



# A G E N D A

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



**MAY 4, 2011**

**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**

- 1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**  
Pursuant to Government Code Section 54956.9(b)(3)(E)  
Significant Exposure to Litigation (1 case)
- 2. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**  
Pursuant to Government Code Section 54956.9(b)(3)(A)  
Significant Exposure to Litigation (2 cases)

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

### **REGULAR MEETING CALL TO ORDER BY MAYOR**

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

#### **PLEDGE OF ALLEGIANCE**

#### **AGENDA CHANGES**

*Continued on Next Page*

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.

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

**COMMUNICATIONS FROM CITY STAFF**

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

**PRESENTATIONS (1)**

None.

**CONSENT CALENDAR (2.1 - 2.4)** - *All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items, unless a Councilmember or member of the public requests that particular item(s) be removed from the Consent Calendar and considered separately. Those items removed from the Consent Calendar will be discussed at the end of the Agenda.*

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

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 78112 through 78186 with the subtotal amount of \$768,295.05 and Payroll Checks 43742 through 43779 for the pay period ending 04/07/11 with the subtotal amount of \$152,819.83 for a total amount of \$921,114.88.

**2.2 RESOLUTION NOS. 2011-7033 AND R-11-256 AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH MCDUGAL, LOVE, ECKIS, BOEHMER & FOLEY TO EXTEND THE TERM FOR TWO YEARS FOR LEGAL SERVICES. (0440-30)**

City Manager's Recommendation: Adopt Resolution Nos. 2011-7033 and R-11-256 to extend the agreement term for two years.

**2.3 RESOLUTION NO. 2011-7030 AUTHORIZING THE SALE OF SURPLUS PROPERTY. (0380-45)**

City Manager's Recommendation: Adopt Resolution No. 2011-7030.

**2.4 RESOLUTION NO. R-11-258 DECLARING THE IMPERIAL BEACH REDEVELOPMENT AGENCY'S PLANNING AND ADMINISTRATIVE EXPENSES USING LOW AND MODERATE INCOME HOUSING FUND ARE NECESSARY FOR THE PRODUCTION, IMPROVEMENT, OR PRESERVATION OF LOW AND MODERATE INCOME HOUSING. (0650-33 & 0720-10)**

City Manager's Recommendation: Adopt Resolution No. R-11-258.

**ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1)**

**3.1 PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2011-1116 TO CONSIDER ADOPTION OF THE SEWER SERVICE CHARGE FOR FISCAL YEAR 2012. (0830-95)**

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive report;
3. Receive public testimony;
4. Close the public hearing;
5. Mayor call for the reading of the title of Ordinance No. 2011-1116, adopting new monthly user charges for sanitary sewer service and amending section 13.06.140.B of Chapter 13.06 of the Imperial Beach Municipal Code pertaining to sewer service charges.
6. City Clerk read title of Ordinance No. 2011-1116; and
7. Motion to conduct first reading of Ordinance No. 2011-1116 by title only and set the matter for adoption at the next regularly scheduled City Council meeting.

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

None.

**PUBLIC HEARINGS (5.1)**

**5.1 RESOLUTION NO. 2011-7035 CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE LEVY OF THE ANNUAL ASSESSMENT IN A SPECIAL MAINTENANCE DISTRICT (AD 67M). (0345-10)**

City Manager's Recommendation:

1. Declare public hearing open;
2. Receive report;
3. Consider public testimony;
4. Close the public hearing; and
5. Adopt Resolution.

**REPORTS (6.1-6.6)**

**6.1 RESOLUTION NOS. 2011-7037 AND R-11-259 AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH NASLAND ENGINEERING FOR THE PREPARATION OF CONSTRUCTION DOCUMENTS FOR THE DATE AVENUE STREET END. (0720-25)**

City Manager's Recommendation: Receive the report and provide input and/or direction to staff. It is further recommended that City Council:

1. Adopt Resolution Nos. 2011-7037 and R-11-259;
2. Authorize the City Manager/Executive Director to transfer the necessary funds of \$15,000.00 to complete construction drawings for the Date Avenue Street End; and
3. Authorize the transfer and expenditure of Agency funds for the Nasland Agreement.

**6.2 RESOLUTION NO. 2011-7031 AWARDED A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT- FY 09/10 ANNUAL MAIN LINE REPAIR- NEW [SEWER] PIPE INSTALLATION (W10-101). (0830-10)**

City Manager's Recommendation: Receive the report and provide input and/or direction to staff. It is further recommended that City Council:

1. Adopt Resolution 2011-7031; and
2. Authorize the City Manager to approve a purchase order for the amount of the bid price.

**REPORTS (continued)**

**6.3 RESOLUTION NO. 2011-7032 AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT- FY 09/10 ANNUAL MAIN LINE REPAIR- GROUTING AND LINING (W10-201). (0830-10)**

City Manager's Recommendation: Receive the report and provide input and/or direction to staff. It is further recommended that City Council:

1. Adopt Resolution 2011-7032; and
2. Authorize the City Manager to approve a purchase order for the amount of the bid price.

**6.4 RESOLUTION NO. 2011-7036 AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT- IMPERIAL BEACH BOULEVARD CROSSWALK AT LOUDEN LANE (CIP S11-102). (0720-10)**

City Manager's Recommendation: Receive the report and provide input and/or direction to staff. It is further recommended that City Council:

1. Adopt Resolution 2011-7036; and
2. Authorize the City Manager to approve a purchase order for the amount of the lowest qualified bidder.

**6.5 RESOLUTION NOS. 2011-7034 AND R-11-257 AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO EXECUTE AS-NEEDED AGREEMENTS WITH VARIOUS CONSULTANTS FOR WORK RELATED TO THE CITY/REDEVELOPMENT AGENCY COOPERATION AGREEMENT. (0640-05)**

City Manager's Recommendation: Receive the report and provide input and/or direction to staff. It is further recommended that City Council:

1. Adopt Resolution Nos. 2011-7034 and R-11-257.

**6.6 CHANGE OF PUBLIC HEARING DATE FOR PROPOSED ORDINANCES RELATED TO MEDICAL MARIJUANA DISTRIBUTION FACILITIES. (0610-95)**

City Manager's Recommendation: Receive the report and provide direction to staff to change the public hearing date from June 1, 2011 to June 15, 2011 for the proposed ordinances and General Plan/Local Coastal Program Amendment related to medical marijuana distribution facilities and to advertise the new hearing date.

**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).

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Jacqueline M. Hald, MMC  
City Clerk



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** May 4, 2011  
**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
San Diego County Sheriff	78176	\$458,418.53	Feb. 2011 Law Enforcement Services

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

The following registers are submitted for Council ratification.

<u>WARRANT #</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Accounts Payable</u>		
78112	04/11/11	\$ 300.00
78113-78148	04/15/11	175,161.60
78149-78186	04/21/11	592,833.45
	<b>Sub-Total</b>	<b>\$ <u>768,295.05</u></b>

**PAYROLL CHECKS:**

<b>43742-43779</b>	<b>P.P.E. 04/07/11</b>	<b>\$ 152,819.83</b>
		<b>\$ <u>152,819.83</u></b>
	<b>TOTAL</b>	<b>\$ <u>921,114.88</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

PREPARED 04/25/2011, 10:54:07  
 PROGRAM: GM350L  
 CITY OF IMPERIAL BEACH

A/P CHECKS BY PERIOD AND YEAR  
 FROM 04/11/2011 TO 04/21/2011

PAGE 1

BANK CODE 00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
04/11/2011	78112	JL STORMWATER CONSULTANTS INC	1			300.00	
101-5020-432.28-04	04/07/2011	HELMER, C-QSP STORMWATER	04-13-2011		10/2011	300.00	
04/15/2011	78113	A/G PAINTING INC	1858			585.00	
402-5000-532.20-06	03/22/2011	801 SEACOAST DR/FACADE	2011036	111053	09/2011	585.00	
04/15/2011	78114	ADVANTAGE ENVIROMENTAL CONSULT	2296			4,300.00	
101-5000-532.20-06	03/28/2011	9TH & PALM HAZMAT SVCS	9476	111057	09/2011	4,300.00	
04/15/2011	78115	ALAN CHAFFIN	2			63.00	
101-0000-121.00-00	04/06/2011	55602	MR Refund		10/2011	63.00	
04/15/2011	78116	ALTERNATIVE ENERGY TECHNOLOGIE	1971			9,548.66	
248-1920-519.20-06	04/01/2011	C&G-733 HICKORY CT	7023402CI	111055	10/2011	9,548.66	
04/15/2011	78117	ARROWHEAD MOUNTAIN SPRING WATE	1340			41.31	
101-1010-411.30-02	03/23/2011	MARCH 2011	01C0031149578	110198	09/2011	41.31	
04/15/2011	78118	BDS ENGINEERING INC	372			82,154.00	
202-5016-531.20-06	03/18/2011	FEB 2011-RTIP ST TMRVMT	09-40M	010859	09/2011	5,991.50	
402-5000-532.20-06	03/18/2011	FEB 2011-ST IMPRVMT P4/5	10-41C	110675	09/2011	41,400.00	
101-0000-221.01-02	03/18/2011	FEBRUARY 2011 PLAN CHECK	11-02A		09/2011	204.50	
101-0000-221.01-02	03/18/2011	FEBRUARY 2011 PLAN CHECK	11-02A		09/2011	653.00	
101-0000-221.01-02	03/18/2011	FEBRUARY 2011 PLAN CHECK	11-02A		09/2011	795.00	
402-5000-532.20-06	04/01/2011	MARCH 2011-ST IMPRVMTS	10-41D	110675	10/2011	33,110.00	
04/15/2011	78119	CALIF ELECTRIC SUPPLY	609			1,550.05	
402-5000-532.20-06	03/30/2011	1296-1299 IB BLVD-FACADE	1069-619759	111054	09/2011	1,550.05	
04/15/2011	78120	CALIFORNIA ALUMINUM & VINYL WI	1915			7,500.00	
402-5000-532.20-06	03/08/2011	809 SEACOAST DR/FACADE	000198	111051	09/2011	7,500.00	
04/15/2011	78121	CLEAN HARBORS	913			1,146.48	
101-5040-434.21-04	03/31/2011	MARCH 2011	6Y1185128	110046	09/2011	1,146.48	
04/15/2011	78122	DKC ASSOCIATES, INC.	2187			3,940.00	
101-1110-412.20-06	04/06/2011	03/24/11-04/06/11	221	110088	10/2011	1,313.60	
405-1260-413.20-06	04/06/2011	03/24/11-04/06/11	221	110088	10/2011	1,313.20	
502-1922-419.20-06	04/06/2011	03/24/11-04/06/11	221	110088	10/2011	1,313.20	
04/15/2011	78123	EDCO DISPOSAL CORPORATION	1205			141.05	
101-5000-532.20-06	03/31/2011	MARCH 2011	03-31-2011		09/2011	141.05	
04/15/2011	78124	GIFFORDS HAULING	2161			375.00	
101-5000-532.20-06	03/07/2011	ALLEY PICK UP/9TH & PALM	03-07-2011	111059	09/2011	375.00	
04/15/2011	78125	GUILLERMO NUNEZ	2291			2,890.00	
248-1920-519.20-06	11/12/2010	C&G-133 CITRUS AVE	804	111061	09/2011	2,550.00	
248-1920-519.20-06	03/22/2011	C&G-133 CITRUS AVE	829	111061	09/2011	340.00	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
04/15/2011 101-0000-209.01-08	78126 04/14/2011	I B FIREFIGHTERS ASSOCIATION	214				216.50
		PR AP PPE 04/07/2011	20110414		10/2011		216.50
04/15/2011 405-1260-413.20-06	78127 03/28/2011	IB PRINTING	2239				220.50
		CLEAN&GREEN DOOR HANGERS	1247	F11133	09/2011		220.50
04/15/2011 101-0000-209.01-10	78128 04/14/2011	ICMA RETIREMENT TRUST 457	242				5,331.36
		PR AP PPE 04/07/2011	20110414		10/2011		5,331.36
04/15/2011 101-1920-419.20-06	78129 03/31/2011	J. SIMMS AGENCY	1883				1,250.00
		APRIL 2011	2919	110069	09/2011		1,250.00
04/15/2011 248-1920-519.20-06	78130 04/08/2011	KENNEY ROOFING	2087				9,450.00
		C&G-1145 14TH STREET	04-08-2011	111069	10/2011		9,450.00
04/15/2011 101-1910-419.20-22	78131 03/10/2011	LLOYD PEST CONTROL	814				286.00
		MARCH 2011 CITY HALL	2946241	110049	09/2011		31.00
		MARCH 2011 FIRE DEPT	2946242	110049	09/2011		31.00
		MARCH 2011 SHERIFF DEPT	2946470	110049	09/2011		31.00
		MARCH 2011 SENIOR CENTER	2946557	110049	09/2011		47.00
		MARCH 2011 DEMPSEY CTR	2933735	110049	09/2011		54.00
		MARCH 2011 SPORTS PARK	2931303	110049	09/2011		45.00
		MARCH 2011 PUBLIC WORKS	2933400	110049	09/2011		47.00
04/15/2011 101-5010-431.20-06	78132 04/04/2011	MICHAL PIASECKI CONSULTING	1795				7,200.00
		MARCH 2011-PUBLIC WORKS	150	110036	10/2011		90.00
		MARCH 2011-PUBLIC WORKS	150	110036	10/2011		7,110.00
04/15/2011 248-1920-519.20-06	78133 03/04/2011	MILHOLLAND ELECTRIC, INC.	2327				7,409.05
		C&G-508 ELM AVE	7423	110966	09/2011		7,409.05
04/15/2011 408-1920-519.20-06	78134 03/31/2011	MIRELES LANDSCAPING	2107				1,120.00
		MARCH 2011-9TH/PALM	0892	110226	09/2011		1,000.00
		MARCH 2011-DONAX/10TH	0891	110469	09/2011		120.00
04/15/2011 501-1921-419.30-02	78135 03/16/2011	MYERS TIRE SUPPLY DIST., INC.	1095				18.49
		FLEET TIRE SUPPLIES	11408919	110101	09/2011		18.49
04/15/2011 248-1920-519.20-06	78136 04/05/2011	PAUL HEISKALA CONSTRUCTION	2057				1,225.00
		C&G-508 ELM AVE	110	111060	10/2011		1,225.00
04/15/2011 248-1920-519.20-06	78137 03/29/2011	REC SOLAR INC.	1968				9,475.62
		C&G-564 DAHLIA AVE	216867	111058	09/2011		9,475.62
04/15/2011 101-1920-419.29-04	78138 04/04/2011	SAN DIEGO COUNTY ASSESSOR	2120				125.00
		JAN-MAR 2011 MPR EXTRACT	2010239	110012	10/2011		125.00
04/15/2011 101-6020-452.27-01	78139 04/05/2011	SDGE	289				2,173.50
		0175 275 3776 03/03-04/01	04-20-2011		09/2011		329.02

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
101-5010-431.27-01	04/05/2011	0824 329 2041 03/03-04/01	04-20-2011		09/2011	293.66
101-6020-452.27-01	04/05/2011	2081 689 1273 03/03-04/01	04-20-2011		09/2011	370.58
101-6010-451.27-01	04/05/2011	2081 692 3399 03/03-04/01	04-20-2011		09/2011	45.83
101-6020-452.27-01	04/05/2011	2083 847 9032 03/03-04/01	04-20-2011		09/2011	41.51
101-6010-451.27-01	04/05/2011	3206 700 9265 03/03-04/01	04-20-2011		09/2011	85.70
101-5010-431.27-01	04/04/2011	3448 930 9646 03/02-03/31	04-19-2011		09/2011	9.87
101-6020-452.27-01	04/05/2011	5456 692 8951 03/03-04/01	04-20-2011		09/2011	33.60
101-6020-452.27-01	04/05/2011	6921 003 2109 03/03-04/01	04-20-2011		09/2011	440.52
101-5010-431.27-01	04/05/2011	7706 795 7872 03/03-04/01	04-20-2011		09/2011	11.72
101-6020-452.27-01	04/05/2011	9327 898 1346 03/03-04/01	04-20-2011		09/2011	343.75
101-6010-451.27-01	04/05/2011	9956 693 6272 03/03-04/01	04-20-2011		09/2011	167.74
04/15/2011	78140	SEA BREEZE ELECTRIC	1969			722.00
402-5000-532.20-06	03/12/2011	1370 13TH ST/FACADE	660	111050	09/2011	722.00
04/15/2011	78141	SEIU LOCAL 221	1821			1,339.61
101-0000-209.01-08	03/31/2011	PAYROLL SUMMARY	20110331		09/2011	9.62
101-0000-209.01-08	03/30/2011	PAYROLL SUMMARY	20110330		09/2011	9.62-
101-0000-209.01-08	04/14/2011	PR AP PPE 04/07/2011	20110414		10/2011	1,339.61
04/15/2011	78142	STANFORD SIGN & AWNING	1532			4,829.74
402-5000-532.20-06	01/25/2011	801-809 SEACOAST DR/FACAD	13080	111049	09/2011	4,635.00
402-5000-532.20-06	03/22/2011	IB/13TH MONUMENT-FACADE	10358-1	111052	09/2011	194.74
04/15/2011	78143	THYSSENKRUPP ELEVATOR	663			698.49
101-3030-423.20-06	04/01/2011	APR-JUN 2011	1037058408	110065	10/2011	698.49
04/15/2011	78144	TIGERFISH	2336			251.37
101-1020-411.21-04	03/28/2011	TRANSCRIPTION SVCS	19435	111044	09/2011	251.37
04/15/2011	78145	TRAFFIC CONTROL SERVICE INC.	684			706.48
101-5010-431.21-23	03/24/2011	YELLOW PAINT/TAPE	1017756	110039	09/2011	706.48
04/15/2011	78146	UNION TRIBUNE	738			1,156.40
101-1020-411.28-07	04/01/2011	LEGAL NOTICES	226098	111063	10/2011	1,156.40
04/15/2011	78147	WEST COAST APPLIANCE SERVICES,	2045			5,643.50
248-1920-519.20-06	03/28/2011	C&G-554 ELM AVE	23061	111041	09/2011	5,443.50
248-1920-519.20-06	02/22/2011	C&G -148 CITRUS-HVAC BAL	22561A	F11132	08/2011	200.00
04/15/2011	78148	WHITE CAP CONSTRUCTION SUPPLY	1434			78.44
101-6020-452.30-02	03/23/2011	SAFETY VESTS/CAUTION TAPE	15050716	110033	09/2011	78.44
04/21/2011	78149	AIRGAS WEST	129			485.68
601-5060-436.30-02	03/28/2011	TYVEK SHIRTS	103002834	110021	09/2011	485.68
04/21/2011	78150	ALLIANT INSURANCE SERVICES	1193			2,417.08
101-0000-209.01-13	03/30/2011	PPE 03/24/2011	20110330		09/2011	415.65
101-0000-209.01-14	03/30/2011	PPE 03/24/2011	20110330		09/2011	478.96
101-0000-209.01-13	04/14/2011	PR AP PPE 04/07/2011	20110414		10/2011	415.65

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
101-0000-209.01-14	04/14/2011	PR AP PPE 04/07/2011	20110414		10/2011	478.96
101-1010-411.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	19.36
101-1020-411.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	21.33
101-1110-412.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	64.46
101-1130-412.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	33.81
101-1210-413.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	48.66
101-1230-413.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	23.70
101-3070-427.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	.63
101-3080-428.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	.63
101-1910-419.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	6.32
101-3010-421.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	11.00
101-3020-422.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	44.68
101-3030-423.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	38.49
101-3040-424.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	22.12
101-5020-432.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	47.40
101-5010-431.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	15.80
101-5040-434.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	4.11
101-6020-452.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	6.32
101-6010-451.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	3.16
101-6040-454.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	12.64
245-1240-413.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	6.32
405-1260-413.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	122.21
405-5030-433.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	6.32
601-5060-436.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	15.80
601-5050-436.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	18.01
501-1921-419.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	6.32
502-1922-419.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	7.43
503-1923-419.11-04	04/01/2011	APR 2011 INS PREMIUM	04-01-2011		10/2011	20.83
04/21/2011	78151	ARMED SERVICES YMCA	1			6,000.00
101-1920-419.21-04	04/20/2011	SPONSORSHIP OF BIG BAY	03242011		10/2011	6,000.00
04/21/2011	78152	CA BUILDING STANDARDS COMMISSI	2127			44.00
101-0000-221.01-07	04/06/2011	JAN-MAR 2011 STATE GREEN	04-06-2011		10/2011	44.00
04/21/2011	78153	CALIFORNIA ENV CONTROLS INC	642			1,540.14
601-5060-436.28-01	03/29/2011	GR CHECK VLV SWING ARMS	2380	110113	09/2011	937.56
601-5060-436.28-01	04/07/2011	SUCTION CHECK VALVE ASSY	2394	110113	10/2011	602.58
04/21/2011	78154	CHICAGO TITLE INSUR CO	779			1,500.00
248-1920-519.20-06	04/05/2011	1124 HEMLOCK AVE-TITLE RP	737113061 P14	111056	10/2011	500.00
248-1920-519.20-06	04/05/2011	1211 7TH STREET-TITLE RPT	737113062 P14	111056	10/2011	500.00
248-1920-519.20-06	02/14/2011	792 7TH ST-TITLE RPT	737111257	111056	09/2011	500.00
04/21/2011	78155	CITY OF CHULA VISTA	823			62,732.80
101-3050-425.21-04	11/30/2011	OCTOBER 2010 A/C SVCS	AR129439		10/2011	12,661.56
101-3050-425.21-04	12/30/2011	NOVEMBER 2010 A/C SVCS	AR129930		10/2011	12,516.56
101-3050-425.21-04	01/31/2011	DECEMBER 2010 A/C SVCS	AR129931		10/2011	12,536.56
101-3050-425.21-04	02/28/2011	JANUARY 2011 A/C SVCS	AR129932		10/2011	12,406.56
101-3050-425.21-04	03/22/2011	FEBRUARY 2011 A/C SVCS	AR129933		10/2011	12,611.56

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
04/21/2011	78156	COUNTY OF SAN DIEGO	1055				3,913.90
101-3010-421.21-04	03/31/2011	PARKING PENALTY REMITTANC	03312011		09/2011	3,913.90	
04/21/2011	78157	DATAQUICK	1134				160.50
101-1210-413.21-04	04/01/2011	MARCH 2011	B1-1913273	110072	10/2011	27.50	
101-3020-422.21-04	04/01/2011	MARCH 2011	B1-1913273	110072	10/2011	55.00	
101-3070-427.21-04	04/01/2011	MARCH 2011	B1-1913273	110072	10/2011	78.00	
04/21/2011	78158	DEPARTMENT OF CORRECTIONS AND	169				4,914.63
101-6020-452.21-04	03/28/2011	DEC 2010	1800090425	110648	09/2011	4,914.63	
04/21/2011	78159	DEPT. OF CONSERVATION	1158				1,321.74
101-0000-211.01-01	04/06/2011	JAN-MAR 2011 SMIPS FEES	04-06-2011		10/2011	1,321.74	
04/21/2011	78160	DOWNSTREAM SERVICES, INC.	1593				800.00
601-5050-436.21-04	03/30/2011	MARCH 2011-FILTER MAINT	69894	110045	09/2011	800.00	
04/21/2011	78161	GTC SYSTEMS INC	1910				175.00
503-1923-419.20-06	03/31/2011	NETWORK SYSTEM CONSULTING	31437	110989	09/2011	175.00	
04/21/2011	78162	HCFA	2147				14,353.11
101-3020-422.21-04	03/23/2011	FY 10/11-3RD QTR BILLING	7676		09/2011	560.11	
101-3020-422.21-04	03/21/2011	FY10/11 - 4TH QTR MEMBER	7658		09/2011	13,793.00	
04/21/2011	78163	JASON BELL	1432				400.00
101-1920-419.29-01	04/01/2011	TUITION REIMBURSEMENT	04-01-2011	110729	10/2011	400.00	
04/21/2011	78164	JOHN DEERE LANDSCAPES	1986				256.11
101-6020-452.28-01	03/29/2011	GROW POWER/BUBBLERS	57224841	110051	09/2011	205.86	
101-6020-452.30-02	04/06/2011	2 CYCLE OIL 12OZ (DOZEN)	57320921	110051	10/2011	50.25	
04/21/2011	78165	JOHN FRENCH	534				380.00
101-1920-419.29-01	03/29/2011	TUITION REIMBURSEMENT	03-29-2011	110730	09/2011	380.00	
04/21/2011	78166	JOSE LUIS MORENO	560				195.00
101-5010-431.28-01	04/11/2011	UNLEADED FUEL TANK COVER	726	110851	10/2011	195.00	
04/21/2011	78167	JUNE ENGEL	2213				328.66
405-1260-413.28-11	03/18/2011	LIBRARY COLOR PRNTNG COST	1232		09/2011	91.18	
405-1260-413.20-06	04/06/2011	REIMBURSE COLOR COPY FEES	1263		10/2011	25.44	
405-1260-413.20-06	03/29/2011	REIMBURSE COLOR COPY FEES	1253		10/2011	84.82	
405-1260-413.20-06	04/20/2011	PRINTING SERVICES-FLYERS	1270		10/2011	42.41	
405-1260-413.20-06	04/20/2011	PRINTING SERVICES-FLYERS	1268		10/2011	84.81	
04/21/2011	78168	MASON'S SAW & LAWNMOWER	923				440.04
501-1921-419.28-16	03/29/2011	THROTTLE CABLE	239172	110050	09/2011	28.14	
101-6020-452.28-01	03/29/2011	TRIMMER	239177	110050	09/2011	411.90	
04/21/2011	78169	NASLAND ENGINEERING	1656				2,312.50
405-1260-513.20-06	03/31/2011	MARCH 2011-DATE ST END	90408	090544	09/2011	2,312.50	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
04/21/2011	78170	NEXTG NETWORKS INC	4				1,875.00
101-0000-221.01-05	04/11/2011	BOND REFUND-EMORY ST &	TEP 09-14		10/2011	1,875.00	
04/21/2011	78171	OFFICE DEPOT, INC	1262				651.98
101-1130-412.30-01	03/17/2011	STAMP, DUAL	556001580001	110047	09/2011	17.06	
101-1010-411.30-02	03/17/2011	MISC OFFICE SUPPLIES	556043471001	110047	09/2011	11.77	
101-1110-412.30-01	03/17/2011	MISC OFFICE SUPPLIES	556043471001	110047	09/2011	21.67	
101-1130-412.30-01	03/17/2011	MISC OFFICE SUPPLIES	556043471001	110047	09/2011	11.20	
502-1922-419.30-02	03/23/2011	DOCUMENT HOLDER	556565591001	110047	09/2011	57.06	
101-1130-412.30-02	03/24/2011	WIRELESS HEADSETS	556800479001	110047	09/2011	249.27	
502-1922-419.30-02	03/24/2011	WIRELESS HEADSETS	556800479001	110047	09/2011	249.26	
101-1020-411.30-01	04/01/2011	CREDIT -RTND STORAGE FILE	557273721001	110047	10/2011	12.28-	
101-1020-411.30-01	04/01/2011	CR RTND PACKING TAPE	557273722001	110047	10/2011	12.85-	
101-1210-413.30-01	04/05/2011	MISC OFFICE SUPPLIES	558167957001	110047	10/2011	59.82	
04/21/2011	78172	ONE SOURCE DISTRIBUTORS	1071				6.18
101-6020-452.28-01	03/31/2011	LATE PYMNT FINANCE CHG	S3498464.001	110029	09/2011	6.18	
04/21/2011	78173	PREFERRED BENEFIT INS ADMIN IN	37				2,485.34
101-0000-209.01-12	03/30/2011	PPE 03/24/2011	20110330		09/2011	1,222.66	
101-0000-209.01-12	04/14/2011	PR AP PPE 04/07/2011	20110414		10/2011	1,188.59	
101-0000-209.01-12	04/01/2011	APRIL 2011 DENTAL	EIA2782		10/2011	108.16	
101-0000-209.01-12	04/21/2011	APRIL 2011 DENTAL INS PRE	EIA2782		10/2011	34.07-	
04/21/2011	78174	PRO LINE PAINT COMPANY	52				387.53
101-6040-454.30-02	03/29/2011	RUST INHIBITOR	9522-1	110037	09/2011	99.60	
101-6020-452.28-01	03/29/2011	PARK FENCES PAINT	9521-3	110037	09/2011	287.93	
04/21/2011	78175	PRUDENTIAL OVERALL SUPPLY	72				570.64
101-5020-432.25-03	03/23/2011	03/23/11 PW UNIFORMS	30169606	110048	09/2011	140.37	
101-5020-432.25-03	03/30/2011	03/30/11 PW UNIFORMS	30171146	110048	09/2011	132.27	
101-5020-432.25-03	04/06/2011	04/06/11 PW UNIFORMS	30172678	110048	10/2011	147.75	
101-5020-432.25-03	04/13/2011	04/13/11 PW UNIFORMS	30174207	110048	10/2011	150.25	
04/21/2011	78176	SAN DIEGO COUNTY SHERIFF	882				458,418.53
101-3010-421.20-06	03/28/2011	FEBRUARY 2011	03-28-2011		09/2011	437,259.00	
212-3036-421.20-06	03/28/2011	FEBRUARY 2011	03-28-2011		09/2011	16,080.00	
101-0000-338.60-03	03/28/2011	FEBRUARY 2011	03-28-2011		09/2011	737.94-	
101-3010-421.20-06	03/21/2011	NOV/DEC 2010 JAG GRANT	03-21-2011		09/2011	5,817.47	
04/21/2011	78177	SAVE-A-LOT	2				2,257.63
101-5000-532.20-06	04/06/2011	REFUND MARCH 2011 OVERPYM	5348		10/2011	2,257.63	
04/21/2011	78178	SCHILLING PARADISE CORP.	2301				6,747.50
248-1920-519.20-06	03/29/2011	C&G-386 DAISY AVENUE	780B	110737	09/2011	6,747.50	
04/21/2011	78179	SKS INC.	412				8,263.77
501-1921-419.28-15	04/01/2011	1307 G REG FUEL	1239537-IN	110104	10/2011	5,091.84	
501-1921-419.28-15	04/07/2011	798 GALLONS REG FUEL	1239678-IN	110104	10/2011	3,171.93	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
04/21/2011	78180	SOUTH WEST SIGNAL	488			160.00
101-5010-431.21-04	03/31/2011	MARCH 2011-SIGNAL MAINTEN	50257	110083	09/2011	160.00
04/21/2011	78181	TRANSWORLD SYSTEMS INC.	2160			282.96
101-1920-419.21-04	03/31/2011	MARCH 2011-COLLECTION FEE	296392		10/2011	417.04
101-0000-374.85-02	03/31/2011	MARCH 2011-COLLECTION FEE	296392		10/2011	134.08-
04/21/2011	78182	UNDERGROUND SERVICE ALERT OF	731			42.00
601-5060-436.21-04	04/01/2011	MARCH 2011	2011030316	110002	10/2011	42.00
04/21/2011	78183	VISION PLAN OF AMERICA	785			163.82
101-0000-209.01-18	03/30/2011	PPE 03/24/2011	20110330		09/2011	76.96
101-0000-209.01-18	04/14/2011	PR AP PPE 04/07/2011	20110414		10/2011	76.96
101-1920-419.29-04	04/01/2011	MAY 2011 VISION	04-01-2011		10/2011	9.90
04/21/2011	78184	WAXIE SANITARY SUPPLY	802			1,080.08
101-6040-454.30-02	04/05/2011	TRASH LINERS/ROLLMASTR	72553682	110031	10/2011	953.49
101-6040-454.30-02	04/07/2011	REPLACEMENT CUPS	72558110	110031	10/2011	126.59
04/21/2011	78185	WEST GROUP CTR	826			120.36
101-1020-411.28-14	04/01/2011	MARCH 2011	822515227	110232	10/2011	120.36
04/21/2011	78186	ZUMAR INDUSTRIED INC.	875			4,649.24
101-5010-431.21-23	03/29/2011	STREET NAME SIGNS	0129231	110032	09/2011	640.76
101-5010-431.21-23	03/30/2011	STREET SIGNS, NEW LOGO	0129235	110032	09/2011	538.31
101-5010-431.21-23	03/30/2011	STREET NAME SIGNS	0129245	110032	09/2011	384.45
202-5016-531.20-06	03/30/2011	TRANSNET SIGN	0129259		09/2011	625.31
101-5010-431.21-23	04/06/2011	STREET SIGNS	0129477	110032	10/2011	2,050.42
101-5010-431.21-23	03/31/2011	STREET SIGNS	0129347	110032	09/2011	409.99

DATE RANGE TOTAL \* 768,295.05 \*



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

**TO: HONORABLE MAYOR AND CITY COUNCIL/ CHAIRMAN AND MEMBERS OF THE REDEVELOPMENT AGENCY**

**FROM: GARY BROWN, CITY MANAGER/EXECUTIVE DIRECTOR**

**MEETING DATE: MAY 4, 2011**

**ORIGINATING DEPT.: CITY ATTORNEY**

**SUBJECT: RESOLUTION NOS. 2011-7033 AND R-11-256 - AUTHORIZATION OF AN AMENDMENT TO THE AGREEMENT WITH MCDUGAL, LOVE, ECKIS, BOEHMER & FOLEY TO EXTEND THE TERM FOR TWO YEARS FOR LEGAL SERVICES**

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**BACKGROUND:**

The law firm of McDougal, Love, Eckis, Boehmer & Foley has provided legal services to the City for over fifteen years. The current agreement expires as of June 30, 2011.

**DISCUSSION:**

The proposed Amendment to the Agreement extends the term of the current agreement by two years, through June 30, 2013. All remaining terms, including the retainer and hourly rates, of the current agreement will remain the same.

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

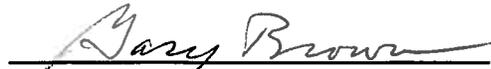
There will be no changes to the fiscal matters of the current agreement, and the City's proposed FY 11-12/FY 12-13 budget has funds available for this purpose.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that Council/Agency adopt City Resolution No. 2011-7033 and Redevelopment Agency Resolution No. R-11-256 approving the Amendment to the Agreement with McDougal, Love, Eckis, Boehmer and Foley for legal services for an additional two year term.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

A handwritten signature in cursive script that reads "Gary Brown". The signature is written in black ink and is positioned above a horizontal line.

Gary Brown, City Manager and  
Executive Director

Attachments:

1. Resolution No. 2011-7033
2. Resolution No. R-11-256
3. Amendment to Agreement

**RESOLUTION NO. 2011-7033**

**A RESOLUTION OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH MCDUGAL, LOVE, ECKIS, BOEHMER & FOLEY TO EXTEND THE TERM FOR TWO YEARS FOR LEGAL SERVICES**

**WHEREAS**, the City and Redevelopment Agency desire effective, efficient, and cost effective legal services; and

**WHEREAS**, the current Agreement with the law firm expires on June 30, 2011; and

**WHEREAS**, the City wishes to extend the term of the current Agreement by two years; and

**WHEREAS**, McDougal, Love, Eckis, Boehmer & Foley will perform these services and responsibilities as stated in the Agreement and the Amendment to the Agreement.

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

1. The City Council hereby approves the Amendment to the Agreement with McDougal, Love, Eckis, Boehmer & Foley to extend the term of the Agreement to June 30, 2013.
2. The City Council hereby authorizes and directs the Mayor to execute said Amendment to the Agreement for and on behalf of the City of Imperial Beach.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 4th day of May 2011, by the following vote:

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

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

**ATTEST:**

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

**RESOLUTION NO. R-11-256**

**A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH MCDUGAL, LOVE, ECKIS, BOEHMER & FOLEY TO EXTEND THE TERM FOR TWO YEARS FOR LEGAL SERVICES**

**WHEREAS**, the City and Redevelopment Agency desire effective, efficient, and cost effective legal services; and

**WHEREAS**, the current Agreement with the law firm expires on June 30, 2011; and

**WHEREAS**, the Redevelopment Agency wishes to extend the term of the current Agreement by two years; and

**WHEREAS**, McDougal, Love, Eckis, Boehmer & Foley will perform these services and responsibilities as stated in the Agreement and the Amendment to the Agreement.

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

1. The Board hereby approves an Amendment to the Agreement with McDougal, Love, Eckis, Boehmer & Foley to extend the term of the Agreement to June 30, 2013.
2. The Board hereby authorizes and directs the Chairman to execute said Amendment to the Agreement for and on behalf of the Redevelopment Agency of the City of Imperial Beach.

**PASSED, APPROVED, AND ADOPTED** by the Redevelopment Agency of the City of Imperial Beach at its meeting held on the 4th day of May 2011, by the following vote:

**AYES:           BOARDMEMBERS:**  
**NOES:           BOARDMEMBERS:**  
**ABSENT:        BOARDMEMBERS:**

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

**ATTEST:**

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**JACQUELINE M. HALD, CMC**  
**SECRETARY**

**AMENDMENT TO THE AGREEMENT FOR CITY ATTORNEY SERVICES BETWEEN  
THE CITY OF IMPERIAL BEACH AND THE IMPERIAL BEACH REDEVELOPMENT  
AGENCY**

**AND**

**McDOUGAL, LOVE, ECKIS, BOEHMER & FOLEY  
A Professional Corporation**

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THIS AMENDMENT TO AGREEMENT (hereinafter referred to as "Amendment") is made this 4th day of May 2011, by and between the City of Imperial Beach, a Municipal Corporation, (hereinafter referred to as "City"), the Imperial Beach Redevelopment Agency, (hereinafter referred to as "Agency"), and McDougal, Love, Eckis, Boehmer & Foley, a Professional Corporation, (hereinafter referred to as "Attorneys" or "Firm"), (collectively the "Parties").

**RECITALS**

- A. The City and Agency entered into an agreement with the Attorneys for legal services (hereinafter referred to as "Agreement") on February 3, 2010.
- B. The Parties are executing this Amendment to the Agreement in accordance with Resolution No. 2011-7033 and Resolution No. R-11-256, which authorize a change in the term for an additional two years.

NOW, THEREFORE, the parties hereby agree as follows:

- 1. Section 6, Term, of the Agreement is amended in its entirety to read as follows:  
  
"The services to be provided by Attorneys under this Agreement shall begin on July 1, 2009 and end on June 30, 2013."
- 2. Capitalized Terms. Capitalized terms used but not otherwise defined in this Amendment shall have the meanings assigned to them in the Agreement.
- 3. Continuing Effect. Except as expressly modified or amended by this Amendment, all terms and provisions of the Agreement shall remain in full force and effect.

4. Execution in Counterparts. This Amendment may be executed in any number of counterparts, each of which shall be deemed an original.

Executed on the date and year first indicated above at Imperial Beach, California.

CITY OF IMPERIAL BEACH,  
a Municipal Corporation

McDOUGAL, LOVE, ECKIS, BOEHMER  
& FOLEY, a Professional Corporation

By \_\_\_\_\_  
JIM JANNEY, Mayor

By \_\_\_\_\_  
STEVEN E. BOEHMER

IMPERIAL BEACH REDEVELOPMENT  
AGENCY

By \_\_\_\_\_  
Jim Janney, Chair

Concurrence:

\_\_\_\_\_  
Jennifer M. Lyon



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** MAY 4, 2011  
**ORIGINATING DEPT.:** FINANCE DEPARTMENT *MB*  
**SUBJECT:** SALE OF SURPLUS PROPERTY

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**BACKGROUND:**

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

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

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

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

**DISCUSSION:**

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

1. The items listed in Exhibit “A”.

**FISCAL ANALYSIS:**

Salvage Value

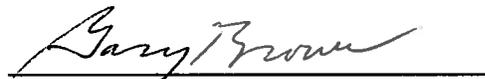
**DEPARTMENT RECOMMENDATION:**

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

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

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution 2011-7030
2. Exhibit A – Equipment Inventory List for County Auction

**RESOLUTION NO. 2011-7030**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE SALE OF CERTAIN SURPLUS CITY EQUIPMENT**

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

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

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

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

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

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

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

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 4<sup>th</sup> day of May 2011, by the following roll call vote:

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

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

**ATTEST:**

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

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Resolution No. 2011-7030– A Resolution of the City Council of the City of Imperial Beach, California, AUTHORIZING THE SALE OF CERTAIN SURPLUS CITY EQUIPMENT.

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

\_\_\_\_\_  
DATE

## Exhibit A

**IMPERIAL BEACH  
EQUIPMENT INVENTORY LIST  
FOR COUNTY AUCTION**

ITEM	QTY	DESCRIPTION	PROPERTY TAG #
1.	7	Gateway computers: 9012, 0198,7427, 9847, 9013, 0199, 9844	-----
2.	1	Dell optiplex	1654
3.	1	HP CL3700	A00054
4.	2	HP 4050	A0032, A0033
5.	5	LCD monitors	-----
6.	1	Box, multiple usb cables, serial cables, Ethernet cat 5 cables.	
7.	1	Miller Welder	1053,KB-112337
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Imperial Beach  
Redevelopment Agency

AGENDA ITEM NO. 2.4

**STAFF REPORT  
IMPERIAL BEACH REDEVELOPMENT AGENCY**

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

**FROM:** GARY BROWN, EXECUTIVE DIRECTOR

**MEETING DATE:** MAY 4, 2011

**ORIGINATING DEPT.:** COMMUNITY DEVELOPMENT DEPARTMENT  
GREG WADE, DIRECTOR  
GERARD SELBY, REDEVELOPMENT COORDINATOR

**SUBJECT:** ADOPTION OF RESOLUTION NO. R-11-258 DECLARING THAT THE IMPERIAL BEACH REDEVELOPMENT AGENCY'S ("AGENCY") PLANNING AND ADMINISTRATIVE EXPENSES USING LOW AND MODERATE INCOME HOUSING FUND ARE NECESSARY FOR THE PRODUCTION, IMPROVEMENT, OR PRESERVATION OF LOW-AND MODERATE-INCOME HOUSING.

**BACKGROUND**

Section 33334.2(e)(2) of the Health and Safety Code generally restricts a Redevelopment Agency's use of monies from the low- and moderate-income housing fund to on-site or off-site improvements that result in the new construction or rehabilitation of affordable housing units for low- or moderate-income persons who directly benefit from those improvements. Health and Safety Code sections 33334.3(d) and (e) also allow housing funds to be used for "Planning and General Administrative" costs. Paragraph (d) provides that such costs should "not be disproportionate to the rest of the expenditures within the redevelopment agency with the amount spent for the cost of production, improvement or preservation of that housing." Paragraph (e) provides that planning and general administrative costs should be "directly related" to the agency's housing programs, and are limited to:

- Salaries, wages and related costs of agency staff, or services provided through inter-agency agreements, and agreements with contractors; and
- Costs incurred by a nonprofit corporation, which are not directly attributed to a project.

**DISCUSSION**

To comply with Health and Safety Code sections 33334.3(d) and (e), the Agency is required annually to make the determination that the planning and administrative expenses are necessary for the production, improvement, or preservation of low-and moderate-income housing. The Agency uses Housing funds to pay salaries, wages and related costs of Agency

staff. In addition, consultant services in support of affordable housing programs, production, and rehabilitation are paid for with housing funds. In Fiscal Year 2011-2012, the Agency will collect approximately \$1,500,000 of housing funds, \$1,243,000 of which will be available to support the Agency's efforts to rehabilitate, produce, and preserve affordable housing. The Agency has budgeted \$257,000 for planning and administrative costs to support the Agency's affordable housing activities. The uses of the housing funds are not disproportional to the rest of the expenditures within the redevelopment agency and are directly related to staff's efforts to produce, improve, or preserve affordable housing.

### **FISCAL IMPACT**

Funds are budgeted and available in the Fiscal Year 2011-2012 Redevelopment Agency's Affordable Housing Programs Budget for Planning and General Administration Expenses.

### **AGENCY RECOMMENDATION**

Staff recommends that the Imperial Beach Redevelopment Agency adopt Resolution Number R-11-258 which finds and determines that the planning and administrative expenses to be paid from the Low and Moderate Income Housing Fund are necessary for the production, improvement, or preservation of low and moderate income housing. And, that they are not disproportionate to the amounts budgeted for the costs of production, improvement, or preservation of that housing.

  
\_\_\_\_\_  
Gary Brown, Executive Director

Attachments:

1. Resolution No. R-11-258

## RESOLUTION NO. R-11-258

**A RESOLUTION OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY DECLARING THAT PLANNING AND ADMINISTRATIVE EXPENSES ARE NECESSARY FOR THE PRODUCTION, IMPROVEMENT, OR PRESERVATION OF LOW AND MODERATE-INCOME HOUSING DURING THE FISCAL YEAR 2011-2012.**

The Imperial Beach Redevelopment Agency ("Agency") does hereby resolve as follows:

**WHEREAS**, section 33334.2(e)(2) of the Health and Safety Code generally restricts an agency's use of monies from the housing fund to on-site or off-site improvements that result in the new construction or rehabilitation of affordable housing units for low or moderate-income persons who directly benefit from the improvements; and

**WHEREAS**, Health and Safety Code sections 33334.3(d) and (e) allow housing funds to be used for "Planning and General Administrative" costs; and

**WHEREAS**, paragraph (e) provides that planning and general administrative costs should be "directly related" to the agency's housing programs, and are limited to:

- Salaries, wages and related costs of agency staff, or services provided through inter-agency agreements and agreements with contractors.
- Costs incurred by a nonprofit corporation, which are not directly attributed to a project; and

**WHEREAS**, Health and Safety Code sections 33334.3(d) states that a determination (finding) be made by the Agency's governing board stating that planning and administrative expenses are necessary for the production, improvement, or preservation of low and moderate-income housing.

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

That a determination has been made by the Redevelopment Agency Board that administrative costs for the Housing fund are directly related to the said Fund's housing programs and are appropriately charged therein.

**PASSED, APPROVED, AND ADOPTED** by the Imperial Beach Redevelopment Agency at its meeting held on the 4<sup>th</sup> day of May 2011, by the following roll call vote:

**AYES:        BOARDMEMBERS:**  
**NOES:        BOARDMEMBERS:**  
**ABSENT:     BOARDMEMBERS:**

\_\_\_\_\_  
**JAMES JANNEY**  
**CHAIRPERSON**

**ATTEST:**

\_\_\_\_\_  
**JACQUELINE M. HALD, CMC**  
**SECRETARY**



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: GARY BROWN, CITY MANAGER**

**MEETING DATE: MAY 4, 2011**

**ORIGINATING DEPT.: PUBLIC WORKS**

**SUBJECT: PUBLIC HEARING AND FIRST READING OF ORDINANCE TO CONSIDER ADOPTION OF THE SEWER SERVICE CHARGE FOR FISCAL YEAR 2012**

---

**BACKGROUND:** Pursuant to Chapter 13.06 of the Imperial Beach Municipal Code, a sewer service fee is charged to all residential and non-residential customers in the city limits of the City of Imperial Beach that discharge sewage into the sewer lines maintained by the city, or is considered by the San Diego Metropolitan Sewer System to be within the city jurisdiction. Ordinance 2005-1030, Section 2, adopted by Council on July 20, 2005 states:

"Ordinance 2005-1030, Section 2:

"The rates established hereunder shall increase each July 1st, beginning in the year 2006 through July 1, 2010, inclusive, by the amount of five and one-half percent (5.5%) to account for expected increased costs of sewer service. Rates, beginning in July 1, 2011 and thereafter, will be adjusted based on the United States Bureau of Labor Statistics Consumer Price Index data for the Los Angeles-Riverside-Orange County Statistical Area, or by a more appropriate future determiner of Imperial Beach Cost of Living that may be developed. Prior to the scheduled increase each year, the City Council shall hold a public hearing in conjunction with the process of adoption or review of the City budget adoption of the annual City budget to determine if there are costs reasonably borne by the City to justify the annual increase established hereunder. If the City Council determines that the actual costs of the sewer program do not require the automatic annual increase, the City Council shall amend the sewer rates to reflect the actual costs of service, including adequate reserves for contingencies. Nothing herein prevents the City Council from enacting fees that cover the actual costs of the sewer program."

Imperial Beach Municipal Code 13.06.080. Single-Family rate limit reads –

"Notwithstanding Section 13.06.140 of this chapter, single family residential ratepayers shall have an annual rate limit of six hundred dollars per household. This limit shall increase at the rate of the cost of living factors implemented on an annual basis under Section 13.06.140 of this chapter and its implementing Ordinance No. 2005-1030 (Ordinance 2005-1035 § 2, 2005)."

The calculated annual Single –Family Rate Limit for FY 2011/2012 is \$836.96 which is a 1.19% increase based upon the Consumer Price Index.

Since the sewer service charges are codified in the Imperial Beach Municipal Ordinance,

changes to the sewer service charges must be made through a new ordinance. And, since the ordinance proposes a change in a sewer service fee, a public hearing must be held to effect sewer service fee changes.

Additionally in the recent California Supreme Court decision (Bighorn-Desert View Water Agency v. Verjil, (2006) 39 Cal. 4<sup>th</sup> 205), the court ruled that a public agency's water rate and charges for ongoing water delivery are subject to the initiative provision of Article 13C, Section 3, as added to the California Constitution by Proposition 218. The *Bighorn* decision raises concerns about the applicability of this decision relative to waste water (sewer) service charges, particularly with regard to public noticing requirements. In an abundance of caution, City Council directed staff to notice a 45-day public hearing period and for staff to mail notices of the proposed fee increase to all affected property owners

**DISCUSSION:** On March 16, 2011, City Council set the public hearing and first reading of the ordinance for the May 4, 2010, regular City Council meeting. The following adoption schedule was approved:

- Mail the 45-day notice no later than March 21, 2011
- Public Hearing and First Reading of Ordinance, May 4, 2011
- Second Reading of Ordinance, May 18, 2011

<b>Revised Sewer Rates FY 2011/12 FOR ANNUAL BILL CALCULATIONS</b>			
<i>City of Imperial Beach</i>			
<b>Customer Class</b>		<b>Current Rate (2010/11) (a)</b>	<b>Requested (2011/12) Sewer Rates (b)</b>
Single-Family Residential (c)	Class 1		
Volume-based Rate	Class 1	\$2.4035	\$2.4321
Annual Base Charge	Class 1	\$161.9846	\$163.9122
Multi-Family Residential	Class 2	\$4.0805	\$4.1291
Rest./Bakeries/Mort./Groc.	Class 3	\$7.8094	\$7.9023
Small Commercial	Class 4	\$4.0558	\$4.1041
Car Wash/Laundries	Class 5	\$3.6969	\$3.7409
Public Agency/Institutional	Class 6	\$3.4237	\$3.4644
Heavy Commercial	Class 7	\$7.1316	\$7.2165
Mixed Use Light	Class 8	\$4.1358	\$4.1850
Mixed Use Heavy	Class 8.5	\$6.0185	\$6.0901
Navy	Class 9	\$4.6831	\$4.7388
<b>Sewer Unit Charges – by Treatment Parameter</b>			
Volume Charges (\$/HCF)		\$3.2532	\$3.2919
Strength Surcharges – BOD (\$/lb)		\$0.5471	\$0.5539
Strength Surcharges – TSS (\$/lb.)		\$0.5081	\$0.5141

(a) Current rates effective July 1, 2010

(b) 1.19% increase per CPI (Ordinance No. 2005-1030, Section 2)

(c) Maximum Single Family residential rate cap is \$836.96

As of the time of the preparation of this staff report, staff has received:

- 5 telephonic inquiries regarding the notice to adjust the rate
- 1 telephonic complaint regarding the notice to adjust the rate
- 8 written objections to the notice to adjust the rate

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

The Ordinance will increase the cost of sewer service by 1.19% across the board for all sewer customers.

**DEPARTMENT RECOMMENDATION:**

1. Open the Public Hearing.
2. Receive this report.
3. Receive public testimony.
4. Close the public hearing
5. Mayor calls for the reading of the title of Ordinance No. 2011-1116 an Ordinance of the City Council of the City of Imperial Beach, California, adopting new monthly user charges for sanitary sewer service and amending section 13.06.140.B of Chapter 13.06 of the Imperial Beach Municipal Code pertaining to sewer service charges.
6. City Clerk to read title of the Ordinance No. 2011-1116.
7. Motion to dispense the first reading and set the matter for adoption at the next regularly scheduled City Council meeting.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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

Attachments:

1. Ordinance No. 2011-1116

## ORDINANCE NO. 2011-1116

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING THE REVISED SEWER SERVICE RATES FOR SANITARY SEWER SERVICE AND AMENDING SECTION 13.06.140.B OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES - DESIGNATED**

**WHEREAS**, on July 20, 2005, City Council adopted Ordinance No. 2005-1030 revising the sewer service fee in Fiscal Year 2006; and

**WHEREAS**, Ordinance 2005-1030, Section 2 stated, "The rates established hereunder shall increase each July 1st, beginning in the year 2006 through July 1, 2010, inclusive, by the amount of five and one-half percent (5.5%) to account for expected increased costs of sewer service"; and

**WHEREAS**, in subsequent Fiscal Years 2007, 2008, 2009, 2010 and 2011 the Sewer Service Charges were increased by 5.5% respectively; and

**WHEREAS**, rates, beginning in July 1, 2011 and thereafter, will be adjusted based on the United States Bureau of Labor Statistics Consumer Price Index data for the Los Angeles-Riverside-Orange County Statistical Area, or by a more appropriate future determiner of Imperial Beach Cost of Living that may be developed; and

**WHEREAS**, the United States Bureau of Labor Statistics Consumer Price Index data for the Los Angeles-Riverside-Orange County Statistical Area for the calendar year of 2010 was 1.19%; and

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

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

Section 1: Section 13.06.140.B is hereby amended to read as follows:

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

<b>Revised Sewer Rates FY 2011/12 FOR ANNUAL BILL CALCULATIONS</b>			
<i>City of Imperial Beach</i>			
<b>Customer Class</b>		<b>Current Rate (2010/11) (a)</b>	<b>Requested (2011/12) Sewer Rates (b)</b>
Single-Family Residential (c)	Class 1		
Volume-based Rate	Class 1	\$2.4035	\$2.4321
Annual Base Charge	Class 1	\$161.9846	\$163.9122
Multi-Family Residential	Class 2	\$4.0805	\$4.1291
Rest./Bakeries/Mort./Groc.	Class 3	\$7.8094	\$7.9023

Small Commercial	Class 4	\$4.0558	\$4.1041
Car Wash/Laundries	Class 5	\$3.6969	\$3.7409
Public Agency/Institutional	Class 6	\$3.4237	\$3.4644
Heavy Commercial	Class 7	\$7.1316	\$7.2165
Mixed Use Light	Class 8	\$4.1358	\$4.1850
Mixed Use Heavy	Class 8.5	\$6.0185	\$6.0901
Navy	Class 9	\$4.6831	\$4.7388
<b>Sewer Unit Charges – by Treatment Parameter</b>			
Volume Charges (\$/HCF)		\$3.2532	\$3.2919
Strength Surcharges – BOD (\$/lb)		\$0.5471	\$0.5539
Strength Surcharges – TSS (\$/lb.)		\$0.5081	\$0.5141

(a) Current rates effective July 1, 2010

(b) 1.19% increase per CPI (Ordinance No. 2005-1030, Section 2)

(c) Maximum Single Family residential rate cap is \$836.96

Section 2: This ordinance shall become effective thirty (30) days following its passage and adoption.

Section 3: The City Council of the City of Imperial Beach hereby declares that should any section, paragraph, sentence, phrase, term or word of this Ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared invalid.

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Imperial Beach, California, held the 4th day of May 2011; and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, held on the 18<sup>th</sup> day of May 2011, by the following roll call vote:

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**JENNIFER LYON**  
**CITY ATTORNEY**



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** MAY 4, 2011  
**ORIGINATING DEPT.:** PUBLIC WORKS *HOB*  
**SUBJECT:** PUBLIC HEARING RELATING TO THE LEVY OF ANNUAL ASSESSMENTS FOR ASSESSMENT DISTRICT NO. 67M

---

**BACKGROUND:** At the regular scheduled meeting on April 7, 2011, City Council approved and adopted Resolution 2011-7024, declaring its intention to provide for an annual levy and collection of assessments in a Special Assessment District, and set a time and place for a public hearing thereon.

A public hearing was noticed May 4, 2011, in the Imperial Beach Eagle & Times for May 4, 2011, at the hour of 6:00 p.m. in the Council Chambers, City Hall, Imperial Beach, California to hear protests or objections in reference to the annual levy of assessments and to any other matters contained in the resolution of intention.

**DISCUSSION:** The City Council of the City of Imperial Beach has previously formed a special assessment district pursuant to the "Landscape and Lighting Act of 1972", known as Assessment District No. 67-M, for the purpose of installing and maintaining upgraded street lighting on Highway 75 within the City of Imperial Beach.

Lighting improvements have been previously funded and no further improvements are planned. The annual levy of assessments being considered by City Council is for the cost of maintenance and operation of the previously funded lighting improvements; generally to consist of energy costs, lamp maintenance, and replacements of light standards as required plus Sempra Utilities ownership costs. The assessment recommended is unchanged from previous year's assessments.

**ENVIRONMENTAL DETERMINATION:**  
Not a project as defined by CEQA.

**FISCAL IMPACT:**  
The total AD 67-M budget is \$30,000 per the Engineer's Report. The City General Fund will contribute \$17,959 towards the annual maintenance costs. The balance of \$12,041 will be provided through the annual assessment.

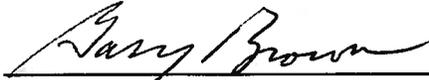
**DEPARTMENT RECOMMENDATION:**

1. Open the Public Hearing.
2. Receive public comment / protests.
3. If Council wishes to proceed, close the public hearing.

4. Approve and adopt the attached resolution.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

A handwritten signature in black ink that reads "Gary Brown". The signature is written in a cursive style with a horizontal line underneath it.

Gary Brown, City Manager

Attachments:

1. Resolution No. 2011-7035

**RESOLUTION NO. 2011-7035**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE LEVY OF THE ANNUAL ASSESSMENT IN A SPECIAL MAINTENANCE DISTRICT (AD 67M)**

**WHEREAS**, the City Council of the City of Imperial Beach, California, has initiated proceedings for the levy of the annual assessment in a special maintenance district created pursuant to the terms of the "Landscape and Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highway Code of the State of California (the "Act"), in a special maintenance district known and designated as ASSESSMENT DISTRICT NO. 67M (hereinafter referred to as the "District"); and

**WHEREAS**, at this time all notice and public hearing requirements have been met relating to the levy of the annual assessments and this City Council is now satisfied with the assessment and diagram and all other matters as contained in the Engineer's "Report" as now submitted for final consideration and approval.

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

**RECITALS**

SECTION 1. That the above recitals are all true and correct.

**PROTESTS**

SECTION 2. That all protests and objections of every kind and nature have been considered, and the same hereby are, overruled and denied.

**CONFIRMATION**

SECTION 3. That the final assessment and diagram for the proceedings, as contained in the Engineer's "Report", is hereby approved and confirmed.

SECTION 4. That the public interest and convenience requires, and this legislative body does hereby order the maintenance work to be made and performed as said maintenance work is set forth in the Engineer's "Report" and as previously declared and set for the in the Resolution of Intention.

SECTION 5. That the assessments contained in said "Report" for the next fiscal year are hereby confirmed and levied upon the respective lots or parcels of land in the District in the amounts as set forth in the said final "Report." It is hereby further determined that all assessments have been apportioned properly in accordance with the benefits that each parcel received from the proposed maintenance works of improvement.

**FILING AND RECORDING**

SECTION 6. That the above referenced diagram and assessment shall be filed in the Office of the City Clerk, with a certified copy to be filed in the Office of the City Engineer. Said diagram and assessment, and the certified copy thereof, shall be open for public inspection.

SECTION 7. That the City Clerk is hereby ordered and directed to immediately file a certified copy of the diagram assessment with the County Auditor. Said filing to be made no later than August 10, 2011.

ENTRY UPON THE ASSESSMENT ROLL

SECTION 8. That after the filing of the diagram and assessment, the County auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount assessed thereupon, as shown in the assessment.

SECTION 9. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply the collection and enforcement of the assessments.

FISCAL YEAR

SECTION 10. That the assessments as above authorized and levied for these proceedings will provide revenue and relate to the fiscal year commencing July 1, 2011 and ending June 30, 2012.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 4<sup>th</sup> day of May 2011, 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/  
REDEVELOPMENT AGENCY**

**TO: HONORABLE MAYOR AND CITY COUNCIL/  
HONORABLE CHAIRMAN AND BOARD**

**FROM: GARY BROWN, CITY MANAGER/EXECUTIVE DIRECTOR**

**MEETING DATE: MAY 4, 2011**

**ORIGINATING DEPT.: GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: ADOPTION OF RESOLUTION NO. 2011-7037 AND  
RESOLUTION NO. R-11-259 AUTHORIZING AN AMENDMENT  
TO THE PROFESSIONAL SERVICES CONTRACT WITH  
NASLAND ENGINEERING FOR THE PREPARATION OF  
CONSTRUCTION DOCUMENTS FOR THE DATE AVENUE  
STREET END**

---

**BACKGROUND:**

During the review and approval of the Seacoast Inn Hotel project, City staff proposed the improvement of the Date Avenue Street End as a separate part of the overall Seacoast Inn redevelopment effort. The City Council approved this proposal and the Redevelopment Agency included the Date Avenue Street End Improvements as a part of its Capital Improvement Program with an estimated budget of \$500,000. In July of 2008, the City and Agency authorized a contract with Nasland Engineering ("Nasland") for the preparation of the construction plans. The original amount of the contract was in the amount of \$ 45,346.00. An increase to the contract of \$ 35,309.00 was approved in July of 2009. The balance on the contract is \$14,266.55 and will likely not be enough to finalize the construction documents. Nasland has completed the plans and they are awaiting submittal to the Port. It is also likely that the Port will request changes to the plans.

**CURRENT CONSIDERATION:**

The Agency entered into a Disposition and Development Agreement ("DDA") with Pacifica in December of 2010. The DDA was assigned from the Agency to the City recently. Pursuant to the DDA, Pacifica will construct the Date Avenue Street End with the construction drawings provided by the City. At this time, Staff believes that an amendment to the contract with Nasland is needed in the amount of \$15,000 so that Nasland can put the completed plans (once they are approved by the Port) into construction documents.

**FISCAL IMPACT:**

The City General Fund will not be impacted and will not be obligated to expend any funds with respect to this amendment to the Nasland agreement. The Agency has approved and

committed the original amount of \$80,655.00 for the Nasland contract and will also transfer the additional \$15,000 necessary for this amendment to the City.

**ENVIRONMENTAL DETERMINATION:**

The Environmental Impact Report (EIR) prepared and certified for the Seacoast Inn included the improvement of Date Avenue as part of the project. Any impacts associated with this portion of the project have been identified and will be mitigated as required under the EIR.

**DEPARTMENT RECOMMENDATION:**

That the City Council and Redevelopment Agency adopt Resolution Numbers 2011-7037 and R-11-259 that:

1. Authorizes the City Manager/Executive Director to transfer the necessary funds of \$15,000.00 to complete construction drawings for the Date Avenue Street End; and
2. Authorizes the transfer and expenditure of Agency funds for the Nasland agreement.

**CITY MANAGER'S/EXECUTIVE DIRECTOR'S RECOMMENDATION:**

Approve Department recommendation.



Gary Brown, City Manager/Executive Director

Attachments:

1. Resolution No. 2011-7037
2. Resolution No. R-11-259

**RESOLUTION NO. 2011-7037**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE CITY MANAGER TO AMEND A PROFESSIONAL SERVICES CONTRACT WITH NASLAND ENGINEERING FOR THE PREPARATION OF CONSTRUCTION DRAWINGS FOR THE IMPROVEMENT OF THE DATE AVENUE STREET END**

**WHEREAS**, the City Council and Redevelopment Agency of the City of Imperial Beach desire to improve the Date Avenue street end in coordination with the redevelopment of the Seacoast Inn located directly north of and adjacent to Date Avenue; and

**WHEREAS**, on July 21, 2008, the City Council/Redevelopment Agency of the City of Imperial Beach authorized the City Manager/Executive Director to enter into a professional services contract with Nasland Engineering to prepare construction drawings for the Date Avenue street end and on July 1, 2009, the City Council/Redevelopment Agency of the City of Imperial Beach authorized an amendment to the contract; and

**WHEREAS**, the City Council now desires to do an additional amendment to the contract to provide additional services for the preparation of construction drawings for the improvements to the Date Avenue street end in the amount of \$15,000.00; and

**WHEREAS**, the Imperial Beach Redevelopment Agency has authorized the use of Redevelopment Agency funds for this purpose on the original contract and the first amendment and wishes to allocate these additional funds to complete the work.

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

1. The City Council hereby approves the use of Agency funds for this second amendment. The City Council hereby authorizes the City Manager to immediately transfer the necessary funds for completion of the agreement with Nasland to the City.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 4th day of May 2011, by the following roll call vote:

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

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**JAMES C. JANNEY,  
CHAIRPERSON**

**ATTEST:**

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**JACQUELINE M. HALD, CMC  
SECRETARY**

**RESOLUTION NO. R-11-259**

**A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE CITY MANAGER TO AMEND A PROFESSIONAL SERVICES CONTRACT WITH NASLAND ENGINEERING FOR THE PREPARATION OF CONSTRUCTION DRAWINGS FOR THE IMPROVEMENT OF THE DATE AVENUE STREET END**

**WHEREAS**, the City Council and Redevelopment Agency of the City of Imperial Beach desire to improve the Date Avenue street end in coordination with the redevelopment of the Seacoast Inn located directly north of and adjacent to Date Avenue; and

**WHEREAS**, on July 21, 2008, the City Council/Redevelopment Agency of the City of Imperial Beach authorized the City Manager/Executive Director to enter into a professional services contract with Nasland Engineering to prepare construction drawings for the Date Avenue street end and on July 1, 2009, the City Council/Redevelopment Agency of the City of Imperial Beach authorized an amendment to the contract; and

**WHEREAS**, the City Council now desires to do an additional amendment to the contract to provide additional services for the preparation of construction drawings for the improvements to the Date Avenue street end in the amount of \$15,000.00; and

**WHEREAS**, the Imperial Beach Redevelopment Agency has authorized the use of Redevelopment Agency funds for this purpose on the original contract and the first amendment and wishes to allocate these additional funds to complete the work.

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

1. The Redevelopment Agency Board hereby approves the use of Agency funds for this second amendment. The Agency Board hereby authorizes the Executive Director to immediately transfer the necessary funds for completion of the agreement with Nasland to the City.

**PASSED, APPROVED, AND ADOPTED** by the Redevelopment Agency of the City of Imperial Beach at its meeting held on the 4th day of May 2011, by the following roll call vote:

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

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

**ATTEST:**

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**JACQUELINE M. HALD, CMC**  
**SECRETARY**



STAFF REPORT  
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: MAY 4, 2011

ORIGINATING DEPT.: PUBLIC WORKS *Haf*

SUBJECT: RESOLUTION AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – FY 09/10 ANNUAL MAIN LINE REPAIR – NEW [SEWER] PIPE INSTALLATION (W10-101)

**BACKGROUND:** The Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009-2010 through 2013-2014 included sewer project – Annual Main Line Repairs. The Fiscal Year 09/10 Annual Main Line Repair CIP included main line repairs on pipe sections numbered 579, 429, 578, 373, 365 and 343. With subsequent analysis and value engineering, it was recommended by the consultant engineer, RBF Consulting, that the repairs at pipe 579 be resolved by adding a new short bypass pipe rather than replacing the longer existing pipe section. The pipe replacement was necessary in order to increase the flow volume needed to meet the existing demand. Further since the nature of this work was enough different from the other pipe section repairs, the consultant engineer recommended the new pipe installation be separated from the other pipe repair work in order to save the costs of construction. Thus this project was separated from the remainder of the FY 09/10 Annual Main Line Repair.

RBF Consulting completed the plans and specifications for the “FY 09/10 Annual Main Line Repair – New [Sewer] Pipe Installation” on or about March 1, 2011. The project was advertised in the Imperial Beach Eagle & Times and other sources starting March 24, 2011. Bid opening was scheduled for Thursday, April 14, 2011.

**DISCUSSION:** The bids were opened and evaluated in an advertised public meeting, at 2:00 p.m., April 14, 2011. The lowest responsive and qualified bidder for “FY 09/10 Annual Main Line Repair – New [Sewer] Pipe Installation” (CIP W10-101) was from Arrieta Construction at a bid price of \$25,730.

The four contractors who submitted proposals are listed below along with their proposal amounts:

- |                                      |             |
|--------------------------------------|-------------|
| 1. Arrieta Construction, Inc.        | \$25,730.00 |
| 2. Transtar Pipeline, Inc.           | \$35,100.00 |
| 3. NEWest Construction Company, Inc. | \$56,347.00 |
| 4. RMS General Engineering, Inc.     | \$58,668.00 |

The Engineer’s Estimate was \$19,440.

The Sewer Enterprise Fund revenue for this project is combined with the FY 09/10 Annual Main Line Repair – Grouting & Lining CIP W10-201.

**ENVIRONMENTAL DETERMINATION:**

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

**FISCAL IMPACT:**

Revenue:

Sewer Enterprise Fund (W10-101 & W10-201) \$225,000.00

Expenses:

Design Engineer (W10-101 & W10-201) \$ 22,509.50

Administration estimate (W10-101 & W10-201) \$ 20,000.00

Geotechnical Study (Southern California Soils & Testing, Inc.) \$ 5,764.00

Arrieta Construction, Inc. (W10-101) \$ 25,730.00

Sancon Engineering, Inc. (W10-201) \$134,175.00

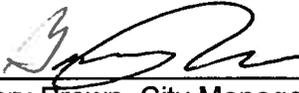
**TOTAL ESTIMATED EXPENSES \$208,178.50**

**DEPARTMENT RECOMMENDATION:**

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

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



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

Attachments:

1. Resolution No. 2011-7031

## RESOLUTION NO. 2011-7031

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AWARDED A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – FY 09/10 ANNUAL MAIN LINE REPAIR – NEW [SEWER] PIPE INSTALLATION (W10-101)**

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

**WHEREAS**, the Fiscal Year 09/10 Annual Main Line Repair CIP included main line repairs on pipe sections numbered 579, 429, 578, 373, 365 and 343; and

**WHEREAS**, with subsequent analysis and value engineering, it was recommended by the consultant engineer, RBF Consulting, that the repairs at pipe 579 be resolved by adding a new short bypass pipe rather than replacing the longer existing pipe section; and

**WHEREAS**, since the nature of this work was enough different from the other pipe section repairs, the consultant engineer recommended the new pipe installation be separated from the other pipe repair work in order to save the costs of construction; and

**WHEREAS**, this project was separated from the remainder of the FY 09/10 Annual Main Line Repair; and

**WHEREAS**, RBF Consulting completed the plans and specifications for the “FY 09/10 Annual Main Line Repair – New [Sewer] Pipe Installation” CIP W10-101 on or about March 1, 2011; and

**WHEREAS**, the project was advertised in the Imperial Beach Eagle & Times and other sources starting March 24, 2011; and

**WHEREAS**, the bids were opened and evaluated in an advertised public meeting, at 2:00 p.m., April 14, 2011; and

**WHEREAS**, the lowest responsive and qualified bidder for “FY 09/10 Annual Main Line Repair – New [Sewer] Pipe Installation” (CIP W10-101) was from Arrieta Construction at a bid price of \$25,730; and

**WHEREAS**, the Engineer’s Estimate was \$19,440; and

**WHEREAS**, The Sewer Enterprise Fund revenue for this project is combined with the FY 09/10 Annual Main Line Repair – Grouting & Lining CIP W10-201

**WHEREAS**, there are sufficient funds allocated for CIP W10-101 and CIP W10-201.

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

1. The above recitals are true and correct.
2. The legislative body hereby rejects all proposals for bids except that identified as the lowest responsible bid. The bid of the lowest, responsible qualified bidder will be on file with the transcript of these proceedings and open for public inspection in the City Clerk Department on file as Contract No. \_\_\_\_\_.

3. The contractor shall not commence construction or order equipment until he/she has received a Notice to Proceed.
4. The works of improvement shall be constructed in the manner and form and in compliance with the requirements as set forth in the plans and specifications for the project.
5. The City Manager is authorized to sign a purchase order with the lowest responsible qualified bidder.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 4th day of May 2010, by the following vote:

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

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

**ATTEST:**

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



STAFF REPORT  
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: MAY 4, 2011

ORIGINATING DEPT.: PUBLIC WORKS *Hof*

SUBJECT: RESOLUTION AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – FY 09/10 ANNUAL MAIN LINE REPAIR – GROUTING AND LINING (W10-201)

**BACKGROUND:** The Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2009-2010 through 2013-2014 included sewer project – Annual Main Line Repairs. The Fiscal Year 09/10 Annual Main Line Repair CIP included main line repairs on pipe sections numbered 579, 429, 578, 373, 365 and 343. With subsequent analysis and value engineering, it was recommended by the consultant engineer, RBF Consulting, that the bypass section on a new pipe at pipe 579 be separated from the “Grouting and Lining” repairs to the above numbered pipe sections and that it be bid separately. Thus this project was separated from the FY 09/10 Annual Main Line Repair – New [Sewer] Pipe Installation (CIP W10-101).

RBF Consulting completed the plans and specifications for the “FY 09/10 Annual Main Line Repair – Grouting and Lining” on or about March 1, 2011. The project was advertised in the Imperial Beach Eagle & Times and other sources starting March 24, 2011. Bid opening was scheduled for Thursday, April 14, 2011.

**DISCUSSION:** The bids were opened and evaluated in an advertised public meeting, at 2:30 p.m., April 14, 2011. The lowest responsive and qualified bidder for “FY 09/10 Annual Main Line Repair – Grouting and Lining” (CIP W10-201) was from SANCON Engineering, Inc. at a bid price of \$134,175.

The three contractors who submitted proposals are listed below along with their proposal amounts:

- |  |              |
|--|--------------|
| 1. SANCON Engineering, Inc.                | \$134,175.00 |
| 2. Southwest Pipeline and Trenchless Corp. | \$137,280.00 |
| 3. Insituform Technologies, Inc.           | \$190,744.00 |

The Engineer’s Estimate was \$150,864.

The Sewer Enterprise Fund revenue for this project is combined with the FY 09/10 Annual Main Line Repair – New [Sewer] Pipe Installation CIP W10-101.

**ENVIRONMENTAL DETERMINATION:**

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

**FISCAL IMPACT:**

Revenue:

Sewer Enterprise Fund (W10-101 & W10-201) \$225,000.00

Expenses:

Design Engineer (W10-101 & W10-201) \$ 22,509.50

Administration estimate (W10-101 & W10-201) \$ 20,000.00

Geotechnical Study (Southern California Soils & Testing, Inc.) \$ 5,764.00

Arrieta Construction, Inc. (W10-101) \$ 25,730.00

Sancon Engineering, Inc. (W10-201) \$134,175.00

**TOTAL ESTIMATED EXPENSES \$208,178.50**

**DEPARTMENT RECOMMENDATION:**

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

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



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

Attachments:

1. Resolution No. 2011-7032

**RESOLUTION NO. 2011-7032**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – FY 09/10 ANNUAL MAIN LINE REPAIR – GROUTING AND LINING (W10-201)**

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

**WHEREAS**, the Fiscal Year 09/10 Annual Main Line Repair CIP included main line repairs on pipe sections numbered 579, 429, 578, 373, 365 and 343; and

**WHEREAS**, with subsequent analysis and value engineering, it was recommended by the consultant engineer, RBF Consulting, that the repairs at pipe 579 be resolved by adding a new short bypass pipe rather than replacing the longer existing pipe section; and

**WHEREAS**, since the nature of this work was enough different from the other pipe section repairs, the consultant engineer recommended the new pipe installation be separated from the other pipe repair work in order to save the costs of construction; and

**WHEREAS**, this project was separated from the FY 09/10 Annual Main Line Repair – New [Sewer] Pipe Installation CIP W10-101; and

**WHEREAS**, RBF Consulting completed the plans and specifications for the “FY 09/10 Annual Main Line Repair – Grouting and Lining” CIP W10-201 on or about March 1, 2011; and

**WHEREAS**, the project was advertised in the Imperial Beach Eagle & Times and other sources starting March 24, 2011; and

**WHEREAS**, the bids were opened and evaluated in an advertised public meeting, at 2:30 p.m., April 14, 2011; and

**WHEREAS**, the lowest responsive and qualified bidder for “FY 09/10 Annual Main Line Repair – Grouting and Lining” (CIP W10-201) was from SANCON Engineering, Inc. at a bid price of \$134,175.00; and

**WHEREAS**, the Engineer’s Estimate was \$150,864; and

**WHEREAS**, The Sewer Enterprise Fund revenue for this project is combined with the FY 09/10 Annual Main Line Repair – New [Sewer] Pipe Installation CIP W10-101; and

**WHEREAS**, there are sufficient funds allocated for CIP W10-101 and CIP W10-201.

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

1. The above recitals are true and correct.
2. The legislative body hereby rejects all proposals for bids except that identified as the lowest responsible bid. The bid of the lowest, responsible qualified bidder will be on file with the transcript of these proceedings and open for public inspection in the City Clerk Department on file as Contract No. \_\_\_\_.
3. The contractor shall not commence construction or order equipment until he/she has received a Notice to Proceed.

4. The works of improvement shall be constructed in the manner and form and in compliance with the requirements as set forth in the plans and specifications for the project.

5. The City Manager is authorized to sign a purchase order with the lowest responsible qualified bidder.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 4th day of May 2010, by the following vote:

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

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**JAMES C. JANNEY, MAYOR**

**ATTEST:**

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



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** GARY BROWN, CITY MANAGER

**MEETING DATE:** MAY 4, 2011

**ORIGINATING DEPT.:** PUBLIC WORKS *HGB*

**SUBJECT:** RESOLUTION AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – IMPERIAL BEACH BOULEVARD CROSSWALK AT LOUDEN LANE (CIP S11-102) AND AMENDING THE CIP PROJECT S11-102 BUDGET BY ADDING \$70,000 UNCOMMITTED GAS TAX REVENUE TO THE PROJECT

**BACKGROUND:** The Five-Year Capital Improvement Program Budget Fiscal Year 2009/2010 through Fiscal Year 2013/2014 included Community Development Block Grant (CDBG) Projects to wit: FY 10/11 Imperial Beach Boulevard Crosswalk at Loudon Lane - CIP S11-102. City Council proposed this project to the County of San Diego CDBG office at the November 18, 2009 Council meeting in Resolution No. 2009-6824 for the Fiscal Year 2010-2011 budget year. County of San Diego contract no. CFDA#14.218 of July 26, 2010 allocated CDBG funds to the City for the project. The project design was on or about completed April 1, 2011. The project was advertised in the Imperial Beach Eagle & Times and other sources starting April 7, 2011. Bid opening was scheduled for Thursday, April 28, 2011.

**DISCUSSION:** The bids were opened and evaluated in an advertised public meeting, at 2:30 p.m., April 28, 2011. The lowest responsive and qualified bidder for "FY 10/11 Imperial Beach Boulevard Crosswalk at Loudon Lane" - CIP S11-102 was from Ramona Paving & Construction Corp. at a bid price of \$163,010.

The nine contractors who submitted proposals are listed below along with their proposal amounts:

- |   |              |
|---|--------------|
| 1. Ramona Paving & Construction Corp.         | \$163,010    |
| 2. PAL General Engineering, Inc.              | \$174,588.75 |
| 3. Tri-Group Construction & Development Corp. | \$183,630    |
| 4. New Century Construction, Inc.             | \$189,950    |
| 5. Koch-Armstrong General Engineering, Inc.   | \$192,012    |
| 6. Curto Construction Co.                     | \$194,025    |
| 7. HTA Engineering, Inc.                      | \$197,820    |
| 8. RMV Construction, Inc.                     | \$210,763    |
| 9. Sheidel Contracting & Engineering, Inc.    | \$216,224    |

The engineer's estimate was \$215,925.

To complete this project an additional \$70,000 will be required. Staff recommends City Council authorize amending the budget using uncommitted Gas Tax funds to cover the cost of the project construction.

**ENVIRONMENTAL DETERMINATION:**

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

**FISCAL IMPACT:**

Revenue:		
CDBG funds awarded to the City for this project		\$150,778
Gas Tax		\$ 70,000
<b>Total Revenue</b>	<b>\$220,778</b>	
Expenditures:		
Project Construction		\$163,010
Design Engineer		\$ 37,720
Estimated Project Administration		\$ 15,000
<b>Total Estimated expenditures</b>	<b>\$215,720</b>	

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Adopt the attached resolution.
3. Authorize the City Manager to approve a purchase order for the amount of the lowest qualified bidder.
4. Amend the CIP S11-102 budget by adding \$70,000 from uncommitted Gas Tax Revenue to this project.
5. Authorize the City Manager to transfer uncommitted Gas Tax Revenue to the CIP S11-102 project.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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

**Attachments:**

1. Resolution No. 2011-7036

**RESOLUTION NO. 2011-7036****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – IMPERIAL BEACH BOULEVARD CROSSWALK AT LOUDEN LANE (CIP S11-102) AND AMENDING THE CIP PROJECT S11-102 BUDGET BY ADDING \$70,000 UNCOMMITTED GAS TAX REVENUE TO THE PROJECT**

**WHEREAS**, the Five-Year Capital Improvement Program Budget Fiscal Year 2009/2010 through Fiscal Year 2013/2014 included Community Development Block Grant (CDBG) Projects to wit: FY 10/11 Imperial Beach Boulevard Crosswalk at Louden Lane - CIP S11-102; and

**WHEREAS**, City Council proposed this project to the County of San Diego CDBG office at the November 18, 2009 Council meeting in Resolution No. 2009-6824 for the Fiscal Year 2010-2011 budget year; and

**WHEREAS**, the County of San Diego contract no. CFDA#14.218 of July 26, 2010 allocated \$150,778 CDBG funds to the City for the project; and

**WHEREAS**, the project design was completed and bids for construction were advertised; and

**WHEREAS**, on Thursday, April 28, 2011 the bids were opened and evaluated; and

**WHEREAS**, the lowest responsive and qualified bidder for “FY 10/11 Imperial Beach Boulevard Crosswalk at Louden Lane” - CIP S11-102 was from Ramona Paving & Construction Corp. at a bid price of \$163,010; and

**WHEREAS**, the engineer’s estimate was \$215,925; and

**WHEREAS**, to complete this project an additional \$70,000 will be required; and

**WHEREAS**, staff recommends City Council authorize amending the budget by \$70,000 using uncommitted Gas Tax funds to cover the cost of the project construction.

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

1. The above recitals are true and correct.
2. The legislative body hereby rejects all proposals for bids except that identified as the lowest responsible bid. The bid of the lowest, responsible qualified bidder will be on file with the transcript of these proceedings and open for public inspection in the City Clerk Department on file as Contract No.\_\_\_\_\_.
3. The Contractor shall not commence construction or order equipment until he/she has received a Notice to Proceed.
4. The works of improvement shall be constructed in the manner and form and in compliance with the requirements as set forth in the plans and specifications for the project.
5. The City Manager is authorized to sign a purchase order with the lowest responsive qualified bidder.
6. This legislative body authorizes the transfer of \$70,000 from the uncommitted Gas Tax revenue to this project budget.
7. This legislative body authorizes the City Manager to transfer the uncommitted Gas Tax Revenue to the CIP S11-102 project.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 4th day of May 2011, by the following vote:

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

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**JAMES C. JANNEY, MAYOR**

**ATTEST:**

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



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

**TO:** HONORABLE MAYOR AND CITY COUNCIL/  
HONORABLE CHAIRMAN AND BOARD

**FROM:** GARY BROWN, CITY MANAGER/EXECUTIVE DIRECTOR

**MEETING DATE:** MAY 4, 2011

**ORIGINATING DEPT.:** GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR  
GERARD SELBY, REDEVELOPMENT COORDINATOR 

**SUBJECT:** ADOPTION OF RESOLUTION NUMBERS 2011-7034 AND R-11-257 AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO EXECUTE AS-NEEDED AGREEMENTS WITH VARIOUS CONSULTANTS FOR WORK RELATED TO THE CITY/AGENCY COOPERATION AGREEMENT

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**BACKGROUND**

On January 26, 2011, the City Council and Agency Board approved a Cooperation Agreement between the City and Agency so that the City can implement certain Agency-funded projects. On January 26, 2011, the City Council/Agency Board also approved the list of projects that would be included in the Cooperation Agreement. On February 16, 2011 and March 9, 2011, the City Council approved revisions to the Cooperation Agreement.

**CURRENT CONSIDERATION**

The Agency has been utilizing the professional services of the following firms for various aspects of Agency projects for several years: Keyser Marston Associates (financial advice); Kane, Ballmer & Berkman (redevelopment special counsel); Robert Backer and Associates (appraisal services); Nasland (engineering); and Opper & Varco (environmental legal counsel) ("Professionals"). The City's purchasing ordinance allows the City to enter into professional service agreements with consultants who have provided ongoing services. These Professionals are necessary for the completion of projects under the Cooperation Agreement.

Staff recommends that the Council authorize the City Manager/Executive Director to enter into as- needed professional services agreements with the above-listed Professionals. Each agreement will have the following not-to- exceed amounts: Keyser Marston Associates (\$75,000); Kane, Ballmer & Berkman (\$150,000); Robert Backer and Associates (\$35,000); Nasland Engineering (\$75,000); Opper Varco (\$75,000); and Project Design Consultants (\$54,500); Urban Systems Associates (\$41,000), KLR Planning (\$8,000), and Eilar & Associates (\$2,000).

**FISCAL IMPACT**

The City's General Fund will not be impacted and will not be obligated to expend any funds with respect to the agreements. The sole source of payment under the agreements for work performed on projects listed in the Cooperation Agreement will come from the funds transferred from the Agency to the City under the Cooperation Agreement.

**ENVIRONMENTAL DETERMINATION**

Not a project as defined by CEQA.

**DEPARTMENT RECOMMENDATION**

Adopt Resolution Numbers 2011-7034 and R-11-257 authorizing the City Manager/Executive Director to execute standard as-needed consultant agreements with the above-mentioned Professionals.

**CITY MANAGER'S/EXECUTIVE DIRECTOR'S RECOMMENDATION**

Approve Department recommendation.



\_\_\_\_\_  
Gary Brown, City Manager/Executive Director

Attachments:

1. Resolution No. 2011-7034
2. Resolution No. R-11-257

**RESOLUTION NO. 2011-7034****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AS-NEEDED AGREEMENTS WITH VARIOUS CONSULTANTS FOR WORK RELATED TO THE CITY/AGENCY COOPERATION AGREEMENT**

**WHEREAS**, the City of Imperial Beach (the "City") and the Redevelopment Agency of the City of Imperial Beach ("Agency") wish to cooperate with one another to bring about the redevelopment of the project area and accomplish various tasks set forth in the Redevelopment Plan and the Implementation Plan as evidenced in the Cooperation Agreement approved on January 24, 2011 and subsequently amended on February 16, 2011 and March 9, 2011 ("Cooperation Agreement"); and

**WHEREAS**, the Agency and City have previously used various professional consultants to provide services and desire to continue to use the following consultants: Keyser Marston Associates (financial advice); Kane, Ballmer & Berkman (redevelopment special counsel); Robert Backer and Associates (appraisal services); Nasland (civil engineering); and Opper Varco (environmental specialist) Project Design Consultants (civil engineering); Urban Systems Associates (traffic engineering), KLR Planning (Environmental Documentation), and Eilar & Associates (Dry Utility Specialist) (referred to collectively as "Professionals") on an ongoing and as-needed basis for the provision of professional services to the City/Agency; and

**WHEREAS**, the City will need the services of the Professionals to implement the Cooperation Agreement with the Agency, and the funds to pay for the services will be from the funds that the Agency has transferred to the City under the Cooperation Agreement; and

**WHEREAS**, it is in the best interests of the Agency and for the common benefit of residents, employees, business tenants and property owners within the Project Area and the City as a whole for the Cooperation Agreement to be implemented and the projects to be constructed in accordance with the Cooperation Agreement because the actions will be undertaken to reduce blight and benefit the Project Area; and

**WHEREAS**, the City Council and Agency Board have the authority under Imperial Beach Municipal Code section 3.04.160(G) to enter into these agreements at this time because the Professionals have been providing on-going specialty services for the City/Agency and it is in the best interests of the City/Agency to continue to use the same Professionals; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

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

1. The City hereby finds and determines that the foregoing recitals are true and correct.
2. The City hereby approves the agreements and authorizes the City Manager to execute standard consultant agreements with the above-listed Professionals.
3. This Resolution shall take effect immediately upon its adoption.
4. These assignments are not projects as defined by CEQA.
5. If any section, sentence, clause or phrase of this Resolution is determined to be invalid, illegal, void or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Resolution. The City Council declares that it would have passed and adopted the Resolution, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**BE IT FURTHER RESOLVED**, by the City Council of the City of Imperial Beach, that the City Manager, or designee, is authorized and empowered to execute, for and on behalf of the City, an Agreement with Keyser Marston Associates (\$75,000); Kane, Ballmer & Berkman (\$150,000); Robert Backer and Associates (\$35,000); Nasland Engineering (\$75,000); Opper Varco (\$75,000); and Project Design Consultants (\$54,500); Urban Systems Associates

(\$41,000), KLR Planning (\$8,000), and Eilar & Associates (\$2,000) in amounts not to exceed listed above.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 4th day of May 2011, by the following vote:

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

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

**ATTEST:**

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

## RESOLUTION NO. R-11-257

**A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AS-NEEDED AGREEMENTS WITH VARIOUS CONSULTANTS FOR WORK RELATED TO THE CITY/AGENCY COOPERATION AGREEMENT**

**WHEREAS**, the City of Imperial Beach (the "City") and the Redevelopment Agency of the City of Imperial Beach ("Agency") wish to cooperate with one another to bring about the redevelopment of the project area and accomplish various tasks set forth in the Redevelopment Plan and the Implementation Plan as evidenced in the Cooperation Agreement approved on January 24, 2011 and subsequently amended on February 16, 2011 and March 9, 2011 ("Cooperation Agreement"); and

**WHEREAS**, the Agency and City have previously used various professional consultants to provide services and desire to continue to use the following consultants: Keyser Marston Associates (financial advice); Kane, Ballmer & Berkman (redevelopment special counsel); Robert Backer and Associates (appraisal services); Nasland Engineering (civil engineering); and Opper Varco (environmental specialist) Project Design Consultants (civil engineering); Urban Systems Associates (traffic engineering), KLR Planning (Environmental Documentation), and Eilar & Associates (Dry Utility Specialist (referred to collectively as "Professionals") on an ongoing and as-needed basis for the provision of professional services to the City/Agency; and

**WHEREAS**, the City will need the services of the Professionals to implement the Cooperation Agreement with the Agency, and the funds to pay for the services will be from the funds that the Agency has transferred to the City under the Cooperation Agreement; and

**WHEREAS**, it is in the best interests of the Agency and for the common benefit of residents, employees, business tenants and property owners within the Project Area and the City as a whole for the Cooperation Agreement to be implemented and the projects to be constructed in accordance with the Cooperation Agreement because the actions will be undertaken to reduce blight and benefit the Project Area; and

**WHEREAS**, the City Council and Agency Board have the authority under Imperial Beach Municipal Code section 3.04.160(G) to enter into these agreements at this time because the Professionals have been providing on-going specialty services for the City/Agency and it is in the best interests of the City/Agency to continue to use the same Professionals; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

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

1. The Agency hereby finds and determines that the foregoing recitals are true and correct.
2. The Agency hereby approves the agreements with the above-listed Professionals and authorizes the use of funds under the Cooperation Agreement to be used for such services.
3. This Resolution shall take effect immediately upon its adoption.
4. These agreements are not projects as defined by CEQA.
5. If any section, sentence, clause or phrase of this Resolution is determined to be invalid, illegal, void or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Resolution. The Agency Board declares that it would have passed and adopted the Resolution, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**BE IT FURTHER RESOLVED**, by the City Council of the City of Imperial Beach, that the City Manager, or designee, is authorized and empowered to execute, for and on behalf of the City, an Agreement with Keyser Marston Associates (\$75,000); Kane, Ballmer & Berkman (\$150,000); Robert Backer and Associates (\$35,000); Nasland Engineering (\$75,000); Opper Varco (\$75,000); and Project Design Consultants (\$54,500); Urban Systems Associates

(\$41,000), KLR Planning (\$8,000), and Eilar & Associates (\$2,000) in amounts not to exceed listed above.

**PASSED, APPROVED, AND ADOPTED** by the Redevelopment Agency of the City of Imperial Beach at its meeting held on the 4th day of May 2011, by the following vote:

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

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

**ATTEST:**

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**JACQUELINE M. HALD, CMC**  
**SECRETARY**



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** May 4, 2011  
**ORIGINATING DEPT.:** COMMUNITY DEVELOPMENT  
GREG WADE, DIRECTOR  
CITY ATTORNEY  
**SUBJECT:** CHANGE OF PUBLIC HEARING DATE FOR PROPOSED  
ORDINANCES RELATED TO MEDICAL MARIJUANA  
DISTRIBUTION FACILITIES

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**BACKGROUND:**

On April 7, 2011, a "NOTICE OF CITY COUNCIL PUBLIC HEARING AND NOTICE OF AVAILABILITY OF DRAFT PUBLIC HEARING MATERIALS AND PROPOSED AMENDMENT TO CITY'S ZONING ORDINANCE" was distributed to various agencies and interested parties and on April 14, 2011, a display advertisement was published in the Imperial Beach and South County Eagle and Times. Both notices provided the applicable public review periods for the proposed zoning ordinance and General Plan/Local Coastal Program Amendment related to medical marijuana distribution facilities (proposed Chapter 19.61) and the proposed public hearing date of June 1, 2011 at 6:00 p.m.

**DISCUSSION:**

It has come to Staff's attention that at least one councilmember may be unavailable to attend the public hearing on June 1, 2011, therefore Staff seeks direction from Council to change the public hearing date to June 15, 2011 at 6:00 p.m. and to advertise the new hearing date in compliance with state and local law. The applicable public review periods (**Agency Review Period:** April 7, 2011 through May 22, 2011; **Public Review Period:** April 14, 2011 through May 26, 2011) will remain as previously noticed and advertised.

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

The costs to advertise the new hearing date will be paid by the City.

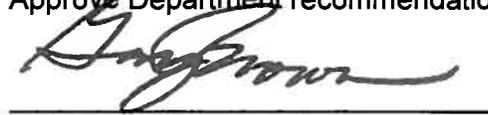
**DEPARTMENT RECOMMENDATION:**

Provide direction to change the public hearing date from June 1, 2011 to June 15, 2011 for the

proposed ordinances and General Plan/Local Coastal Program Amendment related to medical marijuana distribution facilities and to advertise the new hearing date.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

A handwritten signature in black ink, appearing to read "Gary Brown", written over a horizontal line.

Gary Brown, City Manager