



A G E N D A

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PUBLIC FINANCING AUTHORITY



NOVEMBER 7, 2007

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

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

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

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

CLOSED SESSION CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9:

Number of potential cases: 1

CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b)

Number of potential cases: 1

RECONVENE AND ANNOUNCE ACTION (IF APPROPRIATE)

REGULAR MEETING CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

PLEDGE OF ALLEGIANCE

AGENDA CHANGES

MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS

COMMUNICATIONS FROM CITY STAFF

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

PRESENTATIONS (1.1 - 1.2)

1.1* PRESENTATION OF PROCLAMATION – DANNIE MYERS, AMR MEDIC. (0410-30)

**1.2* PRESENTATION OF PROCLAMATION – OCTAVIA PARKER, SHERIFF'S CAPTAIN.
(0410-30)**

*No Staff Report

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

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 65019 through 65174 with the subtotal amount of \$544,460.44; and Payroll Register Numbers 38975 through 39064 for the pay period ending 10/25/07 with the subtotal amount of \$269,959.49; for a total amount of \$814,419.93.

2.2 ADMINISTRATIVE COASTAL PERMIT (ACP 04-114) AND FINAL MAP (TM 04-115) FOR A FIVE-UNIT CONDOMINIUM CONVERSION LOCATED AT 211 ELM AVENUE, IN THE R-2000 (MEDIUM-DENSITY RESIDENTIAL) ZONE. MF 729. (0600-20)

City Manager's Recommendation: Approve the Final Map for recordation along with the recordation of any required documents as security of the required improvements.

2.3 RESOLUTION NO. 2007-6554 – AFFIRMING CHANGE ORDER TO THE ONEONTA TO NOLF STORM DRAIN PIPE (CIP # D05-105) PROJECT AND AUTHORIZING A BUDGET TRANSFER TO THE ONEONTA TO NOLF STORM DRAIN PIPE (CIP # D05-105) PROJECT. (0770-10)

City Manager's Recommendation: Adopt resolution.

2.4 ADMINISTRATIVE COASTAL PERMIT (ACP 050299) AND FINAL MAP (TM 050300) FOR AN EIGHT-UNIT CONDOMINIUM CONVERSION LOCATED AT 220 EVERGREEN AVENUE, IN THE R-2000 (MEDIUM-DENSITY RESIDENTIAL) ZONE, MF 813. (0600-20)

City Manager's Recommendation: Approve Final Map for recordation.

ORDINANCES - INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 ADOPT ORDINANCE NO. 2007-1057 ADDING CHAPTER 13.10 OF THE IMPERIAL BEACH MUNICIPAL CODE, RELATED TO STATE AND CITY VIDEO FRANCHISES. (0800-10)

City Manager's Recommendation:

1. Receive report;
2. Mayor call for the reading of Ordinance No. 2007-1057, an Ordinance of the City Council of the City of Imperial Beach, California adding Chapter 13.10 of the Imperial Beach Municipal Code, related to State and City video franchises;
3. City Clerk read the title of Ordinance No. 2007-1057; and
4. Motion to dispense second reading and adopt Ordinance No. 2007-1057 by title only.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6.1)

6.1 JOSEPH SCARLATTI REPRESENTING JEREMY TRESKON: ADMINISTRATIVE COASTAL PERMIT (ACP 070041) AND TENTATIVE MAP (TM 070042) FOR A TEN-UNIT CONDOMINIUM CONVERSION LOCATED AT 100 PALM AVENUE, IN THE R-1500 (HIGH-DENSITY RESIDENTIAL) ZONE. MF 928. (0600-20)

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive public testimony and consider staff report;
3. Close the public hearing; and
4. Adopt Resolution No. 2007-6552, approving Administrative Coastal Permit (070041) and Tentative Map (TM 070042), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

REPORTS (7.1 - 7.4)

7.1 DESIGNATION OF STATE PROPOSITION 1B (TRANSPORTATION BOND) FUNDS TO FINANCE SOME OF STREET IMPROVEMENTS PHASE III RDA CIP (S04-108) STREET SEGMENTS. (0390-86 & 0720-25)

City Manager's Recommendation:

1. Receive report; and
2. Authorize staff to prepare a street improvement project list in the format specified by DOF in the following street priority sequence:
 - a. Silver Strand Blvd. 500-600 blocks
 - b. 2nd Street – 700-1000 blocks
 - c. 3rd Street – 700-800 blocks
 - d. Ebony Avenue – 200 block

7.2 STREET IMPROVEMENTS, RDA PHASE III – SEACOAST NEIGHBORHOOD – CIP S04-108. (0720-25)

City Manager's Recommendation:

1. Receive report;
2. Receive a short update on the sidewalk pop out design; and
3. Consider directing staff to:
 - a. Advertise for "base bid" consisting of the:
 - i. 2nd Street, 3rd Street, Ebony Avenue, Silver Strand Blvd. overlay, sidewalk, and curb & gutter work; and
 - ii. Seacoast Drive Baseline Improvements; and
 - iii. ADA enhancements.
 - iv. Engineer's Estimate = \$2,014,875.37
 - b. Advertise as additives to the "base bid":
 - i. Street lighting; and
 - ii. Enhanced Crosswalks.
 - iii. Engineer's Estimate = \$323,617.48
 - c. Prepare a budget amendment for subsequent City Council approval to incorporate the following CIP projects and funds into this CIP (S04-108):
 - i. Bus Route Wheel Chair – S05-201 \$ 83,000
 - ii. Seacoast Drive Streetscape Plan - S05-102 \$ 19,000
 - iii. State Prop 1B Allocation \$400,000

7.3 RESOLUTION NO. 2007-6555 – APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) FOR PARTICIPATION IN PRELIMINARY PLANNING ACTIVITIES FOR A SECOND REGIONAL BEACH SAND REPLENISHMENT PROJECT. (0140-40 & 0220-70)

City Manager's Recommendation: Adopt resolution.

7.4 MEMORANDUM OF UNDERSTANDING BETWEEN CO-PERMITTEES REGARDING SHARING OF COSTS ASSOCIATED WITH PROSECUTION OF UNFUNDED STATE MANDATES CLAIM (NPDES/STORMWATER PROGRAM). (0770-70)

City Manager's Recommendation: Adopt Resolution No. 2007-6556 ratifying participation in the joint action and authorizing the City Manager and the City Attorney to work with their respective joint committees in the County on implementing this MOU.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

REPORTS OF MAYOR AND COUNCILMEMBERS

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, the agenda is also available to you on our website at www.cityofib.com.

**A COPY OF THE COUNCIL MEETING PACKET MAY BE VIEWED BY THE PUBLIC
IN THE OFFICE OF THE CITY CLERK AT CITY HALL.**

Copies of this notice were provided on November 2, 2007 to the City Council, San Diego Union-Tribune, I.B. Eagle & Times, and I.B. Sun.

AFFIDAVIT OF POSTING)
STATE OF CALIFORNIA)
CITY OF IMPERIAL BEACH)

I, Jacqueline M. Hald, City Clerk of the City of Imperial Beach, hereby certify that the Agenda for the Regular Meeting as called by the City Council, Redevelopment Agency, and Public Financing Authority of Imperial Beach was provided and posted on November 2, 2007. Said meeting to be held at 5:30 p.m., November 7, 2007, in the Council Chambers, 825 Imperial Beach Boulevard, Imperial Beach, California. Said notice was posted at the entrance to the City Council Chambers on November 2, 2007 at 3:00 p.m.

Jacqueline M. Hald, CMC
City Clerk



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: November 7, 2007 *GRB*

ORIGINATING DEPT.: Charles Smith
Interim Finance Director

SUBJECT: RATIFICATION OF WARRANT REGISTER

BACKGROUND:

None

DISCUSSION:

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

ENVIRONMENTAL IMPACT

Not a project as defined by CEQA.

The following registers are submitted for Council ratification.

WARRANT # DATE AMOUNT

Accounts Payable:

65019-65085	10/11/07	200,167.14
65086-65131	10/19/07	246,097.34
65132-65174	10/25/07	98,195.96
	SUB-TOTAL	\$ 544,460.44

Payroll Checks:

38975-39022	P.P.E. 10/11/07	135,493.88
39023-39064	P.P.E. 10/25/07	134,465.61
	SUB-TOTAL	\$ 269,959.49
	TOTAL	\$ 814,419.93

FISCAL IMPACT:

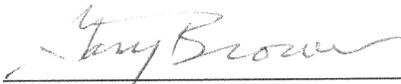
Warrants are issued from budgeted funds.

DEPARTMENT RECOMMENDATION:

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

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation



Gary Brown, City Manager

Attachments:

1. Warrant Registers

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #		BANK CODE	00	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
10/11/2007	65019	A/G PAINTING INC	1858				4,985.00
405-1260-513.20-06	10/03/2007	1075 8TH ST. SENIOR CENTR	2007055		04/2008		4,985.00
Voided cks #65020-65051							
10/11/2007	65052	ALL TEAM STAFFING, INC	1801				9,615.10
101-6020-452.21-01	10/01/2007	ARMENDARIZ, JOSE 09/28/07	900928	080097	04/2008		1,062.00
101-6040-454.21-01	10/01/2007	FIERRO, LEONARD 09/28/07	900929	080304	04/2008		577.15
101-6040-454.21-01	10/01/2007	ROMERO, SANDRO 09/25/07	900929	080304	04/2008		33.95
101-6040-454.21-01	10/01/2007	FIERRO, LEONARD 09/28/07	900929	080304	04/2008		67.90
101-6040-454.21-01	10/01/2007	ROMERO, SANDRO 09/25/07	900929	080304	04/2008		101.85
101-6040-454.21-01	10/01/2007	ROMERO, SANDRO 09/25/07	900929	080304	04/2008		203.70
101-6040-454.21-01	10/01/2007	FIERRO, LEONARD 09/28/07	900929	080304	04/2008		33.95
101-6040-454.21-01	10/01/2007	ROMERO, SANDRO 09/25/07	900929	080304	04/2008		237.65
101-6040-454.21-01	10/01/2007	FIERRO, LEONARD 09/28/07	900929	080304	04/2008		101.85
101-6040-454.21-01	10/01/2007	ROMERO, SANDRO 09/25/07	900929	080304	04/2008		67.90
101-6040-454.21-01	10/01/2007	FIERRO, LEONARD 09/28/07	900929	080304	04/2008		271.60
101-6040-454.21-01	10/01/2007	ROMERO, SANDRO 09/25/07	900929	080304	04/2008		33.95
101-6040-454.21-01	10/01/2007	FIERRO, LEONARD 09/28/07	900929	080304	04/2008		33.95
101-6040-454.21-01	10/01/2007	ROMERO, SANDRO 09/25/07	900929	080304	04/2008		101.85
101-6040-454.21-01	10/01/2007	FIERRO, LEONARD 09/28/07	900929	080304	04/2008		237.65
101-6040-454.21-01	10/01/2007	ROMERO, SANDRO 09/25/07	900929	080304	04/2008		101.85
101-6040-454.21-01	10/01/2007	ROMERO, SANDRO 09/25/07	900929	080304	04/2008		373.45
101-6040-454.21-01	10/01/2007	ROMERO, SANDRO 09/25/07	900929	080304	04/2008		33.95
101-6040-454.21-01	10/01/2007	ROMERO, SANDRO 09/25/07	900929	080304	04/2008		67.90
101-6040-454.21-01	10/01/2007	FIERRO, LEONARD 09/28/07	900929	080304	04/2008		33.95
101-1910-419.21-04	10/01/2007	MARTINEZ, HECTOR 09/28/07	900927	080311	04/2008		891.00
101-6020-452.21-01	09/24/2007	ARMENDARIZ, JOSE 09/21/07	900922	080097	03/2008		1,298.00
101-6040-454.21-01	09/24/2007	ROMERO, SANDRO 09/18/07	900923	080304	03/2008		135.80
101-6040-454.21-01	09/24/2007	FIERRO, LEONARD 09/21/07	900923	080304	03/2008		577.15
101-6040-454.21-01	09/24/2007	FIERRO, LEONARD 09/21/07	900923	080304	03/2008		67.90
101-6040-454.21-01	09/24/2007	ROMERO, SANDRO 09/18/07	900923	080304	03/2008		67.90
101-6040-454.21-01	09/24/2007	FIERRO, LEONARD 09/21/07	900923	080304	03/2008		33.95
101-6040-454.21-01	09/24/2007	ROMERO, SANDRO 09/18/07	900923	080304	03/2008		33.95
101-6040-454.21-01	09/24/2007	ROMERO, SANDRO 09/18/07	900923	080304	03/2008		67.90
101-6040-454.21-01	09/24/2007	FIERRO, LEONARD 09/21/07	900923	080304	03/2008		33.95
101-6040-454.21-01	09/24/2007	FIERRO, LEONARD 09/21/07	900923	080304	03/2008		33.95
101-6040-454.21-01	09/24/2007	ROMERO, SANDRO 09/18/07	900923	080304	03/2008		33.95
101-6040-454.21-01	09/24/2007	FIERRO, LEONARD 09/21/07	900923	080304	03/2008		33.95
101-6040-454.21-01	09/24/2007	ROMERO, SANDRO 09/18/07	900923	080304	03/2008		169.75
101-6040-454.21-01	09/24/2007	FIERRO, LEONARD 09/21/07	900923	080304	03/2008		33.95
101-6040-454.21-01	09/24/2007	ROMERO, SANDRO 09/18/07	900923	080304	03/2008		271.60
101-6040-454.21-01	09/24/2007	FIERRO, LEONARD 09/21/07	900923	080304	03/2008		33.95
101-6040-454.21-01	09/24/2007	FIERRO, LEONARD 09/21/07	900923	080304	03/2008		305.55
101-6040-454.21-01	09/24/2007	ROMERO, SANDRO 09/18/07	900923	080304	03/2008		33.95
101-6040-454.21-01	09/24/2007	ROMERO, SANDRO 09/18/07	900923	080304	03/2008		135.80
101-6040-454.21-01	09/24/2007	FIERRO, LEONARD 09/21/07	900923	080304	03/2008		135.80
101-6040-454.21-01	09/24/2007	ROMERO, SANDRO 09/18/07	900923	080304	03/2008		271.60
101-6040-454.21-01	09/24/2007	ROMERO, SANDRO 09/18/07	900923	080304	03/2008		67.90
101-6040-454.21-01	09/24/2007	ROMERO, SANDRO 09/18/07	900923	080304	03/2008		67.90
10/11/2007	65053	ALLIANT INSURANCE SERVICES, IN	1875				926.56
502-1922-419.28-02	10/08/2007	08/30/07-06/30/08 MISC.	915657		03/2008		926.56

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	INVOICE	PO #	PER/YEAR	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION					TRN AMOUNT
10/11/2007	65054	SOUTHCOAST HEATING & A/C	1554				546.00
405-1260-513.20-06	09/18/2007	ADJUSTED ECNOMIZER TO MIN		193044	080429	03/2008	546.00
10/11/2007	65055	ARROWHEAD MOUNTAIN SPRING WATE	1340				49.92
101-5020-432.30-02	09/22/2007	PERIOD 08/21-09/20/07		07I0026726646	080213	03/2008	49.92
10/11/2007	65056	ASBURY ENVIRONMENTAL SERVICES	277				82.00
501-1921-419.29-04	09/19/2007	ETHYLENE GLYCOL SOL MINIM		130186663	080064	03/2008	25.00
501-1921-419.29-04	09/20/2007	USED OIL AND GASOLINE		130187095	080064	03/2008	32.00
501-1921-419.29-04	09/28/2007	USED OIL SERVICE CHARGE		130189094	080064	03/2008	25.00
10/11/2007	65057	AT&T/MCI	1270				2,598.40
101-5040-434.27-04	09/02/2007	619-423-1074-808		T7019457		02/2008	16.21
101-5040-434.27-04	09/02/2007	619-423-1675-711		T7019459		02/2008	16.21
601-5060-436.27-04	09/02/2007	619-423-2231-354		T7019461		02/2008	15.68
101-3020-422.27-04	09/02/2007	619-423-8222-631		T7019467		02/2008	19.92
101-3020-422.27-04	09/02/2007	619-423-8225-961		T7019468		02/2008	145.88
101-1920-419.27-04	09/02/2007	619-423-8300-961		T7019469		02/2008	1,262.65
101-5020-432.27-04	09/02/2007	619-423-8311-961		T7019470		02/2008	367.10
101-3030-423.27-04	09/02/2007	619-423-8322-961		T7019471		02/2008	299.47
101-1130-412.27-04	09/02/2007	619-423-8617-292		T7019472		02/2008	79.66
503-1923-419.27-04	08/26/2007	619-424-3481-707		T6990095		02/2008	30.76
101-6030-453.27-04	08/26/2007	619-424-7077-649		T6990100		02/2008	79.09
101-3010-421.27-04	09/01/2007	619-628-1485-961		T7008905		02/2008	40.60
601-5060-436.27-04	09/02/2007	C60-222-1236-444		T7022468		02/2008	225.17
10/11/2007	65058	BOBBY LOUIS BUNER JR	1879				250.00
101-1130-412.29-02	09/21/2007	DEPOSIT FIRST INSTALLMENT		09-21-2007	080435	03/2008	250.00
10/11/2007	65059	BOBBY SIMPSON & SONS QUALITY E	1882				2,800.00
601-5060-436.21-04	09/27/2007	OUTFALL MUCKING		09-27-2007	080427	03/2008	2,800.00
10/11/2007	65060	CHICAGO TITLE INSUR CO	779				2,250.00
601-5060-536.20-06	07/12/2007	PRELIMINARY TITLE REPORT		78032366	080438	01/2008	450.00
601-5060-536.20-06	07/12/2007	PRELIMINARY TITLE REPORT		78032368	080438	01/2008	450.00
601-5060-536.20-06	07/13/2007	PRELIMINARY TITLE REPORT		78032373	080438	01/2008	450.00
601-5060-536.20-06	07/27/2007	PRELIMINARY TITLE REPORT		78032367	080438	01/2008	450.00
601-5060-536.20-06	07/27/2007	PRELIMINARY TITLE REPORT		78032369	080438	01/2008	450.00
10/11/2007	65061	COMMERCIAL LANDSCAPE SUPPLY	944				19.95
501-1921-419.28-16	09/27/2007	INNERSPOOL, SPRING		152486		03/2008	19.95
10/11/2007	65062	COPY POST PRINTING	1371				57.44
101-1110-412.28-11	09/27/2007	BUSINESS CARDS FOR P SWAN		15702	F08036	03/2008	57.44
10/11/2007	65063	COX COMMUNICATIONS	1073				179.00
503-1923-419.21-04	09/21/2007	INTERNET 09/21/2007		09-21-2007	080034	03/2008	179.00
10/11/2007	65064	DANIEL K. DAME	1				40.00
101-1130-412.21-04	10/03/2007	REIMBURSE MR. DAME FOR		33-0106028		04/2008	40.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
10/11/2007	65065	DLA PRINTING & PROMO'S	1178	223.36		
101-1210-413.28-11	09/19/2007	PR VOUCHER	5275	223.36	F08032	03/2008
10/11/2007	65066	EAGLE NEWSPAPER	1204	1,697.79		
101-1110-412.29-04	09/28/2007	FINANCE CHARGE 09/28/07	09-28-2007	2.11		03/2008
101-1920-419.21-04	09/19/2007	ANNUAL CONCERT J. HALD	32688	402.50	080360	03/2008
101-1920-419.21-04	09/20/2007	ANNUAL CONCERT J. HALD	32808	306.00	080360	03/2008
101-1920-419.21-04	09/26/2007	ANNUAL CONCERT J. HALD	32904	402.50	080360	03/2008
101-1920-419.21-04	09/27/2007	ANNUAL CONCERT J. HALD	33017	306.00	080360	03/2008
101-1020-411.28-07	09/27/2007	ORD. 2007-1057/IB2 J. HLD	33017	26.25		03/2008
601-5060-536.20-06	09/27/2007	CIP#W05-104/IB20 VICKI M.	33017	71.25		03/2008
101-1210-413.28-11	06/29/2007	FINANCE CHARGES	30174	59.18	F08039	01/2008
101-1210-413.28-11	07/30/2007	JULY 2007 FINANCE CHARGES	31137	64.20	F08040	01/2008
101-1210-413.28-11	08/30/2007	AUGUST 2007 FINANCE CHARG	32209	27.11	F08041	02/2008
101-1210-413.28-11	09/28/2007	SEPTEMBER 2007 FINANCE CH	33085	30.69	F08042	03/2008
10/11/2007	65067	FEDERAL EXPRESS CORP.	911	24.10		
101-1130-412.28-09	09/28/2007	TO BLR FED EX SERVICE	228635065	24.10	F08038	03/2008
10/11/2007	65068	GENE'S AUTOMOTIVE	1014	80.00		
501-1921-419.28-01	09/20/2007	FORD RANGER L#020998	68085	40.00	080076	03/2008
501-1921-419.28-01	10/01/2007	'95 FORD F250 LC#376688	68138	40.00	080076	04/2008
10/11/2007	65069	GOVERNMENT FINANCE OFFICER'S A	1	20.00		
101-1210-413.28-04	10/11/2007	ANNUAL GOVERNMENTAL GAAP	2565353	20.00		03/2008
10/11/2007	65070	GRACIELA DELATORRE	2	53.00		
101-0000-324.72-20	10/10/2007	DOG OWNER DOESN'T LIVE IN	1667	53.00		03/2008
10/11/2007	65071	GRAINGER	1051	62.16		
101-6020-452.30-02	09/17/2007	WHEEL, WIRE, 2 IN.	9457133404	62.16	080294	03/2008
10/11/2007	65072	J. SIMMS AGENCY	1883	3,250.00		
101-1920-419.20-06	09/06/2007	COMMUNICATIONS AUDIT /	2097	3,250.00	080431	03/2008
10/11/2007	65073	JULIANNE CHARLAND	1	142.00		
101-3030-423.25-03	10/01/2007	UNIFORM SUNGLASSES AS PER	281108	75.00		04/2008
101-3030-423.28-04	10/01/2007	EMT RE-CERTIFICATION	311018	67.00		04/2008
10/11/2007	65074	KATZ, OKITSU & ASSOCIATES	611	39,930.89		
408-1920-519.20-06	08/31/2007	PERIOD 07/16-08/26/07	A64F9XX7	29,927.90		02/2008
408-1920-519.20-06	06/30/2007	PERIOD 06/18-07/15/07	A64F9XX6	10,002.99		01/2008
10/11/2007	65075	MATCO TOOLS	932	60.88		
101-6040-454.30-22	09/18/2007	M35BS (2) 35PC 1/4 IN	174813	60.88	080086	03/2008
10/11/2007	65076	MICHAL PIASECKI CONSULTING	1795	11,160.00		
101-1210-413.20-06	10/02/2007	GASB 34 SUPPORT AND DATA	24	3,960.00	080178	04/2008
405-1260-513.20-06	10/02/2007	HTE SUPPORT & TRAINING	22	2,880.00		04/2008

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
408-1920-519.20-06	10/02/2007	HTE SUPPORT & TRIANING	22		04/2008	2,160.00
601-5060-536.20-06	10/02/2007	HTE SUPPORT & TRIANING	22		04/2008	945.00
601-5060-536.20-06	10/02/2007	HTE SUPPORT & TRIANING	22		04/2008	1,215.00
10/11/2007	65077	MORELAND & ASSOCIATES INC	1086			7,159.50
101-1210-413.20-06	10/01/2007	SECOND HALF OF SEPTEMBER	10-01-2007	080037	04/2008	7,159.50
10/11/2007	65078	MYERS TIRE SUPPLY DIST.	1095			200.42
501-1921-419.30-22	09/17/2007	CLEVER LEVER HD26	73826082	080088	03/2008	200.42
10/11/2007	65079	NASLAND ENGINEERING	1656			78,361.12
408-1920-519.20-06	09/30/2007	PERIOD ENDING 09/30/07	84751		03/2008	7,878.08
408-1920-519.20-06	08/31/2007	PERIOD ENDING 08/31/07	84588		02/2008	36,821.80
408-1920-519.20-06	07/31/2007	PERIOD ENDING 07/31/07	84416		01/2008	33,661.24
10/11/2007	65080	PETER LAU	1			69.36
501-1921-419.28-15	09/26/2007	EXPENSES WHILE TRAVELING	026029		03/2008	69.36
10/11/2007	65081	PETER LAU	1			7.52
101-5020-432.28-04	09/26/2007	EXPENSES WHILE TRAVELING	029574		03/2008	7.52
10/11/2007	65082	RANCHO AUTO & TRUCK PARTS	1685			310.63
501-1921-419.30-02	10/01/2007	YELLOW SLIM LINE MARKER	D288741	080152	04/2008	8.47
501-1921-419.28-16	09/21/2007	EASY SEAL CLAMP	D287374	080152	03/2008	83.50
501-1921-419.28-16	09/21/2007	OIL FILTER	D287443	080152	03/2008	63.03
501-1921-419.28-16	09/24/2007	TAILGATE CABLE	D287705	080152	03/2008	13.47
501-1921-419.28-16	09/26/2007	BRAKE ROTOR	D288153	080152	03/2008	79.75
501-1921-419.28-16	09/27/2007	HD AIR FILTER, OIL FILTER	D288265	080152	03/2008	62.41
10/11/2007	65083	SDGE	289			494.84
101-6020-452.27-01	10/02/2007	2083 847 9032 08/29-09/28	10-17-2007		03/2008	77.42
405-1260-513.20-06	09/28/2007	0000-496-4629 09/10-09/27	10-13-2007		03/2008	417.42
10/11/2007	65084	IMPAC GOVERNMENT SERVICES	287			22,829.45
601-5060-536.20-06	08/07/2007	BOND OUTPUT-FIRST SET	0000325880		02/2008	46.18
601-5060-436.30-02	07/23/2007	PAINT FOR PS #2, 1B, 10	7018-2	080223	02/2008	78.42
101-6020-452.21-04	07/12/2007	TREE SPRAYING/WEED SPRAY	68600	080225	02/2008	400.00
101-6020-452.30-02	07/23/2007	BIRD X 3237-1	000351611	080225	02/2008	250.74
101-1910-419.30-02	07/23/2007	SURGE PROTECTORS/ SHERIFF	020197	080225	02/2008	52.60
101-1910-419.28-01	07/25/2007	ELECTRICAL REPAIRS	6048	080225	02/2008	315.00
101-6020-452.30-02	07/26/2007	POTTING SOIL, HOSE NOZEL	14040339	080225	02/2008	15.25
101-6020-452.30-02	07/26/2007	PLANTS FOR ISLANDS	89198	080225	02/2008	47.52
101-1910-419.30-02	07/27/2007	KEYS	071801	080225	02/2008	5.99
101-1910-419.28-01	07/30/2007	LOCK REPAIR MURIA VISTA	4446	080225	02/2008	55.00
408-5020-432.30-02	07/18/2007	OFFICE SUPPLIES	394290850-001		02/2008	109.57
408-5020-432.30-02	07/23/2007	BATTERIES	8790		02/2008	6.45
101-6020-452.30-02	07/19/2007	PARTS TO FIX PLUMBING @	053910	080227	02/2008	2.08
101-1910-419.30-02	07/23/2007	SURGE PROTECTORS FOR	021762	080227	02/2008	30.04
101-1910-419.30-02	07/23/2007	EXHAUST FAN WOMEN'S	022195	080227	02/2008	13.88
101-1910-419.30-02	07/23/2007	LIGHTS & SHOP VAC FILTERS	022593	080227	02/2008	48.85

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
101-1910-419.30-02	07/23/2007	HAND SOAP FOR DISPENSERS	6047096026	080227	02/2008	40.35
101-1910-419.30-02	07/23/2007	RECEPTACLES FOR STOCK	6047146492	080227	02/2008	43.64
101-1910-419.30-02	07/24/2007	SURGE PROTECTOR FOR	033831	080227	02/2008	35.42
101-1910-419.30-02	07/24/2007	WRONG PARTS - RETURNED	1242119	080227	02/2008	17.12-
101-1910-419.30-02	07/24/2007	SOAP DISPENSERS FOR	6047251033	080227	02/2008	126.37
101-1910-419.30-02	07/25/2007	BUILDING MAINTENANCE	045353	080227	02/2008	38.92
101-5040-434.29-04	07/26/2007	TRASH PICKERS FOR	057277		02/2008	215.18
405-1260-413.28-14	09/05/2007	REFUND FOR ULZ BOOK	09052007	080265	03/2008	54.32-
101-3030-423.25-03	09/26/2007	CREDIT DA FIN RECALL	21546969	080291	03/2008	137.50-
101-5030-433.30-02	08/01/2007	SPRAY BOTTLES FOR GRAFFIT	036898	080227	02/2008	19.72
101-6020-452.30-02	08/01/2007	SPRAY BOTTLES FOR GRAFFIT	036898	080227	02/2008	64.26
101-6020-452.30-02	08/01/2007	MULCH - 08/01/07	89479	080227	02/2008	322.60
101-6020-452.30-02	08/02/2007	LIGHTS FOR VETS STOCK	6048138217	080227	02/2008	274.89
101-6020-452.30-02	08/07/2007	ATTACH PICNIC TABLES TO	025462	080227	02/2008	20.82
101-5020-432.28-04	08/06/2007	THAI TIME BISTRO PURCHASE	015679	080228	02/2008	7.50
601-5050-436.30-02	08/10/2007	WORK BOOTS	21/738/3	080228	02/2008	87.26
101-6040-454.30-02	08/01/2007	THERMAL CUT OFFS, FANS	037762	080231	02/2008	77.61
101-5020-432.30-01	08/02/2007	OFFICE SUPPLIES	396102368-001	080238	02/2008	54.74
101-5020-432.30-01	08/06/2007	PLOTTER PAPER	270181-0	080238	02/2008	46.20
101-5020-432.30-02	08/07/2007	DIGITAL CAMERA FOR PW	294021	080238	02/2008	423.89
101-5020-432.30-01	08/09/2007	SURGE PROTECTOR, POST ITS	9069	080238	02/2008	150.75
101-5020-432.30-01	08/09/2007	POST- ITS	9073	080238	02/2008	9.31
101-5020-432.25-03	08/10/2007	WORK BOOTS FOR PETER	21/738/5	080238	02/2008	116.35
101-5020-432.30-01	08/14/2007	OFFICE SUPPLIES	397515161-001	080238	02/2008	63.37
101-1910-419.30-02	08/10/2007	BOOTS	063899	080239	02/2008	138.65
101-1910-419.30-02	08/10/2007	FOIL PAPER, PAPER TOWELS	266225	080239	02/2008	298.81
501-1921-419.30-02	08/10/2007	SAFETY BOOTS	21/890/8	080240	02/2008	126.05
501-1921-419.28-15	08/02/2007	PROPANE GAS STOCK	03301481-00	080241	02/2008	37.00
101-6020-452.30-02	08/09/2007	IRRIGATION SUPPLIES FOR	14186986	080244	02/2008	72.55
101-6020-452.30-02	08/10/2007	IRRIGATION SUPPLIES FOR	14202182	080244	02/2008	147.67
101-6020-452.30-02	08/10/2007	WORK SHOES & INSOLES	21/890/7	080244	02/2008	145.42
101-6020-452.30-02	08/16/2007	IRRIGATION SUPPLIES FOR	8922706-A-1	080244	02/2008	166.44
101-6020-452.30-02	08/16/2007	IRRIGATION SUPPLIES FOR	8922706-A-1	080244	02/2008	166.44
101-1020-411.28-12	08/06/2007	MEMBERSHIP FOR MMC DESIGN	08-06-2007	080260	02/2008	50.00
101-3080-428.30-02	08/15/2007	FUSER & IMAGE DRUM FOR	73276302-000	080262	02/2008	509.06
101-3080-428.30-02	08/15/2007	TONER FOR PRINTER	73309733	080262	02/2008	396.33
101-1230-413.28-04	08/07/2007	PLANNING LUNCHEON	027156	080266	02/2008	29.51
101-1230-413.30-01	08/09/2007	OFFICE SUPPLIES	396992382-001	080266	02/2008	42.51
101-3040-424.30-01	08/09/2007	OFFICE SUPPLIES	396992382-001	080266	02/2008	21.10
101-3070-427.30-01	08/09/2007	OFFICE SUPPLIES	396992382-001	080266	02/2008	37.25
101-1110-412.28-04	08/08/2007	LUNCH MEETING	038892	080275	02/2008	27.27
101-1110-412.28-04	08/09/2007	LUNCH MEETING	051437	080275	02/2008	32.53
101-1110-412.28-04	08/20/2007	LUNCH MEETING	015568	080275	02/2008	27.22
101-6010-451.30-02	08/01/2007	REFRESHMENTS FOR DAY CAMP	0396145	080277	02/2008	99.90
101-6010-451.30-02	08/02/2007	REFRESHMENTS FOR DAY CAMP	551	080277	02/2008	6.68
101-6010-451.30-02	08/11/2007	CLEANING SUPPLIES	070004	080277	02/2008	24.74
101-3030-423.30-02	08/07/2007	BOTTLED WATER	676130	080285	02/2008	307.50
101-3030-423.25-03	08/10/2007	LIFEGUARD SUNGLASSES	7305507	080285	02/2008	142.61
101-3060-426.50-04	08/01/2007	QUAD CORE XEON PROCESSOR	XC489N1P4	080286	02/2008	3,688.29
101-3030-423.28-01	08/01/2007	REPLACE BROKEN CHAIR AT	396003805-001	080289	02/2008	79.72

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
101-3030-423.28-01	08/01/2007	PARTS FOR WINDOWS LOCKER	9422768805	080289	02/2008	44.50
101-3030-423.30-02	08/08/2007	SPARE BROOMS	038316	080289	02/2008	20.88
101-3030-423.28-01	08/08/2007	HARDWARE FOR MENS LOCKER	041248	080289	02/2008	3.94
101-3030-423.28-01	08/08/2007	REPAIR HARDWARE 2X1/4	870133	080289	02/2008	8.60
101-3030-423.28-01	08/08/2007	1/4" DRIVE HANDLE MEN'S	8726	080289	02/2008	6.99
101-3030-423.30-02	08/08/2007	2" BINDER CLIPS	8860	080289	02/2008	7.09
101-3030-423.28-01	08/10/2007	HARWARE FOR MEN'S LOCKER	60648837093	080289	02/2008	42.74
101-3030-423.28-04	08/01/2007	DIVE TEAM EQUIPMENT	039744	080291	02/2008	21.52
101-3030-423.25-03	08/04/2007	LIFEGUARD EQUIPMENT	073592	080291	02/2008	75.00
101-3030-423.28-04	08/04/2007	DIVE EQUIPMENT	532439	080291	02/2008	50.00
101-3030-423.25-03	08/02/2007	CLASS B LIFE GUARD UNIFORM	5470	080292	02/2008	109.80
101-3030-423.30-02	08/07/2007	12 BRASS LOCKS KEYEDALIKE	0196316-IN	080292	02/2008	227.60
101-6020-452.30-02	07/26/2007	MULCH - 07/26/07	89191	080227	02/2008	322.60
101-6020-452.30-02	07/31/2007	MULCH	024860	080227	02/2008	322.60
501-1921-419.30-02	07/31/2007	MOUSE TRAPS/ BRUSHES/	027246	080227	02/2008	21.38
101-1910-419.30-02	07/31/2007	LIGHT DIFFUSERS STOCK	028535	080227	02/2008	187.75
601-5050-436.30-02	07/30/2007	SUNBLOCK	9151	080228	02/2008	15.83
501-1921-419.28-15	07/19/2007	GAS	006779	080230	02/2008	39.98
501-1921-419.29-04	07/30/2007	CAR WASH	60R0382	080230	02/2008	6.00
101-6040-454.30-02	07/23/2007	GROUND COVER PLANTS/	022680	080232	02/2008	28.58
101-6040-454.30-02	07/23/2007	GROUND COVER PLANTS	1-205235	080232	02/2008	82.89
101-5010-431.30-02	07/24/2007	GAL. TRASH CAN LINERS, S.	0141123	080232	02/2008	329.44
101-6040-454.30-02	07/24/2007	GAL. TRASH CAN LINERS, S.	0141123	080232	02/2008	288.29
101-6040-454.30-02	07/24/2007	BARK MULCH	032307	080232	02/2008	83.29
101-6040-454.30-02	07/24/2007	DEAD BOLTS	035664	080232	02/2008	51.69
101-6040-454.30-02	07/24/2007	E-Z REACHERS	05093146-00	080232	02/2008	161.21
101-6040-454.30-02	07/24/2007	BIO-D GRAFFITI REMOVER	15125	080232	02/2008	187.49
101-6040-454.30-02	07/26/2007	LATEX PROTECTIVE GLOVES	0108455-IN	080232	02/2008	92.28
101-6040-454.30-02	07/26/2007	FLOWERS FOR PLAZA PALNTER	055765	080232	02/2008	88.70
101-6040-454.30-02	07/20/2007	HAND SOAP, LINERS, PINE	265497	080233	02/2008	477.57
101-6040-454.30-02	07/24/2007	URINAL BLOCKS	265062-2	080233	02/2008	17.78
101-6040-454.30-02	07/24/2007	URINAL BLOCKS	265271-1	080233	02/2008	26.67
101-6040-454.30-02	07/24/2007	TP, DISPENSERS	265451	080233	02/2008	168.00
101-6040-454.30-02	07/24/2007	URINAL BLOCKS	265497-1	080233	02/2008	17.78
101-6040-454.30-02	07/27/2007	PINE OIL, LINERS	265777	080233	02/2008	471.17
601-5060-436.30-02	07/26/2007	BOOTS MIGUEL	057568/E	080234	02/2008	149.99
601-5060-436.30-02	07/26/2007	BOOTS JOSE AGUIRRE	057699/E	080234	02/2008	141.60
601-5060-436.30-02	07/31/2007	BOOTS CASAS, MANUEL	03003	080235	02/2008	150.00
601-5060-436.30-02	07/31/2007	BOOTS NARANJO, JOSE	03004	080235	02/2008	150.00
101-5010-431.21-23	07/23/2007	10 AMP FUSES FOR STREET	1069-547995	080236	02/2008	66.59
101-5010-431.21-23	07/23/2007	SPHERES FOR TRAFFIC PAINT	9999	080236	02/2008	363.66
101-5010-431.25-02	07/30/2007	SANDCASTLE WATER TRUCK	3944643-001	080236	02/2008	372.26
101-1910-419.30-02	07/23/2007	PAPER TOWELS & FRESHNERS	70149562	080239	02/2008	276.00
101-1910-419.30-02	07/23/2007	TERANSPORTATION SURCHARGE	70149562	080239	02/2008	4.88
501-1921-419.28-16	07/26/2007	RETURNED CREDIT WRONG PRT	6113	080241	02/2008	185.77-
501-1921-419.28-16	07/26/2007	PART FOR #5401	810400	080241	02/2008	185.77
501-1921-419.28-16	07/26/2007	#5401 SAFETY BELT BUCKLE	810701	080241	02/2008	25.63
101-1920-419.21-04	07/20/2007	LUNCH MEETING WITH DOM	6711	080260	02/2008	24.15
101-1020-411.29-04	07/23/2007	CARWASH FOR CITY VEHICLE	1-0151	080261	02/2008	5.00
101-1020-411.28-04	07/23/2007	DEPUTY CITY CLERK MEETING	5340	080261	02/2008	13.75

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
101-3040-424.28-14	07/19/2007	BUILDING CODE BOOKS	5173165	080263	02/2008	404.23
101-1230-413.30-01	07/18/2007	OFFICE SUPPLIES	394194650-00107	080266	02/2008	49.90
101-1230-413.28-04	07/27/2007	MAYOR'S BREAKFAST	07-27-2007	080268	02/2008	37.99
405-1260-413.28-04	07/25/2007	WORKSHOP-RDA ACCOUNTING	15511	080269	02/2008	520.00
101-3030-423.30-02	07/23/2007	CD BURNER	SDCV254830	080270	02/2008	54.93
101-1110-412.30-01	07/19/2007	OFFICE SUPPLIES	394395038-001	080274	02/2008	45.15
101-1130-412.30-01	07/24/2007	INTERNET CABLE	9174264582	080274	02/2008	24.10
101-1010-411.30-02	07/25/2007	B/W PHOTO FOR MAYOR'S	044037	080274	02/2008	15.72
101-1020-411.29-04	07/30/2007	CITY HALL COFFEE SUPPLIES	114994	080274	02/2008	174.85
101-6010-451.28-01	07/26/2007	KEYS FOR MUSIC ROOM	07-26-2007	080277	02/2008	5.99
101-1920-419.30-01	07/30/2007	WIRELESS MICROPHONE FOR	221038380	080283	02/2008	15.89
101-3030-423.25-03	07/12/2007	LIFEGUARD SUNGLASSES	0030029-IN	080285	02/2008	369.64
101-3030-423.25-03	07/12/2007	LIFEGUARD SUNGLASSES	7305283	080285	02/2008	504.27
101-3030-423.25-03	07/27/2007	LIFEGUARD SUNGLASSES	0032237-IN	080285	02/2008	156.42
101-3020-422.21-02	07/30/2007	FIELD WORK	07-30-2007	080286	02/2008	1.59
101-3020-422.30-01	07/26/2007	OFFICE SUPPLIES	8204	080288	02/2008	27.75
101-3060-426.50-04	07/31/2007	AT&T984 CRDD, 4, AD	3670	080288	02/2008	391.48
101-3060-426.50-04	07/31/2007	AT&T984 CRDD, 4, AD	7308	080288	02/2008	387.88
101-3030-423.30-02	07/23/2007	SPARE KEYS FOR PIER TOWER	023153	080289	02/2008	29.95
101-3030-423.30-02	07/25/2007	SPARE RESCUE CANS	9310A	080289	02/2008	317.10
101-3030-423.30-02	07/31/2007	CLEANING SUPPLIES	265834	080289	02/2008	329.06
101-3030-423.30-02	07/30/2007	MEDICAL SUPPLIES	50512307	080291	02/2008	384.08
101-3030-423.30-02	07/30/2007	MEDICAL SUPPLIES	50514749	080291	02/2008	53.88
101-3030-423.30-02	07/31/2007	MEDICAL SUPPLIES	50512307	080291	02/2008	373.90
101-3030-423.30-02	07/31/2007	MEDICAL SUPPLIES CREDIT	50512307CR	080291	02/2008	384.08
101-3030-423.28-04	07/31/2007	DIVE TEAM EQUIPMENT AIR	54338-1	080291	02/2008	18.00
101-3030-423.28-04	07/22/2007	GAS FOR COASTAL ZONE	006124	080292	02/2008	29.30
101-3030-423.28-04	07/22/2007	COASTAL ZONE CONFERENCE	007921	080292	02/2008	24.70
101-3030-423.28-04	07/23/2007	COASTAL ZONE CONFERENCE	724	080292	02/2008	226.38
101-3030-423.28-04	07/27/2007	COASTAL ZONE CONFERENCE	514	080292	02/2008	470.66
101-3030-423.28-04	07/27/2007	COASTAL ZONE CONFERENCE	514QD	080292	02/2008	450.76
101-3030-423.30-02	07/30/2007	OFFICE SUPPLIES	1445	080292	02/2008	208.07
101-3030-423.28-01	07/30/2007	PWC BUMPER REPAIR	812	080292	02/2008	8.07
101-3030-423.30-02	07/31/2007	WETSUIT HANGERS	028751	080292	02/2008	16.00
408-5020-432.30-02	01/16/2007	BUS CARDS MARTIN, LARRY	14783		01/2008	74.86
101-6020-452.25-02	05/23/2007	RENTAL OF MOWER DECK	112096	080225	01/2008	239.50
501-1921-419.28-16	06/29/2007	#117 PARTS SWIVEL JOINT1*	C55224	080241	02/2008	350.73
101-3030-423.28-01	06/19/2007	CHAIR PIER TOWER	11519	080289	02/2008	158.00
101-3030-423.28-01	06/21/2007	NEW RADIO MIC.	537371-00	080289	02/2008	82.58
10/11/2007	65085	U.S. BANK	1873			10,630.75
101-3030-423.25-03	08/17/2007	SUNGLASSES/LIFEGUARDS	076568	080291	02/2008	75.37
101-1910-419.28-01	07/25/2007	ELECTRICAL SERVICES	141996	080225	02/2008	227.95
101-5010-431.30-02	08/10/2007	WORK BOOTS/GUERRERO, A	21/890/6	080224	02/2008	145.42
101-5010-431.30-02	08/14/2007	REBAR	037286/0041538	080224	02/2008	5.15
101-5010-431.30-02	08/14/2007	CONCRETE MIX	67471805-001	080224	02/2008	121.81
101-5010-431.30-02	08/15/2007	3/4 YARD CONCRETE MIX	67507819-001	080224	02/2008	160.60
101-5030-433.30-02	08/02/2007	PAINT/BRUSHES	005888/2574999	080225	02/2008	36.07
501-1921-419.28-01	08/02/2007	CAR WASH	082422	080225	02/2008	9.99
101-1910-419.30-02	08/06/2007	LIGHT FOR CITY HALL LETTE	S2728187.001	080225	02/2008	395.75

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	FBR/YEAR	TRN AMOUNT
101-6020-452.30-02	08/06/2007	PLANT FOOD	024694/8194199	080225	02/2008	21.51
101-1910-419.30-02	08/07/2007	OUTDOOR LIGHTS/CITY HALL	52757473.002	080225	02/2008	536.03
101-5030-433.28-01	08/09/2007	GRAFFITI REPAIR TANK	70-1423	080225	02/2008	45.95
101-1910-419.30-02	08/10/2007	WORK BOOTS/SERRANO, T	21/738/1	080225	02/2008	128.47
101-1910-419.30-02	08/10/2007	WORK BOOTS/COLAHAN D	21/738/2	080225	02/2008	164.81
101-5030-433.30-02	08/10/2007	WORK BOOTS/MARTINEZ D	21/738/4	080225	02/2008	116.35
101-5010-431.30-02	08/10/2007	SUNSCREEN	7-40289	080225	02/2008	112.17
101-6020-452.30-02	08/10/2007	SUNSCREEN	7-40289	080225	02/2008	112.18
101-6020-452.30-02	08/14/2007	WATER TANK	1842330	080225	02/2008	212.93
101-5030-433.30-02	08/15/2007	GRAFFITI SWIVAL SPRAY GUN	49511	080225	02/2008	208.82
101-1910-419.30-02	08/16/2007	BELT CELL PHONE HOLDERS	NAD2363	080225	02/2008	48.46
101-6020-452.30-02	08/16/2007	BELT CELL PHONE HOLDERS	NAD2363	080225	02/2008	48.47
101-6020-452.30-02	08/21/2007	PLANT FOOD	038691	080225	02/2008	103.23
101-1910-419.30-02	08/09/2007	CITY HALL LIGHTS SUPPLIES	064563/5011929	080227	02/2008	195.12
101-1910-419.30-02	08/10/2007	CITY HALL LIGHTING	007699/4575473	080227	02/2008	42.41
101-1910-419.30-02	08/10/2007	CITY HALL LIGHTS SUPPLIES	052709/4020396	080227	02/2008	115.90
101-1910-419.30-02	08/16/2007	FLOOD LIGHT/STOCK LIGHTS	1038971748	080227	02/2008	45.58
101-6020-452.30-02	08/16/2007	FLOOD LIGHT/STOCK LIGHTS	1038971748	080227	02/2008	40.71
101-6020-452.30-02	08/16/2007	STOCK LIGHTS	1038971800	080227	02/2008	40.47
101-1910-419.30-02	08/20/2007	SHERIFFS VENDING MACHINE	080754/4590970	080227	02/2008	80.59
101-6040-454.30-02	08/08/2007	SPRING CAGE	074421	080231	02/2008	21.55
101-6040-454.30-02	08/13/2007	PLANT FOR PLAZA PATIO PLA	1-211006	080232	02/2008	26.93
101-6040-454.30-02	08/14/2007	PROTECTIVE GLOVES	0110267-IN	080232	02/2008	281.29
101-6040-454.30-02	08/07/2007	CLEANING SUPPLIES	266046	080233	02/2008	414.64
101-6040-454.30-02	08/17/2007	PROTECTIVE WEAR	050941/7590748	080233	02/2008	97.83
101-6040-454.30-02	08/17/2007	CLEANING SUPPLIES	266465	080233	02/2008	327.78
101-5010-431.30-02	08/20/2007	STAPLER & STAPLES	090217/4042233	080236	02/2008	27.56
101-5010-431.30-02	08/07/2007	CARRIAGE BOLTS	105160-00	080237	02/2008	42.02
101-1910-419.30-02	08/16/2007	CLEANING SUPPLIES	0461545	080239	02/2008	176.88
501-1921-419.30-02	08/17/2007	WORK BOOTS/MURPHY M	3/1020/1759	080241	02/2008	128.47
101-1230-413.30-02	08/10/2007	BLACKBERRY HOLLSTER	076283	080266	02/2008	28.85
101-1230-413.28-14	08/16/2007	PLANNING PUBLICATION	1395131	080268	02/2008	41.00
503-1923-419.30-02	08/15/2007	D-LINK DUB	SDCV255771	080270	02/2008	6.78
101-1110-412.30-02	08/08/2007	FILING NUMBERS	20959-SD	080274	02/2008	37.64
101-1110-412.30-01	08/08/2007	OFFICE SUPPLIES	396597016-001	080274	02/2008	56.63
101-1010-411.30-02	08/09/2007	MAYORS FRAMES	2731	080274	02/2008	761.31
502-1922-419.20-06	08/13/2007	KEYBOARD TRAYS	397345042-001	080274	02/2008	646.48
101-1010-411.28-04	08/15/2007	COUNCIL DINNER	053014	080274	02/2008	56.87
101-5020-432.28-04	08/20/2007	INTERVIEW PANEL REFRESHME	015113	080274	02/2008	7.41
101-5020-432.28-04	08/20/2007	INTERVIEW PANEL LUNCH	045600	080274	02/2008	81.65
101-6030-453.30-02	08/11/2007	SR CTR CORDLESS PHONE	014982	080278	02/2008	86.19
502-1922-419.20-06	08/10/2007	DESK FOR PW	1086914	080280	02/2008	1,076.00
502-1922-419.20-06	08/13/2007	OFFICE DESK FOR PW	0118889-IN	080280	02/2008	723.85
101-3030-423.28-01	08/17/2007	WINDOW CRANK REPAIR	068825/7041919	080289	02/2008	32.64
101-3030-423.25-03	08/16/2007	SUNGLASSES-LIFEGUARDS	071831	080291	02/2008	116.79
101-3030-423.28-04	08/20/2007	AIR REFILLS/DIVE TRAINING	422033	080291	02/2008	10.99
101-3030-423.28-01	08/06/2007	COMMAND VEHICLE CAR WASH	053981	080292	02/2008	9.99
101-3030-423.28-04	08/08/2007	TRAINING LUNCH	028090	080292	02/2008	85.58
101-3030-423.28-01	08/16/2007	WINDOW CRANK REPAIR	032070/8590681	080292	02/2008	10.20
408-1920-519.20-06	08/13/2007	OVERSIZE COPIES	16041	080268	02/2008	19.40

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
101-0000-221.02-01	10/03/2007	JRLG WATERPARK	042732		02/2008	317.90
101-0000-221.02-01	08/14/2007	JRLG WATERPARK	010320		02/2008	900.00
101-3020-422.28-09	10/11/2007	POSTAGE	012991		02/2008	16.66
101-3020-422.30-01	08/13/2007	OFFICE SUPPLIES	9933		02/2008	57.33
101-3030-423.30-02	08/17/2007	LOCKER ROOM DEOERIZERS	6379		02/2008	5.56
101-3030-423.28-04	08/13/2007	DIVE TEAM TRAINING	00444160		02/2008	237.53
101-3030-423.30-02	08/15/2007	DIVE TEAM TRAINING EQUIPM	422005		02/2008	56.30
10/19/2007	65086	ACCOUNTTEMPS	70			5,535.01
101-1210-413.21-01	10/01/2007	OCAMPO, MARIA 09/28/07	19721121	080016	04/2008	803.25
101-1210-413.21-01	10/01/2007	UBAJAKA-HARRIS,O 09/28/07	19721122	080016	04/2008	870.08
101-1210-413.21-01	10/08/2007	OCAMPO, MARIA 10/05/07	19804547	080016	04/2008	1,190.00
101-1210-413.21-01	10/09/2007	UBAJAKA-HARRIS,O 10/05/07	19812964	080016	04/2008	1,087.60
101-1210-413.21-01	10/15/2007	OCAMPO, MARIA 10/12/07	19833152	080016	04/2008	714.00
101-1210-413.21-01	10/15/2007	UBAJAKA-HARRIS,O 10/12/07	19833153	080016	04/2008	870.08
10/19/2007	65087	AFFORDABLE PRINTER CARE	116			269.27
101-1210-413.30-01	09/24/2007	TONER CARTRIDGE	55532	F08031	03/2008	269.27
10/19/2007	65088	ALL TEAM STAFFING, INC	1801			5,103.00
101-6020-452.21-01	10/08/2007	ARMENDARIZ, JOSE 10/05/07	1000001	080097	04/2008	1,298.00
101-1910-419.21-04	10/08/2007	MARTINEZ, HECTOR 09/30/07	1000000	080311	04/2008	1,089.00
101-6040-454.10-01	10/08/2007	ROMERO, SANDRO 10/02/07	1000001		04/2008	203.70
101-6040-454.10-01	10/08/2007	FIERRO, LEONARD 10/05/07	1000001		04/2008	509.25
101-6040-454.10-01	10/08/2007	FIERRO, LEONARD 10/05/07	1000001		04/2008	33.95
101-6040-454.10-01	10/08/2007	ROMERO, SANDRO 10/02/07	1000001		04/2008	169.75
101-6040-454.10-01	10/08/2007	ROMERO, SANDRO 10/02/07	1000001		04/2008	67.90
101-6040-454.10-01	10/08/2007	ROMERO, SANDRO 10/02/07	1000001		04/2008	33.95
101-6040-454.10-01	10/08/2007	ROMERO, SANDRO 10/02/07	1000001		04/2008	33.95
101-6040-454.10-01	10/08/2007	FIERRO, LEONARD 10/05/07	1000001		04/2008	101.85
101-6040-454.10-01	10/08/2007	ROMERO, SANDRO 10/02/07	1000001		04/2008	33.95
101-6040-454.10-01	10/08/2007	ROMERO, SANDRO 10/02/07	1000001		04/2008	305.55
101-6040-454.10-01	10/08/2007	ROMERO, SANDRO 10/02/07	1000001		04/2008	33.95
101-6040-454.10-01	10/08/2007	ROMERO, SANDRO 10/02/07	1000001		04/2008	33.95
101-6040-454.10-01	10/08/2007	ROMERO, SANDRO 10/02/07	1000001		04/2008	33.95
101-6040-454.10-01	10/08/2007	FIERRO, LEONARD 10/05/07	1000001		04/2008	543.20
101-6040-454.10-01	10/08/2007	ROMERO, SANDRO 10/02/07	1000001		04/2008	33.95
101-6040-454.10-01	10/08/2007	ROMERO, SANDRO 10/02/07	1000001		04/2008	101.85
101-6040-454.10-01	10/08/2007	FIERRO, LEONARD 10/05/07	1000001		04/2008	169.75
101-6040-454.10-01	10/08/2007	ROMERO, SANDRO 10/02/07	1000001		04/2008	67.90
101-6040-454.10-01	10/08/2007	ROMERO, SANDRO 10/02/07	1000001		04/2008	237.65
101-6040-454.10-01	10/08/2007	ROMERO, SANDRO 10/02/07	1000001		04/2008	33.95
10/19/2007	65089	ANYTIME SIGN SOLUTIONS INC.	1734			1,284.40
408-1920-519.20-06	10/03/2007	FLOWERS BY DESIGN 10TH ST	14328		04/2008	1,284.40
10/19/2007	65090	ARENA PAINTING CONTRACTORS	1868			65,250.00
405-1260-513.20-06	08/16/2007	PERIOD TO 09/30/07	Q702	080442	02/2008	65,250.00
10/19/2007	65091	AT&T	291			185.21
101-1110-412.27-04	10/01/2007	030 480 7968 001	10-27-2007		03/2008	43.13
101-1920-419.27-04	10/01/2007	030-480-7925-001	10-27-2007		03/2008	10.89

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101-3070-427.27-04			030-480-7925-001		10/01/2007		10-27-2007		03/2008	14.48	
101-1210-413.27-04			030-480-7925-001		10/01/2007		10-27-2007		03/2008	32.07	
101-5020-432.27-04			030-480-7925-001		10/01/2007		10-27-2007		03/2008	65.49	
101-1020-411.27-04			030-480-7925-001		10/01/2007		10-27-2007		03/2008	13.80	
101-6030-453.27-04			030-480-7925-001		10/01/2007		10-27-2007		03/2008	5.35	
10/19/2007	65092	AT&T LONG DISTANCE	1379								31.41
503-1923-419.27-04		10/04/2007	339964 SEPTEMBER 2007			811168384			03/2008		31.41
10/19/2007	65093	AT&T/MCI	1270								1,261.85
503-1923-419.27-04		10/01/2007	337-257-1583-442			T7042167			02/2008		351.75
101-3020-422.27-04		10/01/2007	619-424-7359-120			T7024557			02/2008		75.67
101-6010-451.27-04		10/02/2007	619-575-0336-809			T7048606			02/2008		81.15
101-3020-422.27-04		10/02/2007	619-575-0361-562			T7048607			02/2008		47.38
101-1010-411.27-04		10/01/2007	619-628-1352-133			T7024667			02/2008		69.38
101-1230-413.27-04		10/01/2007	619-628-1356-945			T7024668			02/2008		183.97
101-3040-424.27-04		10/01/2007	619-628-1357-365			T7024669			02/2008		83.48
101-3070-427.27-04		10/01/2007	619-628-1359-498			T7024670			02/2008		44.42
101-1210-413.27-04		10/01/2007	619-628-1361-670			T7024671			02/2008		202.94
101-6010-451.27-04		10/01/2007	619-628-1385-573			T7024673			02/2008		44.50
101-0000-221.02-01		10/01/2007	619-628-1419-917			T7024674			02/2008		54.30
101-1920-419.27-04		10/01/2007	619-628-2018-437			T7024675			02/2008		22.91
10/19/2007	65094	BDS ENGINEERING INC	372								3,215.00
601-5060-536.20-06		05/02/2007	04/03-17/07 ONCONTA TO			06-12H			01/2008		1,262.00
601-5060-536.20-06		06/14/2007	05/09-14/07 ONCONTA TO			06-12H			01/2008		1,953.00
10/19/2007	65095	BUSINESS SYSTEMS OF SOUTHERN C	1851								5,655.60
101-1920-419.50-04		09/18/2007	13'6" DOUBLE FACE MOVALBE			5003			01/2008		5,655.60
10/19/2007	65096	CALIFORNIA ENV CONTROLS INC	642								1,619.90
601-5060-436.28-01		09/28/2007	4" MOLODED CHECK VLV			1474		080179	03/2008		625.47
601-5060-436.28-01		09/28/2007	6" MOLDED CHECK VLV			1475		080179	03/2008		742.47
601-5060-436.28-01		09/28/2007	WHEEL AG COWL			1478		080179	03/2008		251.96
10/19/2007	65097	CONSTRUCTION RESIDUE RECYCLING	1009								80.00
101-5010-431.29-04		09/30/2007	DUMP FEES SEPTEMBER 2007			974587			03/2008		80.00
10/19/2007	65098	COX COMMUNICATIONS	1073								179.00
601-5060-536.20-06		09/29/2007	INTERNET 09/27/07			09-29-2007			03/2008		179.00
10/19/2007	65099	CRISTINA SALAZAR	2								25.00
101-0000-221.01-03		10/11/2007	TO REIMBURSE AIR JUMP			7650			01/2008		25.00
10/19/2007	65100	DATA CAREERS PERSONNEL SERVICE	1839								585.00
503-1923-419.21-01		10/08/2007	SANDOVAL, CHRIS 10/07/07			8755		080183	04/2008		585.00
10/19/2007	65101	DG LANDSCAPE	1167								301.95
101-5010-431.29-04		09/24/2007	MATERIAL & LABOR 8/25/078			745		080437	03/2008		301.95
10/19/2007	65102	DIAMOND ENVIRONMENTAL SERVICES	1611								151.55
101-1920-419.21-04		09/27/2007	PORT-O-POTTIES FOR PUBLIC			79R00059		P08023	03/2008		151.55

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
10/19/2007	65103	DONNOE & ASSOCIATES, INC	1185	605.00		
101-1130-412.21-04	09/27/2007	F-222 SKILLED FIREFIGHTER	3120	605.00	080436	03/2008
10/19/2007	65104	DS WATERS OF AMERICA, LP	2	14.75		
101-0000-321.72-10	10/18/2007		0003312	14.75		04/2008
10/19/2007	65105	EAGLE NEWSPAPER	1204	90.00		
401-5020-432.20-06	03/29/2007	PUBLIC HEARING	27078	37.50		01/2008
602-5061-432.20-06	03/29/2007	PUBLIC HEARING	27078	52.50		01/2008
10/19/2007	65106	GRAINGER	1051	424.16		
101-1910-419.30-02	09/25/2007	WALL PACK, 70 W, HPS	9462667156	424.16	080294	03/2008
10/19/2007	65107	GREGORY J SMITH, COUNTY ASSESS	1064	125.00		
101-1920-419.29-04	09/28/2007	MPR EXTRACT CITY OF IB	2007099	125.00	080433	03/2008
10/19/2007	65108	JIM PEREZ	1886	5,126.00		
408-1920-519.20-06	09/07/2007	OCTOBER 15, 2007 FACADE	API13517	5,126.00		03/2008
10/19/2007	65109	LLOYD PEST CONTROL	814	286.00		
101-1910-419.20-22	09/24/2007	SEPTEMBER 2007 MAINTENAN	1384449	31.00	080174	03/2008
101-1910-419.20-22	09/24/2007	SEPTEMBER 2007 MAINTENAN	1384450	31.00	080174	03/2008
101-1910-419.20-22	09/24/2007	SEPTEMBER 2007 MAINTENAN	1387747	54.00	080174	03/2008
101-1910-419.20-22	09/24/2007	SEPTEMBER 2007 MAINTENAN	1388483	31.00	080174	03/2008
101-1910-419.20-22	09/24/2007	SEPTEMBER 2007 MAINTENAN	1389858	47.00	080174	03/2008
101-1910-419.20-22	09/27/2007	SEPTEMBER 2007 MAINTENAN	1384447	45.00	080174	03/2008
101-1910-419.20-22	09/27/2007	SEPTEMBER 2007 MAINTENAN	1387281	47.00	080174	03/2008
10/19/2007	65110	MARIA PRECIADO	2	25.00		
101-0000-344.77-03	10/18/2007	TO REFUND AIR JUMP PERMIT	CR 847	25.00		02/2008
10/19/2007	65111	MASON'S SAW & LAWNMOWER	923	40.40		
501-1921-419.28-16	09/25/2007	PUMP DRIVE BELT, IDLER	108679	40.40	080085	03/2008
10/19/2007	65112	VERNE MCLEAN	1888	99.00		
101-0000-212.00-00	10/18/2007	REIMBURSEMENT FOR SUMMIT	7499	99.00		04/2008
10/19/2007	65113	NASLAND ENGINEERING	1656	1,441.85		
408-1920-519.20-06	09/30/2007	PERIOD ENDING 09/30/2007	84743	1,441.85		03/2008
10/19/2007	65114	PRUDENTIAL OVERALL SUPPLY	72	353.71		
101-5020-432.25-03	10/03/2007	UNIFORMS 10/03/07	7228946	186.33	080180	04/2008
101-5020-432.25-03	10/10/2007	UNIFORMS 10/10/2007	7261222	167.38	080180	04/2008
10/19/2007	65115	RBF CONSULTING	1756	97,859.80		
601-5060-536.20-06	09/21/2007	PERIOD 08/01-31/07	7080649	29,987.75		03/2008
601-5060-536.20-06	08/24/2007	PERIOD 07/01-31/07	7071382	21,534.05		02/2008
601-5060-536.20-06	04/27/2007	PERIOD 03/01-31/07	7030568	13,229.20		01/2008
601-5060-536.20-06	07/27/2007	PERIOD 06/01-30/07	7060754	33,108.80		01/2008

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
10/19/2007	65116	ROBERT W HUMMEL	2			50.00	
101-0000-121.00-00	06/20/2007	35465 PARKING TICKET	MR Refund		12/2007	50.00	
10/19/2007	65117	ROBERT W. HUMMEL JR	2			50.00	
101-0000-121.00-00	03/21/2007	REFUND PT 35466	PT35466		10/2007	50.00	
10/19/2007	65118	ROBERTSON INDUSTRIES	2			161.00	
101-0000-321.72-10	10/23/2006		0005247		04/2007	125.00	
101-0000-321.72-10	10/23/2006		0005247		04/2007	36.00	
10/19/2007	65119	SAN DIEGO GAS & ELECTRIC	1399			16,499.77	
101-5010-431.27-01	10/05/2007	08831546949 08/29-09/28	10-23-2007		03/2008	27.56	
101-3020-422.27-01	10/05/2007	10087869371 08/28-09/27	10-23-2007		03/2008	56.04	
101-1910-419.27-01	10/05/2007	10087869371 08/28-09/27	10-23-2007		03/2008	117.58	
101-5010-431.27-01	10/05/2007	10088604389 08/24-09/25	10-23-2007		03/2008	58.78	
101-3020-422.27-01	10/05/2007	19807697764 08/28-09/27	10-23-2007		03/2008	3,184.29	
601-5060-436.27-01	10/05/2007	52635219238 08/24-09/25	10-23-2007		03/2008	6.50	
101-6020-452.27-01	10/05/2007	56497714749 08/29-09/28	10-23-2007		03/2008	9.10	
101-5010-431.27-01	10/05/2007	56497714749 08/28-09/27	10-23-2007		03/2008	6,824.59	
101-5010-431.27-01	10/05/2007	85075178464 08/29-09/28	10-23-2007		03/2008	127.29	
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101-6020-452.27-01	10/05/2007	85075178464 08/23-09/27	10-23-2007		03/2008	1,177.03	
601-5060-436.27-01	10/05/2007	85417701270 08/24-09/25	10-23-2007		03/2008	3,668.34	
101-5020-432.27-01	10/05/2007	91692992261 08/24-09/25	10-23-2007		03/2008	1,164.71	
10/19/2007	65120	SAN DIEGO DAILY TRANSCRIPT	1453			1,997.45	
405-1260-413.28-07	09/28/2007	SOUTH COUNTY LIFESTYLES	68707	080428	03/2008	1,997.45	
10/19/2007	65121	SKS INC.	412			20,399.96	
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501-1921-419.28-15	09/27/2007	920.30 GALLONS UNLEADED	1212310-IN	080151	03/2008	2,594.56	
501-1921-419.28-15	09/19/2007	CHV DLO GRS 2 10/1	N631339-IN	080151	03/2008	33.97	
501-1921-419.28-15	10/03/2007	CHV DELO GRS 2 10/1 OIL	N632367-IN	080151	04/2008	27.53	
501-1921-419.28-15	10/03/2007	1195 GALLONS OF UNLEADED	1212516-IN	080151	04/2008	3,444.36	
501-1921-419.28-15	10/09/2007	1191.10 UNLEADED 219 DIES	1212678-IN	080151	04/2008	4,143.32	
501-1921-419.28-15	10/15/2007	1186 UNLEADED 228 DIESEL	1212932-IN	080151	04/2008	4,674.79	
10/19/2007	65122	SOUTH WEST SIGNAL	488			150.00	
101-5010-431.21-04	09/28/2007	MAINTENANCE SEPTEMBER '07	46979	080148	03/2008	150.00	
10/19/2007	65123	WEST GROUP CTR	826			237.27	
101-1020-411.28-14	10/01/2007	PERIOD 09/01-30/07	814546192	080434	04/2008	118.64	
101-1020-411.28-14	09/01/2007	PERIOD 08/01-31/07	814361924	080434	03/2008	118.63	
10/19/2007	65124	XEROX CORPORATION	861			1,184.79	
101-1920-419.20-17	10/03/2007	SEPTEMBER 2007	028141296	080219	04/2008	878.48	
101-1920-419.20-17	10/03/2007	SEPTEMBER 2007	028141295	080371	04/2008	306.31	
10/19/2007	65125	AFLAC	120			322.25	
101-0000-209.01-13	10/18/2007	PPE 10/11/07	20071018		04/2008	322.25	

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10/19/2007	65126	COLONIAL LIFE & ACCIDENT	941	128.43		
101-0000-209.01-13	10/18/2007	PPE 10/11/07	20071018	04/2008		128.43
10/19/2007	65127	CREATIVE BENEFITS INC FSA	1108	320.53		
101-0000-209.01-11	10/18/2007	PPE 10/11/07	20071018	04/2008		320.53
10/19/2007	65128	I B FIREFIGHTERS ASSOCIATION	214	202.00		
101-0000-209.01-08	10/18/2007	PPE 10/11/07	20071018	04/2008		202.00
10/19/2007	65129	ICMA RETIREMENT TRUST 457	242	5,817.40		
101-0000-209.01-10	10/18/2007	PPE 10/11/07	20071018	04/2008		5,817.40
10/19/2007	65130	SEIU LOCAL 221	1821	1,263.74		
101-0000-209.01-08	10/18/2007	PPE 10/11/07	20071018	04/2008		1,263.74
10/19/2007	65131	UNITED WAY OF SAN DIEGO COUNTY	1483	88.93		
101-0000-209.01-09	10/18/2007	PPE 10/11/07	20071018	04/2008		88.93
10/25/2007	65132	ADT SECURITY SERVICES, INC.	103	66.07		
101-6010-451.21-04	10/06/2007	PERIOD 11/01-30/07	58993941	080021	04/2008	66.07
10/25/2007	65133	AFFORDABLE PRINTER CARE	116	204.62		
101-1230-413.30-01	10/03/2007	TONER FOR EVELYNS PRINTER	55681	F08043	04/2008	204.62
10/25/2007	65134	ALL TEAM STAFFING, INC	1801	2,444.40		
101-6040-454.10-01	10/15/2007	ROMERO, SANDRO 10/10/07	1000003	080304	04/2008	169.75
101-6040-454.10-01	10/15/2007	FIERRO, LEONARD 10/11/07	1000003	080304	04/2008	169.76
101-6040-454.10-01	10/15/2007	ROMERO, SANDRO 10/10/07	1000003	080304	04/2008	33.95
101-6040-454.10-01	10/15/2007	FIERRO, LEONARD 10/11/07	1000003	080304	04/2008	135.80
101-6040-454.10-01	10/15/2007	ROMERO, SANDRO 10/10/07	1000003	080304	04/2008	237.65
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101-6040-454.10-01	10/15/2007	FIERRO, LEONARD 10/11/07	1000003	080304	04/2008	220.67
101-6040-454.10-01	10/15/2007	ROMERO, SANDRO 10/10/07	1000003	080304	04/2008	135.80
101-6040-454.10-01	10/15/2007	ROMERO, SANDRO 10/10/07	1000003	080304	04/2008	33.95
101-6040-454.10-01	10/15/2007	ROMERO, SANDRO 10/10/07	1000003	080304	04/2008	33.95
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101-6040-454.10-01	10/15/2007	FIERRO, LEONARD 10/11/07	1000003	080304	04/2008	67.90
101-6040-454.10-01	10/15/2007	ROMERO, SANDRO 10/10/07	1000003	080304	04/2008	33.95
101-6040-454.10-01	10/15/2007	ROMERO, SANDRO 10/10/07	1000003	080304	04/2008	33.95
101-6040-454.10-01	10/15/2007	FIERRO, LEONARD 10/11/07	1000003	080304	04/2008	492.27
101-6040-454.10-01	10/15/2007	ROMERO, SANDRO 10/10/07	1000003	080304	04/2008	67.90
101-6040-454.10-01	10/15/2007	ROMERO, SANDRO 10/10/07	1000003	080304	04/2008	135.80
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101-6040-454.10-01	10/15/2007	ROMERO, SANDRO 10/10/07	1000003	080304	04/2008	169.75
10/25/2007	65135	AMERON INTERNATIONAL CORPORATI	1519	5,192.25		
101-5010-431.21-23	10/10/2007	ARM ASY AL 8' PIPE	78886	080203	04/2008	5,192.25
10/25/2007	65136	AT&T/MCI	1270	408.75		
101-3030-423.27-04	09/04/2007	619-423-7246-659	T7024556		02/2008	408.75

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10/25/2007	65138	CAREER SYSTEMS DEVELOPMENT	2	500.00		
101-0000-221.01-03	09/24/2007	REFUND FOR DEMSEY ROOM	1672		03/2008	500.00
10/25/2007	65139	CHULA VISTA ALARM & MONITORING	797	60.00		
101-1910-419.20-23	10/01/2007	OCTOBER 2007 (2089)	6002		080098 04/2008	30.00
101-1910-419.20-23	10/01/2007	OCTOBER 2007 (314)	6013		080098 04/2008	30.00
10/25/2007	65140	CIVIC SOLUTIONS INC	910	10,407.50		
405-1260-413.20-06	09/19/2007	AUGUST 2007 RDA	51753		080323 03/2008	1,872.50
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101-0000-221.01-02	10/02/2007	PERIOD 09/01-30/07	52139		04/2008	1,926.25
10/25/2007	65141	CORPORATE EXPRESS OFFICE	1038	347.35		
101-1210-413.30-01	09/27/2007	POP UP 3X3 FLWR PETAL	81930528		080095 03/2008	31.28
101-1210-413.30-01	06/11/2007	BNDER, DATA, 9.5"X11" LGN	79492989		080095 01/2008	316.07
10/25/2007	65142	DATA CAREERS PERSONNEL SERVICE	1839	450.00		
503-1923-419.21-01	10/15/2007	SANDOVAL, CHRIS 10/14/07	8758		080183 04/2008	450.00
10/25/2007	65143	DEPARTMENT OF JUSTICE	1154	32.00		
101-1130-412.21-04	10/10/2007	SEPTEMBER 2007	647034		080019 04/2008	32.00
10/25/2007	65144	DIEHL, EVANS, & COMPANY, LLP	1171	550.00		
101-1210-413.28-04	10/23/2007	REGISTRATION FOR 2007	10-22-2007		04/2008	550.00
10/25/2007	65145	DRIVER ALLIANT INS SVCS	1193	2,323.15		
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101-0000-209.01-14	10/04/2007	PPE 9/27/07	20071004		04/2008	489.15
101-0000-209.01-13	10/18/2007	PPE 10/11/07	20071018		04/2008	321.60
101-0000-209.01-14	10/18/2007	PPE 10/11/07	20071018		04/2008	489.15
101-1010-411.11-04	10/25/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	21.32
101-1020-411.11-04	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	36.50
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101-3080-428.11-04	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	.70
101-1910-419.11-04	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	7.02
101-3010-421.11-04	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	11.40
101-3020-422.11-04	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	48.80
101-3030-423.11-04	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	42.19
101-3040-424.11-04	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	24.57
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101-5030-433.11-04	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	3.51
101-5040-434.11-04	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	4.91
101-6010-451.11-04	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	7.02
101-6040-454.11-04	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	17.55
245-1240-413.11-04	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	7.02
405-1260-413.11-04	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	127.19
601-5060-436.11-04	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	17.55
601-5050-436.11-04	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	19.66
501-1921-419.11-04	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	7.02
502-1922-419.11-04	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	7.58
503-1923-419.11-04	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	21.06
101-0000-209.01-13	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	8.00-
101-6020-452.11-04	10/01/2007	OCTOBER 2007 LTD, LIFE &	10-01-2007		04/2008	7.02
10/25/2007	65146	EAGLE NEWSPAPER	1204			318.15
405-1260-413.28-07	10/18/2007	12/14/06 AD ORD NO 2006-1	23738	F08046	04/2008	32.50
405-1260-413.28-07	10/18/2007	12/28/06 AD ORD NO 2006-1	24167	F08046	04/2008	36.25
101-1020-411.28-07	12/14/2006	ORD.#2006-1049 CALPERS	23738	080441	01/2008	37.50
101-1020-411.28-07	12/28/2006	PUBLIC HEARING SOLID WAST	24167	080441	01/2008	144.40
101-1020-411.28-07	03/15/2007	ORD#207-1051&2007-1052	26657	080441	01/2008	67.50
10/25/2007	65147	EDAW, INC	1804			29,687.44
405-1260-513.20-06	10/08/2007	PERIOD 08/28-09/28/07	1457006	080317	04/2008	29,687.44
10/25/2007	65148	IDENTI-PORT INC	1812			40.00
101-1130-412.21-04	10/04/2007	LARGENT, M./ KEMPH, J.	1008	080024	04/2008	40.00
10/25/2007	65149	INTERSTATE BATTERY OF SAN DIEG	388			141.51
501-1921-419.28-16	09/26/2007	1 DC M00345	541570	080081	03/2008	60.67
501-1921-419.28-16	10/11/2007	MTP-27 CORE DEPOSIT	541892	080081	04/2008	80.84
10/25/2007	65150	J. SIMMS AGENCY	1883			1,250.00
101-1920-419.20-06	09/27/2007	SERVICES FOR OCTOBER 2007	2116	080431	03/2008	1,250.00
10/25/2007	65151	KEVIN MCCABE	4			10,771.70
101-0000-221.01-05	10/22/2007	REFUND BOND (CR4154)	3543		04/2008	10,771.70
10/25/2007	65152	KEYSER MARSTON ASSOC INC	620			15,279.91
405-1260-413.20-06	10/05/2007	PERIOD 09/01-30/07	0016651	080306	04/2008	10,470.73
405-1260-413.20-06	10/05/2007	PERIOD 09/01-30/07	0016660	080320	04/2008	4,809.18
10/25/2007	65153	KONICA MINOLTA BUSINESS SOLUTI	1522			3,785.00
101-5020-432.28-01	10/08/2007	PERIOD 10/03/07-10/02/08	208710328	080432	04/2008	1,140.00
101-1230-413.28-01	10/08/2007	PERIOD 11/15/07-11/14/08	208710329	080432	04/2008	1,140.00
101-1110-412.28-01	10/08/2007	PERIOD 11/16/07-11/15/08	208710330	080432	04/2008	1,505.00
10/25/2007	65154	LAUREN BULLOCK	1885			200.00
101-1920-419.21-04	09/29/2007	ON LOCATION PHOTO SHOOT P	09-29-2007	F08045	03/2008	200.00
10/25/2007	65155	LIGHTHOUSE, INC	787			14.21
501-1921-419.28-16	08/27/2007	FLASH TUBE	1968786	080083	02/2008	19.40-

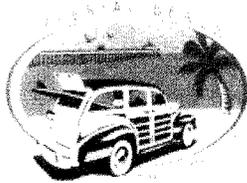
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10/25/2007	65156	PALM GLASS INC	1286				1,700.75
408-1920-519.20-06	10/05/2007	10TH STREET-FAR EAST		10052007-1	080443	04/2008	1,700.75
10/25/2007	65157	PAPER SHACK	1292				635.73
101-1210-413.28-11	10/09/2007	WINDOW ENVELOPES		15947		04/2008	635.73
10/25/2007	65158	PARTNERSHIP WITH INDUSTRY	1302				1,093.33
101-6040-454.21-04	10/02/2007	PERIOD ENDING 09/30/07		SEG01168	080185	04/2008	1,093.33
10/25/2007	65159	FITNEY BOWES INC(INVOICE PAYME	271				39.99
101-1210-413.29-04	10/07/2007	ACCOUNT FEE ANNUAL ACCESS		11-04-2007	F08044	04/2008	39.99
10/25/2007	65160	POSTINI CORPORATION	1646				730.99
503-1923-419.20-06	10/05/2007	PERIOD 09/21/07&10/01/07		361522	080247	04/2008	294.00
503-1923-419.28-13	10/05/2007	PERIOD 09/21/07&10/01/07		361522	080247	04/2008	436.99
10/25/2007	65161	PREFERRED BENEFIT INS ADMIN IN	37				2,000.74
101-0000-209.01-12	10/04/2007	PPE 9/27/07		20071004		04/2008	967.77
101-0000-209.01-12	10/18/2007	PPE 10/11/07		20071018		04/2008	983.80
101-0000-209.01-12	10/01/2007	OCTOBER 2007 DENTAL		CP4477		04/2008	49.17
10/25/2007	65162	RANCHO AUTO & TRUCK PARTS	1685				288.97
501-1921-419.28-16	10/02/2007	BRAKE ROTOR, BRAKE PAD		D288937	080152	04/2008	101.81
501-1921-419.30-02	10/03/2007	WASHER SOLVENT		D289098	080152	04/2008	26.64
501-1921-419.28-16	10/04/2007	FUEL FILTER, OIL FILTER		D289299	080152	04/2008	24.52
501-1921-419.28-16	10/11/2007	STARTER, CORE		D290278	080152	04/2008	95.96
501-1921-419.30-22	10/11/2007	GAGE		D290280		04/2008	23.49
501-1921-419.30-02	10/15/2007	UTILITY KNIFE BLADES		D290749	080152	04/2008	2.07
501-1921-419.28-16	10/17/2007	ANCO		D291145	080152	04/2008	14.48
10/25/2007	65163	RED CAB CO OF SAN DIEGO	2				160.00
101-0000-321.72-10	10/23/2007			0005189		04/2008	160.00
10/25/2007	65164	SDGE	289				417.42
405-1260-513.20-06	10/19/2007	0000496462 09/27/2007		10-26-2007		03/2008	417.42
10/25/2007	65165	STACEY THORPE	2				197.00
101-0000-221.01-04	10/24/2007	SPECIAL EVENT REFUND		1955		04/2008	83.32
101-0000-324.73-01	10/08/2007	SPECIAL EVENT REFUND		1955		04/2008	36.00
101-0000-325.73-06	10/08/2007	SPECIAL EVENTS REFUND		1955		04/2008	75.00
101-0000-221.01-03	10/08/2007	SPECIAL EVENTS REFUND		1955		04/2008	2.68
10/25/2007	65166	STANDARD ELECTRONICS	504				90.00
101-1910-419.20-23	10/02/2007	PERIOD OCT., NOV., DEC.		10023		04/2008	90.00
10/25/2007	65167	STARK MFG. CO.	510				2,498.00
401-5020-432.20-06	10/12/2007	LT REMOVE 2 AURORA AWNING		69599	080200	04/2008	2,498.00
10/25/2007	65168	TUBAO, ANGELES & GERMINIANO	2				237.50
101-0000-321.72-10	10/23/2007			0002627		04/2008	47.50

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 CITY OF IMPERIAL BEACH

A/P CHECKS BY PERIOD AND YEAR
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ACCOUNT #	TRN DATE	DESCRIPTION					TRN AMOUNT
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10/25/2007	65169	TUBAO, ANGELES & GERMINIANO	2				237.50
101-0000-321.72-10	10/23/2007			0002624		04/2008	47.50
101-0000-321.72-10	10/23/2007			0002624		04/2008	190.00
10/25/2007	65170	UNION TRIBUNE	738				325.00
101-1130-412.28-07	09/30/2007	PERIOD 09/01-30/07 JOB		C070901033	080217	03/2008	325.00
10/25/2007	65171	VISION PLAN OF AMERICA	785				242.03
101-0000-209.01-18	10/04/2007	PPE 9/27/07		20071004		04/2008	111.20
101-0000-209.01-18	10/18/2007	PPE 10/11/07		20071018		04/2008	111.20
101-0000-209.01-18	10/25/2007	NOVEMBER 2007 VISION PLAN		10-01-2007		04/2008	9.63
101-1920-419.29-04	10/01/2007	NOVEMBER 2007 VISION PLAN		10-01-2007		04/2008	10.00
10/25/2007	65172	WESTFLEX INDUSTRIAL	836				239.19
601-5060-436.28-01	10/11/2007	SHANK PIRANHA SEWER CLEAN		187559	080322	04/2008	238.19
10/25/2007	65173	XEROX CORPORATION	861				306.31
101-1920-419.20-17	06/01/2007	CHARGES FOR MAY 2007		025340099		01/2008	306.31
10/25/2007	65174	YOUNG & CO. INC	1841				2,272.50
405-1260-513.20-06	09/30/2007	VETERANNS PARK EXTERIOR		10968	080324	03/2008	2,272.50
DATE RANGE TOTAL *							544,460.44 *



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: NOVEMBER 7, 2007
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR
JIM NAKAGAWA, AICP, CITY PLANNER
TYLER FOLTZ, ASSOCIATE PLANNER

John TF

GW

SUBJECT: CONSENT AGENDA: ADMINISTRATIVE COASTAL PERMIT (ACP 04-114) AND FINAL MAP (TM 04-115) FOR A FIVE-UNIT CONDOMINIUM CONVERSION LOCATED AT 211 ELM AVENUE, IN THE R-2000 (MEDIUM-DENSITY RESIDENTIAL) ZONE. MF 729.

PROJECT DESCRIPTION/BACKGROUND:

The tentative map (TM 04-115) for this project, consisting of a five-unit complex located at 211 Elm Avenue (APN 625-361-02-00), was approved by the City Council on November 17, 2004.



PROJECT EVALUATION/DISCUSSION:

The applicant has not completed the required improvements stipulated in Resolution 2004-6059. A Final Map may be approved if there is a lien contract or a bond for the value of the required improvements that is recorded with the map and/or if there is a recorded agreement prohibiting the sale of any units until the improvements are completed. The applicant is agreeable to these restrictions.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The project is statutorily exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15268(b)(3) (Ministerial Projects: Approval of final subdivision maps).

FISCAL IMPACT:

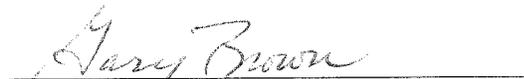
The applicant has deposited \$4,500.00 in Project Account Number 04-114 to fund the processing of this application. The applicant has provided a secured agreement with the City for the required improvements stipulated in the Tentative Map resolution.

DEPARTMENT RECOMMENDATION:

Approve the Final Map for recordation along with the recordation of any required documents as security for the required improvements.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown

Attachments:

1. Final Map

c: file MF 729

Kenneth Wechsler, 501 Marvista Drive, Solana Beach, CA, 92075

Loreen Vertifueille, 1525 La Playa Avenue, San Diego, CA 92109

James H. Algert, Algert Engineering, 428 Broadway, Chula Vista, CA 91911

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**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: NOVEMBER 7, 2007

ORIGINATING DEPT.: PUBLIC WORKS

SUBJECT: RESOLUTION AFFIRMING CHANGE ORDER TO THE ONEONTA TO NOLF STORM DRAIN PIPE (CIP # D05-105) PROJECT AND AUTHORIZING A BUDGET TRANSFER TO THE ONEONTA TO NOLF STORM DRAIN PIPE (CIP # D05-105) PROJECT

BACKGROUND:

On July 18, 2007 City Council adopted Resolution 2007-6518 awarding the contract for the Oneonta to NOLF Storm Drain Pipe (CIP # D05-105) project (Project) to Bert W. Salas, Inc. at a bid price of \$184,811.00. Additionally Resolution 2007-6518 increased the Project budget to \$230,000.

DISCUSSION:

During the course of construction additional work was authorized. Taken individually the additional work could be authorized without exceeding the City Manager's or Public Works Director's authorization as provided in Imperial Beach Municipal Code (IBMC) 3.04.220. IBMC 3.04.220 states:

- "Change order procedures for contracts covering public works construction projects.
- A. Change orders for an amount of less than five thousand dollars shall be approved by the department director overseeing the project.
 - B. The city manager may approve any change order for five thousand dollars or more with the following limitation: ten percent of the project of the project contract value, providing sufficient project appropriations exist.
 - C. The city council shall approve any change order for amounts that exceed any of the limitations described in subsection B of this section."

Attachment 2 lists the changes that occurred throughout the 8-week construction project. The total change order increase authorized is \$16,753.08. This is less than the maximum 10% City Manager approval authority allowed in the IBMC. However, this additional cost will bring the total project cost above the approved budget of \$230,000, which does require City Council's approval. Staff's estimate is that an additional \$20,000 is necessary to ensure adequate funding is available to cover the Project costs.

ENVIRONMENTAL DETERMINATION:

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

FISCAL IMPACT:

Approved budget	\$230,000
Estimated Costs	
Bert W. Salas, Inc. award	\$184,811
Bert W. Salas, Inc., Change Order # 1	\$ 16,753
BDS Engineering, Inc.	
• Engineering/Design	\$ 15,240
• Construction Inspection	\$ 14,950
City Administrative and other Costs	<u>\$ 18,000</u>
TOTAL ESTIMATED COSTS	<u>\$249,754</u>

Total Project cost is now estimated at \$250,000. The project is totally funded by the Sewer Enterprise Fund. City Administrative Costs are recorded in accounts 601-5060-536-10-01 to 11-09 and outside (contract) services are recorded in account 601-5060-536-20-06.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Affirm the composite Change Order # 1 previously approved by the City Manager and Public Works Director.
3. Approve a new Project budget total of \$250,000 using the Sewer Enterprise Fund – 601-5060-536-20-06/1001.
4. Adopt attached resolution authorizing a budget transfer of \$20,000 from the Sewer Enterprise Fund Cash Reserves – 601-000-263-000 to Oneonta to NOLF Storm Drain Pipe project (CIP D05-105) fund 601-5060-535-20-06/1001.

CITY MANAGER’S RECOMMENDATION:

Approve Department recommendation.



 Gary Brown, City Manager

Attachments:

1. Resolution 2007-6554
2. Change Order # 1 to Burt W. Salas Contract No. 2219

RESOLUTION NO. 2007-6554

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AFFIRMING CHANGE ORDER TO THE ONEONTA TO NOLF STORM DRAIN PIPE (CIP # D05-105) PROJECT AND AUTHORIZING A BUDGET TRANSFER TO THE ONEONTA TO NOLF STORM DRAIN PIPE (CIP # D05-105) PROJECT

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

WHEREAS, on July 18, 2007, City Council adopted Resolution 2007-6518 awarding the contract for the Oneonta to NOLF Storm Drain Pipe (CIP # D05-105) project (Project) to Bert W. Salas, Inc. at a bid price of \$184,811.00; and

WHEREAS, Resolution 2007-6518 increased the Project budget to \$230,000; and

WHEREAS, during the course of construction additional work was authorized; and

WHEREAS, the additional work authorized through change order number 1 was \$16,753.08; and

WHEREAS, an additional \$20,000 is necessary to ensure that adequate funding is available to cover the Project costs.

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

1. This legislative body affirms the composite Change Order # 1 previously approved by the City Manager and Public Works Director.
2. This legislative body approves a new Project budget total of \$250,000 using the Sewer Enterprise Fund – 601-5060-536-20-06/1001.
3. This legislative body authorizes a budget transfer of \$20,000 from the Sewer Enterprise Fund Cash Reserve – 601-000-263-000 to (CIP D05-105) fund 601-5060-535-20-06/1001.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 7th day of November 2007, 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 a true and correct copy of Resolution No. 2007-6554 – Affirming Change Order To The Oneonta To NOLF Storm Drain Pipe (CIP # D05-105) Project And Authorizing A Budget Transfer To The Oneonta To NOLF Storm Drain Pipe (CIP # D05-105) Project

CITY CLERK

DATE

PUBLIC WORKS CIP/RDA CHANGE ORDER

SUBMISSION DATE: October 29, 2007

Contractual Change Order
Change Order No.: 1

Purchase Order Change
Change Order No.: _____

Project Name: Oneonta to NOLF Storm Drain

Project Number: D05-105

Purchase Order No: 70417

NAME OF CONTRACTOR: Bert Salas Contract Amount: \$184,811.00
 Contract Date: September 5, 2007 For: Replacement of a Strom Drain that runs from Oneonta to the NOLF.

You are directed to make the changes noted below in the subject Contract:

By: _____ City Manager
 Date: _____

Nature of the Changes:

Traffic Control	Complete & All Inclusive	\$555.40
Demolition of 320SF of Conc. Cross Gutter In lieu of 100SF	Complete & All Inclusive	\$1,375.00
Construction of 320SF of Conc Cross Gutter In Lieu of 100SF	Complete & All Inclusive	\$1,870.00
Demolition of 912SF of Asphalt Conc. In Lieu of 160SF	Complete & All Inclusive	\$1,183.57
Construction of 912SF of Asphalt Conc. In Lieu of 160SF	Complete & All Inclusive	\$5,001.00
Construction of additional 67LF of Fence	Complete & All Inclusive	\$3,149.00
Additional work to increase height of headwall	Complete & All Inclusive	\$400.00
Construction of additional channel work	Complete & All Inclusive	\$622.11
Demolition of asphalt on Oneonta	Complete & All Inclusive	\$497.00
New Asphalt on Oneonta	Complete & All Inclusive	\$2,100.00
Total Change to Contract.....	Increase / (Decrease).....	\$16,753.08

Enclosures: _____

These changes result in the following adjustment of Contract Price and Contract Time:

Contract Price or Purchase Order Total Prior to This Change Order	\$ <u>184,811</u>
Net Increase Resulting from This Change Order	\$ <u>16,753.08</u>
Current Contract Price Including This Change Order	\$ <u>201,564</u>

Contract Time Prior to This Change Order (Days or Date)	<u>8/7/07 / 60 Days</u>
Net Increase Resulting from this Change Order (Days)	<u>13 Days (Pipe Manufacturing Delay)</u>
Current Contract Time Including This Change Order (Days or Date)	<u>10/19/07 / 73 Days</u>

The Above Changes Are Approved:

_____ Engineer By: _____ Date: _____	_____ Contractor By: _____ Date: _____
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Requisitioned by: _____	Date: _____
Department Head Approval: _____	Date: _____
Finance Department Approval: _____	Date: _____
Posted/Buyer: _____	Date: _____



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: NOVEMBER 7, 2007
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR
JIM NAKAGAWA, AICP, CITY PLANNER
TYLER FOLTZ, ASSOCIATE PLANNER

SUBJECT: CONSENT AGENDA: ADMINISTRATIVE COASTAL PERMIT (ACP 050299) AND FINAL MAP (TM 050300) FOR AN EIGHT-UNIT CONDOMINIUM CONVERSION LOCATED AT 220 EVERGREEN AVENUE, IN THE R-2000 (MEDIUM-DENSITY RESIDENTIAL) ZONE. MF 813.

PROJECT DESCRIPTION/BACKGROUND:

The tentative map (TM) for this project consisting of an eight-unit complex located at 220 Evergreen Avenue (APN 625-361-21-00) was approved by the City Council on June 7, 2006 (Resolution 2006-6340).

PROJECT EVALUATION/DISCUSSION:

The applicant has complied with the conditions of the Tentative Map and, therefore, the City Council is requested to approve the Final Map. The Final Map substantially conforms to the approved Tentative Map (TM 050300) and, pursuant to Map Act Section 66474.1, must be approved by the legislative body. In addition, the owner has executed the required Final Map Agreement.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The project is statutorily exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15268(b)(3) (Ministerial Projects: Approval of final subdivision maps).



FISCAL IMPACT:

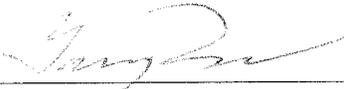
The applicant has deposited \$8,000.00 in Project Account Number 050300 to fund the processing of this application.

DEPARTMENT RECOMMENDATION:

Approve the Final Map for recordation.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown

Attachments:

1. Final Map

- c: file MF 813
Frank Spees, CondoConversions.com, P.O. Box 1243, La Mesa, CA 91949
Shauna Shores, LLC, 1708 Ithaca Street, Chula Vista, CA 91913
Terra Surveying Consultants, 1179 Horsemill Road, El Cajon, CA 92021

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**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY R. BROWN, CITY MANAGER
MEETING DATE: NOVEMBER 7, 2007
ORIGINATING DEPT.: TOM RITTER, ASSISTANT CITY MANAGER 
SUBJECT: ADOPT ORDINANCE NO. 2007-1057 ADDING CHAPTER 13.10 OF THE IMPERIAL BEACH MUNICIPAL CODE, RELATED TO STATE AND CITY VIDEO FRANCHISES

BACKGROUND:

Staff is requesting Council to re-adopt Ordinance No. 2007-1057 in order to ensure the proper text of the ordinance is adopted into law in accordance with Council's intent. The attached Ordinance No. 2007-1057 is the same as that which was introduced at the first reading. Inadvertently, the text of the ordinance that was before the Council at the second reading on October 3, 2007 was incomplete. Council's action today will adopt the correct text of Ordinance No. 2007-1057.

On September 29, 2006, Governor Schwarzenegger approved Assembly Bill No. 2987 ("AB 2987"), the Digital Infrastructure and Video Competition Act of 2006 (DIVCA), effective January 1, 2007. AB 2987 provides for the issuance of a state franchise (in lieu of a local franchise) for video service (i.e. cable television) administered by the California Public Utilities Commission ("PUC"). On March 1, 2007, the PUC issued its Decision Adopting a General Order and Procedures to Implement the Digital Infrastructure and Video Competition Act. Under DIVCA the City can preserve certain rights, franchise fees and other fees by adopting a local ordinance as proposed herewith.

DISCUSSION:

The purpose of DIVCA is to promote video service competition in California by establishing a "state-issued franchise authorization process that allows market participants to use their networks and systems to provide video, voice, and broadband services to all residents of the state." (Cal. Pub. Util. Code § 5810(a)(1)(C).) "Video service" is defined in Public Utilities Code section 5830(s) as video programming, cable, and open-video system services provided through facilities located at least in part in public rights-of-way without regard to delivery technology. It does not include video programming provided over the Internet. The Legislature stated that its intent is for a video service provider to pay as rent a franchise fee to "the local entity in whose jurisdiction service is being provided for the continued use of streets, public facilities, and other rights-of-way" to provide service. (Pub. Util. Code § 5810(b).) The Legislature further intends with DIVCA to maintain local entities' level of revenue from franchise fees. Additionally, the video service provider's obligations to comply with state or federal environmental protection laws are not eliminated or reduced, and the local entity shall serve as the lead agency for any environmental review under DIVCA.

The PUC is the sole franchising authority for a state franchise to provide video service under DIVCA. DIVCA requires any person or corporation, not already with an issued franchise, that seeks to provide video service in this state to file an application with the PUC for a state franchise. Failure of a video service provider to obtain a state or locally issued franchise is unlawful.

The PUC is tasked with notifying the City whether the video service provider's application is complete or not within thirty calendar days from submittal of the application. If the PUC fails to act within 44 calendar days from submittal of the application, the franchise is deemed issued. Issuance of the state franchise grants the video service provider, subject to the lawful operation by the applicant or its successor of the cable or video service, to service the area requested in the application, and use the public rights-of-way in exchange for the franchise fee. The video service provider may terminate the franchise within 90 days written notice to customers, the City, and the PUC. No less than ten days, or more than sixty days, before the video service provider begins to offer service it must notify the City that it will provide video service in its jurisdiction.

DIVCA allows a video service provider that currently holds a franchise from the City to seek a state franchise in the following circumstances:

- (1) The expiration, prior to any renewal or extension, of its local franchise.
- (2) A mutually agreed upon date set by both the City and the video service provider to terminate the franchise provided in writing by both parties to the PUC.
- (3) When a video service provider that holds a state franchise provides the notice required under DIVCA to the City that it intends to initiate providing video service in all or part of its jurisdiction, a video service provider operating under a franchise issued by the City may elect to obtain a state franchise to replace its locally issued franchise. The franchise issued by the City shall terminate and be replaced by a state franchise when the state franchising authority issues a state franchise for the video service provider that includes the entire service area served by the video service provider and the video service provider notifies the City that it will begin providing video service in its area under a state franchise.

Under the same circumstances as described in section (3) above, the City can require a local cable operator to obtain a state franchise and terminate its local franchise. This is particularly pertinent in Imperial Beach where the existing franchise does not include a 1% PEG fee. Thus it may be beneficial to the City to require Cox Communications to seek a state franchise under certain conditions.

A cable operator that opts for a state franchise under DIVCA is required to continue to serve all areas as required by its local franchise agreement, existing on January 1, 2007, until the local franchise agreement expires. The state-issued franchise is valid for ten years and renewable for an additional ten-year period.

The state franchise fee is payable as rent or toll for the use of the public right of way. The amount of the fee is five percent of gross revenues. The fee must be applied equally to all video service providers in the City. The City may use the state franchise fee for any lawful purpose (franchise fees are applied to the General Fund). The state franchise fee is due and payable quarterly and any late payment is subject to a late payment charge. The City may examine the business records of the franchise holder once a year to ensure compensation under DIVCA.

The City or another political subdivision of the state may not demand additional fees or charges based solely on a provider's status as a provider of video or cable service, or use a calculation method or definition of gross revenue other than that set forth in DIVCA. However, DIVCA does not limit a local entity's ability to impose utility user taxes and other generally applicable taxes, fees, and charges under state law, so long as applied in a nondiscriminatory and competitively neutral manner.

The holder of a state franchise is required to designate sufficient capacity on its network to provide the same number of public, educational, and governmental access (PEG) channels as provided by the incumbent cable provider (which is three in Imperial Beach – one governmental, one for schools, and one for public access) as of January 1, 2007. These PEG channels are for the exclusive noncommercial use of the City or its designee to provide public, educational and government channels. A fee of one percent of gross revenue may be imposed to support the PEG channels by ordinance (and is included in the proposed ordinance herewith).

The City must permit the holder of a state franchise to "install, construct, and maintain a network within public rights-of-way under the same time, place, and manner as the provisions governing telephone corporations under applicable state and federal law." (Pub. Util. Code § 5885(a).) The City may not enforce any rule, regulation, or ordinance that "purports to allow the local entity to purchase or force the sale of a network." (Pub. Util. Code § 5885(d).) Additionally, DIVCA does not change the permitting process or compliance with the California Environmental Quality Act (CEQA).

Within sixty days of submittal of a complete encroachment permit application, the City must approve or deny the application. The City must provide the applicant with a "detailed explanation of the reason" of a denial of an encroachment permit and establish an appeal process to the governing body of the local entity. (Pub. Util. Code § 5885(c).)

The holder of a state franchise must comply with specific customer service standards of the Cable Television and Video Provider Customer Service and Information Act, (California Government Code section 53054 et seq.), California Penal Code section 637.5, and the privacy standards in section 631 of the Federal Cable Act (47 U.S.C. section 551 et seq.). The City shall enforce a violation of this section of DIVCA within its jurisdiction and establish a schedule, by ordinance or resolution, of monetary penalties for such violations (see attached ordinance). The City shall submit one-half of the monetary penalty to the Digital Divide Account.

As summarized above, the City has several rights and responsibilities with respect to state video franchise holders and it is recommended that the City adopt the attached Ordinance. The attached Ordinance implements the City's authority and responsibilities dictated by AB 2987. To date, the state has issued state video franchises to AT&T, Verizon (excludes Imperial Beach along with many other cities), and Cox Communications (does not include Imperial Beach as Cox's "statewide franchise" was only issued for a limited area within the City of San Diego where Cox competes for customers with Time Warner Cable).

On September 19, 2007, the City Council of the City of Imperial Beach conducted the first reading of Ordinance No. 2007-1057.

ENVIRONMENTAL IMPACT

Not a project as defined by CEQA.

FISCAL IMPACT:

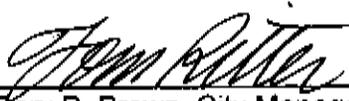
Franchise fees established by this Ordinance may generate additional revenue to the City if more residents or businesses owners purchase video services, however, it is more likely that franchise fees will remain constant or be slightly reduced due to increased competition in the video service business. However, PEG fees may increase due to this Ordinance as the City currently does not have a PEG fee in its existing Franchise and any new State Franchisee and possibly our existing Franchisee (under certain conditions) will be required to pay a 1% PEG fee.

DEPARTMENT RECOMMENDATION:

1. Receive report;
2. Mayor call for the reading of the title of Ordinance No. 2007-1057 – An Ordinance of the City Council of the City of Imperial Beach, California, adding Chapter 13.10 of the Imperial Beach Municipal Code, related to State and City video franchises;
3. City Clerk read the title of Ordinance No. 2007-1057; and
4. Motion to dispense second reading by title only and adopt Ordinance No. 2007-1057.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

F02 

Gary R. Brown, City Manager

Attachments:

1. Ordinance No. 2007-1057

ORDINANCE NO. 2007-1057

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ADDING CHAPTER 13.10 OF THE IMPERIAL BEACH MUNICIPAL CODE, RELATED TO STATE AND CITY VIDEO FRANCHISES

WHEREAS, on September 29, 2006, the Governor approved Assembly Bill No. 2987 ("AB 2987"), the Digital Infrastructure and Video Competition Act of 2006 (DIVCA), effective January 1, 2007; and

WHEREAS, AB 2987 provides for the issuance of a state franchise for video service administered by the California Public Utilities Commission; and

WHEREAS, the City will acquire certain rights and responsibilities with respect to state video franchise holders; and

WHEREAS, the City desires to implement the authority and responsibilities dictated by AB 2987.

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

SECTION 1. A new Chapter 13.10 is added to the Imperial Beach Municipal Code to read:

Chapter 13.10. Video Franchise

13.10.010 Regulation of State Video Franchises and City Video Franchises

Under state law effective January 1, 2007, the California Public Utilities Commission ("PUC") has the authority to grant state video franchises. The City will acquire certain rights and responsibilities with respect to state video franchise holders. These include the receipt of a franchise fee and a fee for Public, Educational and Government ("PEG") purposes, both based on a percentage of the gross revenues of state franchise holders, as well as the establishment and enforcement of penalties for violations of customer service rules. The City will retain authority, without change, over all City video franchisees until such time as they no longer hold a valid City franchise, or are no longer operating under a current or expired City franchise. The City may continue to grant, modify, renew, extend or terminate City franchises for video service until January 1, 2008. After January 1, 2008, the City may not grant new franchises, but may modify, renew, extend or terminate existing City franchises. For purposes of this chapter, the terms "City video franchise" and "City video franchisee" shall have the same meaning as the terms "City cable franchise" and "City cable franchisee."

13.10.020 State Video Franchise and PEG Fees

(a) For any state video franchise holder operating within the boundaries of the City, there shall be a fee paid to the City equal to five percent (5%) of the gross revenue of that state video franchise holder.

(b) For any state video franchise holder operating within the boundaries of the City, there shall be an additional fee paid to the City equal to one percent (1%) of the gross revenue of that state video franchise holder, which shall be imposed under the terms and conditions set forth in the Act. This fee shall be used by the City for PEG purposes consistent with state and federal law.

(c) Gross revenue, for the purposes of (a) and (b) above, shall have the definition set forth in California Public Utilities Code section 5860, as amended from time to time.

13.10.030 Audit Authority

Not more than once annually, the City Manager or his or her designee may examine and perform an audit of the business records of a holder of a state video franchise to ensure compliance with Section 13.10.020.

13.10.040 Customer Service Penalties

(a) The holder of a state video franchise shall comply with all applicable state and federal customer service and protection standards pertaining to the provision of video service.

(b) The City Manager or his or her designee shall monitor the compliance of state video franchise holders with respect to state and federal customer service and protection standards. The City Manager or his or her designee will provide the state video franchise holder written notice of any material breaches of applicable customer and service standards, and will allow the state video franchise holder 30 days from the receipt of the notice to remedy the specified material breach. Material breaches not remedied within the 30-day time period will be subject to the following penalties to be imposed by the City:

(1) For the first occurrence of a violation, a fine of \$500.00 shall be imposed for each day the violation remains in effect, not to exceed \$1,500.00 for each occurrence of the violation.

(2) For a second occurrence of a violation of the same nature within 12 months, a fine of \$1,000.00 shall be imposed for each day the violation remains in effect, not to exceed \$3,000.00 for each occurrence of the violation.

(3) For a third or further occurrence of a violation of the same nature within 12 months, a fine of \$2,500.00 shall be imposed for each day the violation remains in effect, not to exceed \$7,500.00 for each occurrence of the violation.

(c) A state video franchise holder may appeal a penalty assessed by the City Manager or his or her designee to the City Council within 60 days of the initial assessment. After relevant speakers are heard, and any necessary staff reports

are submitted, City Council will vote to uphold, modify, or vacate the penalty. The City Council's decision on the imposition of a penalty shall be final.

13.10.050 City Response to State Video Franchise Applications

(a) Applicants for state video franchises within the boundaries of the City must concurrently provide complete copies to the City of any application or amendments to applications filed with the PUC. One complete copy must be provided to the City Clerk, and one complete copy to the City Manager.

(b) Within thirty days of receipt, the City Manager will provide any appropriate comments to the PUC regarding an application or an amendment to an application for a state video franchise.

13.10.060 Extension of Existing City Video Franchises

Any entity providing video service under an expired City video franchise on January 1, 2007, shall hereby have the terms of its City video franchise extended on the same terms and conditions until January 2, 2008. The extension of a City video franchise does not preclude the City from further modifications, renewals, extensions or termination of that City video franchise.

SECTION 2: 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.

SECTION 3: The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk of the City of Imperial Beach shall cause this Ordinance to be published pursuant to the provisions of Government Code section 36933.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 19th day of September 2007; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Imperial Beach, California, on the 3rd day of October 2007, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

APPROVED AS TO FORM:

JAMES P. LOUGH
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Ordinance No. 2007-1057 – An Ordinance of the City Council of the City of Imperial Beach, California, ADDING CHAPTER 13.10 OF THE IMPERIAL BEACH MUNICIPAL CODE, RELATED TO STATE AND CITY VIDEO FRANCHISES.

CITY CLERK

DATE



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: NOVEMBER 7, 2007
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR
JIM NAKAGAWA, AICP, CITY PLANNER
TYLER FOLTZ, ASSOCIATE PLANNER

SUBJECT: PUBLIC HEARING: JOSEPH SCARLATTI REPRESENTING JEREMY TRESKON: ADMINISTRATIVE COASTAL PERMIT (ACP 070041) AND TENTATIVE MAP (TM 070042) FOR A TEN-UNIT CONDOMINIUM CONVERSION LOCATED AT 100 PALM AVENUE, IN THE R-1500 (HIGH-DENSITY RESIDENTIAL) ZONE. MF 928.

PROJECT DESCRIPTION/BACKGROUND:

This is an application for an Administrative Coastal Permit (ACP 070041) and Tentative Map (TM 070042), originally submitted on May 14, 2007, that proposes a ten (10) unit condominium conversion of an existing apartment building on a 7,533 square-foot parcel at 100 Palm Avenue (APN 625-014-21-00). The property is designated R-1500 (High-Density Residential) on the Zoning Map. The building was constructed in 1956.



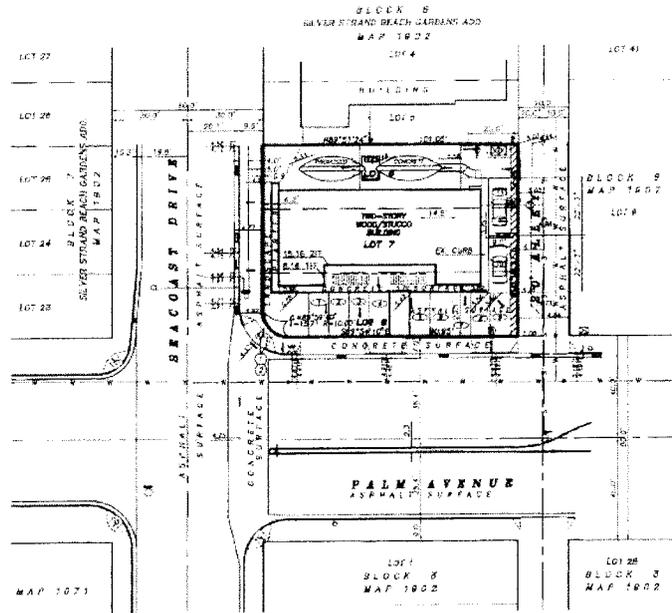
PROJECT EVALUATION/DISCUSSION:

The applicant has submitted documentation required by the City's condominium conversion regulations (Chapter 18.84).

Prior to recent renovations, the project site provided 15 parking spaces; however, six of these spaces were illegally located off of the alley and encroached into the City's right-of-way and partially blocked alley access. Within the last year the parking area has been rearranged, and provides eleven (11) unenclosed parking spaces, nine (9) of which access from Palm Avenue,

two (2) require access from the adjacent alley. Based upon a review of building constructed in the same era (1950/60's), residential units were required to provide one parking space per unit; thus, the reduction of spaces off of the alley will not violate any subdivision standards. The proposed project will exceed that requirement. The proposed parking layout will be revised to conform to the Old Palm Avenue Street Improvement plans, and will still provide nine (9) spaces off of Palm Avenue, and two (2) spaces off of the alley. In addition, the curb-and-gutter arrangement along Palm Avenue will be revised so that all parking spaces may be accessed by a driveway. All parking spaces shall meet the standards set forth in the Imperial Beach Municipal Code (IBMC).

100 PALM AVENUE CONDOMINIUM CONVERSION



The existing trash enclosure will be rebuilt to accommodate for both trash and recycling.

Surrounding structures consist of multiple-family residential and commercial buildings.

General Plan/Local Coastal Plan/Zoning Consistency: The structure is nonconforming with respect to current zoning. Conversions are not required to conform to current general plan/zoning designations since the City does not have specific condo conversion policies in the general plan.

Storm Water/Landscaping:

The City requires new development to conform to state water quality/urban runoff requirements (SDRWQCB Order 2001-01). Plans for new development need to show drainage patterns to demonstrate how storm water will be directed to landscaped areas (bioswales) or to filters before it is discharged into the city's storm sewers or to the beach. The project will be in compliance with state water quality/urban runoff requirements.



Property Improvements: Based on the Property Condition Report, prepared by JCEP/Huang

Consulting Engineers, Inc., dated February 9, 2007, the building was constructed in 1956, and has recently gone through extensive improvements within the last year. The improvements include the following: replacement of flooring and painting of interiors of all units; replacement of kitchen appliances, counter tops, cabinets, and sinks; replacement of windows and doors; replacement of bathroom fixtures, countertops, and cabinets; replacement of water and termite damaged building elements and materials;



replacements of heating units for each unit; upgrade landscaping, along with irrigation and drainage system; repair and replace electrical systems, including installation of GFCI (Ground Fault Circuit Interrupter) receptacles in the kitchens and bathrooms; repair and replace stairs, landings/breezeways, and railings; replace property fences; paint exterior walls; refurbish community laundry room; repair and replace concrete pavement and asphalt paved parking lots; improve site lighting; replace fire extinguishers; installed new smoke detectors; reroof the building; replace hot water heaters; repair and replace plumbing systems. The following improvements shall be provided prior to approval of the final map: provide wheel stops for all parking spaces; the roof shall provide design enhancements (column caps, molding, etc.) and a darker color; window trim shall match the color of the roof; railing color shall match the roof and trim color.

COASTAL PERMIT FINDINGS:

The proposed development conforms to the Certified Local Coastal Plan including Coastal Land Use Policies.

Map Act Section 66427.2 provides that, unless the general plan contains specific condominium conversion objectives and policies, condominium conversions do not need to comply with the general plan. The City of Imperial Beach does not have such applicable general plan policies and this finding, therefore, is not required.

ENVIRONMENTAL STATUS: The project is Categorically Exempt as a Class 1K project pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301(k) (Division of existing multiple-family residences into common interest ownership).

COASTAL JURISDICTION: This project is located in the coastal zone as defined by the California Coastal Act of 1976. The City Council public hearing will serve as the required coastal permit hearing and the City Council will consider the findings under the California Coastal Act. Pursuant to the City of Imperial Beach Zoning Ordinance Section 19.87.050, review of the proposal will consider whether the proposed development satisfies the required findings prior to the approval and issuance of a Coastal Development Permit. The project is not located in the Appeal Jurisdiction of the California Coastal Commission as indicated on the

appealable to the California Coastal Commission under Section 30603(a) of the California Public Resources Code.

FISCAL IMPACT:

The applicant has deposited \$4,000.00 in Project Account Number 070041 to fund the processing of this application.

DEPARTMENT RECOMMENDATION:

1. Consider public testimony at the advertised public hearing.
2. Consider adoption of Resolution No. 2007-6552, approving Administrative Coastal Permit (070041) and Tentative Map (TM 070042), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager
Attachments:

1. Resolution 2007-6552
 2. Plans
- c: file MF 928
Jeremy Treskon, 4627 Ocean Blvd., Suite 309, San Diego, CA 92109
Robert J. Bateman, San Diego Land Surveying & Engineering Inc., 9665 Chesapeake Drive, Suite 445, San Diego, CA 92123
Joseph Scarlatti, Westone Management Consultants, 8799 Balboa Avenue, Suite 240, San Diego, CA 92123

[Return to Agenda](#)

RESOLUTION NO. 2007-6552

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING ADMINISTRATIVE COASTAL PERMIT (ACP 070041) AND TENTATIVE MAP (TM 070042) FOR A TEN-UNIT CONDOMINIUM CONVERSION LOCATED AT 100 PALM AVENUE, IN THE R-1500 (HIGH DENSITY RESIDENTIAL) ZONE. MF 928.

WHEREAS, on November 7, 2007, the City Council of the City of Imperial Beach held a duly advertised and noticed public hearing to consider the merits of approving or denying an application for an Administrative Coastal Permit (ACP 070041) and Tentative Map (TM 070042) originally filed on May 14, 2007, for a 10-unit condominium conversion located at 100 Palm Avenue (APN 625-014-21-00) in the R-1500 (High Density Residential) Zone, and legally described as follows:

Lots 6, 7, and 8 in Block 8 of Silver Strand Beach Gardens, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 1902, filed in the Office of the County Recorder of San Diego County, March 25, 1926.

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA), it was determined that the project is categorically exempt from the requirements of the CEQA as a Class 1k project pursuant to CEQA Guidelines Section 15301(k); and

WHEREAS, documentation has been submitted by the applicant that demonstrate compliance with the notification requirements of Map Act Section 66452.9; and

WHEREAS, the following tentative map findings are provided pursuant to Map Act Section 66474:

TENTATIVE MAP FINDINGS:

1. **The proposed tentative tract map is consistent with the General Plan/Local Coastal Plan.**

Map Act Section 66427.2 provides that, unless the general plan contains specific condominium conversion objectives and policies, condominium conversions do not need to comply with the general plan. The City of Imperial Beach does not have such applicable general plan policies and this finding, therefore, is not required. The City must either approve or deny a conversion within 120 days after the application has been deemed complete.

2. **The design or improvement of the proposed major subdivision is consistent with the General Plan/Local Coastal Plan.**

Map Act Section 66427.2 provides that, unless the general plan contains specific condominium conversion objectives and policies, condominium conversions do not need to comply with the general plan. The City of Imperial Beach does not have such applicable general plan policies and this finding, therefore, is not required. The City must either approve or deny a conversion within 120 days after the application has been deemed complete.

3. **The site is physically suitable for the type of development.**

The subject is a rectangular, relatively level, 7,533 square-foot parcel. The 10 residential units already exist and the site has been suitable for this development. The Tentative Map will establish condominium ownership for 10 units.

4. **The design of the major subdivision will not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife, or their habitat.**

The project does not involve any new construction, and the existing development is in a developed urban area. Therefore, the proposed tentative map will not affect fish or wildlife habitat.

5. **The design of the major subdivision will not cause serious public health problems.**

The existing development is already served by private water and municipal sewer service and the conversion would not result in public health problems.

6. **The design of the major subdivision will not conflict with any easement of record.**

A Title Report submitted by the applicant, dated February 12, 2007, indicates that there are no easements on the site that would conflict with the subdivision.

7. **All requirements of the California Environmental Quality Act (CEQA) have been fulfilled.**

The project is exempt from the requirements of the CEQA under CEQA Guidelines Section 15301k (Class 1k – division of existing multiple-family or single-family residences into common interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt).

COASTAL PERMIT FINDINGS

8. **The proposed development conforms to the Certified Local Coastal Plan including Coastal Land Use Policies.**

Map Act Section 66427.2 provides that, unless the general plan contains specific condominium conversion objectives and policies, condominium conversions do not need to comply with the general plan. The City of Imperial Beach does not have such applicable general plan policies and this finding, therefore, is not required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach that Administrative Coastal Permit (ACP 070041) and Tentative Map (TM 070042), originally filed on May 14, 2007, for the proposed conversion to condominium ownership of 10 residential units, located at 100 Palm Avenue in the R-1500 (High Density Residential) Zone, are hereby approved subject to the following:

CONDITIONS OF APPROVAL:

A. PLANNING:

1. The site shall be developed in accordance with the approved plans on file in the Community Development Department, dated October 19, 2007, and the conditions herein. Final landscaping, storm water/drainage, and façade improvement plans are subject to approval by the Community Development Department.

2. Approval of the Tentative Map (TM 070042) is valid for three years from the date of final action and would expire **November 7, 2010**. The conditions of approval must be satisfied and the Final Map recorded on or before November 7, 2010, unless the City grants an extension of time.
3. Approval of the Coastal Permit (ACP 070041) is VALID for three years from the date of the Notice of Final Action and the Administrative Coastal Permit to expire **November 7, 2010**.
4. Applicant shall pay any outstanding negative balances in the project accounts (070041) prior to approval and recordation of the Final Map.
5. Approval of this request shall not waive compliance with any portion of the Uniform Building Code and Municipal Code in effect at the time building permits were issued for the original development.
6. Applicant shall provide the required documentation pursuant to Subdivision Map Act Section 66427.1.
7. The applicant or applicant's representative shall read, understand and accept the conditions listed herein and shall within 30 days return a signed statement accepting said conditions.
8. Applicant shall sign and return the Final Map Notification Agreement.
9. Applicant shall provide an updated Title Report dated within 60 days of the Final Map submittal.
10. Applicant shall comply with the requirements of the Condominium Conversion Ordinance 2005-1023.
11. Parking layout shall align with the proposed Old Palm Avenue improvements.
12. Applicant shall provide wheel stops for all parking spaces.
13. The following design enhancements shall be in place prior to final map approval: the new roof shall provide design enhancements (column caps, molding, etc.) and darker color than what is existing (light beige); window trim should match the new roof color; railing should match the new roof and window trim color.
14. The trash and recycling enclosure should provide gates that allow for individual bin access without the necessity of moving one bin to get to the other (i.e. have the gate to the enclosure face south instead of east, and make it large enough to access the bins individually). Enclosure gates should not affect the northernmost parking space.
15. Applicant shall provide all improvements and repairs discussed in the Building Condition Report, prepared by JCEP/Huang Consulting Engineers, Inc., dated February 9, 2007, prior to approval of Final Map.
16. All improvements are subject to Building Official approval prior to final map recordation.

B. CITY ENGINEER:

17. The Final Map shall be in substantial compliance with the approved tentative map dated October 19, 2007.

C. PUBLIC WORKS:

18. Ensure that the hot water tank P.T. (Pressure Temperature) discharge pipe is piped to discharge to the sanitary sewer system or the landscape area. A design that has the water discharge directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01.
19. Prior to final approval of these plans the existing sewer lateral location must be drawn on the plans and submitted to the City for review and approval.
20. No building roof or landscape water drains may be piped to the street or onto impervious surfaces that lead to the street. A design that has these water discharges directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01. Eave gutters and leaders shall be installed around building wherever the eaves drain onto impervious surfaces.
21. Install landscape-watering system to landscape strip/parkway along Seacoast Drive in the right-of-way per I.B.M.C. 19.50.040.F.
22. Restripe the parking striping to match the Tentative Map drawing.
23. Per I.B.M.C. 12.08.085, applicant must construct the unimproved alley adjacent to the east property line as follows: "In the event that an alley contiguous to a property upon which it is contemplating erecting a structure or building ... the firm or corporation installing or erecting such structure or making such conversion within the city shall improve ... such alley to full width in accordance with the ordinances of the city ... according to the following:
 - A. For any development for which the adjacent unimproved alley is immediately adjacent to an alley section which is improved to city standards, the developer shall install the alley improvements for the frontage of that development site with that development." (NOTE: Engineering drawings for this alley section are available at Public Works Department, City of Imperial Beach at no cost to the applicant. Alley improvements must be constructed per City approved engineering drawings. Staking for the alley construction must be performed by the City Engineer, BDS Engineering, at developer's expense.)
24. Sub soil compaction must achieve results of 95%. Asphalt placement must be a minimum of four (4) inches thick placed in two lifts. Asphalt Pavement shall be ½" aggregate with AR 4000 oil. All pavements shall be cut to a smooth and consistent edge. All joints will be butt type joints. Asphalt shall be AR4000 ½ mix (hot). The cooling water/lubricant must be collected and not be permitted to enter the city storm drain conveyance system.

25. For any work to be performed in the street or alley, submit a traffic control plan for approval by Public Works Director a minimum of 5 working days in advance of street work. Traffic control plan is to be per Regional Standard Drawings or CALTRANS Traffic Control Manual.
26. Install bike rack, as per project tentative map.
27. Fence layout shall match tentative map.
28. All street work construction requires a Class A contractor to perform the work. All pavement transitions shall be free of tripping hazards.
29. For any project that proposes work within the public right-of-way (i.e., driveway removal/construction, sidewalk removal/construction, street or alley demolition/reconstruction, landscaping and irrigation, fences, walls within the public right-of-way, etc.), a Temporary Encroachment Permit (TEP) shall be applied for and approved either prior to or concurrent with issuance of the building permit required for the project. Application for a Temporary Encroachment Permit shall be made on forms available at the Community Development Department Counter.
30. Construct trash or refuse enclosure and a recycling enclosure to comply with IBMC 19.74.090. Trash and recycling enclosures is to be enclosed by a six-foot high wall and gate. The minimum size refuse enclosure shall be 6' by 9' and the minimum recycling enclosure shall be 4' by 8'. Current enclosure is inadequate. Gate must be installed and wooden fence on southern end shall be extended three (3) feet.
31. Any disposal/transportation of solid waste / construction waste in roll off containers must be contracted through EDCO Disposal Corporation unless the hauling capability exists integral to the prime contractor performing the work.
32. The existing parcel impervious surfaces shall not increase beyond the current impervious services as a post-conversion condition in order to maximize the water runoff infiltration area on the parcel in compliance with Municipal Storm Water Permit – Order 2001-01.
33. Install survey monuments on southeast and northwest property lines in or adjacent to the sidewalk. Record same with county office of records.
34. In accordance with I.B.M.C. 12.32.120, applicant must place and maintain warning lights and barriers at each end of the work, and at no more than 50 feet apart along the side thereof from sunset of each day until sunrise of the following day, until the work is entirely completed. Barriers shall be placed and maintained not less than three feet high.
35. Applicant shall provide verification of post construction Best Management Practice (BMP) maintenance provisions through a legal agreement, covenant, CEQA mitigation requirement, and / or Conditional Use Permit. Agreement is provided through the Community Development Department.
36. Property owner must institute “Best Management Practices” to prevent contamination of storm drains, ground water and receiving waters during both construction and post

construction. The property owner or applicant BMP practices shall include but are not limited to:

- Contain all construction water used in conjunction with the construction. Contained construction water is to be properly disposed in accordance with Federal, State, and City statutes, regulations and ordinances.
- All recyclable construction waste must be properly recycled and not disposed in the landfill.
- Water used on site must be prevented from entering the storm drain conveyance system (i.e. streets, gutters, alley, storm drain ditches, storm drain pipes).
- All wastewater resulting from cleaning construction tools and equipment, must be contained on site and properly disposed in accordance with Federal, State, and City statutes, regulations, and ordinances.
- Erosion control - All sediment on the construction site must be contained on the construction site and not permitted to enter the storm drain conveyance system. Applicant is to cover disturbed and exposed soil areas of the project with visquien (or equivalent product) to prevent sediment removal into the storm drain system.

37. Applicant shall underground all utilities in accordance with I.B.M.C. 13.08.030 - Subdivisions – Undergrounding Required (All privately owned public utility distribution systems and service facilities with the boundaries of any subdivision shall henceforth be placed underground.) and 13.08.040 Subdivision – Responsibility of subdivider to underground – Exempted facilities.

A. The subdivider shall be responsible for the requirements of this chapter and shall make the necessary arrangements with each of the public utility companies for the installation of underground facilities and the relocation of existing facilities. The subdivider shall provide the city with letters signed by said public utilities indicating that such arrangements have been made with the public utilities companies stipulating that the undergrounding of utilities facilities will be accomplished concurrent with the filing of the final map of any subdivision as required by this code and the state Subdivision Map Act and subject to the approval of the City....”

D. BUILDING:

38. This project is subject to all Model Codes, State Codes and City Ordinances adopted by the City of Imperial Beach. This review is not intended to take the place of a Building Permit Plan Review. All comments and corrections made during the Building Permit Plan Review process apply.

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

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

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 7th day of November, 2007, by the following roll call vote:

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

Jim Jannev

JIM JANNEY, MAYOR

ATTEST:

Jacqueline Hald

JACQUELINE HALD, CITY CLERK

APPROVED AS TO FORM:

James P. Lough

JAMES P. LOUGH, CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2007-6552 - A Resolution of the City of Imperial Beach approving Administrative Coastal Permit (ACP 070041) and Tentative Map (TM 070042) for a ten-unit condominium conversion located at 100 Palm Avenue, originally filed on May 14, 2007 (APN 625-014-21-00) in the R-1500 (High Density Residential) Zone.

CITY CLERK

DATE



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: NOVEMBER 7, 2007

ORIGINATING DEPT.: PUBLIC WORKS *HAL*

SUBJECT: DESIGNATION OF STATE PROPOSITION 1B
(TRANSPORTATION BOND) FUNDS TO FINANCE SOME OF
STREET IMPROVEMENTS PHASE III RDA CIP (S04-108)
STREET SEGMENTS

BACKGROUND:

State of California budget bill (SB 78) included a \$600 million appropriation for cities and counties from the Local Streets and Roads Account (LSR) contained in Proposition 1B, the Transportation Bond. SB 88, the trailer bill, which provides for the implementation of Prop. 1B, also included an additional appropriation of \$350 million for this purpose for a total of \$950 million for cities and counties in fiscal year (FY) 2007-08. AB 196 (Prop. 1B: LSR Implementation Clean-Up) specifies that the \$950 million is to be appropriated \$400 million for counties and \$550 million for cities. The clean-up language also codified a three-year use it or lose it provision that specifically requires the funds to be expended within three fiscal years after the FY in which the Controller makes the allocation. This means that all Prop. 1B LSR monies appropriated in FY 2007-08 must be expended by June 30, 2011. This provision also dictates that eligible expenditure can only be made after allocation of the funds.

Each city must submit to the Department of Finance (DOF) a list of projects expected to be funded with bond funds before an allocation is made. It is recommended that cities and counties submit project lists for the entirety of their FY 2007-08 allocations. All projects included on the project list submitted to DOF must be included in the City's budget adopted by the City Council at a regular public meeting. It is recommended that cities generate a Prop 1B list, which when approved by the City Council, and as part of that action, state that the projects were included within the adopted budget or specifically named within the capital improvement plan (major project).

The appropriation of \$550 million guarantees that each city will receive \$400,000, or half of the total allocation amount, whichever is greater. The City of Imperial Beach allocation is \$446,838.

DISCUSSION:

Given the conditions or parameters of the use of the Prop. 1B (Transportation Bond) it appears the most judicious use of the LSR funds for the City of Imperial Beach would be to apply those funds against street improvement projects already programmed but could not or would not be completed due to a funding shortage.

When the City prepared the 5-Year Capital Improvement Program FY 2004/2005 through FY 2008/2009, City Council approved an identified list of streets that were to be repaired. These streets were divided into three separate projects – Street Improvement Phase I (Bayside, Central and Oneonta Neighborhoods), Street Improvement Phase II (Mar Vista and Seaside Point Neighborhoods) and Street Improvements Phase III (Seacoast Neighborhood). The identified streets in Phase I were all completed within the authorized budget. Phase II identified streets were not able to be completed within the authorized budget. However several of the streets not completed with Phase II have other funds allocated to complete their repairs. See the table below showing the status of Phase II street repairs.

Sequence number	Street Name	Completion Status	Estimated construction cost
1.	Alabama Street - 600 block	Completed with Phase II	
2.	Corvina Avenue – 300 block	Completed with Phase II	
3.	Emory Street – 1200 block	Completed with Phase II	
4.	Downing Street – 1100-1200 blocks	Completed with Phase II	
5.	Ebony Avenue – 300 block	Cancelled due to neighborhood protest	
6.	Dahlia Avenue – 500-600 blocks	Not Programmed	\$200,000
7.	Encina Avenue	Completed with Phase II	
8.	Elder Avenue 300 block	Funded with RTIP funds FY 08/09	\$270,000
9.	Evergreen Avenue – 300 block	Funded with RTIP funds FY 08-09	\$250,000
10.	Elm Avenue – 1100 / 1200 blocks and Florence Street Storm Drain	Funded with RTIP funds FY 09-10	\$510,000
11.	5 th Street – 600-800 blocks	Funded with RTIP funds FY 10-11	\$250,000
12.	Silverstrand Blvd. – 500-600 blocks	Included with Street Improvement Phase III	
13.	Grove Avenue – 600-700 blocks	Not Programmed	\$290,000
14.	Delaware Avenue – 1100-1200 blocks	Not Programmed	\$400,000
15.	Calla Avenue	Not Programmed	\$190,000

Palm Avenue (Delaware Street to 3rd Street) was also included in Street Improvement Phase II RDA CIP but was subsequently removed and included with the Eco-Bikeway and Traffic Calming project that proposes to create a bike route along Palm Avenue between 7th Street and 3rd Street.

Street Improvement Phase III RDA CIP includes the following streets as shown in the below table including their estimated construction costs:

Sequence number	Street Name	Completion Status	Estimated construction cost
16.	Seacoast Drive – 700-1000 blocks	Design work ongoing	\$1,731,592.93
17.	2 nd Street – 700-1000 blocks	Design work ongoing	\$210,000
18.	3 rd Street 700-800 blocks	Design work ongoing	\$124,000
19.	Ebony Avenue – 200 block	Design work ongoing	\$45,000
20.	Silverstrand Blvd. – 500-600 blocks	Design work ongoing	\$230,000

The Engineer's Estimate for the construction Street Improvement Phase III RDA CIP project exceeds the available budget by approximately \$600,000.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

Allocation of Proposition 1B (Transportation Bond) Funds - \$446,838.00

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Authorize staff to prepare a street improvement project list in the format specified by DOF in the following street priority sequence:
 - a. Silverstrand Blvd. 500-600 blocks
 - b. 2nd Street – 700-1000 blocks
 - c. 3rd Street – 700-800 blocks
 - d. Ebony Avenue – 200 block

NOTE: staff recommends the street priority be given to the Street Improvement Phase III RDA CIP (S04-108) street segments for two reasons:

- a. The construction drawings are currently being prepared for bids thus saving staff time and money. To engage another engineer to prepare a Request for Proposals for a separate project stretches CIP staff such that other approved projects will not be completed within the 5-year CIP program timeline.
 - b. By combining the LSR funds with the RDA Bond funds for Streets Phase III, it improves the likelihood that Streets Improvements Phase III will be completed as proposed with the adopted 5-year CIP.
3. If this street sequence list is approved by City Council, staff will include the list with the subsequent 5-Year CIP amendment review being prepared for City Council action at a subsequent City Council meeting.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution 2007-6553

RESOLUTION NO. 2007-6553

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, DESIGNATING STATE PROPOSITION 1B (TRANSPORTATION BOND) FUNDS TO FINANCE SOME OF STREET IMPROVEMENTS PHASE III RDA CIP (S04-108) STREET SEGMENTS

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

WHEREAS, State of California budget bill (SB 78) included a \$600 million appropriation for cities and counties from the Local Streets and Roads Account (LSR) contained in Proposition 1B, the Transportation Bond; and

WHEREAS, SB 88, the trailer bill, which provides for the implementation of Prop. 1B, also included an additional appropriation of \$350 million for this purpose for a total of \$950 million for cities and counties in fiscal year (FY) 2007-08; and

WHEREAS, AB 196 (Prop. 1B: LSR Implementation Clean-Up) specifies that the \$950 million is to be appropriated \$400 million for counties and \$550 million for cities; and

WHEREAS, the clean-up language also codified a three-year use it or lose it provision that specifically requires the funds to be expended within three fiscal years after the FY in which the Controller makes the allocation ; and

WHEREAS, this means that all Prop. 1B LSR monies appropriated in FY 2007-08 must be expended by June 30, 2011; and

WHEREAS, each city must submit to the Department of Finance (DOF) a list of projects expected to be funded with bond funds before an allocation is made; and

WHEREAS, the appropriation of \$550 million guarantees that each city will receive \$400,000, or half of the total allocation amount, whichever is greater; and

WHEREAS, the city by city allocation of these funds has been published and the City of Imperial Beach allocation of Proposition 1B (Transportation Bond) Funds is \$446,838.00; and

WHEREAS, given the conditions or parameters of the use of the Prop. 1B (Transportation Bond) it appears the most judicious use of the LSR funds for the City of Imperial Beach would be to apply those funds against street improvement projects already programmed but could not or would not be completed due to a funding shortage; and

WHEREAS, Street Improvement Phase III RDA CIP (S04-108) is an authorized street improvement project with an Engineer's Estimate showing insufficient funds to complete the individual street segments.

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

1. The above recitals are true and correct.
2. This legislative body authorizes staff to prepare a street improvement project list in the format specified by DOF in the following street priority sequence:
 - a. Silverstrand Blvd. 500-600 blocks
 - b. 2nd Street – 700-1000 blocks
 - c. 3rd Street – 700-800 blocks
 - d. Ebony Avenue – 200 block

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 7th day of November 2007, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

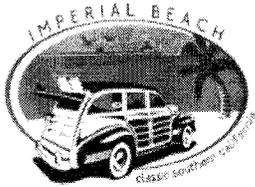
ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy of Resolution No. 2007-6553 – A Resolution of the City Council of the City of Imperial Beach, California, Designating State Proposition 1b (Transportation Bond) Funds To Finance Some Of Street Improvements Phase Iii RDA CIP (S04-108) Street Segments

CITY CLERK

DATE



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: NOVEMBER 7, 2007

ORIGINATING DEPT.: PUBLIC WORKS

SUBJECT: STREET IMPROVEMENTS, RDA PHASE III – SEACOAST NEIGHBORHOOD – CIP S04-108

BACKGROUND:

At the June 6, 2007 City Council meeting, Council received a report from staff regarding the 30% drawings for the Street Improvements, RDA Phase III – Seacoast Neighborhood CIP project. Street Improvements, RDA Phase III includes the following elements:

- Walkability, traffic calming, aesthetic improvements, and street overlay on Seacoast Drive between Palm Avenue and Imperial Beach Blvd.
- Overlay of 3rd Street between Elm Avenue & Palm Avenue
- Overlay of 2nd Street between Imperial Beach Blvd. and Palm Avenue
- Overlay and new curb & gutter on Silverstrand Blvd.

The report reviewed the proposed design features for Seacoast Drive between Palm Avenue and Imperial Beach Blvd. Councilmember comments included concerns for lost parking, narrowness of streets, bike traffic, MTS bus stops, signage, funding sources, desire to place walkability above aesthetics. There was also discussion regarding the “meshing” of the north half of Seacoast Drive with South Seacoast Drive. And finally there was concern expressed regarding the cost of the project.

DISCUSSION:

Street Improvements, RDA Phase III – Seacoast Neighborhood Project design is now at the 60% completion. The concept has been presented to the Design Review Board (DRB). DRB Resolution 2007-10 was approved October 18, 2007. (See attachment 1). As was shown to DRB, the concept for the sidewalk pop-out design has progressed into a more definitive element which the Consultant proposes to present for Councilmembers review and concurrence.

The following responds to the concerns expressed by Councilmembers at the June 6, 2007 meeting:

- Lost Parking – The Project will be parking neutral, that is there will remain the same number of parking stalls on Seacoast Drive upon completion of the Project as exists there now.
- Narrowness of streets – the drive lanes on Seacoast Drive will remain their existing width.

- Bike Traffic – Seacoast Drive will potentially be designated a Class 3 bike route. However this is still under study with the Bicycle Transportation Plan (BTP). By definition, a Class 3 route provides directional signage only and bicyclists share the vehicular right-of-way.
- MTS Bus Stops – There are no changes recommended to the existing bus stops. The improvements can be completed without relocation of bus stops.
- Signage – The Project does not propose new or additional street signs. The installation of monument signs at Seacoast Drive / Palm Avenue and Seacoast Drive / Imperial Beach Blvd. are still an active task, but these have not been specifically drawn into the plans yet.
- Funding Sources – The following funding is in the adopted 5-Year CIP program:
 - Gas Tax \$ 34,936
 - RDA Bond-Non housing \$1,979,000
 - RDA Tax Increment – Non housing \$ 378,178
 - **TOTAL ALLOCATION \$2,392,114**

Additionally the following CIP Projects are proposed to be included in the project with their associated funding:

- Bus Route Wheel Chair – S05-201 \$ 83,000
- Seacoast Drive Streetscape Plan - S05-102 \$ 19,000
- **ADDITIONAL ALLOCATION \$ 102,000**
- **GRAND TOTAL ALLOCATION \$2,494,114**

Nasland Engineering has provided an analysis of the estimated construction cost of various elements of the Project with a total project construction cost estimate of \$2,338,492.85. The following are the general cost breakdowns for the project:

- 2nd Street, 3rd Street, Ebony Avenue, Silverstrand Blvd. \$ 606,899.92
- Seacoast Drive – Baseline Improvements (see **NOTE 1** below) \$1,318,735.45
- Seacoast Drive – Street Lighting \$ 190,573.98
- Seacoast Drive – Enhanced Crosswalks \$ 133,043.50
- ADA Improvements \$ 89,240.00
- **CONSTRUCTION TOTAL \$2,338,492.85**

Using a 30% project delivery cost, the construction cost vs project delivery estimate is as follows:

- Construction Funds available \$1,745,879.80
- Project Delivery Funds available \$ 748,234.20
- **GRAND TOTAL ALLOCATION \$2,494,114.00**

NOTE 1: Seacoast Drive – Baseline Improvements consist of:

- Street overlay and associated improvements
- Pop outs at the intersections of Daisy, Evergreen, Elkwood, Imperial Beach Blvd
- 8-inch Storm Drain system installation
- Street Light Wiring conduit (less light poles)

State of California Proposition 1B has provided the City with a \$400,000 allocation that must be expended within 3-years, FY 2007/08 to FY 2010/11, on street improvement projects. The \$400,000 allocation is eligible to fund one or more of the overlays on 2nd Street, 3rd Street,

Ebony Avenue and Silverstrand Blvd. elements of the projects. If \$400,000 is added to the Streets Phase III project, along with the Bus Route Wheel Chair and Seacoast Drive Streetscape Plan projects, the total funds available would be:

- Grand Total Allocation \$2,494,114
- State Prop 1B Allocation \$ 400,000
- **FINAL GRAND TOTAL \$2,894,114**

Again using a 30% project delivery cost, the construction cost vs project delivery estimate is as follows:

- Construction Funds available \$2,025,880
- Project Delivery Funds Available \$ 868,234
- **FINAL GRAND TOTAL ALLOCATION \$2,894,114**

ENVIRONMENTAL DETERMINATION:

This project was evaluated for CEQA requirements and is determined to be Categorically Exempt per section 15301 - Existing Facilities – Class 1.c.

FISCAL IMPACT: The adopted 5-year CIP budget allocation:

S04-108:

- Gas Tax \$ 34,936
- RDA Bond Non Housing \$1,979,000
- RDA Tax Increment Non Housing \$ 378,178
- **TOTAL \$2,392,114**

S05-201

- Bus Route Wheel Chair \$ 83,000

S04-102

- Seacoast Drive Streetscape Plan - S05-102 \$ 19,000

State Prop 1B Allocation

- State Prop 1B Allocation \$ 400,000

TOTAL \$ 502,000

FINAL GRAND TOTAL ALLOCATION \$2,894,114

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Receive a short update on the sidewalk pop out design.
3. Consider directing staff to:
 - a. Advertise for “base bid” consisting of the:
 - i. 2nd Street, 3rd Street, Ebony Avenue, Silverstrand Blvd. overlay, sidewalk, and curb & gutter work; and
 - ii. Seacoast Drive Baseline Improvements; and
 - iii. ADA enhancements.
 - iv. Engineer’s Estimate = \$2,014,875.37
 - b. Advertise as additives to the “base bid”:
 - i. Street lighting; and
 - ii. Enhanced Crosswalks.
 - iii. Engineer’s Estimate = \$323,617.48
 - c. Prepare a budget amendment for subsequent City Council approval to incorporate the following CIP projects and funds into this CIP (S04-108):

i. Bus Route Wheel Chair – S05-201	\$ 83,000
ii. Seacoast Drive Streetscape Plan - S05-102	\$ 19,000
iii. State Prop 1B Allocation	\$400,000

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. DRB Resolution 2007-10

RESOLUTION NO 2007-10

RESOLUTION FOR DESIGN REVIEW BOARD PROJECT REVIEW AND APPROVAL OF A CAPITAL IMPROVEMENT PROJECT STREET IMPROVEMENTS, RDA PHASE 3 (CIP# S04-108)

The Design Review Board of the City of Imperial Beach does hereby resolve as follows:

WHEREAS, the Five-Year Capital Improvement Program Budget Fiscal Year 2004/2005 through Fiscal Year 2008/2009 adopted by Resolution No. 2005-6089 and as amended December 7, 2005 – Resolution No. 2005-6253 included the Street Improvement, RDA Phase 3 project and budget in the amount of \$2,392,114; and

WHEREAS, Staff presented the project design to the Design Review Board for approval of design elements; and

WHEREAS, design of the Street Improvements, RDA Phase 3 project incorporates the Seacoast Drive Streetscape Plan from the work group and Landscape Design Guidelines for Seacoast Drive; and

WHEREAS, Street Improvements, RDA Phase 3, 60% plan review by the Design Review Board meets the community design review standards.

NOW, THEREFORE, BE IT RESOLVED by the Design Review Board of the City of Imperial Beach as follows:

1. The above recitals are true and correct.
2. Staff shall incorporate the Design Review Board comments and present those to the City Council as part of the Planning Commission/City Council review and approval of the project design.

PASSED, APPROVED, AND ADOPTED by the Design Review Board of the City of Imperial Beach at its meeting held on the 18th day of October 2007, by the following vote to wit:

AYES: Nakawatase, Lopez, Schaaf, Schmidt, Wilson
NOES: None
ABSENT: None

 10/31/07

SHIRLEY NAKAWATASE, CHAIR

ATTEST:


TINA BARCLAY, ADMINISTRATIVE SECRETARY



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

**MEETING DATE: NOVEMBER 7, 2007
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, DIRECTOR**

**SUBJECT: APPROVAL OF A MEMORANDUM OF UNDERSTANDING
(MOU) WITH THE SAN DIEGO ASSOCIATION OF
GOVERNMENTS (SANDAG) FOR PARTICIPATION IN
PRELIMINARY PLANNING ACTIVITIES FOR A SECOND
REGIONAL BEACH SAND REPLENISHMENT PROJECT**

BACKGROUND:

In the spring of 2001, SANDAG implemented a Regional Beach Sand Replenishment Project (RSBP) that brought approximately 2.1 million cubic yards of sand to several San Diego County beaches, including approximately 120,000 cubic yards to the City of Imperial Beach. SANDAG has been monitoring the success of the project as well as the environmental impacts and is now pursuing the possibility of implementing another RSBP identical to the first such project. At this point, SANDAG has recommended proceeding with preliminary planning activities to implement another RSBP. Implementation of another RSBP will be based upon the ability to secure grant funding from the State of California.

DISCUSSION:

SANDAG has initiated the necessary steps to compete for beach sand replenishment funds from the California Department of Boating and Waterways (DBW) by developing and submitting a Feasibility Study for their consideration. The next steps to be taken toward the development and implementation of a regional beach sand project include preliminary planning activities. At the July 12, 2007, the Shoreline Preservation Working Group (SPWG) meeting, the SPWG recommended a methodology to be used for the allocation of costs for these preliminary planning activities among participating coastal cities. At its August 3, 2007, meeting, the SANDAG Regional Planning Committee (RPC), forwarded the recommendation to the Board of Directors for consideration. The preliminary planning activities have an estimated cost of \$500,000, and include an investigation of offshore sand sources and preliminary project design.

The costs of preliminary planning activities total approximately \$500,000 of the \$22 million estimated project cost. These activities include the investigation of offshore sand sources and preliminary design for the preparation of a regional beach sand project. These are activities that the DBW is requesting the local/regional governments complete prior to any potential distribution of DBW funds.

As recommended by the SPWG and the RPC, the chart below outlines the estimated contribution for each coastal city based upon miles of coastline. This allocation methodology is

currently used for the Regional Shoreline Monitoring Program and the cost-benefit analysis, which was a component of the recently completed Feasibility Study. If or when funds from the DBW are made available, an equitable methodology will need to be determined for the allocation of the local share of the remaining project costs, which may or may not be the same used to allocate the preliminary planning costs. If any particular jurisdiction is not able to participate in the cost sharing of these or other project costs, the SPWG and RPC will have to reevaluate the project scope and/or cost allocation among the remaining participants.

Preliminary Planning Cost Allocation Methodology

	Miles	%	Estimated Cost Per City Based on Miles of Coastline
Carlsbad	6.5	14.90%	\$74,500
Coronado	3.1	7.10%	\$35,500
Del Mar	3	6.90%	\$34,500
Encinitas	5.8	13.30%	\$66,500
Imperial Beach	2.7	6.20%	\$31,000
Oceanside	3.6	8.30%	\$41,500
San Diego	17.3	39.80%	\$199,000
Solana Beach	1.5	3.50%	\$17,500
Total	43.5	100%	\$500,000

A project schedule for completion of a full project is included below. If SANDAG receives funding from DBW, the participating local jurisdictions would be expected to match up to 25 percent of the \$22 million total project cost (approximately \$5.5 million).

TASK	SCHEDULE
1. Identify and allocate funding sources	August 2007 – July 2008
2. Cost-benefit analysis	May 2007 – July 2007
3. Request for proposals and contracting for tasks 4 and 5	November 2007 – April 2008
4. Investigation of offshore sand sources	April 2008 – July 2008
5. Preliminary Engineering/Design	July 2008 – December 2008
6. Request for proposals and contracting for environmental and construction	July 2008 – December 2008
7. Prepare and complete environmental documents	January 2009 – October 2010
8. Local, state, and federal permits	October 2009 – April 2010
9. Pre-construction monitoring	October 2009 – April 2010
10. Project mobilization	March 2010
11. Project construction	April 2010 – September 2010
12. Post construction monitoring	Continuous up to 5 years after construction

The SANDAG Board of Directors has approved the proposed cost allocation methodology for preliminary planning activities, which is based on miles of coastline. In addition, the Board has approved an amendment to their FY 2008 Overall Work Program (OWP) and Budget to accept

up to \$500,000 in local funding and authorized their Executive Director to enter into Memoranda of Understanding with the individual coastal jurisdictions, in substantially the same form as Attachment 1, for the collection and expenditure of funds to conduct these activities.

Prior to work beginning on the preliminary planning activities, each coastal city is required to provide a written commitment to fund the work. This commitment will need to be in the form of Memorandum of Understanding (MOU) contained in Attachment 1 between SANDAG and the City of Imperial Beach (and all other involved coastal jurisdictions) for the collection and expenditure of funds. The MOU is not intended to commit any of the parties to working on any portion of the beach sand replenishment project beyond the stage of preliminary planning activities.

SANDAG staff will continue to facilitate these efforts and work with the involved coastal jurisdictions on the preparation of these agreements. Work on the preliminary planning activities is scheduled to begin in spring 2008 after the procurement process has been completed.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

This portion of the project is not considered a project as defined by CEQA.

FISCAL IMPACT:

Funds from the Redevelopment Budget, "Contract Services – Professional" (Fund No. 405-1260-413.20-06) are available for this effort. A total of \$31,000.00 will be budgeted for this effort.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 2007-6555, authorizing the City Manager to enter into the attached Memorandum of Understanding with SANDAG and authorizing the expenditure of \$31,000 for Preliminary Planning Activities to analyze another Regional Beach Sand Replenishment Project.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Memorandum of Understanding between SANDAG and the City of Imperial Beach
2. Resolution No. 2007-6555

**MEMORANDUM OF UNDERSTANDING
BETWEEN SAN DIEGO ASSOCIATION OF GOVERNMENTS
AND THE CITY OF IMPERIAL BEACH
REGARDING PRELIMINARY PLANNING ACTIVITIES FOR REGIONAL BEACH
SAND REPLENISHMENT IN SAN DIEGO COUNTY**

THIS MEMORANDUM OF UNDERSTANDING (the "MOU") is entered into by and between the San Diego Association of Governments (SANDAG) and the City of Imperial Beach, a MUNICIPAL CORPORATION organized and existing under the Constitution and laws of the state of California, based on the following recitals:

WHEREAS, in 1996, SANDAG adopted the Shoreline Preservation Strategy (Strategy) that outlines an extensive beach building and maintenance program for the critical shoreline erosion areas in the region, containing a comprehensive set of recommendations on the beach building program and on financing and implementation; and

WHEREAS, in 2001, SANDAG successfully implemented a Regional Beach Sand Project (RBSP) that placed 2.1 million cubic yards of sand on 12 beaches in the San Diego region; and

WHEREAS, in 2004, SANDAG adopted the Regional Comprehensive Plan (RCP), which is a strategic land use planning framework for the San Diego region through 2030 that supports the continued implementation of the Strategy, outlining the preservation and enhancement of the region's beaches and nearshore areas as environmental and recreational resources that must be protected; and

WHEREAS, the San Diego region is committed to implementing the Strategy and RCP; and

WHEREAS, the region's coastal cities, including the cities of Carlsbad, Coronado, Del Mar, Encinitas, Imperial Beach, Oceanside, San Diego, and Solana Beach, have expressed an interest and desire to implement another such project on a regional basis, as economies of scale and efficiencies would likely result in a more productive and successful project; and

WHEREAS, a number of benefits, including recreational, economic, and public safety enhancements, protection of infrastructure, and increases in habitat, would occur as the result of beach nourishment; and

WHEREAS, SANDAG has initiated the necessary steps to compete for beach sand replenishment funds from the California Department of Boating and Waterways through the development and delivery of a feasibility study (the "Project"); and

WHEREAS, the total estimated beach sand replenishment project cost of approximately \$22 million includes an estimated \$500,000 in preliminary planning activities for the Project, which is requested to be paid by the region; and

WHEREAS, the preliminary planning activities include an investigation of offshore sand sources and preliminary project design for the preparation of a regional beach sand project; and

WHEREAS, the SANDAG Board of Directors decided that the allocation of funds among the coastal cities be based upon the number of miles of coastline within each city, which is a method used for the Regional Shoreline Monitoring Program that is currently funded by the coastal cities; and

WHEREAS, SANDAG requires a funding commitment from each coastal city prior to work beginning on the preliminary planning activities; and

WHEREAS, this MOU is not intended to commit any of the parties to working on any portion of the beach sand replenishment project beyond the stage of preliminary planning activities; and

WHEREAS, the City of City of Imperial Beach has 2.7 miles of shoreline within San Diego County which is 6.20 percent of the region's coastline equaling a total contribution of \$31,000 (Proportional Share) for preliminary planning activities necessary for the development of a regional beach sand project;

NOW THEREFORE, the parties understand and agree to the following:

1. The City of Imperial Beach has approved an appropriation of \$31,000, such amount being its Proportional Share to SANDAG for the Project, which funds will be paid to SANDAG prior to the Project start date (anticipated to occur on or about April 2008).
2. The City of Imperial Beach's Proportional Share shall be expended by SANDAG solely for preliminary planning activities in support of the Project, which includes an investigation of offshore sand sources and preliminary project design for the preparation of a regional beach sand project. Any funds not used will be kept by SANDAG in an interest-bearing account with interest credited to City of Imperial Beach prorated to reflect its contribution to the Project as compared to each coastal jurisdiction's contributions, until the completion of the Project. Unused funds will be returned to each City on a similarly pro-rated basis.
3. The City understands that SANDAG would not proceed with the Project without assurances that each coastal jurisdiction has entered into a memorandum of understanding identical in terms to this MOU, reflecting approvals of appropriations, the aggregate of which will fund the Project.
4. This MOU may be altered, changed, or amended only by mutual written consent of the parties hereto.
5. For purposes of this MOU, the relationship of the parties is that of independent entities and not as agents of each other or as joint venturers or partners. The parties shall maintain sole and exclusive control over their personnel, agents, consultants, and operations.
6. Nothing in the provisions of this MOU is intended to create duties or obligations to or rights in third parties to this MOU or affect the legal liability of the parties to this MOU to third parties.
7. This MOU shall be interpreted in accordance with the laws of the State of California.

SAN DIEGO ASSOCIATION OF
GOVERNMENTS

CITY OF IMPERIAL BEACH, CA

GARY L. GALLEGOS
Executive Director

GARY BROWN
City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Office of General Counsel

Legal Counsel

RESOLUTION NO. 2007-6555

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF IMPERIAL BEACH AND THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) TO CONDUCT PRELIMINARY PLANNING ACTIVITIES FOR A REGIONAL BEACH SAND REPLENISHMENT PROJECT

WHEREAS, in 1996, SANDAG adopted the Shoreline Preservation Strategy (Strategy) that outlines an extensive beach building and maintenance program for the critical shoreline erosion areas in the region, containing a comprehensive set of recommendations on the beach building program and on financing and implementation; and

WHEREAS, in 2001, SANDAG successfully implemented a Regional Beach Sand Project (RBSP) that placed 2.1 million cubic yards of sand on 12 beaches in the San Diego region; and

WHEREAS, in 2004, SANDAG adopted the Regional Comprehensive Plan (RCP), which is a strategic land use planning framework for the San Diego region through 2030 that supports the continued implementation of the Strategy, outlining the preservation and enhancement of the region's beaches and nearshore areas as environmental and recreational resources that must be protected; and

WHEREAS, the San Diego region is committed to implementing the Strategy and RCP; and

WHEREAS, the region's coastal cities, including the cities of Carlsbad, Coronado, Del Mar, Encinitas, Imperial Beach, Oceanside, San Diego, and Solana Beach, have expressed an interest and desire to implement another such project on a regional basis, as economies of scale and efficiencies would likely result in a more productive and successful project; and

WHEREAS, a number of benefits, including recreational, economic, and public safety enhancements, protection of infrastructure, and increases in habitat, would occur as the result of beach nourishment; and

WHEREAS, SANDAG has initiated the necessary steps to compete for beach sand replenishment funds from the California Department of Boating and Waterways through the development and delivery of a feasibility study (the "Project"); and

WHEREAS, the total estimated beach sand replenishment project cost of approximately \$22 million includes an estimated \$500,000 in preliminary planning activities for the Project, which is requested to be paid by the region; and

WHEREAS, the preliminary planning activities include an investigation of offshore sand sources and preliminary project design for the preparation of a regional beach sand project; and

WHEREAS, the SANDAG Board of Directors decided that the allocation of funds among the coastal cities be based upon the number of miles of coastline within each city, which is a method used for the Regional Shoreline Monitoring Program that is currently funded by the coastal cities; and

WHEREAS, SANDAG requires a funding commitment from each coastal city prior to work beginning on the preliminary planning activities; and

Attachment 2

WHEREAS, this MOU is not intended to commit any of the parties to working on any portion of the beach sand replenishment project beyond the stage of preliminary planning activities; and

WHEREAS, the City of City of Imperial Beach has 2.7 miles of shoreline within San Diego County which is 6.20 percent of the region's coastline equaling a total contribution of \$31,000 (Proportional Share) for preliminary planning activities necessary for the development of a regional beach sand project;

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

1. That the City Manager is hereby authorized to enter into a MOU with SANDAG to conduct preliminary planning services for a Regional Beach Sand Replenishment Project.
2. The City of Imperial Beach's Proportional Share of \$31,000 shall be expended by SANDAG solely for preliminary planning activities in support of the Project, which includes an investigation of offshore sand sources and preliminary project design for the preparation of a regional beach sand project. Any funds not used will be kept by SANDAG in an interest-bearing account with interest credited to City of Imperial Beach prorated to reflect its contribution to the Project as compared to each coastal jurisdiction's contributions, until the completion of the Project. Unused funds will be returned to each City on a similarly pro-rated basis.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 7TH day of November 2007, 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 a true and correct copy of Resolution No. 2007-6555 – A Resolution of the City Council of the City of Imperial Beach, California, AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF IMPERIAL BEACH AND THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) TO CONDUCT PRELIMINARY PLANNING ACTIVITIES FOR A REGIONAL BEACH SAND REPLENISHMENT PROJECT.

CITY CLERK

DATE



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: NOVEMBER 7, 2007

ORIGINATING DEPT.: CITY ATTORNEY

SUBJECT: MEMORANDUM OF UNDERSTANDING BETWEEN CO-PERMITTEES REGARDING SHARING OF COSTS ASSOCIATED WITH PROSECUTION OF UNFUNDED STATE MANDATES CLAIM (NPDES/STORMWATER PROGRAM)

BACKGROUND:

In January 2007, the San Diego Regional Water Quality Control Board issued a new National Pollution Discharge Elimination System (NPDES) Permit (Stormwater) for the eighteen cities, the County, and the Port District (Co-permittees). This Permit regulates the discharge of stormwater and related pollutants. Every city is required by the Federal Clean Water Act to have a permit to be able to operate a stormwater system.

With the issuance of this Permit, there have been many increased costs that are neither federally mandated nor state funded. The largest cost will probably be for the new hydromodification program. This program will require the city to strictly regulate the flow of water throughout the community even before it reaches the storm drains. The Permit contains no federal authority for this program and according to the County Co-permittee group and the cost sharing Memorandum of Understanding for implementing the Permit program, the costs of determining how to implement this program will be at least \$1 million dollars county-wide. This does not include the cost of this City and others implementing the hydromodification program.

Other costs include increased requirements for inspections, street sweeping and other various functions that will now have mandatory minimums that did not exist previously.

The Permit also requires the City to make numerous changes to its ordinances and incorporate the stormwater provisions into its General Plan. Many of these advanced planning costs and various regional watershed programs that the City must participate in are not funded by the State and are not required by the Federal law. The cost of this program will increase significantly in an amount yet to be determined.

DISCUSSION:

The voters in November 2005 approved Proposition 1A which amended the California Constitution. This amendment included language which required the State to either fund any new state mandates or terminate the mandate. Under the state mandates process, jurisdictions have eighteen months after the imposition of a new mandate to file a claim with the State Mandates Commission. The deadline for filing a claim on behalf of the Co-permittees under the regional Permit is June, 2008. A group of City Attorneys has been working on processing the claim, having exhausted all the Co-permittees administrative remedies before the State Water Board.

The attached agreement (Attachment 1) is a cooperative MOU that has been developed to share the cost of this litigation. The litigation team includes several city attorneys from around the County and the County Counsel's office. The County Counsel's office has had extensive experience in state mandates claims and will be of great assistance to this effort.

The mandate MOU includes a cost sharing breakdown and is an attempt to determine the worst-case scenario for costs in pursuing this claim. It assumes that expert witnesses will be retained and that the case will go to the State Mandates Administrative process, followed by appeals through the first step of the Court of Appeals process.

Most, if not all cities, including this city, have previously approved, in closed session, general authority for pursuing this claim. Under that general authority, the Co-permittee legal team filed a claim with the State Water Resources Control Board. This claim was rejected giving the Co-permittees the ability to go directly to the State Mandates Commission with its claims.

Currently the Co-permittees group that includes technical staff from the City is working on developing cost estimates for various programs that will be included in the claims process. Among those to be included will be hydromodification, General Plan requirements, increased inspections and maintenance and operations required by the permit, and other aspects of the program that are not federally mandated. The group is also gathering permits from around the country to compare and contrast the level of effort required in the San Diego region. To date, the Committee has not found any permit in the United States that is more stringent than the San Diego permit.

Attached as Attachment 2 is a cost breakdown that shows this City's costs. The City's cost will be 1.03% of the program in a dollar amount of \$4,745. This cost will be spread over several years and will also help the City develop legal strategies that it would have to develop on its own regarding legal requirements under the Permit. (If San Diego chose not to participate, the City's cost would be approximately \$6,300.)

Attachment 3 is a resolution of the Council ratifying participation in the joint action and authorizing the City Manager and the City Attorney to work with their respective joint committees in the County on implementing this MOU.

CEQA COMPLIANCE STATEMENT:

This is not a project under CEQA.

FISCAL IMPACT:

This program will be budgeted under the Stormwater program and/or the City Attorney's budget.

WORKPLAN:

N/A

OPTIONS:

1. Council can refuse to participate in the mandates process. Refusal to participate could jeopardize the ability of the City to recover its costs in a five-year program and potential renewals of that program in five-year increments as regulations continue to grow in subsequent permits.

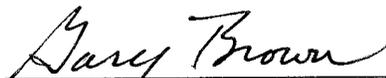
DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Resolution No. 2007-6556 ratifying participation in the joint action and authorizing the City Manager and the City Attorney to work with their respective joint committees in the County on implementing this MOU.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation



City Manager

Attachments:

1. Memorandum of Understanding by and between Co-Permittees Regarding Sharing of Costs Associated with Prosecution of Unfunded State Mandates Claim.
2. Cost Breakdown
3. Resolution No. 2007- 6556

**MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN CO-PERMITTEES
REGARDING SHARING OF COSTS ASSOCIATED WITH
PROSECUTION OF UNFUNDED STATE MANDATES CLAIM**

This Memorandum of Understanding ("MOU") is entered into as of this ____ day of June 2007 by and between the following local government agencies located in San Diego County: The County of San Diego; City of Carlsbad, City of Chula Vista, City of Coronado, City of Del Mar; City of El Cajon; City of Encinitas, City of Escondido; City of Imperial Beach; City of La Mesa; City of Lemon Grove; City of National City; City of Oceanside; City of Poway; City of San Diego, City of San Marcos; City of Santee; City of Solana Beach, and City of Vista (collectively, Co-permittees") with regard to the following:

RECITALS

A. Co-permittees are individually and collectively subject to Order No. R9-2007-0001/NPDES Permit No. CAS0108758 ("Permit") adopted by the California Regional Water Quality Control Board, San Diego Region ("Regional Board") on January 24, 2007.

B. Neither the Regional Board nor the State Water Resources Control Board have acknowledged that any portion of the Permit constitutes a State mandate that exceeds the scope of the Federal Clean Water Act and its implementing regulations. Co-permittees believe that portions of the Permit do in fact constitute unfunded State mandates and that pursuant to Article XIII B §6 of the California Constitution, a State subvention of funds is required before Co-permittees must implement those portions that exceed the Federal requirements.

C. Co-permittees desire to pursue the issue of unfunded State mandates, and believe that the necessary administrative and procedural actions associated with the same should be jointly undertaken to present a unified and coordinated front and to achieve cost savings where possible. These actions have included and will include, but may not be limited to, the following: Petition to the State Water Resources Control Board; preparation and presentation of a Test Case before the State Mandates Commission; Petition for Writ of Mandate; Appeals; Re-hearing and potential settlement with the State Mandates Commission (collectively, "Mandates Claim").

NOW, THEREFORE, in consideration of the mutual covenants contained herein and of the Recitals, it is mutually agreed by and between the parties as follows:

1. Draft Budget. Co-permittees have prepared a draft budget of presently anticipated costs and expenses associated with pursuit of the Mandates Claim and

the elements thereof, which budget is attached hereto as Exhibit A and incorporated herein by reference ("Draft Budget"). Co-permittees acknowledge that the Draft Budget is based on information presently known, that it is only an estimate of potential costs and expenses, and agree that they will share the actual costs and expenses for the Mandates Claim as outlined herein.

2. Mandates Claim Counsel, Lead Counsel. The work contemplated by this Agreement shall be performed by the legal counsel identified in the attached Draft Budget ("Mandates Claim Co-Counsel"). Co-permittees agree that County Counsel for the County of San Diego shall be identified as lead counsel and that the County of San Diego shall be the Test Claimant in the Test Case. In the event a Test Case is filed, each Co-permittee, including those represented by Mandates Claim Co-Counsel, may join as an Interested Party.

3. Obligations of Co-permittees - Petition to the State Water Resources Control Board. Except with respect to the efforts of Mandates Claim Co-Counsel as addressed in Section 5, below and Exhibit A, Co-permittees, and each of them, shall hold the remaining Co-permittees harmless from costs and expenses associated with the efforts expended by their individual attorneys in this regard.

4. Obligations in Test Case and Associated "Appeals". While County of San Diego shall prepare documents on behalf of Co-permittees for the Test Case and associated "appeals", Co-permittees acknowledge and agree that Mandates Claim Co-Counsel may assist in preparing such documents. All documents shall be distributed to each attorney for Co-permittees for review. In the event a Co-permittee joins as an Interested Party, such joinder documents shall be distributed to all individual attorneys for Co-permittees for review. Except with respect to the efforts of Mandates Claim Co-Counsel as addressed in Section 5, below and Exhibit A, Co-permittees, and each of them, shall hold the remaining Co-permittees harmless from costs and expenses associated with the efforts expended by their individual attorneys in this regard.

5. Cost Sharing by Co-Permittees. Co-permittees agree that the costs and expenses associated with pursuit of the Mandates Claim shall be allocated among the Co-permittees as follows:

5.1 Co-permittees agree to utilize the formula for the allocation of costs and expenses set forth in Section IV.B of that certain NPDES San Diego Regional Stormwater Copermittees Memorandum of Understanding dated December 3, 2001, modified hereinbelow as necessary to eliminate references to entities not party to this Agreement and to individual program cost expenses not allocated by this Agreement.

5.1.1 Ten percent (10%) of the cost shall be divided equally among all Copermittees.

5.1.2 Forty-five percent (45%) of the cost shall be divided based on population. Population-based costs shall be divided among all Copermittees as follows:

5.1.2.1 The percentage of Population Share Costs for which each Copermittee is responsible shall be calculated by dividing their total population by the combined total population of all participating Copermittees within San Diego County. These percentages shall be calculated using the "Household" population figures of the San Diego Association of Governments (SANDAG) "Population and Housing Estimates" for the year 2000 or as formally updated or amended by SANDAG.

5.1.2.2 The calculation of the County's population shall be based upon the entire population of the unincorporated County.

5.1.3 Forty-five percent (45%) of the cost shall be based on urbanized land area to be divided among all participating Copermittees as follows.

5.1.3.1 The percentage of land area costs for which each Copermittee is responsible shall be calculated by dividing their total urbanized land area by the combined total urbanized land area of all participating Copermittees within the geographic area applicable to the shared program or activity.

5.1.3.2 These totals shall be calculated using the most recently available San Diego Association of Governments (SANDAG) land use statistics.

5.2 Mandates Claim Co-Counsel shall each submit their invoices and statements of work to Lounsbery Ferguson Altona & Peak, Attn: Helen Holmes Peak, on at least on a quarterly basis reflecting such costs and expenses, and the Copermittees agree that Helen Holmes Peak shall facilitate payment for the same in the same manner and method as the Co-permittees have borne shared technical and associated costs relating to the Permit to date. Work performed by County Counsel as Mandates Claim Co-Counsel shall be accounted for and shall represent a credit in favor of Co-permittee, County of San Diego against its share of Mandates Claim costs and expenses. Co-permittees shall each submit payment for their share of such costs and expenses to Helen Holmes Peak within forty-five (45) days of receipt of Helen Holmes Peak's request for the same. Such costs and expenses shall be deemed to have accrued from and after January 24, 2007.

6. Sharing of Costs with Other Entities When Feasible. To the extent possible, Mandates Claim Counsel shall endeavor to share costs with other entities that may be pursuing their own remedies with respect to the Permit. For example, Copermittees may share the cost of the transcript of the Regional Board hearings on the Permit with the Building Industry Association.

7. Conflict of Interest. Co-permittees acknowledge and agree that Mandates Claim Counsel represent individual entities within the Co-permittee group for all purposes. Individual Mandates Claim Counsel may also have unrelated matters pending before other entities within the Co-permittee group. Participation in a joint prosecution of the Mandates Claim as contemplated by this Agreement shall not be considered to constitute representation by counsel for any individual Co-permittee of another Co-permittee, nor shall such participation be grounds to disqualify counsel or experts from representing any Co-permittee. For purposes of pursuit of the Mandates Claim, each individual Co-permittee acknowledges such other representation, or possibility of such other representation, agrees to the participation of Mandates Claim Counsel, and each of them, in the Mandates Claim, and waives any conflict of interest that may arise or be created as a result of the involvement of Mandates Claim Counsel in the Mandates Claim, or between Co-permittees and/or their counsel and experts as a result of this Agreement.

8. Joint Prosecution of Mandates Claim. Co-permittees agree that all communications between Co-permittee counsel in furtherance of the purpose of this Agreement shall be protected by the attorney-client privilege and the attorney work-product privilege to the fullest extent permitted by the law. Each Co-permittee will take all reasonable steps necessary to protect such communications and information from disclosure to third parties not subject to this Agreement. If such information is demanded by any person, each Co-permittee shall assert all relevant privileges.

9. Withdrawal from Agreement. Any Co-permittee may withdraw from participation in this Agreement upon fifteen (15) days' prior written notice to the other Co-permittees, and payment of its share of costs and expenses incurred through the date of termination. If a Co-permittee withdraws from this Agreement under this paragraph, the withdrawing Co-permittee and the remaining Co-permittees will remain obligated to preserve the confidentiality of all confidential information received from or disclosed to the withdrawing Co-permittee pursuant to this Agreement. A withdrawing Co-permittee will remain obligated under Paragraphs 7 and 8 of this Agreement and will not assert participation in this Agreement as grounds for disqualification of counsel or experts of any Co-permittee and agrees to waive any conflict that may be created between Co-permittees and/or their counsel and experts as a result of this Agreement. A withdrawing Co-permittee will have no other obligation under this Agreement, with the exception of its share of costs incurred through the date of its withdrawal. Upon the withdrawal of any Co-permittee, the remaining Co-permittees shall continue to share costs and expenses in the resultant number of equal shares.

10. Breach. Co-permittees, and each of them, shall have the right, in the event of any breach of any agreement or covenant contained herein by the other parties, to exercise all of the rights and remedies, and to maintain any actions at law or suit in equity or other proper proceedings to enforce the curing of such breach of agreement or covenant. Damages, if any, arising from any breach of this Agreement shall be

limited to the amount due and owing under the cost sharing mechanism set forth in Sections 5 and 6, above, at the time of the alleged breach.

11. Notices. Unless otherwise specifically permitted by this MOU, all notices or other communications required or permitted under this MOU shall be in writing, and shall be personally delivered or sent by registered or certified mail, postage prepaid, return receipt requested, or sent by telecopy, provided that the telecopy cover sheet contain a notation of the date and time of transmission, and shall be deemed received: (i) if personally delivered, upon the date of delivery to the address of the person to receive such notice, (ii) if mailed in accordance with the provisions of this paragraph, two (2) business days after the date placed in the United States mail, (iii) if mailed other than in accordance with the provisions of this paragraph or mailed from outside the United States, upon the date of delivery to the address of the person to receive such notice, or (iv) if given by telecopier during business hours when delivered can be confirmed, when delivered. Notices shall be given at the following addresses:

- To County of San Diego: Attn: Walter F. Ekard
County Chief Administrative Officer
1600 Pacific Highway, Room 209
San Diego, CA 92101
Telephone: 619-531-5250
Facsimile: 619-557-4060
- To City of Carlsbad: Attn: Raymond R. Patchett, City Manager
1200 Carlsbad Village Drive
Carlsbad, CA 92008
Telephone: 760-434-2821
Facsimile 760-720-9461
- To City of Chula Vista: Attn: Jim Thompson, City Manager
276 Fourth Avenue
Chula Vista, CA 91910
Telephone: 619-691-5031
Facsimile: 619-585-5774
- To City of Coronado: Attn: Mark Ochenduszko, City Manager
1825 Strand Way
Coronado, CA 92118
Telephone: 619-522-7335
Facsimile: 619-522-7846

To City of Del Mar: Attn: Lauraine Brekke-Esparza, City Manager
1050 Camino del Mar
Del Mar, CA 92014
Telephone: 858-755-9313
Facsimile: 858-755-2794

To City of El Cajon: Attn: Kathi Henry, City Manager
200 E. Main Street
El Cajon, CA 92020
Telephone: 619-441-1716
Facsimile: 619-441-1770

To City of Encinitas Attn: Phillip E. Cotton, City Manager
505 S. Vulcan Avenue
Encinitas, CA 92024
Telephone: 760-633-2610
Facsimile: 760-633-2627

To City of Escondido: Attn: Clay Phillips, City Manager
201 North Broadway
Escondido, CA 92025
Telephone: 760-839-4578
Facsimile: 760-839-4578

To City of Imperial Beach Attn: Gary R. Brown, City Manager
825 Imperial Beach Blvd.
Imperial Beach, CA 91932
Telephone: 619-423-8303
Facsimile: 619-628-1395

To City of La Mesa Attn: Sandra L. Keri, City Manager
8131 Allison Avenue
La Mesa, CA 91941
Telephone: 619-667-1105
Facsimile: 619-667-1131

To City of Lemon Grove: Attn: Graham Mitchell, City Manager
3232 Main Street
Lemon Grove, CA 91945
Telephone: 619-825-3800
Facsimile: 619-825-3804

To City of National City: Attn: Chris Zapata, City Manager
1243 National City Blvd
National City, CA 91950
Telephone: 619-336-4240
Facsimile: 619-336-4327

To City of Oceanside: Attn: Peter A. Weiss, Interim City Manager
300 North Coast Hwy
Oceanside, CA 92054
Telephone: 760-735-4365
Facsimile: 760-435-3078

To City of Poway: Attn: Rod Gould, City Manager
P.O. Box 789
13325 Civic Center Drive
Poway, CA 92064
Telephone: 858-668-4500
Facsimile: 858-668-1207

To City of San Diego: Attn: Gerald R. Sanders, Mayor
Office of the Mayor
City of San Diego
202 "C" Street, 11th Floor
San Diego, CA 92101

To City of San Marcos: Attn: Paul Malone, City Manager
1 Civic Center Drive
San Marcos, CA 92069
Telephone: (760) 744-1050, ext. 3114
Facsimile: (760) 744-7543

To City of Santee: Attn: Keith Till, City Manager
10601 Magnolia Avenue
Santee, CA 92071
Telephone: 619-258-4100 x100
Facsimile: 619-562-0649

To City of Solana Beach: Attn: David Ott, City Manager
635 S. Hwy 101
Solana Beach, CA 92075
Telephone: 858-720-2431
Facsimile: 858-792-6513

To City of Vista:

Attn: Rita Geldert, City Manager
600 Eucalyptus Avenue
Vista, CA 92084
Telephone: 760-726-1340 x1401
Facsimile: 760-639-6132

12. No Employment, Partnership. Nothing contained in this Agreement shall be deemed or construed to create an employment, partnership, joint venture or any other similar relationship between the parties hereto or cause Co-permittees to be responsible in any way for the debts or obligations of other individual Co-permittees, or any other person.

13. Authority to Sign. Each Co-permittee warrants and represents that the persons executing this MOU on its behalf has full authority to do so and to bind such Co-permittee to perform pursuant to the terms and conditions of this Agreement.

14. Counterparts. This Agreement may be signed in multiple counterparts with the same force and effect as if all original signatures appeared on one copy; and in the event this Agreement is signed in counterparts, each counterpart shall be deemed an original and all of the counterparts shall be deemed to be one agreement.

15. Severability. If any portion of this Agreement shall be held by a court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law if enforcement would not frustrate the overall intent of the parties (as such intent is manifested by all provisions of the Agreement, including such invalid, void or otherwise unenforceable portion).

16. Attorneys' Fees. Should any litigation (including any proceedings in a bankruptcy) or arbitration be commenced between the parties hereto or their representatives concerning any provision of this Agreement or the rights and duties of any person or entity hereunder, the party or parties prevailing in such litigation or arbitration shall be entitled, in addition to such other relief as may be granted, to the attorneys' fees and court or arbitration costs incurred by reason of such litigation or arbitration, including attorneys' fees and experts' fees incurred in preparation for or investigation of any matter relating to such litigation or arbitration.

17. Applicable Law. This Agreement shall be construed in accordance with, and governed by, the laws of the State of California.

18. Headings. The headings in this Agreement are inserted only as a matter of convenience, and in no way define, limit, extend or interpret the scope of this

Agreement or of any particular provision hereof.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.

THE COUNTY OF SAN DIEGO

By: _____
John Sansone
County Counsel

Approved as to Form:

Mary Jo Lanzafame
Senior Deputy County Counsel
County of San Diego

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THE CITY OF CARLSBAD

By: _____
Raymond R. Patchett
City Manager

Attest:

Lorraine M. Wood, City Clerk
City of Carlsbad

Approved as to Form:

Ronald R. Ball, City Attorney
City of Carlsbad

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THE CITY OF CHULA VISTA

By: _____
Jim Thompson
City Manager

Attest:

Susan Bigelow, City Clerk
City of Chula Vista

Approved as to Form:

Anne Moore, City Attorney
City of Chula Vista

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THE CITY OF CORONADO

By: _____
Mark Ochendusko
City Manager

Attest:

Linda K. Hascup, City Clerk
City of Coronado

Approved as to Form:

Morgan Foley, City Attorney
City of Coronado

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THE CITY OF DEL MAR

By: _____
Lauraine Brekke-Esparza
City Manager

Attest:

Mercedes Martin, City Clerk
City of Del Mar

Approved as to Form:

Tamara Smith, City Attorney
City of Del Mar

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THE CITY OF EL CAJON

By: _____
Kathi Henry
City Manager

Attest:

Kathie Rutledge, City Clerk
City of El Cajon

Approved as to Form:

Morgan Foley, City Attorney
City of El Cajon

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THE CITY OF ENCINITAS

By: _____
Phillip E. Cotton
City Manager

Attest:

Deborah Cervone, City Clerk
City of Encinitas

Approved as to Form:

Glen Sabine, City Attorney
Encinitas

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THE CITY OF ESCONDIDO

By: _____
Clay Phillips
City Manager

Attest:

Marsha Whelan, City Clerk
City of Escondido

Approved as to Form:

Jeffrey R. Epp, City Attorney
City of Escondido

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THE CITY OF IMPERIAL BEACH

By: _____
Gary R. Brown
City Manager

Attest:

Jacqueline M. Hald, City Clerk
City of Imperial Beach
Approved as to Form:

James P. Lough, City Attorney
City of Imperial Beach

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THE CITY OF LA MESA

By: _____
Sandra L. Keri
City Manager

Attest:

Mary J. Kennedy, City Clerk
City of La Mesa

Approved as to Form:

Glenn Sabine, City Attorney
City of La Mesa

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THE CITY OF LEMON GROVE

By: _____
Graham Mitchell
City Manager

Attest:

Susan Garcia, City Clerk
City of Lemon Grove

Approved as to Form:

James P. Lough, City Attorney
City of Lemon Grove

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THE CITY OF NATIONAL CITY

By: _____
Chris Zapata
City Manager

Attest:

Michael Dalla, City Clerk
City of National City

Approved as to Form:

George Eiser, City Attorney
City of National City;

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THE CITY OF OCEANSIDE

By: _____
Peter A. Weiss
Interim City Manager

Attest:

Barbara Riegal Wayne, City Clerk
City of Oceanside

Approved as to Form:

John Mullen, City Attorney
City of Oceanside

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THE CITY OF POWAY

By: _____
Rod Gould
City Manager

Attest:

Diane Shea, City Clerk
City of Poway

Approved as to Form:

Lisa Foster, City Attorney
City of Poway

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THE CITY OF SAN DIEGO

By: _____
Gerald R. Sanders
Mayor

Attest:

Elizabeth Maland, City Clerk
City of San Diego

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THE CITY OF SAN MARCOS

By: _____
Paul Malone
City Manager

Attest:

Susie Vasquez, City Clerk
City of San Marcos

Approved as to Form:

Helen Holmes Peak, City Attorney
City of San Marcos

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THE CITY OF SANTEE

By: _____
Keith Till
City Manager

Attest:

Linda Troyan, City Clerk
City of Santee

Approved as to Form:

Shawn Hagerty, City Attorney
City of Santee

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THE CITY OF SOLANA BEACH

By: _____
David Ott
Manager

Attest:

Angela Ivey, City Clerk
City of Solana Beach

Approved as to Form:

James P. Lough, City Attorney
City of Solana Beach

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THE CITY OF VISTA

By: _____
Rita Geldert
City Manager

Attest:

Marci Kilian, City Clerk
City of Vista

Approved as to Form:

Darold Pieper, City Attorney
City of Vista

DRAFT BUDGET FOR UNFUNDED STATE MANDATES CLAIM

This is a proposed budget for the unfunded state mandates action by the San Diego Co-permittees. This action involves a number of different procedural steps and the budget is divided into five phases that correspond to these various procedural steps. Specifically, the budget is divided as follows: (1) Petition to the State Water Resources Control Board; (2) Test Case before the State Mandates Commission; (3) Petition for Writ of Mandate; (4) Appeals; (5) Re-hearing and possible settlement with the State Mandates Commission.

This budget is based upon an hourly partner rate of \$225 per hour, an associate rate of \$185 per hour, and a paralegal rate of \$135 per hour. The work on this matter will be handled by Jim Lough of McDougal, Love, Eckis, Smith, Buchman & Foley; Shawn Hagerty of Best Best & Krieger; Helen Holmes Peak of Lounsbery, Ferguson, Altona & Peak; and the San Diego County Counsel's office. The budget is based upon information known at this time and represents an estimate of potential costs. It will, however, need to be adjusted as the Co-permittees move through the process.

1) Petition to State Water Resources Control Board

Filing the petition to the State Board involves a number of requirements. The petition must be filed within 30 days of the Regional Board's final action, and must include specific information. Among other things, the petition must include a statement of the reasons the Regional Board's action was inappropriate, how the petitioners were aggrieved, a description of the action the petitioners want the State Board to take, and a memorandum of points and authorities in support of the petitioners' position.

A petition to stay the Regional Board's action must be filed as part of the petition if a stay is desired. The petition must contain a request for stay and must allege that there will be (1) substantial harm to the petitioners if the stay is not granted; (2) no substantial harm to other parties if the stay is granted; and (3) there are substantial questions of law or fact regarding the disputed action.

The State Board may or may not require a hearing on the matter. If the Board decides to issue a stay it must hold a hearing that includes all interested parties. Because there are so many interested parties to this Regional Board action there are likely to be a number of petitions and requests for stays to the State Board. That may increase the likelihood that the State board will require a hearing.

Task	Hours	Cost
Draft and File Petition for Review of Regional Board Action	50	\$10,000

Prepare for and Attend Hearings on Petition Before State Board	40	\$8,200
Total Cost	90	\$18,200

2) Test Case Before the State Mandates Commission

Filing a test case with the State Mandates Commission requires the petitioners to submit: (1) a written narrative identifying the specific sections of the state action at issue that contain a state mandate as well as an estimate and description of the new costs incurred and how the state action will increase these costs; (2) an identification of prior State Mandate Commission decisions that may be related to the mandate at issue; (3) declarations regarding the cost estimates; and (4) documentation of all sources, legal and otherwise, cited in the narrative.

Prior to the hearing on the claim, the Commission may hold a pre-hearing conference with the parties to identify issues regarding a claim and to determine methods of resolving those issues if possible.

If the test case is successful, the petitioners must develop proposed parameters and guidelines that describe the activities and costs that are eligible for reimbursement. The Commission hears and adopts, or amends or denies the claimant's proposed parameters and guidelines. If the Commission adopts the parameters, the next step for the petitioners is to file a claim with the state for reimbursement.

Task	Hours	Cost
Draft and File Test Case	200	\$50,000
Attend Pre-hearing Conferences	20	\$4,100
Attend Hearing on Test Case Before the Commission	60	\$12,300
Develop proposed parameters and guidelines for activity reimbursement	60	\$12,300
File Reimbursement Claim with State	60	\$12,300

Expert Fees	N/A	\$100,000
Total Cost	280	\$191,000

3) Petition for Writ of Mandate in State Court

If the State Mandates Commission denies that it has the ability to hear the test claim, or hears the test claim and denies that it represents an unfunded state mandate, the Commission's decision will need to be challenged in state court using the writ of mandate process.

Task	Hours	Cost
Prepare and File Petition for Writ of Mandate in State Court	100	420,500
Prepare Administrative Record	60	\$12,300
Attendance at Procedural Hearings	20	\$4,100
Prepare Opening Brief	100	\$18,450
Prepare Reply Brief	60	\$12,300
Prepare for and Attend Hearing on Writ	120	\$24,600
Prepare Post-Trial Papers	30	\$6,150
Total Cost	490	\$100,450

4) Appeal

Regardless of the outcome of the writ of mandate, it is likely that either party will appeal the result to the California Courts of Appeal. Such an action will require a number of steps including filing the appeal, drafting briefs, and appearing before the court for oral argument.

Additionally, regardless of the outcome of the appeal, it is likely that one side or the other will seek review in the California Supreme Court.

Task	Hours	Cost
File Appeal	30	\$6,150
Prepare Record	60	\$12,300
File Opening Brief	120	\$24,600
File Closing Brief	80	\$16,400
Prepare for and Attend Oral Argument	40	\$8,200
Request Re-hearing	30	\$6,150
Seek California Supreme Court Review	60	\$12,300
Draft Opening Brief	120	\$24,600
Draft Closing Brief	80	\$16,400
Prepare for and Attend Oral Argument	40	\$8,200
Total Cost	660	\$135,300

5) Rehearing before the State Mandates Commission

Should the Co-permittees be successful with their claim at the appellate level, the Co-permittees will need to return to the State Mandates Commission for a re-hearing to determine the level of reimbursement the State must provide.

Task	Hours	Cost
Rehearing before the State Mandates Commission	80	\$16,400
Total Cost	80	\$16,400

6) Total Estimate For All Phases

Phase	Hours	Cost
Phase 1	90	\$18,200
Phase 2	280	\$191,000
Phase 3	490	\$100,450
Phase 4	660	\$135,300
Phase 5	80	\$16,400
Total	1,600	\$461,350

Proposed Copermittee Legal Fees Budget Cost Share formula for review

Annual Budget =

Copermittee	Population 45.0%		Urbanized Land Area 45.0%		Equal Division 10.0%	Estimated Total Cost \$461,350			
	2005 Population	% of Total	Population Fee	2002 Urbanized Land Area (Acres)	% of Total	Urbanized Land Area Fee	Equal Division Fee	Share of Total	% of Total
<i>Carlsbad</i>	95,146	3.12%	\$6,472	19,260	2.95%	\$6,119	\$2,428	\$15,020	3.26%
<i>Chula Vista</i>	217,543	7.13%	\$14,798	26,941	4.12%	\$8,560	\$2,428	\$25,786	5.59%
<i>Coronado</i>	26,973	0.88%	\$1,835	2,476	0.38%	\$787	\$2,428	\$5,050	1.09%
<i>Del Mar</i>	4,543	0.15%	\$309	991	0.15%	\$315	\$2,428	\$3,052	0.66%
<i>El Cajon</i>	97,703	3.20%	\$6,646	8,921	1.37%	\$2,834	\$2,428	\$11,909	2.58%
<i>Encinitas</i>	62,774	2.06%	\$4,270	10,318	1.58%	\$3,278	\$2,428	\$9,977	2.16%
<i>Escondido</i>	141,350	4.63%	\$9,615	17,824	2.73%	\$5,663	\$2,428	\$17,706	3.84%
<i>Imperial Beach</i>	27,710	0.91%	\$1,885	1,359	0.21%	\$432	\$2,428	\$4,745	1.03%
<i>La Mesa</i>	55,983	1.83%	\$3,808	5,705	0.87%	\$1,813	\$2,428	\$8,049	1.74%
<i>Lemon Grove</i>	25,531	0.84%	\$1,737	2,495	0.38%	\$793	\$2,428	\$4,958	1.07%
<i>National City</i>	63,773	2.09%	\$4,338	4,342	0.66%	\$1,380	\$2,428	\$8,146	1.77%
<i>Oceanside</i>	175,805	5.76%	\$11,959	24,427	3.74%	\$7,761	\$2,428	\$22,148	4.80%
<i>Poway</i>	50,675	1.66%	\$3,447	19,707	3.02%	\$6,261	\$2,428	\$12,137	2.63%
<i>City of San Diego</i>	1,305,736	42.78%	\$88,821	144,242	22.07%	\$45,829	\$2,428	\$137,078	29.71%
<i>San Marcos</i>	73,054	2.39%	\$4,969	13,669	2.09%	\$4,343	\$2,428	\$11,741	2.54%
<i>Santee</i>	54,476	1.78%	\$3,706	10,011	1.53%	\$3,181	\$2,428	\$9,315	2.02%
<i>Solana Beach</i>	13,400	0.44%	\$912	2,126	0.33%	\$675	\$2,428	\$4,015	0.87%
<i>Vista</i>	94,109	3.08%	\$6,402	11,172	1.71%	\$3,550	\$2,428	\$12,379	2.68%
<i>County</i>	465,716	15.26%	\$31,680	327,436	50.11%	\$104,034	\$2,428	\$138,142	29.94%
TOTALS	3,052,000	100.00%	\$207,608	653,422	100%	\$207,608	\$43,707	\$461,350	100.00%

RESOLUTION NO. 2007-6556

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BY AND BETWEEN CO-PERMITTEES REGARDING SHARING OF COSTS ASSOCIATED WITH PROSECUTION OF UNFUNDED STATE MANDATES CLAIM

WHEREAS, the City of Imperial Beach is a Co-Permittee under the NPDES Permit approved in January, 2007; and

WHEREAS, the City is implementing that Permit and the implementation of said Permit is primarily a general fund cost and includes state mandates that have not been funded by the State Legislature; and

WHEREAS, the City Council desires to recoup local tax payer funds that are expended on a program of statewide benefit and authorize the City Attorney and the City Manager to assist in the participation of the City in this litigation; and

WHEREAS, the City’s participation in this program will assist in achieving funding of this valuable program that achieves statewide benefits.

NOW, THEREFORE, the City Council of the City of Imperial Beach, California, does hereby resolve as follows:

1. That the foregoing recitals are true and correct.
2. The City Council hereby authorizes the City Manager to enter into the Memorandum of Understanding by and between Co-permittees regarding sharing of costs associated with prosecution of unfunded state mandates claims.
3. The City Council hereby delegates to the City Manager and City Attorney the ability to all steps necessary to implement the purpose and intent of this Resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 7th day of November 2007, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy of Resolution No. 2007-6556 – A Resolution of the City Council of the City of Imperial Beach, California, AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BY AND BETWEEN CO-PERMITTEES REGARDING SHARING OF COSTS ASSOCIATED WITH PROSECUTION OF UNFUNDED STATE MANDATES CLAIM.

CITY CLERK

DATE