/31-09/30	10-16-2010	03/2011	1,461.84
101-5010-431.27-01	10/04/2010	3062 843 3719 07/30-08/30	10-19-2010	03/2011	11.67
101-5010-431.27-01	09/30/2010	5280 340 6641 08/26-09/28	10-15-2010	03/2011	69.66
101-5010-431.27-01	09/30/2010	5576 188 0541 08/26-09/28	10-15-2010	03/2011	10.07
601-5060-436.27-01	10/06/2010	8773 823 6424 08/30-09/30	10-21-2010	03/2011	525.30
405-1260-413.27-01	10/04/2010	8774 937 7894 08/30-09/30	10-19-2010	03/2011	48.15
101-6020-452.27-01	10/05/2010	0175 275 3776 08/31-10/01	10-20-2010	04/2011	167.94
101-5010-431.27-01	10/05/2010	0824 329 2041 08/31-10/01	10-20-2010	04/2011	223.73
101-6020-452.27-01	10/05/2010	2081 689 1273 08/31-10/01	10-20-2010	04/2011	121.18
101-6010-451.27-01	10/05/2010	2081 692 3399 08/31-10/01	10-20-2010	04/2011	12.38
101-6020-452.27-01	10/05/2010	2083 847 9032 08/31-10/01	10-20-2010	04/2011	44.35
101-6010-451.27-01	10/05/2010	3206 700 9265 08/31-10/01	10-20-2010	04/2011	29.38
101-5010-431.27-01	10/04/2010	3448 930 9646 08/30-09/30	10-19-2010	04/2011	9.88
101-6020-452.27-01	10/05/2010	5456 692 8951 08/31-10/01	10-20-2010	04/2011	45.84
101-6020-452.27-01	10/05/2010	6921 003 2109 08/31-10/01	10-20-2010	04/2011	277.78
101-5010-431.27-01	10/05/2010	7706 795 7872 08/31-10/01	10-20-2010	04/2011	11.10
101-6020-452.27-01	10/05/2010	9327 898 1346 08/31-10/01	10-20-2010	04/2011	99.99
101-6010-451.27-01	10/05/2010	9956 693 6272 08/31-10/01	10-20-2010	04/2011	128.88
101-6010-451.27-01	10/07/2010	2081 689 7619 08/31-10/01	10-22-2010	03/2011	300.43
10/15/2010	71957	SEIU LOCAL 221	1821	1,352.78	
101-0000-209.01-08	10/14/2010	PR AP PPE 10/07/2010	20101014	04/2011	1,352.78
10/15/2010	71958	SHARP REES-STEALY MEDICAL CNTR	390	289.03	
101-1130-412.21-04	08/09/2010	WAY,A. MEDICAL SVCS	49208745	110452 02/2011	86.69
101-1130-412.21-04	08/09/2010	WAY,A. MEDICAL SVCS	49305413	110452 02/2011	136.40
101-1130-412.21-04	08/09/2010	WAY,A. MEDICAL SVCS	49305413	110452 02/2011	65.94
10/15/2010	71959	SKS INC.	412	8,593.96	
501-1921-419.28-15	09/29/2010	1147.6 G REGULAR FUEL	1235847-IN	110104 03/2011	3,218.81
501-1921-419.28-15	10/07/2010	1430.2 G REG/399.6 G DIES	1236018-IN	110104 04/2011	5,375.15
10/15/2010	71960	SOUTHERN CALIFORNIA SOIL & TES	2251	2,882.00	
601-5060-536.20-06	09/30/2010	DEWATERING RPT-9TH/IB BLV	355408	110235 03/2011	2,882.00
10/15/2010	71961	STANTEC CONSULTING CORP	4	1,003.00	
101-0000-221.01-05	10/06/2010	BOND REFUND 1303 IB BLVD	TEP 10-26	04/2011	1,003.00
10/15/2010	71962	MARK SUACCI	2270	1,460.00	
248-1920-519.20-06	09/17/2010	CLEAN&GREEN-1186 GEORGIA	105	110465 03/2011	1,460.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT	
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR	TRN AMOUNT
10/15/2010	71963	WHITE CAP CONSTRUCTION SUPPLY	1434		299.42
101-5010-431.30-02	09/29/2010	CAS CAN/ARMORTILE	15045612	110033 03/2011	299.42
10/15/2010	71964	ZUMAR INDUSTRIED INC.	875		597.69
101-5010-431.21-23	09/30/2010	NUMBER SIGNS	0125374	110032 03/2011	234.90
101-5010-431.21-23	09/30/2010	PARKING SIGNS	0125377	110032 03/2011	112.23
101-5010-431.21-23	09/30/2010	NUMBER SIGNS 0-9	0125508	110032 03/2011	250.56
10/19/2010	71965	DKC ASSOCIATES, INC.	2187		5,725.00
101-1110-412.20-06	10/07/2010	09/24-10/07/2010	207	110088 04/2011	1,908.72
405-1260-413.20-06	10/07/2010	09/24-10/07/2010	207	110088 04/2011	1,908.14
502-1922-419.20-06	10/07/2010	09/24-10/07/2010	207	110088 04/2011	1,908.14
10/21/2010	71966	ADVANCED PROCESSING & IMAGING	2139		1,500.00
503-1923-419.20-06	09/23/2010	PROF SERVICES	32889	110344 03/2011	1,500.00
10/21/2010	71967	AIRGAS WEST	129		158.17
601-5060-436.30-02	09/23/2010	SUNSCREEN-2 CASES	103519392	110021 03/2011	158.17
10/21/2010	71968	ALLIANT INSURANCE SERVICES	1193		2,450.55
101-0000-209.01-13	09/30/2010	PR AP PPE 9/23/2010	20100930	03/2011	415.65
101-0000-209.01-14	09/30/2010	PR AP PPE 9/23/2010	20100930	03/2011	489.69
101-0000-209.01-13	10/14/2010	PR AP PPE 10/07/2010	20101014	04/2011	415.65
101-0000-209.01-14	10/14/2010	PR AP PPE 10/07/2010	20101014	04/2011	489.69
101-1010-411.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	19.36
101-1020-411.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	34.44
101-1110-412.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	64.46
101-1130-412.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	33.81
101-1210-413.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	48.66
101-1230-413.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	23.70
101-3070-427.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	.63
101-3080-428.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	.63
101-1910-419.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	6.32
101-3010-421.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	11.00
101-3020-422.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	44.68
101-3030-423.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	38.49
101-3040-424.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	22.12
101-5020-432.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	47.40
101-5010-431.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	15.80
101-5040-434.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	4.06
101-6020-452.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	6.32
101-6010-451.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	3.16
101-6040-454.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	12.64
245-1240-413.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	6.32
405-1260-413.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	121.42
405-5030-433.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	6.32
601-5060-436.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	15.80
601-5050-436.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	17.74
501-1921-419.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011	6.32

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
502-1922-419.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011 7.43
503-1923-419.11-04	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011 20.86
101-0000-209.01-13	10/01/2010	OCT 10 DISABILITY/LIFE/	10-30-2010	04/2011 .02-
10/21/2010	71969	BDS ENGINEERING INC	372	1,508.00
202-5016-531.20-06	10/07/2010	SEPTEMBER 2010 ST IMPRVMN	09-40H	010859 04/2011 1,310.00
101-0000-221.01-02	10/07/2010	SEPT 2010 PLAN CHECK	10-02I	04/2011 198.00
10/21/2010	71970	CALIFORNIA AMERICAN WATER	612	160.33
101-3030-423.27-02	10/06/2010	05-0155019-8 09/02-09/30	10-25-2010	04/2011 20.21
405-5030-433.27-02	10/12/2010	05-0155037-0 09/02-10/04	11-01-2010	04/2011 11.93
601-5050-436.27-02	10/12/2010	05-0392478-9 09/02-10/04	11-01-2010	04/2011 11.93
601-5060-436.27-02	10/08/2010	05-0505362-9 09/03-09/27	10-27-2010	04/2011 116.26
10/21/2010	71971	CALIFORNIA BANK & TRUST	2264	3,323.80
601-5060-536.20-06	09/30/2010	PUMP STA/MANHOLE REPAIR	00001R	110312 03/2011 3,323.80
10/21/2010	71972	DIANE ROSE	2286	26.76
101-1010-411.28-04	10/14/2010	MILEAGE REIMBURSEMENT	10-14-2010	04/2011 26.76
10/21/2010	71973	GCR TIRE CENTERS	1702	351.50
501-1921-419.28-16	10/07/2010	#145 TIRES	29738	110105 04/2011 351.50
10/21/2010	71974	HANSON AGGREGATES INC.	48	1,794.08
101-5010-431.30-02	09/23/2010	CLASS II/SCREENED MANUFAC	628311	110085 03/2011 202.05
101-5010-431.30-02	10/01/2010	7YRDS CONCRETE	496971	110085 04/2011 801.64
101-5010-431.30-02	09/30/2010	7YD CONCRETE	496896	110085 03/2011 790.39
10/21/2010	71975	HARBOR FREIGHT TOOLS	56	23.34
101-6040-454.30-02	09/30/2010	SAND BELT	01-579888	110040 03/2011 23.34
10/21/2010	71976	IMPERIAL BEACH CHAMBER OF COMM	1505	250.00
101-1920-419.29-04	09/16/2010	BEACH FRONT BBQ SPONSORSH	5617	F11049 03/2011 250.00
10/21/2010	71977	J. SIMMS AGENCY	1883	1,250.00
101-1920-419.20-06	09/29/2010	OCTOBER 2010 PR	2727	110069 03/2011 1,250.00
10/21/2010	71978	KEYSER MARSTON ASSOC INC	620	3,875.01
405-1260-413.20-06	10/08/2010	SEPT 2010-9TH/PALM MIXED	0022985	080320 04/2011 486.88
101-0000-221.01-02	10/08/2010	SEPT 2010 SEACOAST HOTEL	0022985	04/2011 3,388.13
10/21/2010	71979	MYERS TIRE SUPPLY DIST., INC.	1095	38.06
501-1921-419.30-02	10/06/2010	414 VALVE	51434172	110101 04/2011 38.06
10/21/2010	71980	NATHAN RAWDIN	2280	689.29
101-3030-423.28-04	09/14/2010	REIMBURSE EMT COURSE	09-14-2010	04/2011 689.29
10/21/2010	71981	NEWEST CONSTRUCTION COMPANY,IN	1719	29,914.20
601-5060-536.20-06	09/30/2010	PUMP STA/MANHOLE REPAIR	00001	110311 03/2011 29,914.20
10/21/2010	71982	NEXT DAY PRINTED TEES	1247	1,101.09
101-6010-451.25-03	09/24/2010	SP PARK UNIFORM TEE-SHIRT	53859	110451 03/2011 1,101.09

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT	
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR	TRN AMOUNT
10/21/2010	71983	ONE SOURCE DISTRIBUTORS	1071	168.51	
101-5010-431.30-02	09/21/2010	MARKER DISPENSER	S3377851.001	110029 03/2011	38.09
101-1910-419.30-02	10/08/2010	BALLASTS	S3386771.001	110029 04/2011	130.42
10/21/2010	71984	PERVO PAINT CO.	8	499.80	
101-5010-431.21-23	10/05/2010	MEDIAN MARKERS	I0184639	110055 04/2011	499.80
10/21/2010	71985	PMI	23	331.61	
101-6040-454.30-02	09/29/2010	PROTECTIVE GLOVES	0252764	110030 03/2011	331.61
10/21/2010	71986	PREFERRED BENEFIT INS ADMIN IN	37	2,397.39	
101-0000-209.01-12	09/30/2010	PR AP PPE 9/23/2010	20100930	03/2011	1,147.31
101-0000-209.01-12	10/14/2010	PR AP PPE 10/07/2010	20101014	04/2011	1,147.31
101-0000-209.01-12	10/01/2010	OCTOBER 2010	CP11175	04/2011	102.77
10/21/2010	71987	SAN DIEGO GAS & ELECTRIC	1399	11,665.26	
101-3020-422.27-01	10/08/2010	10087869371 08/30-09/30	10-26-2010	04/2011	37.03
101-1910-419.27-01	10/08/2010	10087869371 08/30-09/30	10-26-2010	04/2011	113.52
101-5010-431.27-01	10/08/2010	10088604389 08/26-09/28	10-26-2010	04/2011	39.93
101-3020-422.27-01	10/08/2010	19807697764 08/30-09/30	10-26-2010	04/2011	1,935.28
601-5060-436.27-01	10/08/2010	52635219238 08/26-09/28	10-26-2010	04/2011	10.00
101-6020-452.27-01	10/08/2010	56497714749 08/31-10/01	10-26-2010	04/2011	10.07
101-5010-431.27-01	10/08/2010	56497714749 08/31-10/01	10-26-2010	04/2011	5,359.85
101-5010-431.27-01	10/08/2010	85075178464 08/25-10/01	10-26-2010	04/2011	87.22
601-5060-436.27-01	10/08/2010	85075178464 08/31-10/01	10-26-2010	04/2011	59.01
101-6020-452.27-01	10/08/2010	85075178464 08/31-10/01	10-26-2010	04/2011	709.84
601-5060-436.27-01	10/08/2010	85417701270 08/31-10/01	10-26-2010	04/2011	2,593.75
101-5020-432.27-01	10/08/2010	91692992261 08/26-09/28	10-26-2010	04/2011	709.76
10/21/2010	71988	SAN DIEGO CHAPTER OF THE APA	1	35.00	
101-1210-413.28-12	10/15/2010	SHOUSE, P-APA MEMBERSHIP	2011	04/2011	35.00
10/21/2010	71989	SDGE	289	454.81	
405-1260-413.27-01	10/15/2010	9424 632 2704 08/30-09/30	10-30-2010	04/2011	24.02
101-5010-431.27-01	10/15/2010	9476 001 6989 08/31-10/01	10-30-2010	04/2011	430.79
10/21/2010	71990	SHERRIL FORTIN	2284	120.70	
101-1210-413.30-02	10/19/2010	REIMBURSE REFRESHMENTS	342438	04/2011	120.70
10/21/2010	71991	SOUTH WEST SIGNAL	488	160.00	
101-5010-431.21-04	09/30/2010	SEP 2010	50050	110083 03/2011	160.00
10/21/2010	71992	SPRINT	2040	631.43	
101-3030-423.27-05	10/15/2010	09/12/10-10/11/10	699898810-035	04/2011	631.43
10/21/2010	71993	THYSSENKRUPP ELEVATOR	663	1,044.65	
101-3030-423.20-06	10/01/2010	OCTOBER 2010	1037053315	110065 04/2011	219.65
101-1910-419.21-04	09/27/2010	CONTRACTED REPAIR	1037053859	110456 03/2011	825.00
10/21/2010	71994	VISION PLAN OF AMERICA	785	188.95	
101-0000-209.01-18	09/30/2010	PR AP PPE 9/23/2010	20100930	03/2011	89.53

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT	
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR	TRN AMOUNT
101-0000-209.01-18	10/14/2010	PR AP PPE 10/07/2010	20101014	04/2011	89.53
101-0000-209.01-18	10/01/2010	NOVEMBER 2010	10-01-2010	04/2011	.11-
101-1920-419.29-04	10/01/2010	NOVEMBER 2010	10-01-2010	04/2011	10.00
10/21/2010	71995	WAGE WORKS INC.	2210		97.25
101-1920-419.21-04	10/15/2010	OCTOBER 2010	125AI0144927	110093 04/2011	97.25
10/21/2010	71996	WAXIE SANITARY SUPPLY	802		1,140.24
101-6040-454.30-02	10/07/2010	SANITARY SUPPLIES	72229205	110031 04/2011	1,140.24
10/21/2010	71997	WEST GROUP CTR	826		120.36
101-1020-411.28-14	10/01/2010	SEPTEMBER 2010	821415749	110232 04/2011	120.36
10/21/2010	71998	ZEE MEDICAL, INC.	872		11.95
101-1920-419.30-01	10/14/2010	ALLERGY RELIEF TABLETS	0140395190	F11053 04/2011	11.95
<b>VOIDED CHECKS 71999-72003</b>					
10/21/2010	72004	U.S. BANK	1873		20,885.02
503-1923-419.28-04	08/25/2010	LOPEZ,H-2010 MISAC CONF R	6328	110377 03/2011	445.00
503-1923-419.28-04	09/02/2010	LOPEZ,H-JUICE/WORK LATE	033271	110377 03/2011	3.54
503-1923-419.30-01	09/09/2010	5STAR ADV-	8214	110377 03/2011	7.60
503-1923-419.21-04	09/13/2010	SVCS/DOMAIN NAME RENWL	4436-8316-8298	110377 03/2011	25.00
503-1923-419.28-04	09/16/2010	LOPEZ,H-LUNCH MTG	093916	110377 03/2011	30.54
601-5060-436.27-04	04/15/2010	04/01/10-06/30/10-PAGERS	L1-252241	110376 03/2011	73.26
601-5060-436.27-04	07/01/2010	07/01-09/30/10 PAGERS/FEE	L1252241KG	110376 03/2011	84.20
101-1020-411.28-04	08/24/2010	HALD-NOTARY COURSE/TOOLS	5050522	110346 03/2011	331.45
101-1020-411.28-12	08/24/2010	HALD-NOTARY COURSE/TOOLS	5050522	110346 03/2011	69.00
101-1020-411.21-06	08/31/2010	NOTICE OF NOMINEE-TRANSLA	59322	110346 03/2011	375.00
101-3070-427.30-02	08/18/2010	GARCIAS,D - SAFETY BOOTS	18/738/37669	110348 03/2011	88.07
101-3040-424.30-02	08/18/2010	ADAME,R-SAFETY BOOTS	18/738/37670	110348 03/2011	78.28
101-3070-427.30-02	08/18/2010	SIMMONS,T - SAFETY BOOTS	18/738/37671	110348 03/2011	117.43
101-3040-424.30-02	08/18/2010	LANE,J- SAFETY BOOTS	18/738/37672	110348 03/2011	137.00
101-1020-411.28-11	08/23/2010	OVERSIZE B&W MIN J	29942	110354 03/2011	8.70
101-1020-411.28-11	08/24/2010	PRINTS FROM MICROFICHE	20524	110354 03/2011	117.45
101-1020-411.28-04	09/15/2010	SEMINAR PARKING FEES	096053	110346 03/2011	25.00
101-1020-411.28-04	09/15/2010	WRKSP-PARKING FEE	09-15-2010	110347 03/2011	30.00
101-1230-413.30-01	09/03/2010	OFFICE SUPPLIES	532556510-001	110354 03/2011	35.81
101-1230-413.28-11	09/07/2010	SEACOAST INN-PLANS/COPIES	30125	110354 03/2011	30.99
101-1230-413.28-11	09/07/2010	SEACOAST INN-PLANS/COPIES	30126	110354 03/2011	49.59
101-1110-412.28-04	08/23/2010	MAYORS/MANGRS MNTHLY LNCH	091142	110357 03/2011	123.25
101-1230-413.28-04	09/03/2010	NAKAGAWA,J-WKSHR REGISTRA	4TX91043AH15361	110352 03/2011	75.00
101-1230-413.28-04	09/17/2010	NAKAGAWA,J-WKSHR REGISTRA	829100863-16229	110352 03/2011	10.00
101-1110-412.28-04	09/13/2010	BROWN LNCH MTG W/B KING	047725	110357 03/2011	18.66
101-1110-412.28-04	09/16/2010	CONF PARKING FEES	255984	110357 03/2011	10.00
101-1110-412.28-04	09/17/2010	CONF PARKING FEES	096260	110357 03/2011	20.00
101-1010-411.28-04	09/15/2010	CONF PARKING FEE	060914	110358 03/2011	15.00
101-1130-412.30-01	09/01/2010	2011 CALENDAR	14292287	110362 03/2011	15.49
101-1130-412.28-04	09/02/2010	DEPARTMENT LUNCH	09-02-2010	110362 03/2011	40.59
101-1130-412.29-02	09/14/2010	SHOUSE,P-EMP SVC AWARD	Y291880800016	110362 03/2011	50.00
101-1130-412.29-02	09/14/2010	SHOUSE, EMP SVC AWARD	Y291880800024	110362 03/2011	30.00
101-1130-412.29-02	09/14/2010	FRANCIS/HOLT-EMP SVC AWAR	49713757	110362 03/2011	200.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
101-1130-412.30-02	09/20/2010	CITY HALL COFFEE SUPPLIES	065024	110362 03/2011 29.37
101-6010-451.30-02	08/30/2010	HOME DEPOT/CLEANING SUPPL	090509/8022546	110359 03/2011 64.22
101-3030-423.30-02	08/22/2010	PWC HIGH OCTANE FUEL	201137	110371 03/2011 38.37
101-3030-423.30-02	08/25/2010	FLY CONTROL DEVICE/PIER T	YHST-2835517233	110375 03/2011 332.52
501-1921-419.28-01	08/25/2010	LG TRUCK REPAIR	066697	03/2011 1,000.00
601-5060-436.30-02	08/31/2010	2 PART EPOXY	79873	110379 03/2011 121.43
101-1130-412.28-14	09/02/2010	EMPLYMNT ADS SBSRCTPN RNW	082376	110355 03/2011 35.00
101-1110-412.28-14	09/03/2010	SD BUSINESS JOURNAL SUBSR	486147	110355 03/2011 59.00
101-1130-412.29-02	09/09/2010	2010 EMP PARTY CATERING	044760	110355 03/2011 250.00
101-1130-412.29-02	09/09/2010	2010 EMP PARTY CATERING	070323	110355 03/2011 250.00
101-1130-412.29-02	09/21/2010	EMP PARTY-INVITATION ENVE	ENV2490969	110355 03/2011 49.49
101-1110-412.28-04	09/21/2010	BROWN,G-WEBINAR REGSTRN	09-21-2010	110355 03/2011 50.00
101-1130-412.29-02	09/21/2010	EMP PARTY -INVITATIONS	131-17989382-89	110355 03/2011 130.31
101-6010-451.30-02	09/14/2010	HOME DEPOT/MICE TRAPS	045047/3572129	110359 03/2011 2.14
101-6010-451.30-02	09/16/2010	HOME DEPOT/MUSIC RM TAPE	088824/1572348	110359 03/2011 9.75
101-3030-423.30-02	09/06/2010	PWC HIGH OCTANE FUEL	081565	110371 03/2011 15.60
101-3030-423.30-02	09/09/2010	FUEL STABILIZER/RHINO STO	073104	110371 03/2011 6.51
101-3030-423.30-02	09/18/2010	PWC HIGH OCTANE FUEL	142323	110371 03/2011 28.34
101-3030-423.30-02	09/18/2010	PWC HIGH OCTANE FUEL	171323	110371 03/2011 48.44
101-3035-423.28-04	09/16/2010	REFUND OVERCHG-BUS TRANSP	569961	110372 03/2011 32.58-
101-3030-423.25-03	09/01/2010	LG POLO'S EMBROIDERY	53681	110375 03/2011 100.59
101-3030-423.30-02	09/15/2010	CLEANER/LUBRICANT	9941	110375 03/2011 18.98
101-3030-423.30-02	09/20/2010	METAL SHELVING PAINT	030802/752815	110375 03/2011 17.19
101-3035-423.28-04	09/20/2010	JG ICE CREAM AWARDS	076623	110375 03/2011 12.00
101-3030-423.30-02	09/30/2010	CELL PHONE HOLSTER/SCR PR	SPRININ12028	110375 03/2011 48.91
601-5060-436.30-22	09/08/2010	HAND TOOLS	013583098385	110379 03/2011 86.75
101-3020-422.30-02	08/25/2010	STATION SUPPLIES	074669	110370 03/2011 201.05
101-5010-431.30-02	08/31/2010	3/4 YARD OF CONCRETE	89529198-001	110380 03/2011 164.38
405-5030-433.30-02	08/23/2010	PRESSURE WASHER TIPS	JKL9-3158	110384 03/2011 39.97
101-5020-432.30-02	08/18/2010	MARTIN,L-WORK BOOTS	18/738/34666	110399 03/2011 117.43
101-6020-452.30-02	08/18/2010	TAYLOR,T-WORK BOOTS	18/738/37668	110399 03/2011 136.98
101-5010-431.30-02	08/25/2010	ROTATING GRADE LASER	100028683	110399 03/2011 292.29
101-5010-431.30-02	09/09/2010	1 3/4 YARD CONCRETE	89648375-002	110380 03/2011 314.02
101-5010-431.30-02	09/14/2010	SCREWS&LOCKWASHERS	034340/3194230	110395 03/2011 47.76
101-5010-431.30-02	09/16/2010	TANK W/GAS	053579/1011677	110395 03/2011 26.36
101-5020-432.30-02	09/07/2010	CYBERSHOT REPLCMNT BATTER	765394905	110399 03/2011 21.00
101-5020-432.30-02	09/07/2010	CREDIT FOR RTRND BATTERY	765394905	110399 03/2011 13.05-
408-5020-432.30-01	09/08/2010	USB CABLE FOR SONY CYBERS	89428	110399 03/2011 15.84
405-1260-513.20-06	09/10/2010	SKATEPARK SIGN POSTS	013981	110399 03/2011 1,848.75
101-5020-432.30-02	09/15/2010	CAMERA BATTERY	F2661392	110399 03/2011 62.51
101-1910-419.30-02	09/16/2010	PHONE BATTERIES	002-5646939-678	110399 03/2011 16.68
101-1910-419.30-02	08/18/2010	COLAHAN,D-WORK BOOTS	18/738/37673	110385 03/2011 137.00
101-1910-419.30-02	08/23/2010	TOILET SUPPLIES	146708	110385 03/2011 215.24
101-1910-419.30-02	08/26/2010	PAINT SUPPLIES/HOSE RPLMN	071510/2100587	110385 03/2011 55.89
101-1910-419.30-02	08/26/2010	PAINT SUPPLIES/HOSE RPLMN	071510/2100587	110385 03/2011 32.59
101-1910-419.30-02	08/27/2010	OUTLETS/SWITCHES	037475/1560096	110385 03/2011 6.33
101-1910-419.30-02	08/31/2010	FAUCET SUPPLIES	077770/7560547	110385 03/2011 15.98
101-1910-419.30-02	08/31/2010	FAUCET SUPPLIES	3810	110385 03/2011 22.32
101-1910-419.30-02	09/01/2010	FAUCET SUPPLIES/ROOFING M	052611/6034421	110385 03/2011 59.49
101-1910-419.30-02	09/01/2010	FAUCET SUPPLIES/ROOFING M	052611/6034421	110385 03/2011 153.74

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT	
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR	TRN AMOUNT
101-1910-419.30-02	09/13/2010	SP PARK ELECTRICAL SUPPLI	021140/4592081	110385 03/2011	22.69
101-1910-419.30-02	09/15/2010	THRESHOLDS FOR KITCHEN	055019/2592344	110385 03/2011	31.42
101-1910-419.30-02	09/15/2010	DRNKING FOUNTAIN RPR PART	147241	110385 03/2011	57.38
101-1910-419.30-02	09/17/2010	FAUCET REPAIR PARTS	147289	110385 03/2011	107.66
101-1910-419.28-01	08/25/2010	WATER HEARTER	077159/3565413	110387 03/2011	360.26
101-6040-454.30-02	08/25/2010	TEE STRAP/STRAP TIE	098299/3565409	110387 03/2011	15.89
101-1910-419.30-02	08/26/2010	SPRAY PAINT	042182/2034295	110387 03/2011	28.66
101-1910-419.30-02	08/30/2010	PAINT-SAFETY CTR DOORS	8493-2	110387 03/2011	42.51
101-1910-419.30-02	08/31/2010	SPRAY PAINT/BRUSHES	090720/7590493	110387 03/2011	42.68
101-6040-454.30-02	09/01/2010	DREMEL TOOL	080081/6580711	110387 03/2011	86.97
101-1910-419.30-02	09/09/2010	SPRAY PAINT	052598/8564926	110387 03/2011	40.12
101-6040-454.30-02	09/15/2010	PAINTING SUPPLIES	097814/2592263	110387 03/2011	24.47
101-6040-454.30-02	09/17/2010	BRUSHES/BROOMS	011162/0572461	110387 03/2011	37.41
101-1910-419.30-02	09/20/2010	S/S KICK PLATE	80828	110387 03/2011	33.61
101-5010-431.30-02	09/02/2010	PERFORATED PIPE	026268/5045008	110394 03/2011	29.75
101-5010-431.30-02	09/03/2010	WHITE/ORANGE SPRAY PAINT	70871	110394 03/2011	420.91
101-5010-431.30-02	09/15/2010	PROPANE TANK EXCHANGE	083266/2194395	110394 03/2011	38.76
101-1910-419.28-13	08/25/2010	ELEVATOR INSPECTION FEE	056214	110388 03/2011	225.00
101-1910-419.30-02	09/02/2010	SAFETY CTR GATE LOCK	001001	110388 03/2011	163.33
101-6040-454.30-02	09/02/2010	SIGN SUPPLIES	017312/5580812	110388 03/2011	34.05
101-1910-419.30-02	09/02/2010	SAFETY CENTER	062216	110388 03/2011	21.54
101-6040-454.30-02	09/02/2010	TIDELANDS KEYS	074321	110388 03/2011	33.71
101-6040-454.30-02	09/13/2010	TRASH CAN LINERS	0162285	110388 03/2011	436.41
101-1910-419.30-02	09/14/2010	CLEANING SUPPLIES/HOSE FI	011219/3194272	110388 03/2011	50.48
101-6040-454.30-02	09/14/2010	CLEANING SUPPLIES/HOSE FI	011219/3194272	110388 03/2011	93.22
101-1910-419.30-02	09/16/2010	SAFETY CTR PIVOTS	SD0915104064	110388 03/2011	330.00
101-1910-419.30-02	09/18/2010	SAFETY CTR DOOR PIVOT	SD0917104085	110388 03/2011	93.00
101-1910-419.21-04	09/20/2010	POWDER COAT GATE-SAFETY CT	62146	110388 03/2011	345.00
501-1921-419.28-16	09/03/2010	LG TRAILER PARTS	055192/4580940	110398 03/2011	27.01
501-1921-419.28-15	09/03/2010	HAND PUMP/OIL ADDITIVE	093249	110398 03/2011	5.44
501-1921-419.30-22	09/03/2010	HAND PUMP/OIL ADDITIVE	093249	110398 03/2011	8.68
501-1921-419.28-16	09/03/2010	#610 EXHAUST SEAL	40839355	110398 03/2011	16.98
101-1910-419.28-01	07/29/2010	DRAIN SERVICE	14647	110382 03/2011	111.00
101-1910-419.28-01	08/02/2010	DRAIN SERVICE	14653	110382 03/2011	73.00
101-1910-419.30-02	08/18/2010	SERRANO,T-WORK BOOTS	18/738/37667	110382 03/2011	150.00
101-6020-452.30-02	08/24/2010	PARK FENCES PAINT	3414-7	110382 03/2011	72.99
101-6040-454.30-02	08/24/2010	IRRIGATION PARTS/PALM LOT	051605/4585741	110389 03/2011	8.73
101-6040-454.30-02	08/24/2010	IRRIGATION PARTS/PALM LOT	3339046-A-1	110389 03/2011	9.27
101-6040-454.30-02	08/31/2010	SQUEEGE-PIER RESTROOM	010606/7016148	110389 03/2011	13.57
101-6040-454.30-02	08/26/2010	SPRAY PAINT FOR BOLLARDS	000823/2014966	110390 03/2011	11.46
405-5030-433.30-02	09/01/2010	GRAFFITI SUPPLIES	SR8-2260	110382 03/2011	90.92
101-1910-419.28-01	09/08/2010	5-GAL STAIN	090490/9571524	110382 03/2011	121.80
101-5010-431.30-02	09/15/2010	ROCK LANDSCAPING	152569	110382 03/2011	390.14
101-6020-452.30-02	09/21/2010	SOCCER FIELD FENCE PAINT	36098252	110382 03/2011	120.73
501-1921-419.29-04	09/08/2010	CAR WASH	065101	110386 03/2011	10.99
101-5020-432.30-01	09/18/2010	2011 MONTYLY DAYTIMER	0641	110386 03/2011	8.69
101-6040-454.30-02	09/13/2010	ST END IRRIGATION BATTERI	052298/4025563	110389 03/2011	23.86
101-3030-423.28-04	06/18/2010	LG/EMT COURSE-CRD PRCSNG	CCAC 05/15/10	110374 03/2011	102.00
101-3030-423.28-04	08/23/2010	SP EVENT-BRKFAST/AM LG'S	233407	110374 03/2011	80.00
101-3030-423.25-03	08/25/2010	LG SWIM TRUNKS	527450	110374 03/2011	412.99

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
101-3030-423.28-04	08/27/2010	LG/EMT COURSE-CRD PRCSNG	CCAC040310	110374 03/2011 66.00
101-3030-423.28-04	08/27/2010	LG/EMT COURSE-CRD PRCSNG	CCAC041710	110374 03/2011 42.00
101-3030-423.30-02	08/27/2010	LG MEDICAL EQUIP-BAGS	80471017	110374 03/2011 597.79
101-3030-423.30-02	08/27/2010	LG MEDICAL EQUIP-BAGS	80471017	110374 03/2011 501.77
101-3030-423.30-02	08/31/2010	MISC. NOT CLASSIFIED	08-31-2010	110374 03/2011 42.58
101-3030-423.30-02	08/31/2010	PWC FUEL	5553459	110374 03/2011 14.77
101-3020-422.21-02	09/17/2010	CLARK-LUNCH W CONSULTANTS	061058	110366 03/2011 72.00
101-3030-423.28-01	09/01/2010	PIER TOWER GATE HASP	018851/6271342	110374 03/2011 24.53
101-3030-423.30-02	09/01/2010	PWC TRAILER LIGHTS	619253	110374 03/2011 21.74
101-3030-423.30-02	09/07/2010	KING AIRWAYS & MED EQUIP	80475168	110374 03/2011 1,359.57
101-3030-423.30-02	09/09/2010	MED EQUIP CREDIT	80471645	110374 03/2011 42.58-
101-3030-423.30-02	09/09/2010	MEDICAL EQUIPMENT	80471645	110374 03/2011 32.66
101-3020-422.20-06	06/04/2010	GROUND LADDERS TESTED	4924	110368 03/2011 267.00
101-3020-422.20-06	07/08/2010	CABLING TECH/MATERIALS	20156	110368 03/2011 403.60
101-3020-422.20-06	07/08/2010	CABLING TECH-DOUBLE CHG	20156 ERROR	110368 03/2011 391.84
101-3020-422.20-06	07/30/2010	CABLING TECH/MATERIALS	20400	110368 03/2011 405.82
101-3020-422.20-06	07/30/2010	CABLING TECH/ERROR CHG	20400 ERROR	110368 03/2011 394.00
101-3020-422.30-01	08/23/2010	AGENDA BINDER DIVIDERS	08-23-2010	110368 03/2011 14.78
101-3020-422.30-02	08/31/2010	FIRE PREVENTION MATERIALS	08-31-2010	110368 03/2011 90.00
101-3050-425.30-02	09/08/2010	POSTAGE FOR A/C CASES	075939	110368 03/2011 25.28
101-3020-422.30-01	09/09/2010	REGULAR DOOR HANGER	3649015	110368 03/2011 43.05
101-3010-421.20-06	09/16/2010	TELESCOPING CHALK/POUCH	PZIC0010243	110368 03/2011 170.00
101-3050-425.30-02	09/21/2010	POSTAGE FOR A/C CASES	099459	110368 03/2011 11.08
101-3030-423.30-02	08/23/2010	PWC HIGH OCTANE FUEL	012720	110373 03/2011 30.96
101-3030-423.30-02	08/24/2010	LAUNDRY SOAP-LG'S	064949	110373 03/2011 40.22
101-3030-423.30-02	08/24/2010	INCIDENT/DAILY ACTVY CARD	085981	110373 03/2011 139.18
101-3030-423.30-02	08/28/2010	PWC HIGH OCTANE FUEL	194743	110373 03/2011 15.16
101-3030-423.30-02	09/01/2010	PWC HIGH OCTANE FUEL	195421	110373 03/2011 12.55
101-3030-423.30-02	09/10/2010	WHISK BROOM	305287-1	110373 03/2011 11.16
101-3030-423.28-01	09/11/2010	SEALED BATTERY FOR ATV	17658	110373 03/2011 97.82
101-3030-423.30-02	09/12/2010	BRACKETS/FIRST-AID ROOM	014094/5591979	110373 03/2011 7.83
101-3030-423.30-02	09/12/2010	PWC HIGH OCTANE FUEL	192709	110373 03/2011 29.73
101-3030-423.28-01	09/13/2010	DRYWALL REPAIR MATERIAL	040030/4592065	110373 03/2011 11.52
101-3030-423.30-02	09/14/2010	LG STORAGE CONTAINER	033757/3194336	110373 03/2011 13.03
101-3030-423.30-02	09/14/2010	SHIPPING CHGS FOR REPAIR	256940	110373 03/2011 16.37
101-3030-423.30-02	09/14/2010	LG OFFICE ORGANIZERS	8220	110373 03/2011 81.86
101-3030-423.30-02	09/17/2010	DEFIBRILLATION PADS	1321265	110373 03/2011 593.81
101-3030-423.30-02	09/20/2010	LG LOCKER KEY COPY	09-20-2010	110373 03/2011 1.62
101-3030-423.30-02	08/27/2010	ELECTRODES/DEFIBRILLATION	1313760	110373 03/2011 182.00

DATE RANGE TOTAL \* 669,229.73 \*





**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** NOVEMBER 3, 2010  
**ORIGINATING DEPT:** LINDA LEICHTLE, HUMAN RESOURCES MANAGER *L.L.*  
**SUBJECT:** ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, TO AMEND ARTICLE XIII OF THE CITY OF IMPERIAL BEACH PERSONNEL RULES

---

**DISCUSSION:**

The City of Imperial Beach Personnel Rules were last amended in June of 2003. Upon review of Article XIII, staff determined it was necessary to amend the article to make it consistent with state law and current practices. Some other minor clean-up revisions are also included in the amendment.

**ENVIRONMENTAL IMPACT:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

None.

**CITY MANAGER'S RECOMMENDATION:**

Approve the resolution amending Article XIII of the City of Imperial Beach Personnel Rules.

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

**Attachments:**

1. Resolution 2010-6958 (with Exhibit A- amended Article XIII)



**RESOLUTION NO. 2010-6958**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, TO AMEND ARTICLE XIII OF THE CITY OF IMPERIAL BEACH PERSONNEL RULES**

**WHEREAS**, in order to make Article XIII consistent with State law and the City's practices, the existing Article XIII of the Personnel Rules should be amended.

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

Section 1. Article XIII of the City of Imperial Beach Personnel Rules is hereby amended and adopted as shown in Exhibit A, attached hereto.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 3rd day of November 2010, by the following roll call vote:

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

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

**ATTEST:**

*Jacqueline M. Hald*

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

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy of Resolution No. 2010-6958 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, TO AMEND ARTICLE XIII OF THE CITY OF IMPERIAL BEACH PERSONNEL RULES**

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

\_\_\_\_\_  
DATE

## ARTICLE XIII - EMPLOYEE CONDUCT AND RESPONSIBILITY

(Amended 11-3-10)

### **Section 1 - Responsibilities of Employees**

By virtue of their employment by the City, employees are obligated to maintain a high standard of conduct. They shall discharge faithfully the duties of their office, regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct should be above reproach.

All employees of this City should be loyal to the objectives expressed by the electorate and to the programs developed to attain these objectives.

All elected officials are subject to the conflict of interest and ethics laws of the State of California.

### **Section 2 - Prohibited Political Activities**

No employee shall engage in political activities:

- (a) During working hours
- (b) On City premises. (Unless the event is in a City designated park and not during working hours. Any other City facility requires the approval of the City Manager or designee prior to the event.)
- (c) While in uniform

### **Section 3 - Prohibited Use of City Property**

No equipment, autos, trucks, instruments, tools, supplies, machines, or other property of the City shall be issued by any employee for personal use, except upon written approval of the City Manager, or designee. No employee shall allow any unauthorized person to rent, borrow, or use City property except upon the written approval of the City Manager.

### **Section 4 - Outside Employment**

A City employee shall not engage in any employment, enterprise, or outside activity that conflicts with the employee's duties, functions, responsibilities, as a City employee nor shall an employee engage in any compensatory outside activity that will directly or indirectly contribute to the lessening of the employee's effectiveness as a City employee.

## Section 5 - Conflict of Interest

No employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties in the public interest or would tend to impair his/her independence or judgment or action in the performance of his/her official duties. Personal, as distinguished from financial interest, includes an interest arising from blood or marriage relationships or close business or political association. Special conflicts of interest are enumerated below for the guidance of officials and employees:

- A. Incompatible Employment. No employee shall engage in or accept private employment or render private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his/her official duties or would tend to impair his/her independence of judgment or action in the performance of his/her official duties.
- B. Representing Private Interests Before City Agencies or Courts. No employee whose salary is paid in whole or in part by the City shall appear on behalf of private interests before any agency of the City. He/she shall not represent private interests in any litigation to which the City is a party.
- C. Gifts and Favors. No employee shall accept any gift of value, whether in the form of service, loan, thing, or promise from any person, firm, or corporation if such acceptance is in violation of the laws of the State of California.
- D. Disclosure of Confidential Information. No employee shall, without prior formal authorization of the public body having jurisdiction, disclose any confidential information concerning any official or employee, or any other person, or any property or governmental affairs of the municipality. Whether or not it shall involve disclosure, no employee shall use or permit the use of any such confidential information to advance the financial or personal interest of himself or any other person.
- E. Improper Use of Official Information. No employee shall disclose official information without either appropriate general or specific authority granted by the department head and/or City Manager. However, this does not preclude the release of information to the press or public upon approval by the appropriate supervisor. City employees shall not, directly or indirectly, make use of, or permit others to make use of, official information not made available to the general public, for the purpose of furthering any interest, either public or private that has not been previously determined by the City Manager to be for the good of the municipality.
- F. Personal Advertising. No employee shall permit the use of their photographs or names for advertising purposes, or by testimonial, recommendation or other means participate in any advertising scheme or enterprise related to or based upon their employment with the City

without the prior approval of the City Manager.

- G. Acceptance of Fees or Compensation. No employee shall accept any fees or compensation of any kind from any person, agency, court, court official, or any others, except such fees and compensation as are specifically authorized by law. No employee shall accept money as bail or in payment of a fine, except as provided and authorized by law.
- H. Departmental Keys. All employees shall obtain permission from the City Manager before having duplicates made of any departmental key, or before lending or furnishing departmental keys to any persons not employed by the City.
- I. Use of Official Stationery. No employee shall use departmental stationery or forms for any purpose other than transaction of official business.
- J. Personal Use of City Address. The address of the City of Imperial Beach shall not be used by any employee for personal driver's license, personal vehicle registration, personal mail, or any other unofficial business or correspondence.
- K. Obedience of Laws and Orders. All employees shall obey the laws of the United States and the State of California, ordinances of the County of San Diego and the City of Imperial Beach, departmental orders, and the lawful orders of the courts.

#### **Section 6 - Disclosure and Disqualification of Financial or Personal Interest**

Whenever the performance of his/her official duties shall require any employee to deliberate or vote on any matter involving his/her financial or personal interest, he/she shall publicly disclose the nature and extent of such interest and disqualify himself/herself from participating in the deliberations as well as abstaining from voting. Any employee who has a financial or other private interest, and who participates in discussion with or gives an official opinion to the Council, shall disclose on the records of the Council or other appropriate authority the nature and extent of such interest.

#### **Section 7 — Violation of Code Ethics**

Ethics violations by City employees shall be grounds for discipline under the appropriate provisions of the Personnel Rules of the City of Imperial Beach.

ARTICLE XIII - EMPLOYEE CONDUCT AND RESPONSIBILITY

(Amended 11-3-10)

Formatted: Left

**Section 1 - Responsibilities of ~~Public Officers and~~ Employees**

By virtue of their employment by the City, ~~public officers and~~ employees are obligated to maintain a high standard of conduct. They shall discharge faithfully the duties of their office, regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct should be above reproach.

All ~~officials and~~ employees of this City should be loyal to the objectives expressed by the electorate and to the programs developed to attain these objectives.

All elected officials are subject to the conflict of interest and ethics laws of the State of California.

**Section 2 - Prohibited Political Activities**

No employee shall engage in political activities:

- (a) During working hours
- (b) On City premises. (Unless the event is in a City designated park and not during working hours. Any other City facility requires the approval of the City Manager or designee prior to the event.)
- (c) While in uniform

**Section 3 - Prohibited Use of City Property**

No equipment, autos, trucks, instruments, tools, supplies, machines, or other property of the City shall be issued by any employee for personal use, except upon written approval of the City Manager, or designee. No employee shall allow any unauthorized person to rent, borrow, or use City property except upon the written approval of the City Manager.

**Section 4 - Outside Employment**

A City employee shall not engage in any employment, enterprise, or outside activity that conflicts with the employee's duties, functions, responsibilities, as a City employee nor shall an employee engage in any compensatory outside activity that will directly or indirectly contribute to the lessening of the employee's effectiveness as a City employee.

## Section 5 - Conflict of Interest

No official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties in the public interest or would tend to impair his/her independence or judgment or action in the performance of his/her official duties. Personal, as distinguished from financial interest, includes an interest arising from blood or marriage relationships or close business or political association. Special conflicts of interest are enumerated below for the guidance of officials and employees:

- A. Incompatible Employment. No official or employee shall engage in or accept private employment or render private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his/her official duties or would tend to impair his/her independence of judgment or action in the performance of his/her official duties.
- B. Representing Private Interests Before City Agencies or Courts. No official or employee whose salary is paid in whole or in part by the City shall appear on behalf of private interests before any agency of the City. He/she shall not represent private interests in any litigation to which the City is a party.

A councilperson may appear before city agencies on behalf of constituents in the course of his duties as representative of the electorate or in the performance of public or civic obligations. However, no councilman or other official or employee shall accept a retainer or compensation that is contingent upon a specific action by a city agency.

- ~~C.~~ C. Gifts and Favors. No official or employee shall accept any gift of value, whether in the form of service, loan, thing, or promise from any person, firm, or corporation if such acceptance is in violation of the laws of the State of California, which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall any such official or employee accept any gift, favor, or thing of value that may tend to influence him in the discharge of his duties.

- ~~B.C.~~ Disclosure of Confidential Information. No official or employee shall, without prior formal authorization of the public body having jurisdiction, disclose any confidential information concerning any other official or employee, or any other person, or any property or governmental affairs of the municipality. Whether or not it shall involve disclosure, no official or employee shall use or permit the use of any such confidential information to advance the financial or personal interest of himself or any other person.

- ~~B.D.~~ Improper Use of Official Information. No City official or employee shall disclose official information without either appropriate general or specific authority granted by the department head and/or City Manager. However, this does not preclude the release of information to the press or public upon approval by the appropriate supervisor. City employees shall not, directly or indirectly, make use of, or permit others to make use of, official information not made available to the general public, for the purpose of furthering

Formatted: Condensed by 0.1 pt

Formatted: Condensed by 0.05 pt

Formatted: Expanded by 0.5 pt

Formatted: Condensed by 0.2 pt

Formatted: Condensed by 0.05 pt

any interest, either public or private that has not been previously determined by the City Manager to be for the good of the municipality.

~~F.F. Personal Advertising. No City official or employee shall permit the use of their photographs or names for advertising purposes, or by testimonial, recommendation or other means participate in any advertising scheme or enterprise related to or based upon their employment with the City without the prior approval of the City Manager.~~

~~G. Contributions. No City official or employee shall collect or receive any money or things of value from the public, nor shall they circulate subscription papers, sell tickets of any kind to the public, or collect money from the public, for any purpose, without the express permission of the City Manager.~~

~~H.I. Acceptance of Fees or Compensation. No City official or employee shall accept any fees or compensation of any kind from any person, agency, court, court official, or any others, except such fees and compensation as are specifically authorized by law. No employee shall accept money as bail or in payment of a fine, except as provided and authorized by law.~~

~~H.G. Departmental Keys. All City officials and employees shall obtain permission from the City Manager before having duplicates made of any departmental key, or before lending or furnishing departmental keys to any persons not employed by the City.~~

~~I.I. Use of Official Stationery. No City official or employee shall use departmental stationery or forms for any purpose other than transaction of official business.~~

~~K.I. Personal Use of City Address. The address of the City of Imperial Beach shall not be used by any City official or employee for personal driver's license, personal vehicle registration, personal mail, or any other unofficial business or correspondence.~~

~~I.J. Obedience of Laws and Orders. All City officials and employees shall obey the laws of the United States and the State of California, ordinances of the County of San Diego and the City of Imperial Beach, departmental orders, and the lawful orders of the courts.~~

#### **Section 6 - Disclosure and Disqualification of Financial or Personal Interest**

Whenever the performance of his/her official duties shall require any official or employee to deliberate ~~and~~ vote on any matter involving his/~~her~~ financial or personal interest, he/she shall publicly disclose the nature and extent of such interest and disqualify himself/~~herself~~ from participating in the deliberations as well as abstaining from voting. Any ~~other official or~~ employee who has a financial or other private interest, and who participates in discussion with or gives an official opinion to the Council, shall disclose on the records of the Council or other appropriate authority the nature and extent of such interest.

#### **Section 7 — Violation of Code Ethics**

Ethics violations by City ~~officers and~~ employees shall be grounds for discipline under the appropriate provisions of the Personnel Rules of the City of Imperial Beach.

Formatted: Not Highlight





**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** NOVEMBER 3, 2010  
**ORIGINATING DEPT.:** CITY MANAGER  
**SUBJECT:** RESOLUTION RATIFYING THE "TIDELAND USE AND OCCUPANCY PERMIT" FOR THE INSTALLATION OF THE EL CAMINO REAL BELL MARKER AT DUNES PARK

---

**BACKGROUND:**

In a July 26, 2004 memorandum from Greg Cox, Supervisor, First District, an El Camino Real bell marker was offered to the City of Imperial Beach for installation in the City on public property. At the February 16, 2005, City Council meeting, Councilmembers voted to accept two bell markers, with one to be placed in Triangle Park adjacent to State Route 75. At the June 2, 2005 City Council meeting, Councilmembers voted to install a second El Camino Real bell marker at Dunes Park adjacent to Seacoast Drive.

On December 7, 2005, City Council approved a Tideland Use and Occupancy Permit for the installation of the El Camino Real bell marker at Dunes Park. This use and occupancy permit was for a five-year period commencing November 1, 2005, and ending October 31, 2010.

**DISCUSSION:**

The Unified Port of San Diego submitted a Tideland Use and Occupancy Permit for the five-year term commencing November 1, 2010, and ending October 31, 2015. Due to the termination of the first use and occupancy permit, it was necessary for the City Manager to execute the document commencing November 1, 2010, prior to the November 3, 2010 City Council meeting.

Attachment 2 is the "Tideland Use and Occupancy Permit Covering Approximately Four Square Feet Located to the West of Seacoast Drive between Daisy Avenue and Donax Avenue in the City of Imperial Beach," prepared and forwarded by the Unified Port of San Diego. This permit is a no fee temporary use permit authorizing the City of Imperial Beach to install the bell marker in Dunes Park.

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

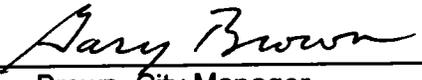
Ratification of the Tideland Use and Occupancy Permit does not incur new costs.

**DEPARTMENT RECOMMENDATION:**

1. Receive this report; and
2. Adopt Resolution No. 2010-6963, ratifying the Tideland Use and Occupancy Permit for the installation of one El Camino Real bell marker at Dunes Park.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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

Attachments:

1. Resolution No. 2010-6963
2. Tideland Use and Occupancy Permit

**RESOLUTION NO. 2010-6963**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, RATIFYING THE "TIDELAND USE AND OCCUPANCY PERMIT" FOR THE INSTALLATION OF THE EL CAMINO REAL BELL MARKER AT DUNES PARK**

**WHEREAS**, in a July 26, 2004 memorandum from Greg Cox, Supervisor, First District, an El Camino Real Bell Marker was offered to the City of Imperial Beach for installation in the City on public property; and

**WHEREAS**, at the February 16, 2005 City Council meeting, Councilmembers voted to accept two bell markers, with one to be placed in Triangle Park adjacent to State Route 75; and

**WHEREAS**, at the June 2, 2005 City Council meeting, Councilmembers voted to install a second El Camino Real bell marker at Dunes Park adjacent to Seacoast Drive; and

**WHEREAS**, on December 7, 2005, City Council approved a Tideland Use and Occupancy Permit for the installation of the El Camino Real bell marker at Dunes Park. This use and occupancy permit was for a five-year period commencing November 1, 2005, and ending October 31, 2010; and

**WHEREAS**, a "Tideland Use and Occupancy Permit Covering Approximately Four Square Feet Located to the West of Seacoast Drive between Daisy Avenue and Donax Avenue in the City of Imperial Beach" was prepared and forwarded by the Unified Port of San Diego; and

**WHEREAS**, due to the termination of the first use and occupancy permit, it was necessary for the City Manager to execute the document commencing November 1, 2010, prior to the November 3, 2010 City Council meeting.

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

1. The above recitals are true and correct.
2. The Tideland Use and Occupancy Permit for the installation of one El Camino Real bell marker at Dunes Park is hereby ratified.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 3<sup>rd</sup> day of November 2010, by the following roll call vote:

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

---

**JAMES C. JANNEY, MAYOR**

**ATTEST:**

---

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



TIDELAND USE AND OCCUPANCY PERMIT

THIS PERMIT, granted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the SAN DIEGO UNIFIED PORT DISTRICT, a public corporation, hereinafter called "District," to the CITY OF IMPERIAL BEACH, a California municipal corporation, hereinafter called "Tenant," WITNESSETH:

District for the considerations hereinafter set forth, hereby grants to Tenant upon the terms and conditions and for the purposes and uses hereinafter set forth, the right to use and occupy a portion of those lands conveyed to the San Diego Unified Port District by that certain Act of the Legislature of the State of California, entitled "San Diego Unified Port District Act," Stats. 1962, 1st Ex. Sess., c. 67, as amended, which lands are more particularly described as follows:

Approximately four (4) square feet of land area located fifteen (15) feet west of the Seacoast Drive curb line and ten (10) feet south of east-west walkway adjacent to the Weyland dolphin sculpture in Dunes Park, located to the west of Seacoast Drive between Daisy Avenue and Donax Avenue, in the city of Imperial Beach, California, as more particularly delineated on the attached Exhibit "A", attached hereto and by this reference made a part hereof, hereinafter referred to as premises.

This Permit is granted upon the following terms and conditions:

1. TERM: The term of this Permit shall be for five (5) years, commencing on the 1st day of November, 2010, and ending on the 31st day of October, 2015, unless sooner terminated as herein provided.
2. CONSIDERATION: Consideration is the public benefit derived from the installation and maintenance of an El Camino Real Bell Marker in Dunes Park, to commemorate the historic importance of El Camino Real.

3. **USE:** The above-described premises shall be used only and exclusively for the purpose of installation and maintenance of an El Camino Real Bell Marker and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance.

4. **ASSIGNMENT-SUBLEASE-ENCUMBRANCE:** Tenant shall not encumber this Permit, the premises thereof and the improvements thereon by a deed of trust, mortgage, or any other security instrument without the express written consent of the District, evidenced by resolution first had and obtained in each instance. Furthermore, neither the whole nor any part of the rented premises nor any of the rights or privileges granted by this Permit shall be assignable or transferable in any way without such consent. Nor shall Tenant grant any permission to any other person to occupy any portion of the rented premises without such consent. Any such purported assignment, transfer, sublease, encumbrance, or permission given without such consent shall be void as to District.

5. **CHANGES OR ALTERATIONS:** Tenant shall make no changes or alterations in the above-described premises, nor make, erect, or install any buildings, structures, signs, machines, or other improvements on the premises without the consent in writing of the Executive Director of District. Tenant further agrees to provide the proper containers for trash and to keep the premises free and clear of rubbish, debris, and litter at all times.

6. **MAINTENANCE:** Tenant hereby agrees that the premises are in a good and tenantable condition, that Tenant will take good care of the premises and appurtenances, including any personal property belonging to District; and that Tenant, as a part of the consideration for rental stated above, will at Tenant's sole cost and expense keep and maintain said premises, appurtenances, and personal property in good and sanitary condition and repair during the term of this Permit, subject to normal and ordinary wear and tear resulting from the use of the above-described premises as herein provided. District shall at no time during the term of this Permit be required to make any improvements or repairs to the above-described premises.

7. **TITLE TO IMPROVEMENTS:** On the commencement date of the term of this Permit, all existing structures, buildings, installations, and improvements of any kind located on the above-described premises are owned by and title thereto is vested in \*. All said existing structures, buildings, installations, and improvements as well as all structures, buildings, installations, and

improvements placed on the above-described premises by Tenant subsequent to the commencement date of the term of this Permit shall at the option of District be removed by Tenant at Tenant's expense within thirty (30) days after the expiration of the term of this Permit or sooner termination thereof. District may exercise said option as to any or all of the structures, buildings, installations, and improvements, either before or after the expiration or sooner termination of this Permit. If District exercises such option and Tenant fails to remove such structures, buildings, installations, and improvements within said thirty (30) days, the District shall have the right to have such structures, buildings, installations, and improvements removed at the expense of Tenant. As to any or all structures, buildings, installations, and improvements owned by Tenant for which District does not exercise said option for removal, title thereto shall vest in District, without cost to District and without payment to Tenant.

Machines, appliances, equipment, and trade fixtures of any kind placed on the above-described premises by Tenant are owned by and title thereto is vested in Tenant and shall be removed by Tenant within thirty (30) days after the expiration of the term of this Permit or sooner termination thereof; provided, however, Tenant agrees to repair any and all damage occasioned by the removal thereof. If any such machines, appliances, equipment, and trade fixtures are not removed within thirty (30) days after the termination of this Permit, the same may be considered abandoned and shall thereupon become the property of District without cost to the District and without payment to Tenant, except that District shall have the right to have the same removed at the expense of Tenant.

8. **REMOVAL OF MATERIALS:** Tenant hereby agrees that upon the expiration of this Permit or the sooner termination as herein provided, it will remove within thirty (30) days all ships, vessels, barges, hulls, debris, surplus, and salvage materials from the land area and water area forming a part of or adjacent to the above-described premises, so as to leave the same in as good condition as when first occupied by Tenant, subject to reasonable wear and tear; provided, however, that if any said ships, vessels, barges, hulls, debris, surplus, and salvage materials shall not be so removed within thirty (30) days by Tenant, District may remove, sell, or destroy the same at the expense of Tenant; and Tenant hereby agrees to pay District the cost of such removal, sale, or destruction; or at the option of District, the title to said ships, vessels, barges, hulls, debris, surplus, and salvage materials not removed shall become the property of District.

9. **TERMINATION:** This Permit may be terminated by Executive Director of District or his duly authorized representative or Tenant as a matter of right and without cause at any time upon the giving of thirty (30) days' notice in writing to the other party of such termination.

10. **HOLD HARMLESS:** Tenant shall, to the fullest extent permitted by law, defend, indemnify, and hold harmless District and its officers, employees, and agents for any and all liability, claims, judgments, damages, proceedings, orders, directives, costs, including reasonable attorneys' fees, or demands arising directly or indirectly out of the obligations undertaken in connection with this Permit, or Tenant's use, occupancy, possession or operation of the above-described premises, except claims or litigation arising through the sole negligence or willful misconduct of District. It is the intent of this Paragraph that Tenant indemnify and hold harmless District for any actions of Tenant or District, including duties that may be legally delegated to Tenant or to third parties, except for those arising out of the sole negligence or willful misconduct of District. This indemnity obligation shall apply for the entire time that any third party can make a claim against or sue District for liabilities arising out of Tenant's use, occupancy, possession, or operation of the above-described premises, or arising from any defect in any part of the premises.

11. **INSURANCE:** Tenant shall maintain "OCCURRENCE" form Commercial General Liability Insurance covering premises and operations in the amount of not less than Two Million Dollars (\$2,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage suffered or alleged to be suffered by any person or persons whatsoever resulting directly or indirectly from any act or activities of Tenant, of any person acting for it or under its control or direction, or any person authorized by it to use the rented premises. Either the general aggregate limit shall apply separately to this location or the general aggregate limit shall be twice the required occurrence limit.

All required insurance shall be in force the first day of the term of this Permit. All insurance companies must be satisfactory to District, and the cost of all required insurance shall be borne by Tenant. Certificates in a form acceptable to District evidencing the existence of the necessary insurance policies, and original endorsements effecting coverage required by this clause, shall be kept on file with District during the entire term of this Permit. Certificates for each insurance policy are to be signed by a person authorized by that insurer to issue evidence of coverage on its behalf. Endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its

behalf. The District reserves the right to require complete, certified copies of all required policies at any time.

All liability insurance policies will name, or be endorsed to name, District, its officers, officials and employees as additional insureds and protect District, its officers, officials and employees against any legal costs in defending claims. All insurance policies will be endorsed to state that coverage will not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested has been given to the District. And, all insurance policies will be endorsed to state that Tenant's insurance is primary and not excess or contributing to any insurance issued in the name of District.

Any deductibles or self-insured retentions must be declared and acceptable to the District. At the option of the District, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the District, its officers, officials, and employees; or, the Tenant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

District shall retain the right at any time to review the coverage, form, and amount of the insurance required hereby. If, in the opinion of District, the insurance provisions in this Permit do not provide adequate protection for District and/or for members of the public, District may require Tenant to obtain insurance sufficient in coverage, form and amount to provide adequate protection. District's requirements shall be reasonable but shall be designed to assure protection from and against the kind and extent of risk which exist at the time a change in insurance is required.

District shall notify Tenant in writing of changes in the insurance requirements and, if Tenant does not deposit certificates evidencing acceptable insurance policies with District incorporating such changes within sixty (60) days of receipt of such notice, this Permit shall be in default without further notice to Tenant, and District shall be entitled to all legal remedies.

The procuring of such required policies of insurance shall not be construed to limit Tenant's liability hereunder, nor to fulfill the indemnification provisions and requirements of this Permit. Notwithstanding said policies of insurance, Tenant shall be obligated for the full and total amount of any damage, injury, or loss caused by negligence or neglect connected with this Permit or with the use or occupancy of the rented premises.

12. **TAXES AND UTILITIES:** This Permit may result in a taxable possessory interest and be subject to the payment of property taxes. Tenant agrees to and shall pay before delinquency all taxes and assessments of any kind assessed or levied upon Tenant or the above-described premises by reason of this Permit or of any buildings, machines, or other improvements of any nature whatsoever erected, installed, or maintained by Tenant or by reason of the business or other activities of Tenant upon or in connection with the above-described premises. Tenant shall also pay any fees imposed by law for licenses or permits for any business or activities of Tenant upon the above-described premises or under this Permit, and shall pay before delinquency any and all charges for utilities at or on the above-described premises.

13. **CONFORMANCE WITH RULES AND REGULATIONS:** Tenant agrees that, in all activities on or in connection with the above-described premises, and in all uses thereof, including the making of any alterations, changes, installations, or other improvements, it shall abide by and conform to all laws and regulations. Said laws and regulations shall include, but are not limited to those prescribed by the San Diego Unified Port District Act; any ordinances of the city in which the above-described premises are located, including the Building Code thereof; any ordinances and general rules of District, including tariffs; and any applicable laws of the state of California and federal government, as any of the same now exist or may hereafter be adopted or amended. In particular and without limitation, Tenant shall have the sole and exclusive obligation and responsibility to comply with the requirements of: (i) Article 10 of District Code entitled "Stormwater Management and Discharge Control," and (ii) the Americans With Disabilities Act of 1990, including but not limited to regulations promulgated thereunder, and District shall have no obligations or responsibilities as to the above-described premises.

14. **POLICY OF DISTRICT:** It is the policy of District that prevailing wage rates shall be paid all persons who are employed by Tenant on the property of District.

15. **DEFAULT:** If any default be made in the payment of the rental herein provided or in the fulfillment of any terms, covenants, or conditions hereof, and said default is not cured within ten (10) days after written notice thereof, this Permit shall immediately terminate and Tenant shall have no further rights hereunder and shall immediately remove from said premises; and District shall immediately thereupon, without recourse to the courts, have the right to reenter and take possession of said premises. District shall further have all other rights

and remedies as provided by law, including without limitation the right to recover damages from Tenant in the amount necessary to compensate District for all the detriment proximately caused by Tenant's failure to perform its obligations under this Permit or which in the ordinary course of things would be likely to result therefrom.

16. **LIENS:** Tenant agrees that it will at all times save District free and harmless and defend and indemnify it against all claims and liens for labor, services or materials in connection with improvements, repairs, or alterations on the premises caused to be performed by Tenant, and the costs of defending against such claims, including reasonable attorney's fees.

17. **BANKRUPTCY:** In the event Tenant commences a proceeding under Chapter XI of the Federal Bankruptcy Act, or is adjudicated bankrupt or insolvent, or a judicial sale is made of Tenant's interest under this Permit, this Permit shall at the option of District immediately terminate and all rights of Tenant hereunder shall immediately cease and terminate.

18. **EASEMENTS:** This Permit and all rights given hereunder shall be subject to all easements and rights-of-way now existing or heretofore granted or reserved by District in, to, or over the premises for any purpose whatsoever, and shall be subject to such rights-of-way for reasonable access, sewers, pipelines, conduits, and such telephone, telegraph, light, heat, or power lines as may from time to time be determined by District to be in the best interests of the development of the tidelands.

District agrees that such easements and rights-of-way shall be so located and installed as to produce a minimum amount of interference to the business of Tenant.

19. **TITLE OF DISTRICT:** District's title is derived from the provisions of the San Diego Unified Port District Act, Appendix 1, Harbors & Navigation Code, and is subject to the provisions of said Act. This Permit is granted subject to the terms and conditions of said Act.

20. **JOINT AND SEVERAL LIABILITY:** If Tenant, as a party to this Permit, is a partnership or joint venture, or is comprised of more than one party or entity or a combination thereof, the obligations imposed on Tenant under this Permit shall be joint and several, and each general partner, joint venturer, party, or entity of Tenant shall be jointly and severally liable for said obligations. Furthermore, nothing contained herein shall be deemed or construed as creating

a partnership or joint venture between District and Tenant or between District and any other entity or party, or cause District to be responsible in any way for the debts or obligations of Tenant, or any other party or entity.

21. **NONDISCRIMINATION:** Tenant agrees at all times to fully comply with all laws prohibiting discrimination against any person or class of persons by reason of sex, color, race, religion, handicap or national origin. If the use provided for in this Permit allows the Tenant to offer accommodations or services to the public, such accommodations or services shall be offered by the Tenant to the public on fair and reasonable terms. In complying with all such laws, including, without limitation, the Americans With Disabilities Act of 1990, Tenant shall be solely responsible for such compliance and required programs and there shall be no allocation of any such responsibility between District and Tenant.

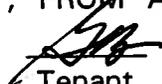
22. **ENTIRE UNDERSTANDING:** This Permit contains the entire understanding of the parties, and Tenant, by accepting the same, acknowledges that there is no other written or oral understanding between the parties in respect to the above-described premises. No modification, amendment, or alteration of this Permit shall be valid unless it is in writing and signed by the parties hereto.

23. **PEACEABLE SURRENDER:** Upon the termination of this Permit by the expiration thereof or the earlier termination as by the terms of this Permit provided, Tenant will peaceably surrender said above-described premises in as good condition, subject to normal and ordinary wear and tear resulting from the use of such premises as herein provided, as the same may be at the time Tenant takes possession thereof, and to allow District to take peaceable possession thereof.

24. **HOLDOVER:** This Permit shall terminate without further notice at expiration of the term. Any holding over by Tenant after either expiration or termination shall not constitute a renewal or extension or give Tenant any rights in or to the premises. If Tenant, with District's consent, remains in possession of the premises after expiration or termination of the term or after the date in any notice given by District to Tenant terminating this Permit, such possession by Tenant shall be deemed to be a month-to-month tenancy terminable on thirty (30) days' notice given at any time by either party. During any such month-to-month tenancy, Tenant shall pay all rent required by this Permit; and if percentage rent is required by the Permit, it shall be paid monthly on or before the tenth (10th) day of each month.

All provisions of this Permit, except those pertaining to term, shall apply to the month-to-month tenancy.

25. ACCEPTANCE OF PREMISES: BY SIGNING THIS PERMIT, TENANT REPRESENTS AND WARRANTS THAT IT HAS INDEPENDENTLY INSPECTED THE PREMISES AND MADE ALL TESTS, INVESTIGATIONS AND OBSERVATIONS NECESSARY TO SATISFY ITSELF OF THE CONDITION OF THE PREMISES. TENANT AGREES IT IS RELYING SOLELY ON SUCH INDEPENDENT INSPECTION, TESTS, INVESTIGATIONS AND OBSERVATIONS IN MAKING THIS PERMIT. TENANT ALSO ACKNOWLEDGES THAT THE PREMISES ARE IN THE CONDITION CALLED FOR BY THIS PERMIT, THAT DISTRICT HAS PERFORMED ALL WORK WITH RESPECT TO PREMISES AND THAT TENANT DOES NOT HOLD DISTRICT RESPONSIBLE FOR ANY DEFECTS IN THE PREMISES. TENANT FURTHERMORE ACCEPTS AND SHALL BE RESPONSIBLE FOR ANY RISK OF HARM TO ANY PERSON AND PROPERTY, INCLUDING WITHOUT LIMITATION EMPLOYEES OF TENANT, FROM ANY LATENT DEFECTS IN THE PREMISES.

Initial: \_\_\_\_\_  
District       Tenant

26. WARRANTIES-GUARANTEES: District makes no warranty, guarantee, covenant, including but not limited to covenants of title and quiet enjoyment, or averment of any nature whatsoever concerning the condition of the above-described premises, including the physical condition thereof, or any condition which may affect the above-described premises; and it is agreed that District will not be responsible for any loss or damage or costs which may be incurred by Tenant by reason of any such condition or conditions.

27. ATTORNEY'S FEES: In the event any suit is commenced to enforce, protect or establish any right or remedy of any of the terms and conditions hereof, including without limitation a summary action commenced by District under the laws of the State of California relating to the unlawful detention of property, the prevailing party shall be entitled to have and recover from the losing party reasonable attorney's fees and costs of suit.

28. HAZARDOUS MATERIALS: Tenant shall comply with all laws regarding hazardous substances, materials or wastes, or petroleum products or fraction thereof (herein collectively referred to as "Contaminants") relative to occupancy and use of the premises. Tenant shall be liable and responsible for any Contaminants arising out of the occupancy or use of the premises by Tenant. Such liability and responsibility shall include, but not be limited to, (i) removal

from the premises any such Contaminants; (ii) removal from any area outside the premises, including but not limited to surface and groundwater, any such Contaminants generated as part of the operations on the premises; (iii) damages to persons, property and the premises; (iv) all claims resulting from those damages; (v) fines imposed by any governmental agency, and (vi) any other liability as provided by law. Tenant shall defend, indemnify and hold harmless the District, its officials, officers, agents, and employees from any and all such responsibilities, damages, claims, fines, liabilities, including without limitation any costs, expenses and attorney's fees therefor. District shall have a direct right of action against Tenant even if no third party has asserted a claim. Furthermore, District shall have the right to assign said indemnity.

If Tenant has in the past or continues to use, dispose, generate, or store Contaminants on the premises, District, or its designated representatives, at District's sole discretion, may at any time during the term of this Permit, enter upon the premises and make any inspections, tests or measurements District deems necessary in order to determine if a release of Contaminants has occurred. District shall give Tenant a minimum of twenty-four (24) hours' notice in writing prior to conducting any inspections or tests, unless, in District's sole judgment, circumstances require otherwise, and such tests shall be conducted in a manner so as to attempt to minimize any inconvenience and disruption to Tenant's operations. If such tests indicate a release of Contaminants, then District, at District's sole discretion, may require Tenant, at Tenant's sole expense, and at any time during the term of this Permit, to have tests for such Contaminants conducted by a qualified party or parties on the premises. If District has reason to believe that any Contaminants that originated from a release on the premises have contaminated any area outside the premises, including but not limited to surface and groundwater, then District, at District's sole discretion, may require Tenant, at Tenant's sole expense, and at any time during the term of this Permit, to have tests for such Contaminants conducted by a qualified party or parties on said area outside the premises.

The tests conducted by Tenant's qualified party shall include, but not be limited to, applicable comprehensive soil, emission, or groundwater sampling test or other procedures to determine any actual or possible contamination. Tenant shall expeditiously, but no longer than thirty (30) days after District's request for such tests, furnish to District the results of said tests, sampling plans, and analysis thereof identifying any Contaminants which exceed then applicable levels permitted by federal, state, or local laws. Tenant shall report such contamination to the District within seventy-two (72) hours and shall diligently

proceed to identify the extent of contamination, how it will be remediated, when it will be remediated, by whom, and the cost of such remediation.

**29. UNDERGROUND STORAGE TANKS:** In the event any underground storage tanks are located on the premises or hereinafter placed on the premises by any party during the term or extension of this Permit, Tenant shall be responsible for tank monitoring of all such underground storage tanks as required by the County of San Diego Hazardous Material Management Division (HMMD) or any other responsible agency. Tenant further agrees to take responsibility for reporting unauthorized releases to HMMD and the District within twenty-four (24) hours of such unauthorized release. Tenant will be responsible for all fees and costs related to the unauthorized release of Contaminants including but not limited to investigative, surface and groundwater cleanup, and expert and agency fees. Tenant shall maintain evidence of financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by a release from the underground tank system. Tenant further agrees to be responsible for maintenance and repair of the storage tanks, obtaining tank permits, filing a business plan with HMMD or other responsible agency and for paying underground storage tank fees, permit fees, and other regulatory agency fees relating to underground storage tanks.

Tenant agrees to keep complete and accurate records on the premises for a period of not less than thirty-six (36) months from the applicable events, including, but not limited to permit applications, monitoring, testing, equipment installation, repairing and closure of the underground storage tanks, and any unauthorized releases of Contaminants and make such records available for District or responsible agency inspection. Tenant further agrees to include a copy of Health and Safety Code, Chapter 6.7, Section 25299, as part of any agreement between Tenant and any Operator of such underground storage tanks.

Furthermore, Tenant shall be responsible for compliance with all other laws and regulations presently existing or hereinafter enacted applicable to underground storage tanks, including without limitation any such laws and regulations which alter any of the above requirements.

**30. ABOVEGROUND STORAGE TANKS:** Tenant shall be responsible for any aboveground storage tanks on the premises. Tenant shall, in accordance with this Permit and applicable laws and regulations, secure and pay for all necessary permits and approvals, prepare a spill prevention control counter measure plan

and conduct periodic inspections to ensure compliance therewith, including conformance with the latest version of said laws and regulations. In addition, Tenant shall maintain and repair said tanks and conform and comply with all other applicable laws and regulations for aboveground storage tanks, including without limitation all of the requirements of Health & Safety Code, Sections 25270 through 25170.13 as presently existing or as hereinafter amended, including without limitation conducting daily visual inspection of said tanks, allowing the San Diego Regional Water Quality Control Board, District, or responsible agency, to conduct periodic inspections and complying with valid orders of said Board, filing the required storage tank statement and payment of the fee therefor, establishing and maintaining the required monitoring program and systems, reporting spills as required, and payment of lawfully imposed penalties as provided therein and as otherwise provided by law. Tenant shall be responsible for all costs associated with an unauthorized release from such tanks, including but not limited to, investigative, surface and groundwater cleanup, expert and agency fees.

31. **DISPUTE RESOLUTION:** Except for (i) a dispute or disagreement as to the amount of rent that Tenant is to pay District or (ii) a default in the payment of rent, all other disputes or disagreements between or among the parties arising out of or relating to the terms, conditions, interpretation, performance, default or any other aspect of this Permit, such parties shall first attempt to resolve the dispute informally. In the event the dispute is not resolved informally, prior to and as a precondition to the initiation of any legal action or proceeding, the parties shall refer the dispute to mediation before a retired State or Federal judge mutually selected by the parties. The dispute shall be mediated through informal, nonbinding joint conferences or separate caucuses with an impartial third party mediator who will seek to guide the parties to a consensual resolution of the dispute. The mediation proceeding shall be conducted within thirty (30) days (or any mutually agreed longer period) after referral, and shall continue until any party involved concludes, in good faith, that there is no reasonable possibility of resolving the dispute without resort to a legal action or proceeding. All costs of the mediation shall be shared equally by the parties involved. Each party shall bear its own attorneys' fees and other costs incurred in connection with the mediation. In the event the parties are unable to resolve the dispute through mediation, in addition to any other rights or remedies, any party may institute a legal action.

32. **NOTICES:** Any notice or notices provided for by this Permit or by law to be given or served upon Tenant may be given or served by certified or registered letter addressed to Tenant at City of Imperial Beach, 825 Imperial

Beach Boulevard, Imperial Beach, California 91932 and deposited in the United States mail, or may be served personally upon said Tenant or any person hereafter authorized by it in writing to receive such notice; and that any notice or notices provided for by this Permit or by law to be served upon District may be given or served by certified or registered letter addressed to Executive Director of District at the Administrative Offices of the San Diego Unified Port District, Post Office Box 120488, San Diego, California 92112-0488, and deposited in the United States mail, or may be served personally upon said Executive Director or his duly authorized representative; and that any notice or notices given or served as provided herein shall be effectual and binding for all purposes upon the parties so served.

33. SECTION HEADINGS: The section headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provision hereof.

34. SIGNATURE OF PARTIES: It is an express condition of this Permit that said Permit shall not be complete nor effective until signed by either the Executive Director or his authorized designee on behalf of District and by other party.

Port Attorney

SAN DIEGO UNIFIED PORT  
DISTRICT

By 

DEPUTY PORT ATTORNEY

By \_\_\_\_\_

CITY OF IMPERIAL BEACH

By  Signature

PRINT NAME:  
\_\_\_\_\_

PRINT TITLE:  
\_\_\_\_\_

PACIFIC OCEAN

SEE DETAIL

IMPERIAL BEACH MUNICIPAL PIER

DISTRICT  
TIDELANDS  
AND  
SUBMERGED  
LANDS

OCEAN LANE

SEACOST DR.

2ND STREET

AHLIA AVE.

DONAX AVE.

DAISY AVE.

DATE AVE.

ELM AVE.

EVERGREEN AVE.

ELDER AVE.

ELKWOOD AVE.

EBONY AVE.

IMPERIAL BEACH BLVD.

LOCATION MAP

LOCATION MAP



DONAX AVE.

"APPROXIMATE"  
PERMIT SITE

ORDINARY HIGH  
WATER MARK

APPROX. SHORELINE

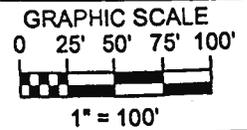
ALLEY

ALLEY

SEACOST DRIVE

DAISY AVE.

DETAIL



DRAWN \_\_\_\_\_  
CHECKED \_\_\_\_\_  
REVIEWED \_\_\_\_\_  
APPROVED \_\_\_\_\_  
LAND SURVEYOR, S.D.U.P.D.

SAN DIEGO UNIFIED PORT DISTRICT  
TIDELAND USE AND OCCUPANCY PERMIT  
WITHIN CORPORATE LIMITS OF IMPERIAL BEACH  
CITY OF IMPERIAL BEACH

DATE OCTOBER 27, 2005  
SCALE 1"=100'  
REF. \_\_\_\_\_

DRAWING NO. \_\_\_\_\_  
SHEET 1 OF 1  
EXHIBIT "A"



AGENDA ITEM NO. 4.1 -

**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: GARY BROWN, CITY MANAGER**

**MEETING DATE: November 3, 2010**

**ORIGINATING DEPT.: HANK LEVIEN, PUBLIC WORKS DIRECTOR  
JENNIFER M. LYON, CITY ATTORNEY**

**SUBJECT: ORDINANCE NO. 2010-1108 – AN ORDINANCE OF THE  
CITY COUNCIL OF THE CITY OF IMPERIAL BEACH,  
CALIFORNIA, AMENDING TITLE 12 – “STREETS,  
SIDEWALKS, AND PUBLIC PLACES” TO ADD  
CHAPTER 12.76 – “NEWS RACKS AFFECTING PUBLIC  
SAFETY” TO THE IMPERIAL BEACH MUNICIPAL  
CODE**

---

**BACKGROUND:**

The City does not currently regulate the number and placement of news racks within the public rights-of-way. As a result, unregulated placement of news racks interferes with the flow of vehicular and pedestrian traffic; distracts and impairs the vision of motorists, posing a danger to pedestrians, particularly small children; interferes with the safe entry and departure from vehicles or buildings; and detracts from the appearance of streets, sidewalks, and businesses, all constituting a nuisance. In order to prevent the inconvenience and potential danger to the health, safety and welfare of the public, it is necessary to regulate the appearance, size, and placement of news racks.

The City Council conducted the first reading/introduction of the ordinance at its meeting of October 20, 2010.

**DISCUSSION:**

The proposed ordinance prohibits the placement of a news rack in such a way as to interfere with pedestrian, including access by disabled persons, and vehicular traffic and requires that news racks placed in the public rights-of-way conform to all of the provisions of the proposed Chapter 12.76 of the Imperial Beach Municipal Code (IBMC). The regulations in the proposed ordinance consist of requiring a permit, insurance, and a hold harmless agreement in order to maintain a news rack; and sets out the standards for the appearance of news racks, their placement and number, and maintenance and repair. The ordinance further provides for enforcement, revocation or modification of permits, and an appeal process.

**FISCAL IMPACT:**

N/A

**ENVIRONMENTAL IMPACT:**

The ordinance adding Chapter 12.76 to Title 12 of the IBMC, regulating appearance, location and operation of news racks is exempt from further review under the California Environmental Quality Act ("CEQA.") Specifically, the adoption of the ordinance is exempt under the general rule found in CEQA Guidelines section 15061(b)(3) which states that CEQA only applies to projects that would have a significant effect on the environment, and the activity is exempt from further review because the activity in question will not have a significant effect on the environment.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that:

1. The City Council receive this report;
2. The Mayor calls for the reading of the title of Ordinance No. 2010-1108, "An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING TITLE 12 – "STREETS, SIDEWALKS, AND PUBLIC PLACES" TO ADD CHAPTER 12.76 – "NEWS RACKS AFFECTING PUBLIC SAFETY" TO THE IMPERIAL BEACH MUNICIPAL CODE";
3. City Clerk reads title of the Ordinance No. 2010-1108; and
4. Motion to dispense with reading and adopt Ordinance No. 2010-1108 by title only.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Ordinance No. 2010-1108 with Exhibit "A"

**ORDINANCE NO. 2010-1108****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING TITLE 12 – “STREETS, SIDEWALKS, AND PUBLIC PLACES” TO ADD CHAPTER 12.76 – “NEWS RACKS AFFECTING PUBLIC SAFETY” TO THE IMPERIAL BEACH MUNICIPAL CODE**

**WHEREAS**, the City Council finds that the City does not currently regulate the number and placement of news racks within the public right-of-way; and

**WHEREAS**, the City Council also finds that the unregulated placement of news racks presents an inconvenience and danger to the health, safety and welfare to the citizens of and visitors to the City of Imperial Beach; and

**WHEREAS**, the unregulated placement of news racks interferes with the safe flow of pedestrian and vehicular traffic; impairs the vision and distracts the attention of motorists and pedestrians and cause injury to the person or property of such persons; and

**WHEREAS**, the unregulated placement of news racks can inhibit wheelchair access and/or interfere with the safe use of the public rights of way by disabled persons; and

**WHEREAS**, the unregulated placement of news racks also inhibits the safe entry or departure of vehicles or buildings, and detracts from the appearance of streets, sidewalks and adjacent businesses; and

**WHEREAS**, news racks can cause patrons to lose funds in the event of a malfunction; and

**WHEREAS**, the City Council has determined that the above-listed characteristics constitute a public nuisance.

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

**SECTION 1.** Title 12 of the Imperial Beach Municipal Code is hereby amended to add “Chapter 12.76 – News racks Affecting Public Safety” to read as shown in Exhibit “A,” which is attached hereto and incorporated herein by reference.

**SECTION 2.** The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast pursuant to the provisions of Government Code section 36933.

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

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 20<sup>th</sup> day of October 2010; and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, held on the 20<sup>th</sup> day of October 2010, by the following vote:

**DRAFT**

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**DRAFT**

EXHIBIT A

**12.76.010 Purpose and intent.**

A. The City Council finds and declares that it is necessary to establish comprehensive news rack regulations in order to achieve substantial government interests. The unregulated placement of news racks affecting the public right-of-way presents an inconvenience and danger to the health, safety and welfare of the inhabitants of the City in that, unless regulated, news racks may:

1. Interfere with the safe path of travel and flow of pedestrian and vehicular traffic and inhibit wheelchair access and/or interfere with the safe use of the public rights of way by disabled persons;
2. Impair the vision and distract the attention of motorists and pedestrians, particularly small children, and cause injury to the person or property of such persons;
3. Inhibit safe entry and departure from vehicles or buildings;
4. Inhibit reasonable access to bus stops, bus benches and bus shelters;
5. Inhibit reasonable access by all individuals of varying abilities for use and maintenance of sidewalks, poles, posts, traffic signs and signals, hydrants, mailboxes and similar appurtenances;
6. Detract from the appearance of streets, sidewalks and adjacent businesses;
7. Cause loss of funds to patrons in the event of a malfunction;
8. Expose the City to liability claims for personal injury and property damage.

B. News racks presenting any of the characteristics enumerated in subsection A of this section constitute a public nuisance, which the provisions of this chapter are enacted to prevent.

**12.76.020 Definitions.**

Whenever the following words and phrases are used in this chapter, they shall have the following meanings:

- A. "Department" means the Public Works Department.
- B. "Director" means the Director of the Public Works Department or his or her designee.
- C. "News rack" or "newsrack" means any self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display, distribution or sale of publications.

D. "Person" means the person or entity who owns any news rack located in the right-of-way in the City, or located so as to attempt to utilize or take advantage of the right-of-way, or who places or maintains, is responsible for, or directs the placing or maintenance of such news rack.

E. "Public right-of-way" means any place owned by the City or dedicated to use of the public for pedestrian or vehicular travel, including but not limited to a street, sidewalk, curb, gutter, parkway, highway, alley, mall, court, park or square.

F. "Roadway" means that part of a public right-of-way that is designed or used primarily for vehicular travel.

G. "Sidewalk" means the area of the public right-of-way that is designated or ordinarily used for pedestrian travel.

**12.76.030 Prohibitions.**

No person shall place or maintain a news rack so as to endanger safety of person(s) or property or unreasonably interfere with or impede the flow of pedestrian or vehicular traffic on a roadway or public right-of-way. In addition, no person shall place or maintain upon or over a public right-of-way a news rack, unless in conformance with all provisions of this chapter.

**12.76.040 Permit required.**

A. No person shall place or cause to be placed or maintained or cause to be maintained any news rack, or other device used or maintained for the display, distribution, or sale of publications, hereinafter referred to in this chapter as "news rack," in or upon any roadway, public right-of-way or City-owned property in the City, or permit any news rack to remain upon any roadway, public right-of-way or City-owned property without first obtaining a written permit from the City. A permit will not be issued unless the application is completed in full, the requested installation meets all the appropriate placement and appearance criteria as set forth below, and the application is accompanied by the permit fee.

B. Any owner of a news rack currently existing on any City right-of-way must apply for a permit pursuant to this chapter within sixty days of the effective date of this ordinance, provided that the existing news rack is in a location deemed to be legal as of the effective date of this chapter. Any news rack that is not the subject of a valid permit application as required by this chapter, will be deemed to be in violation of this chapter and subject to removal from the right-of-way as set forth herein.

C. This chapter shall not apply to an owner or occupant of property who places or maintains a news rack on private property, in such manner that the news rack will not interfere with the movement of pedestrians or vehicular traffic.

**12.76.050 Permit – Applications.**

A person desiring a permit for the placement of one or more news racks as required by this chapter shall file an application for such permit with the Community Development Department.

**12.76.055 Permit – Application Process.**

A. The Community Development Department shall be responsible for the receipt, distribution, tracking, permit fee and return of the permit to the applicant. The distribution will include routing the application to the Director for review, evaluation and conditions of approval or denial.

B. Each application shall be accompanied by a detailed plan giving a full description of the proposed location of each news rack, the type and design of the news rack to be used, and such other information regarding the appearance and placement as may be required by the Director.

C. If the application for a permit is denied, the Director shall notify the applicant setting forth the grounds for denial of the permit in clear and concise language. Within 5 days of receipt of the Director's notification of denial of the application for a permit, the applicant may file a written request with the City Manager for a hearing before the City Manager. The City Manager shall set a time and place for the hearing and shall notify the applicant thereof at least five days before the hearing date. The hearing shall be held within 30 days after the request is filed. At any hearing held pursuant to this section the applicant shall have the right to be heard and to present witnesses and documentary evidence on its behalf. The decision of the City Manager shall be final.

**12.76.060 Filing fee.**

A person desiring a permit shall pay a fee in an amount to be set by City Council resolution, to the City upon the filing of each application for a permit as provided in this chapter for the purpose of defraying the expense of processing the application.

**12.76.070 Issuance of permit.**

A. The Director shall approve the permit applied for if the application meets all the requirements of this chapter.

B. The Director shall determine priorities related to the location of news racks as follows:

1. An application for a news rack in an unoccupied location deemed to be legal as of the effective date of this chapter shall be given priority on a first come, first served basis. In the event that available spaces remain in an occupied location deemed to be legal as of the effective date of this chapter after the lottery provided for in subsection (3) of this section is concluded, if such lottery is required, such remaining spaces shall also be given priority on a first come, first served basis.

2. News racks already placed at a location deemed to be legal as of the effective date of this chapter shall have priority over new applicants for the same location, provided the owners of the existing news racks submit an application for a permit as required by section 12.76.040(B), and the then existing or newly proposed news racks comply with the appropriate placement and appearance criteria within six months, as set forth in Section 12.76.110(F).

3. In determining which pre-existing news rack(s) shall be permitted to remain at an occupied location deemed to be legal as of the effective date of this chapter, the Director shall assign the space(s) at random by means of a public lottery if necessary. The owners of such news racks must also apply for a permit as required by section 12.76.040(B), and comply with the appropriate placement and appearance criteria within six months, as set forth in Section 12.76.110(F).

**12.76.080 Permit nontransferable.**

The permit shall not be transferable from one person to another.

**12.76.090 Insurance.**

Prior to the issuance of a permit pursuant to this chapter, the applicant shall file a policy of insurance, or certificate thereof, issued by a company authorized to do business in the State with the Director. Said policy shall name the City as a named insured, and shall indemnify the City for any loss, damage or liability suffered by the City by reason of the existence of such news rack in or upon the City right-of-way and/or the operation and maintenance of such news racks. Said policy of insurance shall indemnify the City in the sum of \$1,000,000 or more against loss or liability arising from the injury or death of one person, and shall indemnify the City in the sum of \$1,000,000 or more against loss or liability arising from the injury or death of two or more persons in any one accident, and the sum of \$300,000 or more with respect to any property damage aforesaid. Such indemnity, public liability and property damage insurance shall be maintained in full force and effect during the entire term of the permit granted pursuant to this chapter.

**12.76.100 Hold harmless agreement.**

Prior to the issuance of a permit pursuant to this chapter, the applicant shall enter into an agreement with the City whereby the permittee shall agree as follows: The City, its agents, officers and employees, shall not be held liable for any claims, liabilities, penalties, fines or for any damage to any goods, properties or effects of any person whatsoever, or for personal injuries to or deaths of any person, whether caused by or resulting from any acts or omission of permittee, or his agents, employees or representatives, or for dangerous or defective conditions of the property of permittee or any way caused by news racks placed or maintained pursuant to the permit; permittee further agrees to indemnify and save free and harmless and defend in any lawsuit the City and its authorized agents, officers, and employees against any of the foregoing liabilities and any cost and expenses incurred by the City, its agents, officers or employees on account of any claims therefore.

**12.76.110 Standards.**

- A. No news rack shall exceed 48 inches in height, 20 inches in width or 20 inches in depth.
- B. Each news rack shall be constructed entirely of opaque, shatterproof materials.
- C. No photographs, drawings, advertising signs, or material other than the printed name of the publication contained within the news rack, and the notice described in subsection D of this section, shall be displayed on the outside of any news rack.

D. Each news rack shall have affixed to it in a readily visible place, a notice not larger than three inches high and six inches long, setting forth the name and address of the person responsible for maintaining the news rack and a working telephone number to call to report a malfunction, or to obtain a refund in the event a person using the news rack is unable to receive the publication paid for. The name, address and telephone number given shall be those desired for receipt of all notices provided by this chapter.

E. Each news rack shall be maintained in a neat and clean condition and in good repair at all times. Evidence that the news rack is not maintained in a clean condition and good repair includes, but is not limited to, the presence of:

1. Graffiti.
2. Broken or unreasonably misshapen structural components.
3. Cracks, dents or discoloration of the news rack.
4. Substantial accumulation of dirt, grease, rust, or corrosion.
5. Substantial amount of chipped, faded, peeling, or cracked paint.

F. The provisions of this section shall apply to all news racks, whether installed and maintained prior to or after the effective date of this ordinance that, in whole or in part, rests upon, in, or over any dedicated sidewalk, right-of-way or roadway.

G. In addition to any other provisions of this section, news racks shall otherwise comply with all applicable federal, state, and local laws and regulations including, without limitation, the Americans with Disabilities Act (ADA) and other laws and regulations relating to barrier-free design.

**12.76.120 Location.**

- A. No news rack shall be located, maintained or placed at or within:
1. Twenty-five feet of the intersection of two or more roadways;
  2. Five feet of any crosswalk, bus bench, fire hydrant or other emergency facility;
  3. Forty-five feet ahead or forty-five feet to the rear of a bus stop as measured along the street curb;
  4. Ten feet of any driveway;
  5. Five hundred feet of any cluster of three other news racks, whether or not containing the same edition of the publication.
- B. All news racks shall be placed in a location that preserves a minimum of four feet of unobstructed pedestrian accessible sidewalk between the rack and the street side of the sidewalk.
- C. News racks upon sidewalks or other pedestrian ways shall be located only at the edge thereof farthest from the roadway. If a roadway adjoins such sidewalk or pedestrian way, news racks shall only be located at the edge away from the roadway, and if the wall of a building adjoins the edge away from the roadway, then news racks must be parallel to and within six inches of such wall, but neither directly in front of any display window nor within three feet of any entrance to such building.

D. No news rack shall be chained, bolted or otherwise attached to the ground or to any fixture unless it is affixed in a manner acceptable to the Director pursuant to a validly issued Encroachment Permit.

E. In addition to any other provisions of this section, news racks shall be otherwise located so as not to create a danger to persons using the news rack in a reasonably foreseeable manner, and that all news racks will comply with all applicable federal, state, and local laws and regulations including, without limitation, the Americans with Disabilities Act and other laws and regulations relating to barrier-free design.

**12.76.130 Maintenance and repair.**

The permittee shall at all times keep and maintain each of the news racks in a good state of repair and in a neat, clean condition to the satisfaction of the Director. Said maintenance shall include: painting at such intervals as may be specified from time to time by the Director to ensure that the news racks have a neat appearance; and repairing of any damage within 72 hours after written notification of damage given by the Director.

**12.76.135 Removal or relocation of news racks – repair of sidewalks.**

Upon the removal or relocation of any news rack, the person so removing or relocating the news rack shall be responsible for the repair of any resulting condition, including filling in of any holes left in the sidewalk and/or the removal of any bolts or other devices used to affix the news rack to the sidewalk such that there are no obstructions above the grade of the sidewalk. Such work is to be done to the satisfaction of the Department.

**12.76.140 Abandonment.**

No news rack shall remain empty for a period of 30 continuous days.

**12.76.150 Inspection.**

The Director shall be responsible for the enforcement of this chapter and shall authorize periodic inspections of news rack locations, including inspections upon the removal or relocation of a news rack, to accomplish the purposes of this chapter.

**12.76.160 Enforcement.**

A. Upon determining that a news rack exists in violation of any provision of this chapter, the City Manager shall:

1. Cause the news rack to be removed and processed as unclaimed property under applicable provisions of law if the news rack is in violation of IBMC 12.76.110(D), and the City Manager is unable to otherwise ascertain the name and address of its owner.

2. Cause an order to be issued to the person named in the notice required by IBMC 12.76.110(D) to correct the offending condition if the news rack is in compliance with IBMC 12.76.110(D). The order shall be telephoned to the distributor and confirmed by mailing a copy of the order by certified mail, return receipt requested, to the person at the address shown on the notice required by IBMC 12.76.110(D). The order shall specifically describe the offending condition and suggest actions necessary to correct it. If the distributor fails to make the corrections within five days (excluding Saturdays, Sundays and legal holidays) of receipt of

the order, and no request for a hearing is filed, the City Manager shall cause the offending news rack to be seized. The person named in the notice required by IBMC 12.76.110(D) shall be notified of the seizure by certified mail within 30 days. If no response is made, the City Manager shall cause the news rack to be processed as unclaimed property under applicable law.

3. Cause the news rack to be seized and processed under the provisions of subsection B of this section relating to summary correction of a violation, if the news rack poses an immediate danger to pedestrians or vehicles, irrespective of whether it is in compliance with IBMC 12.76.110(D).

B. In the case of minor violations of this chapter that can be corrected at the site, any City employee, as an alternative to removal of the news rack, is authorized to correct the violation summarily.

C. Any news rack existing in violation of any provision of this chapter shall constitute a public nuisance, and may be abated in accordance with applicable provisions of law.

**12.76.170 Hearing.**

Within five days after receipt of the City Manager's order issued pursuant to the provisions of IBMC 12.76.160(A)(2), any party affected by the order may file a written request with the City Manager for a hearing before the City Manager. The City Manager shall set a time and place for the hearing and shall notify the party thereof at least five days before the hearing date. The hearing shall be held within 30 days after the request is filed. At any hearing held pursuant to this section or IBMC 12.76.190, the permittee shall have the right to be heard and to present witnesses and documentary evidence on its behalf. The decision of the City Manager shall be final.

**12.76.180 Revocation or modification of permits.**

After a hearing as provided in this chapter, or if no hearing is requested, the City Manager may revoke or modify any permit which has been granted pursuant to this chapter on any one or more of the following grounds:

- A. That such permit was obtained by fraud;
- B. That the use for which such permit was granted is not being exercised;
- C. That the use for which such permit was granted has ceased or has been suspended for 30 days or more;
- D. That any person making use of or relying upon the permit has violated any condition of such permit, or that the use for which permit was granted, is being, or recently has been exercised contrary to the terms or conditions of the permit, or in violation of any statute, ordinance, law or regulation or such person has failed to comply with any order of the Director authorized by this chapter;
- E. That the use for which the permit was granted is so exercised as to be detrimental to the public health, safety or welfare or so as to be a nuisance.

**12.76.190 Hearing for revocation or modification.**

A. The City Manager, upon the filing of a complaint by the Director shall hold a hearing for modification or revocation of any permit issued as provided for in this chapter. Such hearing shall be held within 40 days after the filing of a written complaint with the City Clerk setting forth the grounds of revocation or modification in clear and concise language. At least 10 days before the hearing, a copy of said complaint shall be mailed to the permittee together with a notice of the time and place of the hearing. The permittee may file an answer to the grounds set forth in the complaint at or before the hearing. After the hearing, the City Manager may:

1. Revoke or modify the permit as requested in the complaint; or
2. Deny the revocation and modifications requested in the complaint in whole or in part.

B. The decision of the City Manager shall be final and conclusive. Appeals shall be governed by the procedures set out in California Code of Civil Procedure Section 1094.8 for expedited judicial review.

**12.76.200 Termination.**

A. Each permit issued pursuant to this chapter shall terminate at the expiration of one year from the date of issuance by the Department unless the permit is issued for a shorter period, in which event it shall terminate at the end of such shorter period. In the event no use in reliance on a permit issued pursuant to this chapter is commenced within a period of 30 days from the date of issuance, or within an extension of said time as granted by the City Manager, then the permit shall terminate and expire.

B. Upon the termination or revocation of any permit issued pursuant to this chapter, the person to whom the permit was issued shall remove all news racks placed or maintained upon any City right-of-way or City-owned property pursuant to such permit. In the event such person fails to remove such news racks within 10 days after notice by the Director to do so, the City may elect to treat such news racks as having been abandoned and may remove and dispose of such news racks at the expense of such person.

**12.76.210 Severability.**

If any section, subsection, clause or phrase of this Chapter is held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Chapter or any part thereof. The City Council hereby declares that this Chapter, and each section, subsection, sentence, clause and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentence, clauses or phrases be declared invalid or unconstitutional.



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: GARY BROWN, CITY MANAGER**

**MEETING DATE: NOVEMBER 3, 2010**

**ORIGINATING DEPT.: CITY MANAGER**

**SUBJECT: PUBLIC HEARING TO CONSIDER FINAL APPROVAL OF THE IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND TO AUTHORIZE THE LEVYING OF THE 2010/2011 FISCAL YEAR ASSESSMENT FOR THE DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989**

---

**BACKGROUND:**

The Imperial Beach Business Improvement District was established in 1997. The purpose of the BID, as outlined in the original Ordinance, was to raise money to defray costs for any of the following:

- (1) Acquisition, construction, and/or maintenance of parking facilities;
- (2) Decoration of any public place;
- (3) Promotion of public events in public places;
- (4) Provision of music or entertainment in public places; and
- (5) Promotion of business activities.

On October 6, 2010, the City Council considered and approved the Fiscal Year 2009/2010 Annual Report of the Business Improvement District Board. The Report also included a Budget for Fiscal Year 2010/2011. A resolution was adopted scheduling a public hearing for November 3, 2010 to consider final approval of the Annual Report and to authorize the levying of the annual assessment for Fiscal Year 2010/2011. The law governing Parking and Business Improvement Districts requires that oral and written protests be heard at the public hearing.

**DISCUSSION:**

Budgeted BID expenditures for FY 2010/2011 are estimated at \$55,250. Total revenues are projected to be \$31,000. The BID has accumulated a reserve of approximately \$39,000. The

proposed budget anticipates spending approximately \$24,000 of this reserve to balance the budget. This will result in a projected carryover of \$15,000 at the end of the Fiscal Year.

**ENVIRONMENTAL IMPACT**

Not a project as defined by CEQA.

**FISCAL ANALYSIS:**

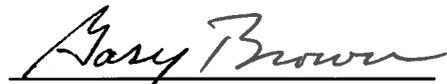
Minimal costs associated with the collection/disbursement of the BID assessment by the City.

**DEPARTMENT RECOMMENDATION:**

1. Declare public hearing open;
2. Receive public testimony;
3. Close public hearing; and
4. Adopt Resolution No. 2010-6962 – approving the Report from the BID Advisory Board for FY 2009/2010 and the budget and proposed activities for FY 2010/2011 and levying the assessment for properties within the BID for FY 2010/2011.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



Gary Brown, City Manager

**Attachments:**

1. BID Cover Letter
2. BID Annual Report for FY 09-10
3. Proposed Budget for FY 10-11
4. Resolution No. 2010-6962



## BID City Report September 2010

The Business Improvement District Association (BID) has promoted Imperial Beach as an active business community and visitor destination with a healthy variety of retail businesses, special events, and visitor attractions during the fiscal year of July 2009 to June 2010.

The annual Taste of IB was the key event to present the variety of local businesses available to the public throughout Imperial Beach. Businesses not on the route of the Taste of IB were encouraged and invited to promote themselves at the pier plaza during the event.

With the help of the City of Imperial Beach, a successful Business Exposition was held to give existing and those hoping to start a business a one stop showcase of resources needed to run a successful business. Funds were spent, in conjunction with the City of Imperial Beach, promoting Imperial Beach as a destination city in the 101 Things to do in San Diego Magazine.

The Banner Sign Poles were funded to give the city and local event organizers a distinguished low cost method to promote events in the City of Imperial Beach. The ongoing Paint the Box beautification program has kept utility boxes as works of art vice eyesores. A local business was used to develop a logo and website for branding of the BID and future promotions. Funds were provided for the concert at the pier for the Fourth of July fireworks. Ribbon Cuttings, the Bizz-Buzz (the BID e-letter), support for city events (unveiling of artwork) were provided throughout the year.

While 2009 was busy, 2010 and beyond present themselves as times of change for the city. With the new Seacoast Inn and 9<sup>th</sup> and Palm both proceeding the BID will look forward to making Imperial Beach even more of a destination city.

The BID is allocating funds to promote announcements by the City that pertains to visitor attractions and special events.

The BID plans on continuing the successful Paint the Box program, Business Exposition, Sunset Celebrations and Taste of IB.

Funds are allocated for both the 4<sup>th</sup> of July Fire Works and Sandcastle, two of the largest influxes of visitors to Imperial Beach.

The BID is looking forward to promote the City of Imperial Beach as a destination city for both businesses and visitors.



Annual report, fiscal year 01 July 2009 to 30 June 2010, and proposed budget, 01 July 2010 to 30 June 2011, for the Imperial Beach Business Improvement District Association (**Association**).

- 1) There are no proposed changes in the boundaries of the parking and business improvement area or in any benefit zones within the area. The association proposes to review the advisability to include excluded areas of the City of Imperial Beach (**City**) in the future.
- 2) Improvement and activities with costs of providing improvements and activities (July 1, 2009 to June 30, 2010): See Attachment A
- 3) The BID accomplished (Jun 2009 – Jul 2010):
  - A) Promoting bring people into the district by:
    1. Conducting the Taste of IB.
    2. Funding the Banner Sign Poles at Veteran's and Triangle Parks
    3. Supporting the 4<sup>th</sup> of July concert.
    4. Conducting Sunset Celebration concerts on Sunday afternoons.
    5. Advertising (with the City) in the '101 Things to do in San Diego' magazine.
    6. Purchase of PA speakers for events.
    7. Increasing the beautification of the District with the Paint the Box program.
    8. Developing a branding Logo and Website (still in progress).
  - 4) Proposed improvements and activities with the estimate of the cost of providing the improvements and the activities proposed (July 1, 2010 to June30, 2011): See Attachment B
  - 5) The BID plans on (for Jun 2010- Jul 2011):
    - A) Promoting bringing people into the district by:
      1. Conducting the Taste of IB, showcasing local businesses.
      2. Holding Sunset Celebrations (including support of the 4<sup>th</sup> of July fireworks) during the summer months.
      3. Supporting Sandcastle.
      4. Providing music for Christmas Comes to IB and the Beachfront BBQ.
    - B) Helping the district beautification by:
      1. Providing the Paint the Box program. Emphasis this year to catch up on maintenance due to corrosion and graffiti.
      2. Providing Holiday decorations.
    - C) Promoting the establishment of new businesses and helping existing businesses with the Business Exposition.
    - D) Promoting the District by helping the City advertise special projects such as ground breakings and news worthy city projects helping the image of the District.
  - 6) It is proposed to keep the assessment the same as last fiscal year.
  - 7) Surplus form last fiscal year is \$39,322.61.
  - 8) Contributions (July 1, 2009 to June 30, 2010) from sources other than assessments levied included:

A) San Diego Port District	\$1000.00
B) BizzBuzz Advertising	\$ 130.00
C) Taste of IB (ticket sales and Sponsors)	\$2000.00
D) Reconciliation of Account	\$ 289.69

## Attachment A Business Improvement District Budget Jul 2009- Jul 2010

<b>Income</b>	<b>Budget</b>	<b>Actual</b>		<b>Difference (\$)</b>	<b>Difference (%)</b>
BID Fees	\$27,500.00	\$27,979.00		\$479.00	2%
Taste of IB	\$2,000.00	\$3,090.00		\$1,090.00	55%
Grants (Port for Taste of IB)	\$1,000.00	\$1,000.00		\$0.00	0%
Bizz Buzz	\$1,450.00	\$130.00		-\$1,320.00	-91%
Reconciliation	\$0.00	\$289.69		\$289.69	0%
Balance Forward	\$41,376.59	\$41,376.59		\$0.00	0%
<b>Total Income</b>	<b>\$73,326.59</b>	<b>\$73,865.28</b>		<b>\$538.69</b>	<b>2%</b>
<b>Expense</b>	<b>Budget</b>	<b>Actual</b>	<b>Subset Cost</b>	<b>Difference (\$)</b>	<b>Difference (%)</b>
Bank Fees	\$100.00	\$0.00		\$100.00	100%
BID Fees ½ to IBCoC	\$13,750.00	\$13,989.50		-\$239.50	-2%
General Promotions	\$3,000.00	\$2,384.95		\$615.05	21%
PA Speakers			\$492.68		
101 Things to do in SD Mag			\$712.50		
BID Banners			\$150.00		
4 <sup>th</sup> July Concert			\$1,000.00		
Sunset Celebrations			\$29.77		
Special Events Promotions	\$3,000.00	\$2,795.74		\$204.26	7%
Triangle Park Xmas Lights			\$2,795.74		
Improvement Projects	\$1,000.00	\$0.00		\$1,000.00	100%
Paint the Box/Special Projs	\$1,000.00	\$2,095.00		-\$1,095.00	-110%
Postage	\$100.00	\$176.00		-\$76.00	-76%
Printing & Reproduction	\$500.00	\$0.00		\$500.00	100%
Taste of IB	\$2,800.00	\$2,115.56		\$684.44	24%
Beautification/Special Proj	\$4,700.00	\$4,683.84		\$16.16	0%
Paint the Box			\$2,500.00		
Banner Sign Poles			\$2,183.84		
Annual Audit	\$0.00	\$1,250.00		-\$1,250.00	-100%
Website/Special Proj	\$2,000.00	\$5,052.08		-\$3,052.08	-153%
Website Development			\$5,000.00		
Website Ownership/Activation			\$52.08		
<b>Total Expenses</b>	<b>\$31,950.00</b>	<b>\$34,542.67</b>		<b>-\$2,592.67</b>	<b>-8%</b>
<b>Total Expenses</b>					<b>\$31,950.00</b>
Cash Reserves Carried Over					\$39,322.61
<b>Total</b>					<b>\$71,272.61</b>



## Attachment B

## Business Improvement District

Budget Jul 2010 - Jun 2011

<b>Income</b>		<b>Budget</b>	
BID Fees		\$27,500.00	
Taste of IB		\$2,000.00	
Grants	(Port for Taste of IB)	\$1,000.00	
Bizz Buzz Advertising		\$500.00	
<b>Total Income</b>		<b>\$31,000.00</b>	
Cash Reserves Carried Over from Jun 2009- Jul 2010		\$39,322.61	
<b>Total Income Plus Cash Reserves</b>		<b>\$70,322.61</b>	
<b>Budgeted Expense</b>		<b>Budget</b>	<b>Subset Cost</b>
Administration/Operations		\$15,100.00	
	Banking		\$100.00
	½ Fees to IB CoC		\$13,750.00
	Annual Audit		\$1,250.00
Parking Improvements		\$0.00	
Beautification/Special Projects		\$12,000.00	
	Paint the Box		\$7,500.00
	Holiday Decorations		\$4,500.00
General Promotions		\$7,100.00	
	Taste of IB		\$2,800.00
	Sunset Celebration June		\$700.00
	4 <sup>th</sup> July Concert		\$1,200.00
	Sunset Celebrations Aug		\$700.00
	Sunset Celebrations Sept		\$700.00
	Music – Christmas Comes to IB		\$500.00
	Music – Beachfront BBQ		\$500.00
Special Events Promotions/Advertising		\$18,950.00	
	4 <sup>th</sup> July Fireworks (actually Fireworks)		\$10,000.00
	4 <sup>th</sup> July Advertising		\$1,200.00
	Business Exposition		\$2,000.00
	Sunset Celebrations Banners		\$250.00
	Advertising – City of IB Projects		\$3,000.00
	Event Promotion		\$1,500.00
	Postage		\$500.00
	Printing & Reproduction		\$500.00
Reserves/Miscellaneous		\$2,100.00	
	Miscellaneous		\$2,000.00
	Website		\$100.00
<b>Budgeted Total Expenses</b>		<b>\$55,250.00</b>	
<b>Budgeted Cash Reserves to Be carried over</b>		<b>\$15,072.61</b>	
<b>Total Budgeted</b>		<b>\$70,322.61</b>	



## RESOLUTION NO. 2010-6962

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING THE FISCAL YEAR 2009/2010 IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT REPORT AND LEVYING THE FISCAL YEAR 2010/2011 ANNUAL ASSESSMENT FOR THE DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989**

**WHEREAS**, by Ordinance No. 96-907, adopted by the Imperial Beach City Council on January 2, 1997, the "Imperial Beach Business Improvement District" (the "District") was formed, pursuant to the provisions of the Parking and Business Improvement Area Law of 1989, codified as California Streets and Highways Code Section 36500 et seq. (the "Law"); and

**WHEREAS**, the Advisory Board for the District has caused a report to be prepared and said report is on file with the City Clerk; and

**WHEREAS**, the City Council considered said report from the advisory board at a meeting on October 6, 2010; and

**WHEREAS**, the City Council adopted Resolution No. 2010-6951 at a meeting on October 6, 2010, approving the Report of the BID and setting a public hearing for November 3, 2010, to receive public testimony and to levy the assessments for Fiscal Year 2010/2011.

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

**Section 1.** The City Council gives final approval to the 2009/2010 Fiscal Year Report of the BID Advisory Board and declares its intention to levy and collect Fiscal Year 2010/2011 assessments within the Imperial Beach Business Improvement District as set forth in **Section 2.**

**Section 2.** The area included in the District includes the Imperial Beach business community within the following address ranges:

**Sub-District #1/Highway 75 - Palm Avenue**

	<b><u>STREET</u></b>	<b><u>ADDRESS SERIES</u></b>
1.	7 <sup>th</sup> Street	600-800
2.	Delaware	600-800
3.	9 <sup>th</sup> Street	600-800
4.	10 <sup>th</sup> Street	600-800
5.	11 <sup>th</sup> Street	450-500
6.	12 <sup>th</sup> Street	500-800
7.	13 <sup>th</sup> Street	500-810
8.	Emory Street	600-800
9.	N. Emory Street	600-700
10.	Florence Street	500-600
11.	Florida Street	500-600
12.	Highway 75	500-1360
13.	Palm Avenue	700-1360

**Sub-District #2/Old Palm Avenue**

	<b><u>STREET</u></b>	<b><u>ADDRESS SERIES</u></b>
1.	Palm Avenue	200-699
2.	3 <sup>rd</sup> Street	500-700

**Sub-District #3/Seacoast Drive**

	<b><u>STREET</u></b>	<b><u>ADDRESS SERIES</u></b>
1.	Seacoast Drive	600-1099
2.	Palm Avenue	000-200
3.	Dahlia	000-200
4.	Donax	000-200
5.	Daisy	000-200
6.	Date	000-200
7.	Elm	000-200
8.	Evergreen	000-200
9.	Elder	000-200
10.	Elkwood	000-200
11.	Ebony	000-200
12.	Imperial Beach Blvd.	000-200

**Sub-District #4/13th Street Business Corridor**

	<b><u>STREET</u></b>	<b><u>ADDRESS SERIES</u></b>
1.	Imperial Beach Blvd.	1000-1400
2.	9 <sup>th</sup> Street	801-1100
3.	13 <sup>th</sup> Street	801-1100
4.	Emory Street	801-1100

**Sub-District #5/Bayside Businesses**

	<b><u>STREET</u></b>	<b><u>ADDRESS SERIES</u></b>
1.	Cherry Avenue	700-1100
2.	Boulevard Avenue	700-1300
3.	Basswood Avenue	700-1000

The assessments for the BID in Fiscal Year 2010/2011 are as follows and remain the same as first established in Ordinance No. 96-907:

- Zone 1 – Highway 75/Palm Avenue, Old Palm Avenue, and Seacoast Drive
- Zone 2 – 13<sup>th</sup> Street Business Corridor and around Imperial Beach Boulevard and side

streets and Bayside Businesses

<u>Category</u>	<u>Zone 1</u>	<u>Zone 2</u>
1. Financial/Entertainment	\$600	\$600
2. General Retail	\$120	\$100
3. Service and Professional	\$100	\$85
4. Industrial/Manufacturing	\$85	\$65

**Section 3.** The report of the advisory board is on file with the City Clerk. Said report contains a full and detailed description of the improvements and activities provided and those to be provided in the 2010/2011 fiscal year.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its regular meeting held on the 3<sup>rd</sup> day of November 2010, by the following vote:

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

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

**ATTEST:**

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





STAFF REPORT  
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: NOVEMBER 3, 2010

ORIGINATING DEPT.: PUBLIC WORKS *HB*

SUBJECT: RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO SEALING & REPAIRING WETWELLS & MANHOLES W05-401 CONTRACT WITH NEWEST CONSTRUCTION COMPANY AND AUTHORIZING A BUDGET AMENDMENT OF \$20,000 TO THE SEALING & REPAIRING WETWELLS & MANHOLES W05-401 CIP PROJECT

**BACKGROUND:** June 15, 2010, City Council adopted resolution No. 2010-6904 awarding a contract for certain public works project – Sealing & Repairing Wetwells & Manholes (W05-401) to NEWest Construction Company at a contract price of \$656,515. Construction work commenced September 21, 2010.

**DISCUSSION:** During the construction work preparation, staff, in company with the contractor, marked each of the 53 sewer manholes that were scheduled for rehabilitation. After the work was completed on most of the manholes it was discovered that manhole # 323 was missed (not-marked) and an adjacent manhole, (M/H # 326) had been marked in its place. The result was that manhole # 323 was not rehabilitated and M/H # 326 was rehabilitated in error.

Since MH # 326 is now rehabilitated it is necessary to reimburse NEWest Construction Company for this new work. The contractor has incurred a cost of \$19,293 in the reconstruction of MH # 326. In order to cover the costs of this new expense the CIP project budget will need to be increased by \$20,000. There are sufficient funds in the Sewer Enterprise Fund, Reserve Account to transfer the \$20,000 for this purpose.

**ENVIRONMENTAL DETERMINATION:**  
Not a project as defined by CEQA. This project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15302(c): Replacement or Reconstruction of Existing Utility Systems and Facilities.

**FISCAL IMPACT:**  
Budget Allocated from Sewer Enterprise Fund:

- Sealing & Repairing Wet Wells & Manholes (CIP W05-401) \$463,000
- Sewer Manholes (CIP W05-301) \$ 70,000
- Pump Station NO. 7 Wet Well Replacement (CIP W06-1101) \$221,000
- Budget Amendment – Resolution 2010-6904 \$ 35,000
- TOTAL BUDGET ALLOCATED \$789,000

Expenditure & Encumbrances

- Tran Engineering (design services) \$ 63,350
- NEWest Construction Company, Inc. \$656,515
- **Change order No. 1 to NEWest Construction Co. contract** \$ 19,293
- Project Administration \$ 63,000
- **ESTIMATED TOTAL PROJECT COST** \$802,158

Recommended budget amendment to cover the remaining cost of the project:

- Sewer Enterprise Fund \$ 20,000

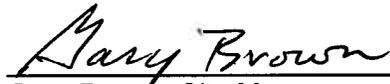
**New Total Sewer Enterprise Fund Allocation \$809,000**

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Consider approving the payment to NEWest Construction Company of \$19,293 for the rehabilitation of M/H # 326.
3. Adopt attached resolution number 2010-6960 authorizing Change Order No. 1 to the NEWest Construction Company Sealing & Repairing Wetwells & Manholes (W05-401) contract for the rehabilitation of M/H # 326.
4. Authorize the City Manager to approve the NEWest Construction Company purchase order increase by \$19,293.
5. Authorize the transfer of \$20,000 from the Sewer Enterprise Fund Reserve (601) Account to the Sealing & Repairing Wet Wells & Manholes (W05-401) CIP project to cover the design, construction and project administration costs (including Change Order No. 1) for the "Sealing & Repairing Wet Wells & Manholes (W05-401)" project (Resolution 2010-6960).

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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

Attachments:

1. Resolution No. 2010-6960

**RESOLUTION NO. 2010-6960**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING CHANGE ORDER NO. 1 TO SEALING & REPAIRING WETWELLS & MANHOLES W05-401 CONTRACT WITH NEWEST CONSTRUCTION COMPANY AND AUTHORIZING A BUDGET AMENDMENT OF \$20,000 TO THE SEALING & REPAIRING WETWELLS & MANHOLES W05-401 CIP PROJECT**

**WHEREAS**, on June 15, 2010, City Council adopted resolution No. 2010-6904 awarding a contract for certain public works project – Sealing & Repairing Wetwells & Manholes (W05-401) to NEWest Construction Company at a contract price of \$656,515; and

**WHEREAS**, construction work commenced September 21, 2010; and

**WHEREAS**, during the construction work preparation, staff, in company with the contractor, marked each of the 53 sewer manholes that were scheduled for rehabilitation; and

**WHEREAS**, after the work was completed on most of the manholes it was discovered that manhole # 323 was missed (not-marked) and an adjacent manhole, (M/H # 326) had been marked in its place; and

**WHEREAS**, the result was that manhole # 323 was not rehabilitated and M/H # 326 was rehabilitated in error; and

**WHEREAS**, since MH # 326 is now rehabilitated it is necessary to reimburse NEWest Construction Company for this new work; and

**WHEREAS**, the contractor has incurred a cost of \$19,293 in the reconstruction of MH # 326; and

**WHEREAS**, in order to cover the costs of this new expense the CIP project budget will need to be increased by \$20,000; and

**WHEREAS**, there are sufficient funds in the Sewer Enterprise Fund, Reserve (601) Account to transfer \$20,000 for this purpose.

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

1. The above recitals are true and correct.
2. This legislative body authorizes Change Order No. 1 to the NEWest Construction Company Sealing & Repairing Wetwells & Manholes (W05-401) contract for the rehabilitation of M/H # 326.
3. This legislative body authorizes the City Manager to approve the NEWest Construction Company purchase order increase by \$19,293.
4. This legislative body authorizes the transfer of \$20,000 from the Sewer Enterprise Fund Reserve (601) Account to the Sealing & Repairing Wet Wells & Manholes (W05-401) CIP project to cover the design, construction and project administration costs (including Change Order No. 1) for the "Sealing & Repairing Wet Wells & Manholes (W05-401)" project.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 3rd day of November 2010, by the following vote:

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

---

**JAMES C. JANNEY, MAYOR**

**ATTEST:**

---

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



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** NOVEMBER 3, 2010  
**ORIGINATING DEPT.:** PUBLIC WORKS *HAZ*  
**SUBJECT:** DESIGNATION OF STATE PROPOSITION 1B LOCAL STREETS AND ROADS (LSR) 2008-09 (TRANSPORTATION BOND) FUNDS TO PARTIALLY FINANCE STREET IMPROVEMENTS RDA PHASE 3-B PROJECT CIP (S04-108)

---

**BACKGROUND:** State Proposition 1B, the Highway Safety, Transportation Reduction, Air Quality and Port Security Act of 2006, passed by the voters in November 2006 provided for \$19.92 billion for various transportation projects to rebuild California, and in particular included \$1 billion for California cities to spend on local transportation priorities. The cities allocations were divided into two separate authorization years – 2007-08 and 2008-09. The City of Imperial Beach was allocated \$445,680 in year 2007-08 and \$411,931 in year 2008-09.

The bond language stated that the proceeds can be used for “projects that will assist in reducing local traffic congestion and further deterioration, improving traffic flows, or increasing traffic safety that may include, but not be limited to, street and highway pavement maintenance, rehabilitation, installation, construction and reconstruction of necessary associated facilities such as drainage and traffic control devices, or the maintenance, rehabilitation, installation, construction and reconstruction of facilities that expand ridership on transit systems, safety projects to reduce fatalities, or as a local match to obtain state or federal transportation funds for similar purposes.”

In Resolution Number 2007-6553 adopted November 7, 2007, Imperial Beach City Council authorized Prop 1B 2007-08 funds be used toward the reconstruction of the following streets:

- Silverstrand Blvd.- 500-600 blocks
- 2<sup>nd</sup> Street – 700-1000 blocks
- 3<sup>rd</sup> Street – 700-800 blocks
- Ebony Avenue – 200 block

These streets have been reconstructed coincident with Street Improvements RDA Phase 3-A CIP (S04-108) using in part the Prop 1B 2007-08 funds. All Prop 1B 2007-08 funds have been expended.

Once the State had accepted the City’s documents showing the proper expenditure of the 2007-08 allocation, the City was authorized to apply for the 2008-09 allocation. This staff report is drafted to suggest to City Council a street improvement project to allocate the Prop 1B 2008-09 funds.

**DISCUSSION:** In consideration of the City's street improvement projects designed and ready to proceed with construction, it is staffs opinion that the Prop 1B 2008-09 funds would be best used in the rehabilitation of the remainder of Seacoast Drive – Street Improvements RDA Phase 3-B CIP S04-108. The engineer's estimate to complete the construction work for Street Improvements RDA Phase 3-B as of May 2010 is \$1,876.039. Funds remaining for the completion of Street Improvements RDA Phase 3-B (CIP S04-108) are approximately \$1,500,000. In addition to the construction cost, there are costs for contract inspector, contract administration and consultant services. As the construction of Street Improvements RDA Phase 3-B (CIP S04-108) continues to be deferred, there is a strong likelihood that the construction costs will increase above the May 2010 Engineer's Estimate.

**ENVIRONMENTAL DETERMINATION:**

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

**FISCAL IMPACT:**

Adopted Budget for both Street Improvements RDA Phase 3-A and Street Improvements RDA Phase 3-B:

Gas Tax	\$ 34,936
RDA Bond (non-housing)	\$1,979,000
RDA Tax Increment (non-housing)	\$ 397,178
Metropolitan Transit Development Board Transportation Development Act	\$ 83,000
Prop 1B	\$ 445,680
<b>TOTAL</b>	<b>\$2,939,794</b>

Expenditures / Obligations as of November 2010 for both Street Improvements RDA Phase 3A and Street Improvements RDA Phase 3B:

Nasland Engineering Contract with Change 8	\$344,500
Sim J. Harris Contractor, Inc.	\$975,400
Montijo Backhoe	\$ 3,064
City Expenses	\$ 60,000
<b>TOTAL</b>	<b>\$ 1,382,964</b>

Funds currently available for completion of Street Improvements RDA Phase 3B

(\$2,939,794 minus \$1,382,964)	\$1,556,830
Prop 1B 2008-09 funds	\$ 411,931
<b>TOTAL AVAILABLE</b>	<b>\$1,968,761</b>

Assuming Engineer's Estimate for construction (\$1,876.039) is correct, the funds remaining to pay for project inspector and administration and consultants would be: **\$92,722.**

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Consider the allocation of the Prop 1B 2008-09 funds in the amount of \$411,931 towards the Street Improvement RDA Phase 3-B CIP S04-108 project.
3. Adopt attached resolution 2010-6959.
4. Authorize the Public Works Director to submit Street Improvements RDA Phase 3-B (CIP S04-108) for Prop. 1B 2008-09 allocation in the format specified by Department of Finance (DOF).

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2010-6959



**RESOLUTION NO. 2010-6959****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, DESIGNATING STATE PROPOSITION 1B LOCAL STREETS AND ROADS (LSR) 2008-09 (TRANSPORTATION BOND) FUNDS TO PARTIALLY FINANCE STREET IMPROVEMENTS RDA PHASE 3-B CIP PROJECT (S04-108)**

**WHEREAS**, State Proposition 1B, the Highway Safety, Transportation Reduction, Air Quality and Port Security Act of 2006, passed by the voters in November 2006 provided for \$19.92 billion for various transportation projects to rebuild California, and in particular included \$1 billion for California cities to spend on local transportation priorities; and

**WHEREAS**, the cities allocations were divided into two separate authorization years – 2007-08 and 2008-09; and

**WHEREAS**, the City of Imperial Beach was allocated \$445,680 in year 2007-08 and \$411,931 in year 2008-09; and

**WHEREAS**, the bond language stated that the proceeds can be used for “projects that will assist in reducing local traffic congestion and further deterioration, improving traffic flows, or increasing traffic safety that may include, but not be limited to, street and highway pavement maintenance, rehabilitation, installation, construction and reconstruction of necessary associated facilities such as drainage and traffic control devices, or the maintenance, rehabilitation, installation, construction and reconstruction of facilities that expand ridership on transit systems, safety projects to reduce fatalities, or as a local match to obtain state or federal transportation funds for similar purposes;” and

**WHEREAS**, in Resolution Number 2007-6553 adopted November 7, 2007, Imperial Beach City Council authorized Prop 1B 2007-08 funds be used toward the reconstruction of the following streets:

- Silverstrand Blvd.- 500-600 blocks
- 2<sup>nd</sup> Street – 700-1000 blocks
- 3<sup>rd</sup> Street – 700-800 blocks
- Ebony Avenue – 200 block; and

**WHEREAS**, these streets have been reconstructed coincident with Street Improvements RDA Phase 3-A CIP (S04-108) using in part the Prop 1B 2007-08 funds; and

**WHEREAS**, all Prop 1B 2007-08 funds have been expended; and

**WHEREAS**, once the State had accepted the City’s documents showing the proper expenditure of the 2007-08 allocation, the City was authorized to apply for the 2008-09 allocation; and

**WHEREAS**, staffs opinion is that the Prop 1B 2008-09 funds would be best used in the rehabilitation of the remainder of Seacoast Drive – Street Improvements RDA Phase 3-B CIP S04-108; and

**WHEREAS**, the engineer’s estimate to complete the construction work for Street Improvements RDA Phase 3-B as of May 2010 is \$1,876.039; and

**WHEREAS**, funds remaining for the completion of Street Improvements RDA Phase 3-B (CIP S04-108) are approximately \$1,500,000; and

**WHEREAS**, the allocation of the Prop 1B 2008-09 allocation would facilitate the completion of the Street Improvement RDA Phase 3-B CIP S04-108 project; and

**WHEREAS**, Street Improvements RDA Phase 3-B is designed and ready to be advertised when directed.

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

1. The above recitals are true and correct.
2. This legislative body authorizes staff to prepare a street improvement project for the Street Improvement RDA Phase 3-B CIP S04-108 in the format specified by DOF.
3. Once the Prop 1B 2008-09 allocation is approved by the State, staff is to prepare an amendment to the "Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009-2010 Through 2013-2014 for City Council/Redevelopment Agency adoption.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 3rd day of November 2010, by the following vote:

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

---

**JAMES C. JANNEY, MAYOR**

**ATTEST:**

---

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